

SUMMARY

# **ECJ 30 June 2022, case C-625/20 (INSS (Cumul de pensions d'invalidité professionnelle totale)), Social Insurance, Gender Discrimination**

## ***KM - v - Instituto Nacional de la Seguridad Social (INSS), Spanish case***

### **Summary**

A Spanish anti cumulation provision for occupational invalidity pensions from the same scheme favours male workers without any objective justification and hence constitutes gender discrimination.

### **Question**

Must Article 4(1) of Directive 79/7 be interpreted as precluding national legislation which prevents workers affiliated to social security from receiving a combination of two total occupational invalidity pensions where those pensions come under the same social security scheme, while permitting such a combination where those pensions come under different social security schemes?

### **Ruling**

Article 4(1) of Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security must be interpreted as precluding national legislation which prevents workers affiliated to social security from receiving a combination of two total occupational invalidity pensions where those pensions come under the same social security scheme, while permitting such a combination where those pensions come under different social security schemes,

where that legislation places female workers at a particular disadvantage as compared with male workers, in particular in so far as that legislation permits a significantly higher proportion of male workers, determined on the basis of all male workers subject to that legislation, as compared with the corresponding proportion of female workers, to benefit from that combination and where that legislation is not justified by objective factors unrelated to any discrimination on ground of sex.

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**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2022-06-30

**Case number:** C-625/20