

Basic information	
<p>2016/0397(COD)</p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p>	Awaiting Parliament's position in 1st reading
<p>Social security coordination</p> <p>Amending Regulation (EC) No 883/2004 1998/0360(COD) Amending Regulation (EC) No 987/2009 2006/0006(COD)</p> <p>Subject</p> <p>4.10.10 Social protection, social security</p> <p>Legislative priorities</p> <p>Joint Declaration 2021 Joint Declaration 2022 Joint Declaration 2023-24</p>	




Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	EMPL Employment and Social Affairs		BISCHOFF Gabriele (S&D)	24/09/2024
			<p>Shadow rapporteur</p> <p>LENAERS Jeroen (EPP)</p> <p>DAUCHY Marie (Pfe)</p> <p>TORSELLI Francesco (ECR)</p> <p>TOOM Jana (Renew)</p> <p>BOSANAC Gordan (Greens /EFA)</p> <p>KENNES Rudi (The Left)</p>	
	Former committee responsible		Former rapporteur	Appointed
	EMPL Employment and Social Affairs			
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	Former committee for opinion		Former rapporteur for opinion	Appointed
	BUDG Budgets		The committee decided not to give an opinion.	
	BUDG Budgets			

	LIBE Civil Liberties, Justice and Home Affairs		
	LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
	FEMM Women's Rights and Gender Equality		
	FEMM Women's Rights and Gender Equality	The committee decided not to give an opinion.	
	PETI Petitions		
	PETI Petitions		
Council of the European Union	Council configuration	Meetings	Date
	Employment, Social Policy, Health and Consumer Affairs	3523	2017-03-03
	Employment, Social Policy, Health and Consumer Affairs	3569	2017-10-23
	Employment, Social Policy, Health and Consumer Affairs	3583	2017-12-08
	Employment, Social Policy, Health and Consumer Affairs	3625	2018-06-21
	Employment, Social Policy, Health and Consumer Affairs	3548	2017-06-15
European Commission	Commission DG	Commissioner	
	Employment, Social Affairs and Inclusion	KING Julian	

Key events			
Date	Event	Reference	Summary
13/12/2016	Legislative proposal published	COM(2016)0815 	Summary
19/01/2017	Committee referral announced in Parliament, 1st reading		
03/03/2017	Debate in Council		
15/06/2017	Debate in Council		
20/11/2018	Vote in committee, 1st reading		
20/11/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
23/11/2018	Committee report tabled for plenary, 1st reading	A8-0386/2018	Summary
28/11/2018	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
11/12/2018	Results of vote in Parliament		

11/12/2018	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71 - vote)		
17/04/2019	Debate in Parliament	CRE link	
18/04/2019	Results of vote in Parliament		
21/10/2019	Committee referral announced in Parliament, 1st reading		
13/11/2024	Committee referral announced in Parliament, 1st reading		

Technical information	
Procedure reference	2016/0397(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 883/2004 1998/0360(COD) Amending Regulation (EC) No 987/2009 2006/0006(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 048
Stage reached in procedure	Awaiting Parliament's position in 1st reading
Committee dossier	EMPL/10/00076

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A8-0386/2018	23/11/2018	Summary
European Commission				
Document type		Reference	Date	Summary
Legislative proposal		COM(2016)0815	13/12/2016	Summary
Document attached to the procedure		SWD(2016)0461	14/12/2016	
Document attached to the procedure		SWD(2016)0460	14/12/2016	
National parliaments				
Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PL_SENATE	COM(2016)0815	21/02/2017	
Contribution	PT_PARLIAMENT	COM(2016)0815	08/03/2017	
Contribution	ES_PARLIAMENT	COM(2016)0815	09/03/2017	
Contribution	IT_SENATE	COM(2016)0815	10/03/2017	

Contribution	CZ_SENATE	COM(2016)0815	14/03/2017	
Contribution	DE_BUNDES RAT	COM(2016)0815	15/03/2017	
Reasoned opinion	FR_SENATE	PE601.141	20/03/2017	
Contribution	DK_PARLIAMENT	COM(2016)0815	27/04/2017	
Contribution	FR_SENATE	COM(2016)0815	22/03/2019	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
ESC	Economic and Social Committee: opinion, report	CES1461/2017	05/07/2017	

