

Coordination of social security systems: amending Annexes

2006/0008(COD) - 16/09/2009 - Final act

PURPOSE : to amend the annexes of Regulation 883/2004/CE regarding the coordination of social security systems in order to take account of particular features of the social security systems of the new Member States.

LEGISLATIVE ACT : Regulation (EC) No 988/2009 of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems, and determining the content of its Annexes.

CONTEXT : Community provisions on the coordination of social security systems date back to the early years of the European Economic Community and were introduced in place of harmonising Member States' legislation on social security systems. The rules on the coordination of national social security systems were coordinated by Regulation (EEC) No 1408/71 and its implementing regulation, Regulation (EEC) No 574/72. [Regulation \(EC\) No 883/2004](#) is intended to replace Regulation (EEC) No 1408/71. However, the new rules on coordination in Regulation (EC) No 883/2004 cannot be applied until the corresponding implementing regulation has been adopted to replace Regulation (EEC) No 574/72. This is the objective of this Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems which modernises and simplifies the rules. However, in order to ensure that the legislation is complete, this Regulation modifies the annexes to Regulation (EC) No 883/2004.

CONTENT : following agreement at second reading with the European Parliament, the Council adopted two regulations modernising and simplifying the coordination of Member States' social security systems. The two regulations are this one and the [parallel Regulation \(EC\) 987/2009](#) laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems. The adoption of the two new regulations will allow the new EU social security coordination rules (i.e. Regulation (EC) No 883/2004 and the implementing Regulation) to be **applied from 1 March 2010**. The new EU social security coordination rules are designed to make it easier for citizens to exercise their right to move freely in the EU, whether for study, leisure or for professional reasons, by guaranteeing that they are not disadvantaged in terms of social security.

Main principles and objectives of the reform in applying Regulation 883/2004: the new rules on the coordination of social security systems in the EU replace Community provisions on the coordination of national social security systems. These were Regulation No 1408/71/EEC and its implementing Regulation N° 574/72/EEC, both of which have been amended on several occasions. The intention is to modernise and simplify existing rules and strengthen rules on cooperation and information in order to benefit those persons concerned.

Whilst Regulation (EC) N° 987/2009 sets out the details of the new rules, this Regulation is limited to amending some of the annexes of basic Regulation (EC) N° 883/2004, inter alia, in order to take account of certain matters relating to the social security systems of the new Member States (those that acceded to the EU after 29 April 2004).

Thus, the following annexes are amended (annexes which had not been determined at the time of the adoption of Regulation 883/2004).

The latter therefore provides that the content of:

- Annexes II: provisions of conventions which remain in force;
- Annex X: special non-contributory cash benefits; and
- Annex XI (special provisions for the application of the legislation of the Member States) should be determined before the date of application of the Regulation.

Furthermore, some of the Annexes to Regulation 883/2004 must be adapted to take account of the requirements of the Member States that joined the EU since the adoption of the Regulation, as well as recent developments in other Member States :

- Annex I,
- Annex III : restriction of rights to benefits in kind for members of the family of frontier workers;
- Annex IV;
- Annex VI;
- Annex VII;
- Annex VIII on cases in which the pro rata calculation shall be waived or shall not apply;
- Annex IX.

Without the amendment of these annexes, the basic Regulation could not apply.

The Regulation makes provision for a series of amendments particularly on:

Annex III – frontier workers: Article 28 of Regulation (EC) No 883/2004 is amended in order to clarify and extend its scope and to ensure that the members of the family of former frontier workers may also benefit from the possibility of continuing medical treatment in the former country of employment of the insured person after his/her retirement, unless the Member State where the frontier worker last pursued his /her last activity is listed in Annex III. This Regulation provides for the assessment of the significance, frequency, scale and costs relating to the application of the restriction of rights to benefits in kind for members of the family of frontier workers under Annex III to Regulation (EC) No 883/2004 for those Member States still listed in that Annex 4 years after the date of application of that Regulation.

Request for information from citizens: in order to facilitate the use of Regulation (EC) No 883/2004 by citizens when asking for information or making claims to the institutions of the Member States, references to the legislation of the Member States concerned must also be made in the original language wherever necessary in order to avoid any possible misunderstanding.

ENTRY INTO FORCE: the Regulation will enter into force on 31 October 2009. It will apply from 1 March 2010.