



## Editorial

Dear **trESS** friends,



It is with great pleasure that I present to you this **trESS** e-newsletter, the first one of **trESS** 2012 and the first issue of our renewed newsletter with a more attractive lay-out and with an increased user friendliness.

In this edition, we will present you the activities you can expect from the project in the current working year, which will be filled with interesting events and publications on EU social security coordination. The analytical branch of the network will focus on burning issues like the coordination of benefits with activation measures and the coordination of long-term care benefits. Also the Regulation chapter on unemployment benefits will be evaluated to identify possible solutions for a simplified and more efficient coordination of such benefits.

Of course, we are also eager to present you the new round of **trESS** seminars. We are confident that they will be as fruitful and enjoyable as last year. In 2012, 9 seminars will be organised in the framework of or with the support of the project. Two of them will be bilateral seminars, a concept that has already proved to be very inspiring.

The website and communication activities will also be extended, as the regular updates and standard communication tools will be supplemented by dynamic social media pages on Facebook and LinkedIn. Although you have already confirmed to be a friend of **trESS** by subscribing to our e-Newsletter, these new initiatives will really allow you to connect with the **trESS** family. I would like to warmly invite you to discover the advantages of our new networking tools and to actively contribute.

Besides the presentation of our **trESS** activities, we can only present you one ECJ case on a very specific topic, namely the application of the Regulation to the continental shelf of a Member State.

To conclude, we are proud to have had the possibility to interview Mr. Jackie Morin, head of Unit for “Free movement of workers and coordination of social security” of DG Employment, Social Affairs and Inclusion of the European Commission. He has taken the time to talk with our **trESS** reporter on the plans and strategies of the European Commission in the field of social security coordination.

I wish you a very pleasant read, and I hope you will find this new newsletter both informative and pleasurable.

Kind regards,

**Yves Jorens**  
Project Director



## Your latest update on European Social Security

### News from trESS > trESS 2012 kick-off

Reporting on the implementation of the coordination regulations at national level continues to be one of the most important activities of **trESS**. In the **trESS** III project, this yearly reporting can take two forms: either a general legal report, taking stock of the problems and issues arising in the Member States with regard to the application of the coordination regulations as a whole (the traditional “European report”, which was produced in 2011) or a thematic report on issues and problems arising in the Member States with regard to a specific topic concerning EU social security coordination (“Thematic report”). In either case, the reports are based on input from the national experts. In 2012, **trESS** will deliver a Thematic report on a topic that is in the debate in every Member State: the coordination of benefits with activation measures.

The **trESS** Think Tank will carry out legal strategic long-term analysis and examine whether and where the coordination rules need to be adapted in order to meet the goal of facilitating the free movement of persons. For 2012, the Think Tank will analyse current challenges with regard to the coordination of unemployment benefits, in particular insofar as the Articles 61, 64 and 65 of Regulation 883/2004 are concerned, and to identify possible solutions for a simplified and more efficient coordination of unemployment benefits.



Furthermore, **trESS** will contribute to an impact assessment with regard to the coordination of long-term care benefits. As a first step, **trESS** will analyse Member State replies to a questionnaire on long-term care prepared by the Secretariat of the Administrative Commission and present the results of this analysis at the AC meeting in June. This questionnaire seeks to collect feedback on the 2011 [Think Tank report](#), which presented several options to deal with problems connected with the coordination of long-term care. Subsequently, in consultation with the EC, the proposal(s) supported by the majority of the Member States will be further elaborated in a report to assess the impact of a possible legal reform. The main findings of this report will be presented to the AC.

Finally, **trESS** will produce a report on monitoring the use of the European Health Insurance Card (EHIC) in the EU/EEA/Switzerland in 2011. The report will also be based on an analysis of Member States’ replies to a questionnaire drawn up by the Secretariat of the Administrative Commission. The report will be written in Spring and be presented at the AC meeting in June.

Our statistical team will provide support to an ad hoc group to be set up in the Administrative Commission with a view to investigating the type of statistical data that should be collected in accordance with Article 91 of Regulation 987/2009 and write a statistical report containing a proposal for a limited set of key indicators and a statistical methodology for each of those indicators.

Of course, we will keep you in the loop on the result of all these activities via our various – traditional and new – communication channels.



