

WRITTEN QUESTION E-0764/02

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to the Commission

Subject: Restriction on the right to export Belgian benefits under the half-time bridging pension scheme

Belgian legislation governing the half-time bridging pension scheme (early retirement) provides the right to a benefit consisting of a payment from the unemployment office (National Employment Service) and a non-statutory top-up payment from the 'sector funds'. Up to now the Belgian government has ruled that frontier workers from neighbouring countries cannot claim this benefit because the bridging pension is deemed to be an unemployment benefit and not a temporary unemployment benefit.

The Belgian government's argument can be refuted on the following grounds: (1) the recipient of a bridging pension does not have to register as seeking employment and is not subject to the obligation to apply for jobs and that it follows from the legal basis, as stated in Collective Agreement No 55, that all payments under the bridging pension scheme are classed as social benefits in accordance with Article 7, paragraph 2 and/or 4 of Regulation (EEC) 1612/68;<sup>1</sup> (2) if the payment is to be regarded as a benefit under the unemployment system there is at least a question of 'partial unemployment', so that in accordance with Article 71(1)(a)(i) of Regulation (EEC) 1408/71<sup>2</sup> this benefit should be granted by the Belgian authorities to frontier workers employed in Belgium in combination with the remaining Belgian salary. The latter point is established in Judgment C-444/98 of the Court of Justice (De Laet/LISV).

What is the Commission's opinion? Does the Commission take the view that benefits under the Belgian half-time bridging pension scheme should, in accordance with Article 71(1)(a)(i) of Regulation (EEC) 1408/71 or with Article 7(2) and (4) of Regulation (EEC) 1612/68, be granted to frontier workers from France, the Netherlands, Germany and Luxembourg working in Belgium?

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<sup>1</sup> OJ L 257, 19.10.1968, p. 2

<sup>2</sup> OJ L 149, 5.7.1971, p. 2