Supplementary pension rights: safeguard for employed and self-employed persons moving within the Union

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PREVIOUS COMMUNITY LEGISLATION: Until now, only the old-age pension entitlements acquired under statutory social security schemes have been protected where a worker exercises his right to freedom of movement (Regulation (EEC) No 1408/71 on the application of social security schemes and implementing Regulation (EEC) No 574/72 [consolidated versions: OJ C 325/92]). Even though Community law offers no comprehensive legal framework for supplementary old-age benefits, there are a number of provisions which have a direct impact on occupational pension schemes: they concern equal treatment for men and women (79/7/EEC, OJ L 6/79, p. 24; 86/378/EEC, OJ L 225/86, p. 40) and the protection of employees in the event of the insolvency of their employer (80/987/EEC, OJ L 283/80, p. 23) and of the transfer of the undertaking to a new owner (77/187/EEC, OJ L 61/77, p. 26). Furthermore, the accounting principles enshrined in Community directives require a separate indication of social security costs relating to occupational pensions (78/660/EEC, OJ L 222/78, p. 11). The Commission has also submitted proposals for directives on the freedom of management and investment of funds held by institutions for retirement provision and on the protection of atypical work. Given that the Council recommendation on the convergence of social protection objectives and policies (OJ L 245/92, p. 49) recommends that the Member States should promote changes to the conditions governing the acquisition of retirement and, especially, supplementary pension rights, the Commission has now submitted a proposal for a directive on the protection of supplementary pension rights. PREVIOUS POSITION OF THE EP: The EP has drawn attention to these problems in a number of resolutions and called on the Commission to propose legislation aimed at facilitating the transfer of supplementary pension rights (OJ C 260/90, p. 175; OJ C 241/92, p. 56; OJ C 72/93, p. 46). SITUATION IN THE MEMBER STATES: The free cross-border movement of persons with supplementary pension rights is hindered - and frequently prevented altogether - by the legal, tax and social security provisions applicable in the individual Member States. An analysis of the situation in the Member States can be found in a notice to members of the Committee on Social Affairs and Employment (27 March 1995, PE 165.207).