Additional information

Source	Document	Date
EP Research Service	Briefing	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Name	Role	Committee	Date	Interest representatives
LENAERS Jeroen	Shadow rapporteur	EMPL	03/02/2025	Permanent Representation of the Kingdom of the Netherlands
LENAERS Jeroen	Shadow rapporteur	EMPL	31/01/2025	Swiss Mission to the EU
LENAERS Jeroen	Shadow rapporteur	EMPL	29/01/2025	World Employment Confederation-Europe
LENAERS Jeroen	Shadow rapporteur	EMPL	11/12/2024	Swiss Mission to the EU
LENAERS Jeroen	Shadow rapporteur	EMPL	04/12/2024	Danish, Irish, Maltese, Luxembourgish, Belgian social affairs attachee's
LENAERS Jeroen	Shadow rapporteur	EMPL	20/11/2024	Polish Social Affairs Attaché
LENAERS Jeroen	Shadow rapporteur	EMPL	15/11/2024	Polish Presidency (Social Affairs team)
SATOURI Mounir	Shadow rapporteur	EMPL	07/11/2023	Représentation Permanente de la France auprès de l'UE
BISCHOFF Gabriele	Rapporteur	EMPL	07/09/2023	European Network of Business Travel Associations
BISCHOFF Gabriele	Rapporteur	EMPL	31/08/2023	Österreichischer Gewerkschaftsbund
BISCHOFF Gabriele	Rapporteur	EMPL	05/07/2023	reif-eu
BISCHOFF Gabriele	Rapporteur	EMPL	27/06/2023	reif-eu European Social Insurance Platform European Trade Union Confederation Bundesagentur für Arbeit DGB ver.di SOKA-Bau Hochschule Mainz Arbeiterkammer Wien ÖGB European Federation of Building and Woodworkers

BISCHOFF Gabriele	Rapporteur	EMPL	07/06/2023	EUROPEAN FEDERATION OF BUILDING AND WOODWORKERS
BISCHOFF Gabriele	Rapporteur	EMPL	17/05/2023	Bundesvereinigung der Deutschen Arbeitgeberverbände e.V.
BISCHOFF Gabriele	Rapporteur	EMPL	16/05/2023	Deutscher Gewerkschaftsbund
BISCHOFF Gabriele	Rapporteur	EMPL	10/05/2023	Deutscher Gewerkschaftsbund Federatie Nederlandse Vakbeweging
BISCHOFF Gabriele	Rapporteur	EMPL	24/04/2023	Deutscher Gewerkschaftsbund
LENAERS Jeroen	Shadow rapporteur	EMPL	29/03/2023	Ceemet
BISCHOFF Gabriele	Rapporteur	EMPL	27/03/2023	Zentralverband Deutsches Baugewerbe
BISCHOFF Gabriele	Rapporteur	EMPL	17/03/2023	Faire Mobilität
SATOURI Mounir	Shadow rapporteur	EMPL	07/03/2023	Représentation européenne des institutions françaises de sécurité sociale
BISCHOFF Gabriele	Rapporteur	EMPL	21/02/2023	GovTech Campus
BISCHOFF Gabriele	Rapporteur	EMPL	10/01/2023	European Federation of Food Agriculture and Tourism Trade Unions
BISCHOFF Gabriele	Rapporteur	EMPL	25/10/2022	Betriebsrat R&D/GF
BISCHOFF Gabriele	Rapporteur	EMPL	11/10/2022	EFBWW
BISCHOFF Gabriele	Rapporteur	EMPL	29/09/2022	ÖGB
BISCHOFF Gabriele	Rapporteur	EMPL	26/09/2022	European Confederation of Independent Trade Unions
BISCHOFF Gabriele	Rapporteur	EMPL	17/05/2022	Bundesvereinigung der Deutschen Arbeitgeberverbände
BISCHOFF Gabriele	Rapporteur	EMPL	11/05/2022	ver.di
BISCHOFF Gabriele	Rapporteur	EMPL	11/03/2022	ETUC
BISCHOFF Gabriele	Rapporteur	EMPL	08/12/2021	ETUC
BISCHOFF Gabriele	Rapporteur	EMPL	03/12/2021	Comité de Défense des Travailleurs Frontaliers de la Moselle
BISCHOFF Gabriele	Rapporteur	EMPL	18/11/2021	SOKA BAU
BISCHOFF Gabriele	Rapporteur	EMPL	08/07/2021	DGB
BISCHOFF Gabriele	Rapporteur	EMPL	21/06/2021	SOKA BAU
BISCHOFF Gabriele	Rapporteur	EMPL	05/03/2021	ETUC
BISCHOFF Gabriele	Rapporteur	EMPL	04/02/2021	ETUC
BISCHOFF Gabriele	Rapporteur	EMPL	02/02/2021	SOKA BAU
BISCHOFF Gabriele	Rapporteur	EMPL	16/10/2020	Ceemet European Tech and Industry Employers
BISCHOFF Gabriele	Rapporteur	EMPL	28/09/2020	DGB
BISCHOFF Gabriele	Rapporteur	EMPL	17/09/2020	ETUC
BISCHOFF Gabriele	Rapporteur	EMPL	10/07/2020	DGB