# Your latest update on European Social Security

## News from trESS > trESS steps into the 21st century

Like every year, the various sections and databases of the **trESS** website will be kept up-to-date, but this year the website will undergo a **revamping** in order to make it more user-friendly and accessible.



Moreover, **trESS** keeps abreast of the times and has been introduced into the **social media**. To that end, a Facebook and a LinkedIn page have recently been set up and will be promoted through various channels. The content will basically include the materials from our E-newsletter and the website's news section, but it will also go broader and include any information related to social security coordination. To give you an example, our LinkedIn subscribers were the first to know that Regulation 883/2004 will apply to Switzerland as from 1 April 2012.

We warmly invite you to become a member of Facebook and/or LinkedIn and to contribute to the **trESS** pages by sharing any relevant national or European information with respect to social security coordination with the **trESS** network.

The social media pages will enable you to post messages and comments on cases or news items and to read the opinions of others. With the **trESS** social media pages, our network provides its members tools to enter into dialogue and debate on the matters at stake.

You can find the **trESS** social media pages via the Facebook and LinkedIn buttons on the homepage of our website [www.tress-network.org](http://www.tress-network.org).

## News from trESS > trESS seminar calendar 2012

	COUNTRY	DATE	CITY
	Bilateral Latvia/Lithuania	19 Apr	Riga
	Italy	30 May	Rome
	Greece	27 Jun	Athens
	Switzerland	28 Jun	Fribourg (CH)
	Bilateral Estonia/Finland	4 Sep	Tallinn
	Cyprus	24 Sep	Nicosia
	Spain	27 Sep	Seville
	Slovakia	9 Oct	Bratislava
<b>Seminar outside trESS scope, with logistical support from trESS</b>			
	Poland	15 Jun	Warsaw

This seminar calendar can also be found at the seminar section of our [website](#). The agenda of the different seminars will be posted ca. four weeks prior to the seminar date. Soon after the seminar, the PowerPoint presentations used at the seminar will be linked in the agenda.

You can register for participation in a seminar until three weeks before its date by completing an online subscription form available on the website.

Participation in **trESS** seminars is free of charge. Any travel and accommodation expenses cannot be borne by **trESS**.



## Your latest update on European Social Security

### Interview with Mr. Jackie Morin, head of Unit for “Free movement of workers and coordination of social security” in DG Employment, Social Affairs and Inclusion of the European Commission



Mr. Jackie Morin is head of Unit for “Free movement of workers and coordination of social security schemes” in the European Commission's Directorate-General for Employment, Social Affairs and Inclusion since 2008. Before, he was head of Unit for European social dialogue. We asked him to give us an insight into the current activities in his unit and the plans and strategies for the future.

**trESS: Mr. Morin, can you describe the position and role of your Unit within DG Employment, Social Affairs and Inclusion? In other words, what can you do for the European citizen?**

**J. Morin (JM):** The Unit is part of the Directorate in charge of employment, social legislation and social dialogue. It deals with the free movement of workers and the coordination of social security.

Both domains are part of the first acquis in the social field. Our mission is to contribute to the EU2020 strategy, in particular by promoting a better environment for intra-EU mobility and facilitating the functioning of the free movement of workers as a cornerstone of the internal market. Together with the 35 colleagues of the Unit, we do our best to ensure the rights of citizens moving within Europe. Our activities are directly linked to the daily life and interests of EU citizens. That makes working in this Unit very interesting.

**trESS: Do you receive a lot of questions and complaints from citizens?**

**JM:** Yes, we do. Actually, we receive the most questions and complaints in the DG. This amounts to 1.200 requests on average per year, of which most are directly addressed from the citizen to the European Commission. This is comforting, as it means that citizens find their way to European law and to the EU institutions. Especially migrant workers are confronted with Union law along their way and actively search for the right channels – sometimes via ‘Your Europe’, via EURES or via other organisations as go-betweens – to solve their problems. For many citizens, contacting the Unit constitutes the last resort to present and make their cases. They write to us after having been unsuccessful with national authorities and social security institutions. In doing so, they need to have a certain degree of awareness on the rights associated to EU law. Since 2008, a new system has been introduced by the European Commission for the introduction of individual complaints related to EU law. A single access point is available for citizens on the Europa website. On the total of formal complaints received by the European Commission last year, 7.5% were falling in the competence of DG Employment, and most of them were for my Unit.

