

# Effective cross-border pension information in the face of multi-level legal systems

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# PROPOSITIONS

accompanying the Dissertation

## *Effective Cross-Border Pension Information in the Face of Multi-Level Legal Systems*

by Sander Kramer

1. In any endeavour to substantially reform and enhance the intricate multi-level rule-based legal frameworks governing cross-border pension taxation in their present state, Otto Neurath's quote resonates: *“Es gibt keine tabula rasa. Wie Schiffer sind wir, die ihr Schiff auf offener See umbauen müssen, ohne es jemals in einem Dock zerlegen und aus besten Bestandteilen neu errichten zu können.”*
2. Extrapolating experimental findings to legal contexts and deriving broad prescriptive conclusions can pose normative risks. A prudent solution is to embrace a 'distanced approach' wherein the law refrains from accepting empirical insights at their nominal value but, through translation, enriches legal doctrine, and broadens the paradigm of law and policy formulation.
3. The pivotal role of the tax treatment of cross-border pensions in enabling mobile citizens to assess their legal and pension status and evaluate the sufficiency of their retirement savings warrants increased academic and practical scrutiny.
4. Semantically, a distinction must be drawn between on the one hand, the definition of pension and, on the other hand, the pension definition.

5. To improve inter-level coherence in cross-border pension taxation, the European Commission should employ a more comprehensive 'soft-law approach,' moving away from the 'narrow approach,' which heavily relies on the CJEU's (Court of Justice of the European Union) expansive interpretation of non-discrimination and treaty freedoms. The latter approach often lacks consistency, has *ex tunc*-effect, is overly case-specific, has notable limitations, and can be considered a 'destructive' approach.
6. Adopting the CJEU's expansive interpretation of the non-discrimination principle as the primary, if not only, (effective) mechanism of consolidating the Single Market for supplementary pension schemes, leads to a tensional paradox.
7. The significant political focus on the IORP II Directive and the PEPP Regulation in recent years has diverted attention from the necessary focus on cross-border pension taxation.
8. Given the heterogeneous national conceptions, underlying rationales, legal designs, and the global absence of consensus in classifying retirement systems, a descriptive criterion-based taxonomy, derived from a comparative analysis of pension schemes, is the most suitable approach for categorizing national pension systems and enhancing effective pension information.
9. By combining experimental empirical research and comparative research designs, academics can chart a new path to address the challenges of our dynamic, increasingly globalized world, ensuring the societal relevance of academic research.
10. Writing a PhD thesis proves that gaining knowledge merely reveals the boundaries of our knowledge, i.e. the more we know, the more we become aware of not knowing rather than knowing, and even that is unknown.
11. Riding one's mountain bike across bumpy tracks through the Limburg *Heuvelland* every now and then helps to smoothen the road towards finishing a PhD dissertation.