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Title

Summary Pension Note / contact institution

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References:

- **Recital(s):** 22 IR
- **BR :** ---
- **IR:** 47 , 48
- **AC Decision (s) :** ---
- **ECJ CASE Law:**---

Comments:

- When a person has worked and/or lived in more than one MS and submits a claim for an old age pension, it is important that she/he knows that he/she can rely on the support of the **contact institution** and also on the **summary pension note** to make sure that the process of calculation of his/her pensions rights is properly dealt with.

The contact institution.

- The designation of a "privileged" contact institution for the person concerned, as well as assigning to it the task of coordinating the cross-border calculation pension process are not new in the EU pension coordination field. Regulation 1408/71 had the "investigating institution" (see Article 41 Regulation 574/72). The name of this institution changes in the modernised coordination rules (some Member States were of the opinion that the word "investigation" was too strong as institutions are not supposed to be detectives). So it becomes "contact institution"; but its basic tasks remain the same.
- Article 47 IR contains the rules applicable to identify the contact institution for a pension claimant. It also sets out the pro-active role that the institution has to play in addition to investigating the claim for benefits under the legislation which it applies. The contact institution "*shall promote the exchange of data, the communication of decisions and the operations necessary for the investigation of the claim by the institutions concerned, and supply the claimant, upon request, with any information relevant to the Community aspects of the investigation and keep/him/her informed of its progress.*"
- With regard to the cooperation between institutions, the contact institution role is to

making sure that each part is well prepared by the different institutions involved and in a timely manner. These tasks are one of the most concrete illustration of the principle of enhanced cooperation (see Article 2 (2) IR) between institutions to the benefits of the citizen. The use of electronic exchange of data EESSI (see EN) between the institutions should in the pension field lead to tangible improvements in terms of the length of time needed for a pension calculation and for payment to the beneficiaries.

- As regards the information and active assistance to be provided to the person concerned (Article 2 (1) IR) , the contact institution has a decisive role in allowing the person to understand the complex process, supplementing or clarifying information provided by other institutions involved, where this is necessary. This is particularly relevant in a situation where a person has to make choices at a certain point of the process, for instance with regard to the deferment of the award of an old age pension see Article 46(2) IR. This provision of information is aimed at allowing the person concerned *"to assess the consequences of concurrent or successive award of benefits which he might claim"*. This is thus a clear and result-oriented obligation imposed on the institutions in this situation. For practical reasons it may well be that the contact institution has to play an extra pedagogical role in respect of the person concerned in terms of explaining or supplementing the information sent by an institution in another MS .

Summary note

- The role of this recapitulative note of the decisions in the various MS provided for in Article 48 (1) has been reinforced (see Article 48 (2)) . On the one hand, it is a "portable" form (see EN portable document), which provides the person concerned with an overall view of the decisions taken in the various MS involved in the process of his pension calculation and taking into account the different periods of insurance in those Member States and the possible interaction between this periods (for instance, rules to prevent overlapping of benefits). On the other hand, it provides the trigger for a new right of review: where it appears that the claimant's rights may have been adversely affected by the interaction of the decisions taken by two or more institution, the claimant can ask for a review of decisions in the MS (Art. 48 (2) IR). This is a new right conferred on citizens in the pensions field. The reason why the possibility for a fresh examination of a national decision is given is because the summary note is a unique document, which gives the citizen a comprehensive overview of the way the institutions have dealt with the different periods of insurance and to see, for instance, whether there are gaps, or overlapping of certain insurance periods.
- The new right for a review of a national decision offered by Article 48(2) is a new layer of rights, which does not affect the existing legal remedies at national level for an individual to challenge a pension decision.
- This coordination-based review right can only be used when it is based on a factor, which is not due to a single decision alone, but to the interaction of at least two decisions set out in the summary note. In concrete terms, the reason for the request will be due to a detriment arising from the cross border dimension of the pension, for instance, a detriment in the way his/her insurance periods are taken into account and used in the calculation.
- The time limit to request the review of a decision following the notification of the

summary note in accordance with Article 48(2) is fixed by the national legislation of the institution which has taken the decision at stake. It commences on the date of receipt of the summary note. The claimant shall be notified of the result of the review in writing.

- Informing the person concerned about this new possibility of review is essential and should, , be undertaken by the contact institution but also by all institutions involved.

To go further: