STUDIO PISCIOTTA
COMMERCIALISTA | STUDIO LEGALE, SOCIETARIO E DEL LAVORO

To the clients:

Subject: INPS Life Annuity ex art. 13 of Law No. 1338/1962 – New Limitation Periods (Italian Supreme Court, Joint Sections, No. 22802/2025 and INPS Circular No. 141/2025)

With Judgment No. 22802 of 7 August 2025, the Joint Sections of the Court of Cassation, followed by INPS Circular No. 141 of 12 November 2025, have redefined in an organic and comprehensive manner the limitation periods and the procedures for exercising the right to the establishment of the life annuity under Article 13 of Law No. 1338/1962, in cases of omitted or insufficient payment of social security contributions.

This reform has tangible implications for both employers and employees/survivors seeking to recover contribution periods that have now become time barred.

1. **Nature of the Life Annuity under Article 13 of Law No. 1338/1962**
   In brief, the life annuity is a mechanism that allows the reconstruction of an employee's contribution record for periods during which the employer failed to pay the due social security contributions, through the payment to INPS of an actuarial reserve (borne either by the employer or by the employee, depending on the circumstances), thereby ensuring that the employee does not forfeit pension rights relating to those periods of work.
2. **The New "Sequential System" of Limitation Periods**
   The Joint Sections and INPS Circular No. 141/2025 have clarified that the rights of employers and employees do not arise simultaneously but follow a temporal sequence marked by the statute of limitations applicable to contributions and to the and the corresponding rights.

Studio Pisciotta
C.F. PSCNGL74H27G273R
P.I. 04848330827
pecstudiopisciotta@studiopisciotta.it
studiopisciotta@studiopisciotta.com

www.studiopisciotta.com
Sede di Marsala Via Sibilla, 5 - +39 0923 952388
Sede di Palermo Via Stefano Turr, 38 - +39 091 6090036
Sede di Roma Via C. Colombo, 456 - +39 06 5817225
Sede di Reggio Calabria Via Sant'Anna, 4 - +39 0965 24582

The framework (as reproduced in Annex No. 1 to the INPS Circular) is as follows:

a) **From 0 to 10 years after the limitation of the contributions**

- Entitled party**:** employer (Article 13(1) of Law No. 1338/1962
- Starting point of the term**:** the date on which the omitted mandatory contributions become time-barred
- Limitation period:10 years
- Financial burden: entirely borne by the employer

Within the same time frame (0–10 years from the limitation of the contributions):

- Employee or survivors (acting in substitution) – Article 13(5):
- may request the life annuity in place of the employer;
- but must prove that the employer was unable to take action;
- limitation period: 10 years;
- financial burden: borne by the employee, without prejudice to any claim for damages against the employer.

b) From 10 to 20 years after the limitation of the contributions

- Entitled party: employee or survivors (still acting in substitution) – Article 13(5)
- Starting point of the term**:** the date on which the employer's right to activate the annuity (under paragraph 1) becomes time-barred
- Limitation period: further 10 years
- Conditions: it is no longer required to prove the employer's inability to act (as the employer's right is now prescribed);
- Financial burden: borne by the employee, without prejudice to a claim for damages.

c) Beyond 20 years from the limitation of the contributions

- Entitled party: employee or survivors (acting in their own right) – new paragraph 7 of Article 13 (introduced by Law No. 203/2024)
- Starting point: the date on which the employee’s right under paragraph 5 becomes time-barred
- Limitation period: none (the right is currently considered not subject to limitation)
- Features: the application is submitted exclusively by the employee/survivors and no longer in substitution of the employer; there is no requirement to prove the employer’s inability to act;
- Financial burden: entirely borne by the employee.

3. Practical implications for employers and employees

For employers

The possibility of requesting the establishment of the life annuity at their own expense is limited to 10 years from the date on which the omitted contributions become time-barred.
Once this period has lapsed, the employer can no longer take action; the employee may, however, intervene directly, bearing the related costs and possibly asserting claims for damages against the company.
It is advisable to check for any past contribution omissions (including by reviewing employees’ contribution statements) and to assess, on a case-by-case basis, whether it is expedient to activate the life annuity within the applicable time limits in order to reduce the risk of litigation.

For employees and survivors

The time limits for requesting the annuity are broader than under the previous interpretative framework, owing to the new “sequential” system.
The employee may act within 20 years from the limitation of the contributions, bearing the economic burden but with potential recourse claims against the employer. Beyond 20 years, the employee may request the annuity entirely at their own expense, without any time limitation.

STUDIO PISCIOTTA
COMMERCIALISTA | STUDIO LEGALE, SOCIETARIO E DEL LAVORO

It becomes essential to review the INPS contribution statement and promptly report any contribution gaps relating to past periods of employment.

11 November 2025 Lawyer Dr. Angelo Pisciotta

Studio Pisciotta
C.F. PSCNGL74H27G273R
P.I. 04848330827
pecstudiopisciotta@studiopisciotta.it
studiopisciotta@studiopisciotta.com

www.studiopisciotta.com
Sede di Marsala Via Sibilla, 5 - +39 0923 952388
Sede di Palermo Via Stefano Turr, 38 - +39 091 6090036
Sede di Roma Via C. Colombo, 456 - +39 06 5817225
Sede di Reggio Calabria Via Sant'Anna, 4 - +39 0965 24582