Other Members

Name	Date	Interest representatives
CHAIBI Leila	03/12/2024	Représentation européennes des institutions françaises de sécurité sociales

RADTKE Dennis	20/03/2024	EUROPEAN FEDERATION OF BUILDING AND WOODWORKERS
AL-SAHLANI Abir	29/03/2022	Ardalan Shekarabi
RADTKE Dennis	09/07/2021	Deutsche Sozialversicherung Europavertretung

Social security coordination

2016/0397(COD) - 13/12/2016 - Legislative proposal

PURPOSE: to bring up to date the Union rules on coordination of social security.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides, in accordance with the ordinary legislative procedure and on an equal footing with Council.

BACKGROUND: the Commission recalls that the right of EU citizens and their families to move freely and reside in any EU country is one of the four fundamental freedoms enshrined in the EU Treaties.

Free movement of persons would not be possible **unless the social security rights of mobile**

Europeans and their family members were protected. In all, it is estimated that:

- 3.7 million of Europeans are economically inactive mobile citizens;
- nearly 80 000 mobile citizens are entitled to long-term care benefits, totalling EUR 793 million (0.4% of the total EU expenditure on long-term care benefits);
- some 27 300 persons within the EU export their unemployment benefit to another Member State;
- there are 91 700 unemployed cross-border workers per year, 53 500 of whom are frontier workers.

This initiative is part of the European Commission's labour mobility package of 2016. Its objective is to **continue the process of modernisation of the EU law on social security coordination** set out in Regulations (EC) No 883/2004 and No 987/2009, by further facilitating the exercise of citizens' rights while ensuring legal clarity, a fair and equitable distribution of the financial burden among the Member States and administrative simplicity and enforceability of the rules.

IMPACT ASSESSMENT : the Commission's preferred options include the following:

- to amend the current equal treatment provisions with regard to the access of economically inactive citizens to social benefits;
- the establishment of a coherent regime for long-term care benefits;
- new arrangements for the coordination of unemployment benefits in cross-border cases (aggregation of periods of insurance; the export of unemployment benefits; paying unemployment benefits to frontier workers);
- the coordination of family benefits intended to replace income during child-raising periods.

CONTENT: the proposal focuses on **four areas of coordination where improvements are required**: (i) economically inactive citizens' access to social benefits, (ii) long-term care benefits, (iii) unemployment benefits and (iv) family benefits. Each Member State is free to determine the features of its own social security system - which benefits are provided, the conditions for eligibility, how these benefits are calculated and what contributions should be paid, and for all social security branches (old age, unemployment and family benefits), provided that such national provisions respect the principles of EU law in particular concerning equal treatment and non-discrimination.

Access to social benefits claimed by economically inactive EU mobile citizens: further to recent case-law of the Court of Justice of the European Union, the proposal specifies that access to social security benefits for economically inactive mobile citizens in the host Member State, may be **made conditional upon that citizen holding a legal right of residence in that Member State** in accordance with Directive 2004/38/EC of the European Parliament and of the Council.

The proposal clearly distinguishes an economically inactive citizen from a jobseeker whose right of residence is conferred directly by Article 45 of the Treaty on the Functioning of the European Union.

Long-term care benefits: the proposed revision aims to establish a coherent regime for the coordination of long-term care benefits (currently dealt with under the sickness chapter) by introducing a **separate Chapter** for their coordination in Regulation (EC) No 883/2004, by including a **definition** and providing for a **list** of those benefits.

Unemployment benefits: the proposal sets out new arrangements for the coordination of unemployment benefits in cross-border cases. The proposal:

- **requires a minimum qualifying period of three months insurance in the Member State of most recent activity** before a right to aggregate past periods of insurance arises (while requiring the Member State of previous activity to provide benefits when this condition is not fulfilled);
- **extends the minimum period for an export of unemployment benefits from three to six months** while providing for the possibility of exporting the benefit for the whole period of entitlement. The aim is to improve the opportunities for unemployed persons moving to another Member State to look for work and their chances for reintegration into the labour market and to address skills mismatches across borders;
- makes the Member State of most recent employment responsible for the payment of unemployment benefits when the **frontier worker** has worked there for at least 12 months and otherwise attributing the responsibility to the Member State of residence.

Child benefits: the proposal aims to change the current coordination provisions so that child-raising allowances are considered individual and personal rights and to permit an optional right for the secondary competent Member State to pay the benefit in full.