**trESS: How do you react to such requests?**

**JM:** We are very grateful for the information they provide and for their trust in the European Commission. Through the cases they submit to our attention, they help us to identify the information gaps, the administrative problems or the misapplication of EU law. As already said, every year we get around 1.200 requests. Each of them receives an individualised answer and a vast number necessitate many verifications and clarifications (for example contact with national authorities or analysis of national schemes). In some cases, the trESS national experts are helping us to better understand the national rules through a flexible and ad hoc consultation mechanism. This is very helpful. One complaint results on average in the production of 4 to 5 letters, which illustrates the intensive follow-up that is given to every complaint. We also have very strict procedures in that regard, in order to help the citizen in the best possible way.

All our infringement procedures (around 50 ongoing) are based on individual complaints. Of course, some complaints only require a follow-up in order to merely inform the citizen about the applicable EU rules. In other cases, a contact with the concerned social security institution is needed in order to verify and possibly rectify the situation. In a third category of complaints we see a real problem and we start the infringement procedure.

**trESS: The new Regulations 883/2004 and 987/2009 are up and running. They seem not to have caused drastic transition issues. However, we must acknowledge that the Basic Regulation is almost 10 years old and that social security is a dynamic field. Do you already see a need for further adaptation in the near future?**

**JM:** There are two distinct dimensions in this question. First, the Regulations by their nature (coordination and not harmonisation) need constant updating to integrate national developments. This is why we propose regularly what is called ‘miscellaneous amendments’ which bring technical changes to the regulations and their annexes. The second aspect of the question is linked to the importance given to a number of structural changes: new forms of mobility, economic and social imbalances between the Member States, cohesion between the different social security systems and the evolution of the forms of social protection (cf. the employability paradigm).

Do these changes lead to needs to adapt the Regulations more fundamentally? The answer is yes, as we already know that the full potential of modernisation is not in place yet. At least on one chapter, unemployment, the modernisation exercise launched in 1998 needs to be reassessed taking benefit of the policy objective from the EU 2020 strategy on mobility and the new decision process brought by the Lisbon Treaty. But also in the field of long-term care, we are investigating how a better coordination could be achieved. We are investigating this with an open mind and try to identify a solution on the basis of a thorough impact assessment, comprising detailed data collection and consultation of stakeholders. But the simple answer is yes, we still see room for further improvement.



## Your latest update on European Social Security

**trESS:** One of the allegedly problematic issues often mentioned in daily practice is the current absence of special rules for the determination of the applicable legislation for the international transport sector. Is this indeed a problem and if so, how could it be solved?

**JM:** The determination of the legislation applicable in the field of international transport is by nature more difficult than for other sectors, due to the fact that the place of work constantly moves with the worker. A solution was found for air transport with the introduction of the home base rule in the context of the discussion of the last round of miscellaneous amendments. We expect the adoption next June. We are monitoring the situation in the other international transport sectors and will assess with the Administrative Commission if action is needed in this field. However, at the moment we do not have the evidence that immediate action is needed.

**trESS:** One of the main changes of the modernisation exercise under the new coordination framework was the electronic exchange of data, now known as the EESSI-system. When and how will we feel this new instrument in daily life?

**JM:** As of May 2014, social security institutions will not be authorised anymore to use paper forms, as every exchange between the institutions should be dealt with electronically. However, the electronic exchange in social security coordination is much more than introducing a new technology. I'm convinced it will produce a revolution in the way the coordination operates. It will create the conditions for a better capacity to react, to instruct individual dossiers (e.g. for old-age pensions) with shorter deadlines, for higher data security and less errors. It will also guarantee a better national application of the regulations and extend the need to give more extensive information to citizens. It will open up possible new developments such as real time service extensions. In future phases, this would enable e.g. on-line checks of the validity of an EHC by a doctor or of an A1 document by the labour inspectorates.

Building such a system is challenging, especially because the national IT systems are as varied as their social security schemes and bridging them requires a lot of feedback and consultation from the users. We are in the phase of adapting the product specifications to the Member States' needs in order to put in place a robust and well accepted messaging system between the 15.000 institutions dealing with coordination in Europe. This has caused a delay for the launching of EESSI, but that is to ensure that the system is fully adapted to the needs of the institutions that will have to work with it on a daily basis.

