COUNCIL RECOMMENDATION

of 10 December 1982

on the principles of a Community policy with regard to retirement age

(82/857/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the draft recommendation submitted by the Commission,

Having regard to the opinion of the European Parliament [1],

Having regard to the opinion of the Economic and Social Committee [2],

Whereas on 18 December 1979 the Council adopted a resolution on the adaptation of working time [3]; whereas a broad consensus was noted in the Standing Committee on Employment to the effect that all workers should gradually be given the right from a certain age to choose the time of their retirement;

Whereas there are a number of reasons for making the retirement age more flexible; whereas these reasons stem mainly from the objective needs and the desires of those concerned but also relate to more general policy considerations;

Whereas certain principles should be established in order that this Community objective may be gradually achieved,

HEREBY INVITES THE MEMBER STATES:

to acknowledge flexible retirement, i.e. freedom for employed persons within the meaning of their domestic legislation to choose under the conditions prescribed by such legislation when they will take their retirement pension, as one of the aims of their social policy,

HEREBY RECOMMENDS THE MEMBER STATES:

A. to be guided by the following principles in order to achieve the progressive introduction of flexible retirement, within the framework of different retirement pension systems and taking particular account of the freedom of collective bargaining:

1. To ensure that retirement is voluntary, the rules governing the age from which a retirement pension may normally be drawn should be made flexible. To this end:

— as from a specified age, and if necessary within an age limit, employed persons should be free to choose the age from which they could take their retirement pensions;

— failing that, and provided that the system stipulates a specific age for the granting of a pension, employed persons should have the right, during a specified period, to apply for a pension in advance of the prescribed age or to defer it beyond that age. Reductions to pensions taken early should not be such as to make it pointless to exercise this right;

— furthermore, flexibility as regards the age of entitlement to a retirement pension can also be achieved by a system under which entitlement to a retirement pension arises after a given number of years of occupational activity or membership of an insurance scheme.

2. The measures referred to in point 1 should not stand in the way of existing or future opportunities for employed persons to obtain a gradual reduction in their working hours during the years immediately preceding their retirement.

3. Financial incentives to promote the early departure of elderly workers which have been introduced for a limited period only and because of exceptional economic circumstances may not, nonetheless, be regarded as forming part of a flexible retirement system.

The Member States shall also determine what schemes cannot be regarded as forming part of a flexible retirement system.

4. Employed workers receiving a retirement pension cannot be excluded from any form of paid employment.

5. Retirement preparation programmes should be started during the years preceding the end of working life with the participation of organizations representing employers and employed persons and of other interested bodies.

[1] OJ No C 267, 11. 10. 1982, p. 71.
[2] OJ No C 178, 15. 7. 1982, p. 30.
[3] OJ No C 2, 4. 1. 1980, p. 1.

B. to undertake, as a first stage, an examination of their retirement pension systems in the light of these principles over the next two years and to examine also the feasibility of generalizing opportunities for phased retirement with a view to easing the passage from full-time employment to retirement.

Member States shall communicate the results of these examinations to the Commission within two and a half years following the adoption of this recommendation, to enable it to draw up a report for submission to the Council on the progress made and the obstacles encountered in applying flexible retirement and phased retirement, and if necessary to propose any other measures needed to achieve common objectives and to make the transition from full-time employment to retirement easier for employed persons.

Done at Brussels, 10 December 1982.

For the Council

The President

G. FENGER MØLLER