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NEWS REPORT

Country:	Belgium
Title:	Use of gender neutral actuarial factors
Date:	8 August 2017
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<u>Context</u>	
Issue at stake:	Gender based actuarial factors
Ground of discrimination:	Sex
Source:	Legislation
Field:	Statutory social security
Applicable law:	Royal Decree of 15 March 2017, <i>M.B./B.S.</i> 22 March 2017

Content

Legislative development: A Royal Decree of 15 March 2017 amended the R.D. of 15 September 1965, ancillary to the Act of 17 July 1963 concerning the Overseas Social Security Scheme. This optional scheme provides basic coverage for expats who are employed outside the European Economic Area; the insurance may be subscribed to by the employer, or by the worker individually. Concerning old age, the scheme provides a pension annuity, the amount of which was calculated through the application of gender based actuarial factors (GBAF), as regulated by the R.D. of 15 September 1965.

In compliance with the CJEU's decision in Case C-318/13 *X.*, and in answer to the 2015 letter of the European Commission requesting all Member States to scan their respective statutory social security legislation for any uses of GBAF, the amended R.D. of 15 September 1965 now provides that gender neutral actuarial factors must be used for the calculation of the pension annuity.

After the statutory Accidents at Work scheme (see Flash Report of 1 January 2016), this is the second amendment of Belgian legislation concerning GBAF.

Key points of analysis: The amendment is only applicable as of 1 April 2017, whereas the CJEU's decision in *X.* dates back from 3 September 2014 and the European Commission's letter from 12 March 2015. Thus, the suggestion of a Commission's communication on the correct implementation of Directive 79/7/EEC, formulated in the Flash Report of 1 January 2016, seems useful to repeat.

Internet link source: All relevant legal texts are available in Dutch and French on www.juridat.be, accessed on 7 August 2017.