

Procedure file

Basic information	
CNS - Consultation procedure Regulation	1994/0111(CNS) Procedure completed
Social security: employed persons, self-employed persons and their families (amend. Regul. 1408/71/EEC)	
Subject 4.10.10 Social protection, social security	

Key players							
European Parliament							
Council of the European Union	<table border="1"> <thead> <tr> <th>Council configuration</th> <th>Meeting</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Fisheries</td> <td>1899</td> <td>22/12/1995</td> </tr> </tbody> </table>	Council configuration	Meeting	Date	Fisheries	1899	22/12/1995
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Fisheries	1899	22/12/1995					

Key events			
19/04/1994	Legislative proposal published	COM(1994)0135	Summary
21/07/1994	Committee referral announced in Parliament		
15/05/1995	Vote in committee		Summary
14/05/1995	Committee report tabled for plenary, 1st reading/single reading	A4-0107/1995	
13/06/1995	Decision by Parliament	T4-0280/1995	Summary
25/06/1995	Modified legislative proposal published	COM(1995)0284	Summary
22/12/1995	Act adopted by Council after consultation of Parliament		
22/12/1995	End of procedure in Parliament		
30/12/1995	Final act published in Official Journal		

Technical information	
Procedure reference	1994/0111(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC before Amsterdam E 051; EC before Amsterdam E 235
Stage reached in procedure	Procedure completed

Documentation gateway

Legislative proposal		COM(1994)0135 OJ C 143 26.05.1994, p. 0007	20/04/1994	EC	Summary
Economic and Social Committee: opinion, report		CES1009/1994 OJ C 393 31.12.1994, p. 0075	14/09/1994	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0107/1995 OJ C 151 19.06.1995, p. 0014	15/05/1995	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0280/1995 OJ C 166 03.07.1995, p. 0017-0024	13/06/1995	EP	Summary
Modified legislative proposal		COM(1995)0284 OJ C 242 19.09.1995, p. 0007	26/06/1995	EC	Summary

Additional information

European Commission	EUR-Lex
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Final act

Regulation 1995/3095 OJ L 335 30.12.1995, p. 0001 Summary

Social security: employed persons, self-employed persons and their families (amend. Regul. 1408/71/EEC)

This proposal aimed to amend Regulation (EEC) No 1408/71 concerning the application of social security schemes to employees, the self-employed and members of their families who moved between Member States within the Community, its implementing regulation, Regulation (EEC) No 574/72, Regulation (EEC) No 1247/92 amending Regulation (EEC) No 1408/71 and Regulation (EEC) No 1945/92 amending Regulation (EEC) No 1247/92. It involved adapting these texts in light of certain amendments to the form, substance and administrative nature that had occurred in national legislations, taking account of bilateral agreements concluded between the Member States, and improving coordination. ?

Social security: employed persons, self-employed persons and their families (amend. Regul. 1408/71/EEC)

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Social security: employed persons, self-employed persons and their families (amend. Regul. 1408/71/EEC)

The commission's social action programme came up again at the meeting when the committee unanimously adopted a report by Mrs Ria OOMEN-RUIJTEN (EPP, NL) on the application of social security schemes to employees, the self-employed and members of their families who move between Member States within the Community. The report contains a batch of amendments to a Commission proposal updating Community legislation in this area. The amendments will improve social security cover for various categories of Community citizen. The committee had been holding up its adoption of the report because the Commission had wanted to deal with Parliament's amendments in its social action programme rather than incorporate them in the proposal currently before the committee. The committee, however, was not satisfied that this approach would bring sufficiently swift results. It wanted action now in the current proposal. Mrs OOMEN-RUIJTEN announced that a breakthrough had been made in the committee's negotiations with the Commission, which had now agreed in writing to incorporate three of Parliament's amendments in the current proposal. She said: "For the first time we have something down on paper from the Commission side. Before, it was just pious words". One committee amendment accepted by the Commission seeks to extend health care benefits to the subjects of third countries legally employed and resident in a Member State - as well as to their families - if they become temporarily resident in another Member State. The two other committee amendments accepted by the Commission seek to guarantee health care for frontier workers and pensioned frontier workers (and their families) in the Member State in which they work or used to work. At present frontier workers are shunted between the country in which they reside and the country where they work in an attempt to secure payment of the health care benefits to which they and their families are entitled. In many cases, neither country wants to assume responsibility for the

payments. The amendments proposed by the committee are intended to help citizens who are suffering serious financial problems as a result of this situation. Other committee amendments, which the Commission proposes to deal with in different ways (eg by incorporating them in the social action programme), cover the possible introduction of a personal card providing Europe's citizens with health insurance cover throughout the Union and a provision designed to bring civil servants within the scope of the legislation. ?

