

(English version)

**Question for written answer E-003161/25  
to the Commission  
Lynn Boylan (The Left)  
(31 July 2025)**

*Subject:* Ongoing implications of the Irish Marriage Bar for gender equality

In its response to Written Question E-001933/2025 <sup>(1)</sup>, the Commission noted that the Irish Marriage Bar, which was lifted in 1973-74, would not have been compatible with EU legislation on gender equality in access to employment which has been in effect since 1976, but that *ratione temporis* the Marriage Bar is not covered by EU legislation.

Although the Marriage Bar was lifted in 1973-74, it still has consequences for women today. Women who worked in the wider public service but stopped working after marriage are not able to count those years worked to qualify for a Social Welfare Contributory Pension. This limits their present-day access to pensions and is a disadvantage that only impacts women.

Does EU law create any obligation for a Member State to remedy situations of gender discrimination resulting from policy decisions made before the existence of EU gender equality legislation, where those situations of gender discrimination are still impacting the lives of EU citizens today?

Submitted: 31.7.2025

**Answer given by Ms Lahbib on behalf of the European Commission  
(28 August 2025)**

The Commission recognises that the Irish Marriage Bar had clear negative consequences for women's participation in the labour market and their pension entitlements and would have been prohibited by Directive 2006/54/EC, had it still been in force when the directive entered into application.

Nevertheless, the Irish Marriage Bar is not covered by Directive 2006/54/EC since the dispositions regarding the prohibition of discrimination on the grounds of sex in occupational social security schemes are applicable for 'all benefits under occupational social security schemes derived from periods of employment subsequent to 17 May 1990' <sup>(1)</sup>. Hence, the directive is simply not applicable *ratione temporis* to the national legislation referred to by the Honourable Member.

This time-limit follows from the judgment of the Court in Case C-262/88, where the Court clarified that a pension paid under a contracted-out private occupational scheme falls within the scope of then Article 119 of the Treaty (now Article 157 TFEU), but that the direct effect of Article 119 of the Treaty may not be relied upon in order to claim entitlement to a pension, with effect from a date prior to that judgment.

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<sup>1</sup> [https://www.europarl.europa.eu/doceo/document/E-10-2025-001933-ASW\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-10-2025-001933-ASW_EN.html)  
(<sup>1</sup>) Article 12 of Directive 2006/54/EC: <https://eur-lex.europa.eu/eli/dir/2006/54/oj/eng>.