

WRITTEN QUESTION E-1848/02
by Guido Bodrato (PPE-DE)
to the Commission

Subject: Application of Regulation (EEC) No 1408/71 - calculating the pensions of migrant workers

As the Commission is aware the Court of Justice, in its 24 September 1998 judgment in Case C-132/96 (Stinco-Panfilo vs INPS), condemned the prorata temporis method of pension calculation which was being used by the Italian state social-security body (INPS) on the grounds that it is not in accordance with Article 46(2) of Regulation (EEC) No 1408/71¹.

Three years later the body in question is still refusing to accept the above judgment on the grounds that it applies only to the two parties which are directly involved, and is thereby forcing many Italian pensioners to embark on a lengthy administrative and judicial procedure in order to secure recognition of their rights.

Would the Commission say:

- whether or not it is acceptable for a state social-security body to disregard Court of Justice judgments, declaring them to apply only to the parties to which they are directly addressed;
- what action it intends to take in order to ensure compliance with the above Court of Justice judgment;
- whether or not it considers, in view of the INPS's resistance, that it should open an infringement procedure against Italy, as provided for in Article 226 of the Treaty?

¹ OJ L 149, 5.7.1971, p. 2.