

**Question for written answer E-000037/2013
to the Commission**
Rule 117
Ria Oomen-Ruijten (PPE)

Subject: Accumulation of pension entitlements by frontier workers in Belgium

On 6 January 2011, I tabled a question concerning the right for former frontier workers resident in Belgium who were drawing disability pensions to acquire old-age pension entitlements (E-010916/2010). People living in Belgium who used to work in the Netherlands receive a Dutch disability pension if they are unfit for work. In a number of cases, people who last had social insurance cover in the Netherlands are entitled to both a Dutch and a Belgian pension pro rata.

Former frontier workers resident in Belgium who are entitled to both Dutch and Belgian pensions pro rata are treated by the competent authorities in Belgium as if they were only receiving a Belgian disability pension. As a result, such people – without paying any contributions – accumulate Belgian retirement pension entitlements on the pro rata pensions. This is the case irrespective of the size of the Belgian pro rata disability pension.

If former frontier workers living in Belgium only receive a Dutch disability pension, they can only accumulate Belgian retirement pension entitlements by paying contributions.

Does not this difference in treatment between former frontier workers living in Belgium, based on whether or not they are receiving pro rata disability pensions, breach the principle of equal treatment or Article 5 of Regulation (EC) No 883/2004?