**trESS:** Are there any other plans or strategies on the table with regard to social security coordination?

**JM:** There are several issues on which we are actively working. Let me mention one of them. The Commission will, on the day of publication of this newsletter, publish a Communication on the External Dimension of EU Social Security Coordination and 4 proposals for Council Decisions. The Commission's Communication underlines that there is a fragmented approach to social security coordination as regards the rest of the world. It emphasises the need for strengthened cooperation between Member States on bilateral social security agreements made with non-EU countries, e.g. in the field of fraud and error. It promotes the development of a common EU approach. One possibility suggested is the conclusion of EU social security agreements with selected third countries. In addition, the Commission proposes the adoption of four Council decisions concerning the EU position on social security coordination with Albania, Montenegro, San Marino and Turkey.

**trESS:** On a more general level, do you see a special role for social security coordination in current times of economic crisis?

**JM:** Certainly. Social security coordination is mentioned in almost all recent EU policy papers. Making progress in the achievement of the internal market including the dimension of free movement of workers is a prerequisite for the improvement of economic conditions. Social security coordination is contributing to the overall performance by making a better allocation of labour possible, by enabling transnational qualification acquisition and by guaranteeing the free choice of the place for retirement. The coordination is a unique mechanism which brings together freedom and security, which opens the range of choices and opportunities for European citizens and, at the same time protects their social security rights.

**trESS:** One of the hot topics in social security systems is the activation of the population. Do such measures interfere with smooth social security coordination?

**JM:** Activation of social protection policies is seen at European level as a means to fight poverty traps. However, we have to look carefully at the impact of the inclusion of activation mechanisms in social security schemes and this is why we have asked the trESS network to produce a report this year on that topic.

**trESS:** Social security coordination is a very complex and technical matter, but it touches upon the lives of many citizens. How do you make sure that the message of its importance reaches the streets of Europe?

**JM:** During the last years, we have tried to improve our information and communication tools. I'm sure you have seen our [viral clips on EHC](#) which were top listed in several occasions. We have totally rebuilt our website, integrating some material prepared by trESS such as the glossary of keywords and a FAQ of the trESS e-learning tool. Several of our publications are real "best sellers" and are available for free. We plan to continue to invest in bringing the information closer to the citizens and are developing a network of national communication officers in charge of social security coordination in the Member States. We will also take an active part in the 2013 European year on citizenship. Finally, in order to stimulate public awareness raising actions as well as activities improving exchanges between social security institutions in the Member States, we have launched a new call for proposals on "Actions for Cooperation and Information on Social Security Coordination" (see "News from the Commission" in this e-newsletter for more information). In other words, we do the maximum to get our message across.

**trESS:** Thank you very much!



### News from the ECJ > (Case C-347/10) A. Salemink v Raad van Bestuur van het Uitvoeringsinstituut werknemersverzekeringen

> Download Case : <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62010CJ0347:EN:HTML>

The reference has been made in proceedings between Mr Salemink, a Netherlands national who had worked on a gas-drilling platform on the continental shelf adjacent to the Netherlands and was resident in Spain, and the Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen (Management Board of the Employee Insurance Agency), concerning its refusal to grant Mr Salemink invalidity benefit.



Mr Salemink, a Netherlands national has worked on a gas-drilling platform of the company Nederlandse Aardolie Maatschappij. The platform is located outside the Netherlands' territorial waters, on the continental shelf adjacent to the Netherlands, approximately 80 km from its coast. He moved his residence to Spain. After his move, Mr Salemink no longer satisfied the residence condition laid down in Dutch legislation and, therefore, he was excluded from the compulsory insurance, in particular from insurance against incapacity for work. He failed to take out voluntary insurance. After reporting sick, Mr Salemink applied for a Dutch incapacity benefit. That application was refused by the Employee Insurance Agency on the ground that, on the date on which he had become

incapacitated for work, he was not compulsorily insured. Since Mr Salemink had resided outside the Netherlands, it took the view that he was no longer compulsorily insured as from that date.

