

# ABREU & MARQUES

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SOCIEDADE DE ADVOGADOS, RL

## LABOUR LAW

### THE SUSPENSION OF THE EARLY RETIREMENT PENSION REGIME

#### BRIEF ANALYSIS OF DECREE LAW 85-A/2012, APRIL 5.

The increase of the life expectancy average in the Portuguese population has led the legislator to present measures that allow the population to remain active for a longer period of time, in order to render the social security system sustainable. Thus, Decree Law 85-A/2012, April 5 was published, suspending the retirement pensions age flexibility regime.

More concretely, the regime established in articles 21 nr 2, article 25 nr 2, and article 36 nr 1 to 5 of Decree Law 187/2007, May 10, was suspended, which foresees the anticipation of retirement pensions to those who have 30 years of remunerations relevant for the pension determination, being at least 55 years old, and the calculation form of said pensions, which is however still applicable if such application is foreseen by other laws, through legal remission.

An exception is foreseen in article 1 nr 3 of Decree Law 85-A/2012, establishing that the aforementioned suspension is not applicable to long term unemployed people, that shall still have access to the early retirement pensions.

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