

EU contribution to questions on Social Protection and Social Security

Information on the situation at European Union level, provided by the European Commission¹

European Union Legal Framework

1. Definition of rights to social protection for the elderly

Since 2017, the EU Member States adhere to the 20 principles of the European Pillar of Social Rights². As regards older workers, principle 15: “Old age income and pensions” states that “Workers and the self-employed in retirement have the right to a pension commensurate to their contributions and ensuring an adequate income. Women and men shall have equal opportunities to acquire pension rights. Everyone in old age has the right to resources that ensure living in dignity.” 16. “Health care” that “Everyone has the right to timely access to affordable, preventive and curative health care of good quality.” 17. “Inclusion of people with disabilities” that “People with disabilities have the right to income support that ensures living in dignity, services that enable them to participate in the labour market and in society, and a work environment adapted to their needs.” 18. “Long-term care” that “Everyone has the right to affordable long-term care services of good quality, in particular home-care and community-based services.” and 20. “Access to essential services” that “Everyone has the right to access essential services of good quality, including water, sanitation, energy, transport, financial services and digital communications. Support for access to such services shall be available for those in need”

2. Normative elements of the rights

According to Article 153 of the Treaty on the Functioning of the European Union, the design and management of social protection systems, including health benefits and contributions, remains fundamentally a responsibility of the Member States. The European Union supports the Member States through facilitating mutual learning, analysis and policy guidance in the area of social protection.

3. State obligations

On accessibility for people with disabilities, there are obligations for accessibility in Public Procurement legislation and in the Regulations of key EU funds. Also, the European Union has mandated the development of accessibility standards in the EU addressing ICT, “Design for all” and the “Built environment”.

¹ The European Union shares responsibilities and competences with its Member States when it comes to the promotion and protection of the rights of older persons. Many of the policies and related implementation instruments are in the direct remit of the Member States. In a number of areas the EU has its own responsibilities and actions, often to support the action of its Member States. Individual EU Member States give in their own contributions information on the situation and legislation at the level of their country.

² https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights/european-pillar-social-rights-20-principles_en

Article 21 of the Charter prohibits discrimination on the basis of age. Article 34 (social protection, including pensions), 35 (health) and other of the Charter apply to older people. The provisions of the Charter apply to the EU Member States when they are implementing Union law.³

The European Commission proposed a Recommendation on access to social protection⁴ aiming to extend adequate benefits to all workers, and in particular addressed to the self-employed and the other non-standard workers, often at risk of no or insufficient benefits. It is expected that the Recommendation be adopted by the Council in October or November 2019. The Commission will support the EU Member States that will be implementing it.

Any claim, declaration or appeal with regard to the application of the relevant national legislation of a particular Member State may be submitted to a corresponding authority, institution or tribunal of that Member State in accordance with its national rules of procedure. If the litigation concerns (the interpretation of) EU law, the plaintiff may, after having used the national legal recourse procedures, submit the matter to the Court of Justice of the European Union.

The European Ombudsman investigates complaints about maladministration by EU institutions. People or organisations who have encountered problems with the EU administration, bodies and agencies, and have unsuccessfully tried to resolve the problem with the institution or body in question, can submit a complaint to the European Ombudsman. At the national level, EU Member States provide a similar Ombudsman service with regard to maladministration by national public bodies.

4. Special measures

5. Obligations of non-State parties

The EU-level social partners have signed and “Autonomous Framework Agreement on Active Ageing and an Inter---generational Approach⁵”. This aims to enable people to stay longer active and healthy.

6. Implementation

The European Commission runs a yearly policy assessment, called the “European Semester⁶”. This covers policy in a wide range of areas, including pensions, long-term care, health, longer working lives, that have an impact on older people activity, health, well-being and inclusion in society.

Every three years the European Commission also supports national policy-making by establishing long-term ageing-related scenarios on population⁷, public expenditure⁸ and adequacy⁹ of benefit and services provided to the elderly.

³ The Charter does not extend the field of application of European Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined in the EU Treaties.

⁴ <https://ec.europa.eu/social/main.jsp?catId=1312&langId=en>

⁵ <https://circabc.europa.eu/sd/a/e6ad035f-1de9-4898-9f77-13ad0ad5f1bb/LF-20170403-pres-FA-AAIA.pdf>

⁶ https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester_en

⁷ <https://ec.europa.eu/eurostat/data/database> code proj_18n

⁸ https://ec.europa.eu/info/publications/economy-finance/2018-ageing-report-underlying-assumptions-and-projection-methodologies_en

⁹ <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8084&furtherPubs=yes>