

JUDGMENT OF THE COURT (FIRST CHAMBER)  
29 NOVEMBER 1984 <sup>1</sup>

**A. Weber**  
**v Bestuur van de Nieuwe Algemene Bedrijfsvereniging**  
**(reference for a preliminary ruling**  
**from the Centrale Raad van Beroep, Utrecht)**

(Social security — Article 47 of Regulation No 1408/71 —  
Calculation of the theoretical amount)

Case 181/83

*Social security for migrant workers — Invalidity insurance — Calculation of benefits — Determination of the theoretical amount — Amount of benefits independent of the length of the insurance periods — Article 47 (1) of Regulation No 1408/71 not applicable (Regulation No 1408/71 of the Council, Art. 47 (1))*

The contingencies referred to in Article 47 (1) of Regulation No 1408/71 do not cover the case of a scheme of invalidity benefits under which the amount of benefit does not depend on the length of the insurance periods and which, for the calculation of the loss of earnings, is based primarily on the wage received in the occupation usually carried on by the

person concerned, and for that purpose takes account either of the fixed salary last received by the person concerned in that occupation before he became incapacitated for work, or of the average wage received by him over a certain number of days (which must not fall more than two years before he became incapacitated for work).

In Case 181/83

REFERENCE to the Court under Article 177 of the EEC Treaty by the Centrale Raad van Beroep [Court of last instance in social security matters], Utrecht, for a preliminary ruling in the proceedings pending before that court between

<sup>1</sup> — Language of the Case: Dutch.