

Coordination of social security systems: amending Annexes

2006/0008(COD) - 15/10/2008 - Modified legislative proposal

In its amendment proposal following the European Parliament's opinion at 1st reading on 9 July 2008, the Commission amends a certain number of points in its original proposal based on the Parliament's suggestions. The Commission intends to merge 2 proposals that concern the same theme.

Proposals COD/2006/0008 and [COD/2007/0129](#) both relate to the Annexes to Regulation (EC) No 883/2004 and amend some of the same Annexes.

The Council and Parliament decided that the two proposals should be merged. Parliament considers procedure COD/2007/0129 to have lapsed as a result of the incorporation of the contents of Commission proposal into procedure COD/2006/0008.

The amended proposal acknowledges the merging of the two proposals and adapts them on a number of points as suggested by Parliament. The Commission agrees to incorporate all amendments adopted at 1st reading apart from amendments 6 and 12 which it accepts in part for the following reasons:

- **Amendment 6:** this amendment reflects new recital 7a agreed by Council but removes the reference to Annex III. The Commission can accept this amendment in part. The words "in principle" should be inserted as follows: "The family members of former frontier workers should in principle benefit from the possibility to continue medical treatment in the former country of employment of the insured person after his or her retirement." This is to reflect the fact that Annex III will continue to apply for a limited period, so the benefits referred to will not be available immediately in all cases.
- **Amendment 12:** this amendment to Article 28(1) of Regulation (EC) No 883/2004 reflects a similar amendment agreed by Council but removes the reference to Annex III. The Commission can accept this amendment in part. It appears that it is in fact necessary to retain the reference to Annex III, but this reference should be amended to acknowledge the fact that the Annex will only be in force for a limited period. The amendment can therefore be accepted subject to an amendment to the second subparagraph so that it reads as follows: "The first subparagraph shall apply mutatis mutandis to the members of the family of the retired frontier worker unless, for as long as Annex III is in force, the Member State where the frontier worker last pursued his or her activity is listed in Annex ”.