

# Procedure file

| Basic information   |                               |
|---|-------------------------------|
| COD - Ordinary legislative procedure (ex-codecision procedure)<br>Regulation            | Procedure lapsed or withdrawn |
| Social security: extension to employed persons of third countries resident in the Union |                               |
| Subject<br>4.10.10 Social protection, social security                                   |                               |

| Key players                   |  |                      |            |
|-------------------------------|--|----------------------|------------|
| European Parliament           |  |                      |            |
|                               |  |                      |            |
|                               |  |                      |            |
| Council of the European Union | Council configuration  | Meeting              | Date       |
|                               | <a href="#">Employment, Social Policy, Health and Consumer Affairs2431</a> |                      | 03/06/2002 |
|                               | <a href="#">Employment, Social Policy, Health and Consumer Affairs2392</a> |                      | 03/12/2001 |
| European Commission           | Social Affairs   | <a href="#">2226</a> | 29/11/1999 |
|                               | Commission DG  | Commissioner         |            |
|                               | <a href="#">Employment, Social Affairs and Inclusion</a>                   |                      |            |

| Key events |  |                              |         |
|------------|--|------------------------------|---------|
| 11/11/1997 | Legislative proposal published                                       | COM(1997)0561                | Summary |
| 16/01/1998 | Committee referral announced in Parliament, 1st reading              |                              |         |
| 03/09/1998 | Vote in committee, 1st reading                                       |                              | Summary |
| 02/09/1998 | Committee report tabled for plenary, 1st reading                     | <a href="#">A4-0302/1998</a> |         |
| 06/10/1998 | Decision by Parliament, 1st reading                                  | T4-0535/1998                 | Summary |
| 01/09/1999 | Vote in committee, 1st reading                                       |                              |         |
| 31/08/1999 | Committee report tabled for plenary confirming Parliament's position | <a href="#">A5-0006/1999</a> |         |
| 16/09/1999 | Decision by Parliament, 1st reading                                  | <a href="#">T5-0012/1999</a> | Summary |
| 29/11/1999 | Debate in Council  | <a href="#">2226</a>         |         |
| 03/06/2002 | Debate in Council  | <a href="#">2431</a>         | Summary |
| 06/08/2004 | Additional information   |                              | Summary |

| Technical information |
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| Procedure reference        | 1997/0320(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  |
| Committee dossier          | EMPL/4/10985; EMPL/4/09664   |

#### Documentation gateway

|   |  |  |            |     |         |
|---|--|--|------------|-----|---------|
| Legislative proposal  |  | <a href="#">COM(1997)0561<br/>OJ C 006 10.01.1998, p. 0015</a>     | 12/11/1997 | EC  | Summary |
| Economic and Social Committee: opinion, report                        |  | <a href="#">CES0450/1998<br/>OJ C 157 25.05.1998, p. 0030</a>      | 25/03/1998 | ESC |         |
| Committee report tabled for plenary, 1st reading/single reading       |  | <a href="#">A4-0302/1998<br/>OJ C 313 12.10.1998, p. 0008</a>      | 03/09/1998 | EP  |         |
| Text adopted by Parliament, 1st reading/single reading                |  | <a href="#">T4-0535/1998<br/>OJ C 328 26.10.1998, p. 0015-0023</a> | 06/10/1998 | EP  | Summary |
| Reconsultation  |  | <a href="#">SEC(1999)0581</a>                                      | 28/04/1999 | EC  |         |
| Committee final report tabled for plenary, 1st reading/single reading |  | <a href="#">A5-0006/1999<br/>OJ C 054 25.02.2000, p. 0010</a>      | 01/09/1999 | EP  |         |
| Text adopted by Parliament confirming position adopted at 1st reading |  | <a href="#">T5-0012/1999<br/>OJ C 054 25.02.2000, p. 0055-0075</a> | 16/09/1999 | EP  | Summary |

#### Additional information

|                     |                         |
|---------------------|-------------------------|
| European Commission | <a href="#">EUR-Lex</a> |
|---------------------|-------------------------|

## Social security: extension to employed persons of third countries resident in the Union

OBJECTIVE : to extend to nationals of non-member countries the system of coordination of social security schemes established under Regulation 1408/71/EEC. CONTENT : In keeping with the conclusions of the Veil Report on the free movement of persons (see Fiche de Procédure COS0544), the Commission proposes to extend to nationals of non-member countries the Community coordination of social security schemes laid down by Regulation 1408/71/EEC and currently applicable to employed and self-employed Community workers who are insured in one of the Member States. Through this amendment the Commission will ensure that the 13 million persons from non-member countries legally resident in the Member States are protected under the rules of coordination of Regulation 1408/71/EEC and will therefore be able to guarantee them equality of treatment. The purpose of the scheme is: - to assure non-member country nationals who are legally resident in a Member State and registered in the social security system of that country that they will not lose their rights simply because they are moving into another Member State, - to prevent the problems of double deduction of contributions, - to simplify and clarify the legal rules which currently apply to such persons by means of a single and obligatory legal instrument which is directly applicable in each Member State. In the area of social security allowances the extension of Regulation 1408/71/EEC would only have a limited effect since it only concerns the "internal" (and therefore intra-Community) coordination of social security schemes (for example: the totalization of senior citizens' or invalidity allowances within the Community). In conjunction with this, the extension of Regulation 1408/71/EEC to nationals of non-member countries would not grant the persons involved any right of entry, stay or residence, or access to employment, in a Member State. Finally, the proposal provides for a certain number of temporary measures which seek to prevent those concerned from losing rights by the mere fact of the regulation entering into force. ?

## Social security: extension to employed persons of third countries resident in the Union

By adopting a report by Christine ODDY (PES, UK), the Committee gave its full support to a Commission proposal extending the provisions of Regulation (EEC) 1408/71 to third-country nationals legally resident in a Member State. Regulation 1408/71 coordinates national social security systems so that the employed and the self-employed as well as their family members may export their acquired social security rights if they move to another Member State. According to the rapporteur, the proposal is fair to 13 million non-EU nationals established in the

European Union. In addition, it provides greater legal and administrative coherence. Being covered by the Regulation, however, does not constitute a right for non-EU nationals to enter, stay or work in another Member State.?

## Social security: extension to employed persons of third countries resident in the Union

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In adopting without debate the report by Ms Christine ODDY (PSE, UK), the European Parliament lent its complete support to the Commission proposal to extend the provisions of Regulation (EEC) No 1408/71 to nationals of third countries legally resident in a Member State. According to the European Parliament, this proposal serves to extend fair treatment to 13 million third-country nationals resident within the European Union and ensure greater legal and administrative coherence.?

## Social security: extension to employed persons of third countries resident in the Union

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The European Parliament confirmed its first reading in the context of the codecision procedure of the text that it adopted on 06.10.1998 concerning this proposal for a regulation.?

## Social security: extension to employed persons of third countries resident in the Union

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On the basis of a Presidency compromise, the Council agreed on a general approach on the text of the Regulation extending the provisions of Regulation 1408/71/EEC to nationals of third countries who are legally resident in the Community and are not already covered by those provisions solely on the ground of their nationality. Once the Parliament has delivered its Opinion, the Council can formally adopt the text at a forthcoming meeting. The text of the compromise essentially responds to the desire of two delegations to maintain their current practice whereby the status of nationals of third countries is not fully equivalent to that of Community citizens. The compromise accordingly allows those delegations certain limited derogations concerning the inclusion of family benefits in the material scope of the Regulation.?

## Social security: extension to employed persons of third countries resident in the Union

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As this proposal is no longer of topical interest, it has been withdrawn by the Commission.