When the case reached the Amsterdam Court, it decided to stay the proceedings and to ask the Court of Justice whether the provisions of Regulation 1408/71 and Article 39 EC must be interpreted as precluding an employee, working on a fixed installation on the continental shelf adjacent to a Member State, from being in a position in which he is not compulsorily insured under national statutory employee insurance in that Member State solely on the ground that he is not resident there but in another Member State. In that connection, under Article 13(2)(a) of Regulation 1408/71, a person employed in the territory of one Member State is to be subject to the legislation of that State even if he resides in the territory of another Member State. However, the Netherlands Government and the UWV submitted that the territorial scope of Regulation 1408/71 is restricted to the national territory. The national court was also uncertain whether EU law is applicable to the continental shelf in question.

In that regard, the ECJ made reference to the rules and principles of international law relating to the legal regime applicable to the continental shelf. Citing the International Court of Justice and the provisions of the Convention on the Law of the Sea, the Court held that, since a Member State has sovereignty over the continental shelf adjacent to it, work carried out on fixed or floating installations positioned on the continental shelf, in the context of the prospecting and/or exploitation of natural resources, is to be regarded as work carried out in the territory of that State for the purposes of applying EU law. A Member State which takes advantage of the economic rights to prospect and/or exploit natural resources on that part of the continental shelf which is adjacent to it cannot avoid the application of the EU law provisions designed to ensure the freedom of movement of persons working on such installations.

Being established that EU law, and in particular Regulation 1408/71, is applicable to the continental shelf adjacent to a Member State, these provision could be applied to the situation of Mr Salemink. Article 13(2)(a) of Regulation 1408/71 expressly provides that a person employed in the territory of one Member State is to be subject to the legislation of that State 'even if he resides in the territory of another Member State'. That provision would not be complied with if the residence condition laid down by the legislation of the Member State in whose territory the person is employed for affiliation to the compulsory insurance scheme which it establishes could be relied on against the persons referred to in Article 13(2)(a). With regard to those persons, the effect of that provision is to replace the residence condition with a condition based on employment in the territory of the Member State concerned.

Consequently, national legislation which lays down that it is the residence criterion which determines whether or not an employee working on a gas-drilling platform on the continental shelf adjacent to a Member State may benefit from compulsory insurance in that Member State is contrary to Article 13(2)(a) of Regulation 1408/71. Moreover, the option of taking out voluntary insurance open to Mr Salemink cannot invalidate that conclusion. The steps which non-resident workers wishing to take out voluntary insurance must take on their own initiative, and the constraints associated with such insurance, such as complying with time-limits for applying for insurance, are factors which place non-resident workers – who have the option only of voluntary insurance – in a less favourable position than resident workers, who are covered by compulsory insurance.



## Your latest update on European Social Security

### News from the Commission > Bridging the gap between Denmark and Sweden



In 2010, the European Commission launched a call for proposals to financially support transnational actions aimed at improving citizens' knowledge on their rights and obligations in the field of social security when moving within Europe. Thomas Steffensen, Acting Head of Secretariat of the [Øresunddirekt association](#), gives some insights into the project they ran in 2011 for cross-border workers in the [transnational Danish and Swedish Øresund region](#).

#### ***Why did you target cross-border workers in Denmark and Sweden?***

Since the Øresund bridge between Denmark and Sweden was inaugurated in 2000, the number of commuters has steadily risen. Today, about 20,000 people commute daily between the two countries. These people enter a new labour market where they must learn the language and adapt to the working culture; but they also face new rules and administrative structures. Oresunddirekt has provided public information targeted at commuters for the past 10 years, covering for instance, family benefits, old-age pensions, tax systems, etc.

#### ***What actions did you carry out to provide information to this specific audience?***

We chose to [produce a series of cartoons which describe the rules](#) concerning old-age pensions, maternity leave and family benefits. This information was already available on our website but the cartoons allowed us to describe complex legislation in a far more pedagogical way. They were reassuring for the citizens: "There is someone who understands the rules and actually strives to convey them to me." I think this is an important signal to send.

Moreover, Oresunddirekt organised a conference for case-handlers from the authorities of both countries. It gave them the opportunity to network and learn more about the impact on their daily work of the new regulations on the coordination of social security systems, which apply since 1 May 2010. It may sound strange that we spend time "educating" the authorities rather than doing something concrete for citizens. But at the end of the day, people turn to them when claiming their family benefits etc.