Posted workers: the proposal clarifies the rules on applicable legislation and the relationship between the Regulations on coordination and [Directive 96/71/EC](#) of the European Parliament and of the Council concerning the posting of workers in the framework of the provision of services. It strengthens the administrative rules on social security coordination in the fields of **information exchange and verification of the social security status** of such workers in order to prevent potentially unfair practices or abuse.

Technical amendments: the proposed amendments concern: (i) the prioritisation of derived rights to sickness benefits; (ii) the reimbursement of costs for medical examination; (iii) the calculation of the annual average costs in the field of sickness benefits; and (iv) the introduction of measures to **facilitate identification of fraud or error** in the application of the Regulations, including the introduction of a permissive ground for Member States to periodically exchange **personal data**.

Furthermore, the procedures for recovery of unduly paid social security benefits have been revised to align them with the equivalent procedures in Directive 2010/24/EU concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

Social security coordination

2016/0397(COD) - 23/11/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Employment and Social Affairs adopted the report by Guillaume BALAS (S&D, FR) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004.

The report highlighted that there is a need to ensure the portability of social security benefits (e.g. state pensions, health insurance, unemployment benefits and family benefits) and consequently reduce barriers to labour mobility in the Union.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Exportability of benefits: Members agreed that an insured person may retain unemployment benefits for **six months** after leaving a Member State and this Member State would be able to prolong the period until the benefit expires.

Uniform rules for aggregation of periods: insurance periods completed elsewhere should accumulate. Aggregation would kick in after a worker is insured in a new Member State for at least **one day**.

Cross-border workers: there is a need to ensure **greater parity** of treatment for frontier and cross-border workers by giving them the choice between receiving unemployment benefits from the Member State of last activity or from their Member State of residence, in order to enhance the probability of their finding employment in the Member State where their chances of doing so are the highest.

The Member State of last employment will be required to pay unemployment benefits if the cross-border worker worked there for at least **12 months**. Under the current rules, the Member State of residence is competent, even though cross-border workers pay social security contributions in the country of activity.

It is also important to **strengthen cooperation** between national competent authorities and to clarify the regulatory framework applicable in order to ensure that the Member State of last activity, the Member States of previous activities and the Member State of residence do not each declare themselves not to be competent to pay benefits, to the detriment of insured persons.

Member States may provide for the introduction of **differential supplements** to bridge the gap between unemployment benefits paid by the Member State of last activity and the Member State of residence.

Special rules : a person who pursues an activity as an employed person in a Member State on behalf of an employer which normally carries out its activities there and who is sent by that employer to another Member State to perform work on that employer's behalf shall continue to be subject to the legislation of the first Member State, provided that:

- the anticipated or actual duration of such work does not exceed **18 months**;
- the person concerned is subject to the legislation of the Member State where the employer is established for a period of at least **three months** immediately preceding the start of the work as an employed person;
- the competent institution of the Member State where the employer is established has been notified about the sending and received at request prior to the commencement of the work for the continued application of its legislation, prior to the performance of the work. No such formal request need to be made where the work concerns a **business trip**.

Long-term care: the amended report stipulated that in the field of sickness, long-term care, maternity and equivalent paternity benefits, insured persons, as well as the members of their families, living or staying in a Member State other than the competent Member State, should be afforded protection.

In accordance with the case-law of the Court of Justice of the European Union, long-term care benefits for insured persons and members of their families should, in principle, continue to be coordinated following the rules applicable to sickness benefits. However, those rules should take into account the specific nature of long-term care benefits. It is also necessary to provide for specific provisions in case of overlapping of long-term care benefits in kind and in cash.

Family benefits: Members agreed that family benefits in cash, which are primarily intended to replace income when a person has given up work to raise a child, should be distinguished from other family benefits, so that they count as a personal benefit for the parent concerned in a competent Member State. In cases where family benefits in a place of residence and in a place of insurance overlap, Member States would be able to allow such personal benefits to be kept.

In the case that the entitled person lives in another Member State than his or her children and if this person does not meet his or her maintenance obligations, the competent authorities could - according to the Commission's proposal - no longer provide the benefit directly to the children or the other parent. This situation should be avoided.

Reporters of European media organisations posted to another Member State: reporters of European media organisations posted to another Member State may choose between application of the legislation of the Member State in which they are employed, of the Member State of which they are nationals or of the Member State in which their principal employer is based.

Portable documents: the report also supported the Commission in its intention to **standardise the issuance procedures, format and content of portable documents** certifying membership of a social security scheme and to specify the situations in which such a document is issued and the procedures for its withdrawal when its accuracy and validity is contested by the institution of the Member State of employment.