



30.8.2019

NOTICE TO MEMBERS

Subject: Petition No 0155/2019 by Norbert Roth (German) on the recognition of pension entitlements

1. Summary of petition

According to the petitioner, pension entitlements in the EU are recognised once the person concerned has been employed for one month, so that no disadvantages arise because a person has been employed in more than one Member State. On the other hand, certain minimum employment periods are required for pension entitlements that have arisen in only one Member State. In the petitioner's opinion, no advantages should result from the fact that a person has been employed in more than one Member State.

2. Admissibility

Declared admissible on 3 June 2019. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 30 August 2019

EU law in the field of social security, in particular Regulation (EC) No 883/2004 on the coordination of social security systems¹, provides for the coordination and not the harmonisation of Member States' national social security systems. This means that each Member State is free to determine the details of its own social security system, including which benefits are provided, the conditions for eligibility, how these benefits are calculated, what contributions should be paid and which entitlements are taken into account.

¹ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland), *OJ L 166*, 30.4.2004, p. 1–123.

Chapter 5 of Regulation (EC) No 883/2004 sets out the principles for calculation of pensions upon which the theoretical amount of a pension should be calculated on the basis of all periods of insurance including those completed under the respective legislation of other Member States. Nevertheless, and in accordance with Article 57 of the above Regulation, national authorities do not have to provide old-age benefits in respect of periods which duration is less than one year and, taking only those periods into account, no right to an old-age benefit is provided under the legislation concerned.

It should be also added that the periods of employment from other Member States are counted for fulfilment the minimum threshold required for granting the entitlement for a pension, but the calculation (amount) of the pension is very often proportional to the time of the employment in the Member State in question. Regulation (EC) No 883/2004 contains also rules to prevent overlapping of the benefits (Articles 53-55).

Conclusion

Each Member State is free to determine the details of its own social security system, including the minimum period of employment/amount of social contributions needed to grant the entitlement for a pension. In this regard, no advantages result from the fact that a person has been employed in more than one Member State as it is reflected in the calculation of the amount of the pension.