


Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	1996/0001(COD) Procedure lapsed or withdrawn
Social security: beneficiaries of pre-retirement benefits	
Subject 4.10.10 Social protection, social security	

Key players	
European Parliament	<p>Former committee for opinion</p> <p>JURI Legal Affairs, Citizens' Rights</p> <p>The committee decided not to give an opinion.</p>
Council of the European Union	

Key events			
09/01/1996	Legislative proposal published	COM(1995)0735	Summary
16/02/1996	Committee referral announced in Parliament, 1st reading		
10/09/1996	Vote in committee, 1st reading		Summary
09/09/1996	Committee report tabled for plenary, 1st reading	A4-0278/1996	
28/11/1996	Debate in Parliament		
28/11/1996	Decision by Parliament, 1st reading	T4-0655/1996	Summary
01/09/1999	Vote in committee, 1st reading		
31/08/1999	Committee report tabled for plenary confirming Parliament's position	A5-0006/1999	
16/09/1999	Decision by Parliament, 1st reading	T5-0012/1999	Summary
11/12/2001	End of procedure in Parliament		
11/12/2001	Additional information		Summary

Technical information	
Procedure reference	1996/0001(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation

Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 308; EC Treaty (after Amsterdam) EC 042
Stage reached in procedure	Procedure lapsed or withdrawn

Documentation gateway

Legislative proposal		COM(1995)0735 OJ C 062 01.03.1996, p. 0014	10/01/1996	EC	Summary
Economic and Social Committee: opinion, report		CES0882/1996 OJ C 295 07.10.1996, p. 0039	10/07/1996	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0278/1996 OJ C 347 18.11.1996, p. 0004	10/09/1996	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0655/1996 OJ C 380 16.12.1996, p. 0016-0089	28/11/1996	EP	Summary
Reconsultation		SEC(1999)0581	28/04/1999	EC	
Committee final report tabled for plenary, 1st reading/single reading		A5-0006/1999 OJ C 054 25.02.2000, p. 0010	01/09/1999	EP	
Text adopted by Parliament confirming position adopted at 1st reading		T5-0012/1999 OJ C 054 25.02.2000, p. 0055-0075	16/09/1999	EP	Summary

Additional information

European Commission	EUR-Lex
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Social security: beneficiaries of pre-retirement benefits

OBJECTIVE: to amend Regulations (EEC) Nos 1408/71 and 574/72 on social security schemes for employed and self-employed persons and members of the families moving within the Community with a view to inserting a new chapter on pre-retirement benefits. The aim is to enable workers in receipt of pre-retirement benefits in one Member State to transfer those benefits when they move to a new place of residence in another member State. SUBSTANCE: The proposal for a Regulation: - includes a new chapter on pre-retirement benefits, which it defines as 'cash benefits for elderly employed persons who have become unemployed, either compulsorily or voluntarily, ensuring those concerned of an income substitution benefit until the age at which they qualify for an old-age pension'. These benefits may be paid under a statutory scheme or an agreement covering all employed persons or certain occupational groups. They may be funded by the State or another source and are payable: . subject to conditions relating to the age of the employed person, . whether the cessation of employment was voluntary or otherwise, . without any obligation to remain available to the employment services of the Member State concerned (the justification for the export of benefits hinges on this decisive point). The scope of the Regulation also extends to schemes under collective agreements, which have traditionally been excluded from Community rules; - establishes the principle whereby workers who qualify for pre-retirement benefits in the Member State responsible for payment may export those benefits when they move to a new place of residence in another Member State. This principle constitutes 'export of benefits' as opposed to their payment by the appropriate institution in the country of residence (bearing in mind not least that not every country has pre-retirement schemes). Provision is made to allow a worker to export benefits if, at the time of his last employment, he lived in a Member State other than the State responsible for payment. However, the institution in the place of residence, which, as a matter of course, bears the cost of unemployment benefits for workers in the above category, will be called upon to pay an amount not exceeding that due under normal circumstances by way of reimbursement to the institution responsible for pre-retirement benefits; - lays down the principle that the institution in the Member State of residence must carry out checks to ascertain whether the person concerned still satisfies the conditions required in order to retain his entitlement to the benefits provided for by the law of the Member State responsible for payment; - will apply without prejudice to national provisions debarring the concurrent drawing of benefits, thus reducing the amount of pre-retirement benefits in cases where a person in receipt of such benefits is carrying on an occupation, even on the territory of another Member State; - guarantees that health insurance benefits and family allowances can be paid to workers and members of their families; - ensures that the aggregation of insurance or employment periods and the calculation of benefits will be subject to the rules governing unemployment benefits. ?

Social security: beneficiaries of pre-retirement benefits

As regards the reasons for the proposal, the Committee endorses the Commission's attempt to ease the situation on the labour market and promote free movement within the Community. The Committee regrets, however, that the proposed procedures would be complex and costly to implement, and would still not guarantee effective checks, particularly on whether pre-retirement benefit payment beneficiaries were

engaged in gainful employment. It notes that recognition of the right to export benefits would involve extending the regulation to collective agreements, and would call on the Commission to ensure that implementation of the measures does not prejudice the independence of those who have signed collective agreements.?

Social security: beneficiaries of pre-retirement benefits

The social affairs committee has approved a Commission proposal designed to extend the scope of EU social security legislation to pre-retirement benefits. If approved by Parliament and Ministers, millions of EU migrant workers who are paid such benefits in the country where they worked will be able to return home and continue to receive the payments. Sergio RIBEIRO who is responsible for drawing up the committee's report said that the method for the calculation of benefits proposed by the Commission, which is based on the last salary drawn by the person concerned was the best way of ensuring that the acquired rights of migrant workers were protected. ?

Social security: beneficiaries of pre-retirement benefits

*In adopting the report by Mr Sergio RIBEIRO (GUE, P), Parliament approved the Commission proposal. It emphasized the need to foster and develop cooperation between Member States with a view to finding solutions to the specific social security problems experienced by frontier workers, with particular regard to contributions and the right to payments and benefits. ?

Social security: beneficiaries of pre-retirement benefits

The European Parliament confirmed its first reading in the context of the codecision procedure of the text it adopted on 28.11.1996 concerning this proposal for a regulation.?

Social security: beneficiaries of pre-retirement benefits

The Directorates General or responsible departments have asked for this proposal to be withdrawn. The reasons are indicated as follows: A) for objective reasons (change of de facto situation, objectives already achieved by other means, etc) B) because the Commission has now adopted another approach : - the proposal is replaced implicitly, - a new proposal is in preparation, - no planned replacement.?