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Brussels, 21 February 2025  
Case No: 92185  
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Ministry of Labour and Social Inclusion  
Postboks 8019 Dep,  
0030 Oslo  
Norway

Dear Sir/Madam,

**Subject: The accrual of old-age pensions from disability benefits paid from other EEA States**

Reference is made to the reply of the Norwegian Government to the follow-up letter to the package meeting of 10 December 2024 (Doc No 1505372, your ref 24/2663-). In that letter you explain the changes of the disability benefits reform in 2011 and the way in which Norway takes into account foreign disability benefits for the accrual of future old-age pension rights in Norway. In essence, the Norwegian system does not take into account invalidity benefits as such for the determination of old-age pension rights, but instead the income they replace. That was the case before the reform and continues to be the case under the current system. Norway takes into account the replacement income of Norwegian disability benefits as “pensionable income” to determine the basis of calculation of a future old-age pension.

Since certain statements in the letter of 10 December 2024 were not clear to the Authority, an on-line meeting was organised on 17 February 2025 to clarify the submissions of the Norwegian Government. In essence, the representatives of the Norwegian Government confirmed in that meeting that Norway takes into account the replacement income of Norwegian disability benefits as “pensionable income” to determine the basis of calculation of a future old-age pension, but it does not do so with foreign disability benefits or rather the income it replaces.

The representatives of the Norwegian Government explained that benefits paid by another EEA State could also create pension rights in the paying State, which could lead to double benefits; and if no rights were acquired in the other State, then systems with less rights would be compensated by the Norwegian system. There is, however, no harmonisation of social security systems in Europe, but only coordination. This approach is confirmed, the Norwegian Government continues, by Article 52 of Regulation 883/2004 - award of benefits -, which foresees a pro-rata calculation for old-age benefits, where each EEA State calculates its own part of the old-age pension of the insured who has a cross-border career.

The representatives of the Authority replied that this logic seems to skip one step. The pro-rata calculation rules come into play only when calculating the amount of a benefit. And double payments can be avoided by applying the rules of overlapping of benefits, as enshrined in Articles 53 to 55 of Regulation 883/2004.

In any event, ESA maintains, as a first step, the basis of calculation has to be determined and that has to be done by applying Article 5 of Regulation 883/2004 - equal treatment of benefits, income, facts or events. Article 5 litra (a) states that “*where, under the legislation of the competent Member State, the receipt of social security benefits and other income*

*has certain legal effects, the relevant provisions of that legislation shall also apply to the receipt of equivalent benefits acquired under the legislation of another Member State or to income acquired in another Member State". It seems that this step is done by Norway.*

The representatives of the Norwegian Government wanted to first discuss this question internally before replying. It was agreed to ask this question in writing.

The Norwegian Government is hereby invited to submit the above information, as well as any other information it deems relevant to the case, so that it reaches the Authority by *21 March 2025*. Please enclose copies of any relevant national legislation, including English translations if available.

Yours faithfully,

Maria Moustakali  
Deputy Director  
Internal Market Affairs Directorate

*This document has been electronically authenticated by Maria Moustakali.*