Social security: employed persons, self-employed persons and their families (amend. Regul. 1408/71/EEC)

The European Parliament approved this proposal subject to the following amendments; - it firstly extended significantly its scope since the regulation would no longer apply only to employed persons, self-employed persons and members of their families moving within the Community but to all those who were insured. To confirm this, the EP amended the title of the regulation to "Regulation (EEC) No 1408/71 on the application of social security schemes to persons moving within the Community"; - it also extended the scope of the regulation to include all early retirement arrangements (exact definition of "early retirement allowance"); - the EP laid down the rule stating that when a retired person resided in a Member State other than the Member State responsible for his health care and was staying temporarily in the latter, his medical costs during the stay should be covered by that same Member State; - Parliament also extended the health care benefits to subjects of third countries legally working and residing in a Community country; - furthermore, the EP guaranteed health care benefits for retired frontier workers and members of their families. Equally, it called for greater cooperation between Member States with a view to finding solutions for problems concerning the social security of frontier workers; - it also extended the scope of the regulation to cover national civil servants and similar employees benefiting from special arrangements; - the EP called on the Commission to submit proposals to introduce a European health care card with effect from 1 January 1997; - finally, the EP did away with the administrative costs relating to the payment of the total amounts. ?

Social security: employed persons, self-employed persons and their families (amend. Regul. 1408/71/EEC)

In its amended proposal, the Commission incorporated several of the amendments tabled by the EP: - family members of frontier workers could now choose to receive social security benefits in the competent State or the State of residence, as could the frontier worker himself. As a result, previous authorisation was no longer required; - persons other than employed persons, self-employed persons and subjects of third countries, insured under the legislation of a Member State, could benefit from the provisions of the regulation concerning immediate health care; - persons entitled to a pension, who were formerly frontier workers, and members of their families could benefit from health care in the Member State of residence and in the State in whose territory they worked. ?

Social security: employed persons, self-employed persons and their families (amend. Regul. 1408/71/EEC)

OBJECTIVE: Regulations 1408/71/EEC and 574/72/EEC are amended in order to take account of changes made by Member States to their social-security legislation and to introduce a number of technical amendments designed to extend existing Community legislation in this area. - COMMUNITY MEASURE: Council Regulation (EEC) No 3095/95 amending Regulation (EEC) No 1408/71 concerning the application of social security schemes to employees, the self-employed and members of their families who move between Member States within the Community, Regulation (EEC) No 574/72 laying down the conditions for the application of Regulation (EEC) No 1408/71, Regulation (EEC) No 1247/92 amending Regulation (EEC) No 1408/71 and Regulation (EEC) No 1945/93 amending Regulation (EEC) No 1247/92. - SUBSTANCE: The main amendments concern the following points: . to extend the benefits provided under Regulation (EEC) No 1408/71 in respect of immediate health care for all non-member country nationals who are insured under the legislation of a Member State and for family members who reside with them, even if their status is not that of an employee or self-employed worker, in order to facilitate temporary residency and access to health care with the authorisation of the institution concerned, in the territory of the Community; . insofar as a worker who is fully unemployed is entitled to sickness and maternity benefits and family allowances, and to the validation of periods of unemployment in respect of disability and old-age pensions, in the State in which he or she is resident, to make provision for the State concerned to deduct national insurance contributions relating to this type of benefit; . to ensure that a family will not lose its right to family allowances due to short-term statutory time limits for claiming. The remaining amendments are all of a technical nature: . consolidation of transitional arrangements relating to special non-contributory benefits, . consideration of amendments of an interpretative or internal nature which have been made to the legislation of certain Member States in the field of social security, as well as of bilateral agreements made between Member States, in order to extend Community legislation in this area. - ENTRY INTO FORCE: apart from certain specific points, for which the application of the regulation is put back to 01.01.1998 (and in the case of France to 01.01.2002), the regulation shall take effect on 01.01.1996. ?