

Question for written answer E-003882/2012
to the Commission
Rule 117
Emine Bozkurt (S&D)

Subject: Exportability of social security benefits to Turkey for Turkish workers working, or having worked, in one or more Member States

The European Court of Justice has ruled, in Case C-485/07, that Article 6(1) of Decision No 3/80 of the EU-Turkey Association Council on the application of the social security schemes of the Member States to Turkish workers and members of their families has direct effect. This means that invalidity, old age or survivors' cash benefits, pensions for accidents at work or occupational diseases and death grants acquired under the legislation of one or more Member States shall not be subject to any reduction, modification, suspension, withdrawal or confiscation by reason of the fact that the recipient resides in the territory of a Member State other than that in which the institution responsible for payment is situated.

The Court has also decided that the system currently in force under Regulation No 1408/71, which allows special non-contributory cash benefits mentioned in Annex IIa to be subject to reduction, would amount to amending Decision No 3/80, whereas such power is reserved to the Association Council, in accordance with Articles 8 and 22 of the Association Agreement.

The practice does not reflect this judgment. According to the Court ruling the exceptions listed in Annex IIa do not apply to Turkish citizens.

- What will the Commission do in order to ensure that all EU Member States respect the provisions of Decision No 3/80, which are an integral part of the EU acquis, as ruled by the ECJ in Judgment C-485/07?
- Is the Commission intending, by paragraph 2.4 of its Communication COM(2012)0153 final, dated 30 March 2012, to circumvent Judgment C-485/07 and thereby strip Turkish workers of their acquired rights?