

WRITTEN QUESTION E-3521/08
by Kinga Gál (PPE-DE) and Csaba Öry (PPE-DE)
to the Commission

Subject: Pension benefit settlements in the different EU Member States

The answer of the Commission to written question E-0440/08 has to be clarified, since the question was referring to a situation that dates from after the Romanian accession on 1 January 2007. Romania failed to reply to the pension investigation authorities from other Member States, and it also failed to pay the pension in more than 2000 cases in Hungary alone. As a result, the claimants in Hungary are receiving just a small part of their pension, without any consideration of the years worked in other countries.

The questions would be:

1. Is there a legal uncertainty in Regulation (EEC) No 1408/71¹ with regard to the non-existence of deadlines of procedures applied by Member States for the purpose of pension benefit settlement?
2. Is there a legal background that would allow a Member State on the basis of Regulation (EEC) No 1408/71 to leave information requests — in the framework of pension benefit settlement procedures — of other Member States without reply for one or more years, while rejecting claims concerning the payment of provisional pension benefits?
3. Are investigating institutions enabled to pay provisional pension benefits to claimants with a long employment record in other Member States, upon presentation of the respective employment documents issued in the other Member State in question?
4. In the case of a claimant to pension benefits with a proven work record in two Member States, and an employment relationship allowing for pension benefits in one of them, are both institutions of the two Member States in question entitled to refuse the immediate payment of a provisional amount of benefits according to Article 45 of Regulation (EEC) No 574/72², until they complete the information exchange procedure necessary to the final definition of the pension benefit amount?
5. Is the presentation of employment documents established in another Member State a sufficient legal basis for the institution of the place of residence to draw up the insurance history of a claimant to pension benefits on its own initiative, as prescribed in Article 50 of Regulation (EEC) No 574/72? Does the institution in question have an obligation to complete the insurance history of a claimant to pension benefits until the claimant reaches pensionable age, if the insurance history examination procedure starts one year before this date?
6. Based on the question above, could flagrant cases of non-respect of the dispositions of Regulations (EEC) No 1408/71 and (EEC) No 574/72 happen, when the European Court of Justice could intervene?

¹ OJ L 149, 5.7.1971, p. 2.

² OJ L 74, 27.3.1972, p. 1.