#### ***What do you think is the main achievement of the project? Can the project be used as a model for other regions?***

I think we managed to convey how important it is for cross-border workers to be part of the European Union: there are rules which protect them when they work abroad. Hopefully this will contribute to building an integrated labour market within the EU.

Metaphorically speaking, we have to establish a "comfort zone", where people feel confident about moving across borders. In this respect, the project has been of great value. I hope that other border regions in the EU will now take on the challenge. It is not "rocket science" but it is extremely important. One should never forget that even the largest picture consists of a multitude of small details: we should never lose sight of the citizens' perspective.



## Your latest update on European Social Security

### News from the Commission > EU calls for comments on PROGRESS programme

The European Commission is inviting individuals, organisations and institutions that follow policy debate in the field of employment and social affairs, as well as those involved in national and EU policy-making or implementation, to contribute to the performance monitoring of the PROGRESS Programme by participating in the Annual Survey 2011.

PROGRESS is an EU employment and social solidarity programme which works alongside the European Social Fund. It was established to financially support the implementation of EU objectives in the fields of employment and social affairs and consequently contributes to achieve the [Europe 2020](#) strategic objectives.

PROGRESS supports policy and legislation development and implementation in five separate, yet closely interlinked policy sections: employment, social protection and social inclusion, working conditions, anti-discrimination and gender equality.

PROGRESS is strongly committed to results-based management, which involves the continuous measurement of the programme's progress towards its objectives, as well as reporting and taking action to improve its performance. This online survey has been designed to collect data on the programme's performance and is executed on behalf of the Commission by an external contractor (Public Policy and Management Institute).

All interested participants are invited to contribute to this performance monitoring process by filling an [online questionnaire](#). It should take approximately 15 minutes to complete a questionnaire. Responses to this survey are strictly confidential and will not be divulged to anyone.



## Your latest update on European Social Security

### News from the Commission > EU sets out plans for adequate, safe and sustainable pensions

The European Commission has published a White Paper on adequate, safe and sustainable pensions. It looks at how the EU and the Member States can work to tackle the major challenges that confront our pension systems. It puts forward a range of initiatives to help create the right conditions so that those who are able can continue working - leading to a better balance between time in work and time in retirement; to ensure people who move to another country can keep their pension rights; to help people save more and ensure that pension promises are kept and people get what they expect in retirement.

Coinciding with the [2012 European Year for Active Ageing and Solidarity between Generations](#), the White Paper builds on the results of a wide consultation, launched in July 2010. It cuts across different policy areas and is fully in line with the Commission's 2012 [Annual Growth Survey](#). The measures at European level will support and complement national pension reforms. The White Paper proposes, in particular, to:

- Create better opportunities for older workers by calling on the social partners to adapt work place and labour market practices and by using the [European Social Fund](#) to bring older workers into work;
- Develop complementary private retirement schemes by encouraging social partners to develop such schemes and encouraging Member States to optimise tax and other incentives;
- Enhance the safety of supplementary pension schemes, including through a revision of the directive on Institutions for Occupational Retirement Provision (IORP) and better information for consumers;
- Make supplementary pensions compatible with mobility, through legislation protecting the pension rights of mobile workers and by promoting the establishment of pension tracking services across the EU;
- Encourage Member States to promote longer working lives, by linking retirement age with life expectancy, restricting access to early retirement and closing the pension gap between men and women;
- Continue to monitor the adequacy, sustainability and safety of pensions and support pension reforms in the Member States.

### News from the Commission > Commission asks Malta to stop cuts to civil service pensions from other Member States

The European Commission has requested Malta to stop reducing Maltese old-age pensions by the amount of civil servant pensions received from other Member States. Maltese legislation provides that Maltese statutory old-age pensions are partly decreased by the sum of service pensions paid for past services in Malta or abroad. Such a practice breaches social security coordination rules of the European Union as all pensions based on national legislation, such as civil service pensions, fall under the protection of the EU rules on social security coordination. This prohibits the application of national rules on suspension and reduction of benefits to a pension calculated under social security coordination rules.

The request takes the form of a 'reasoned opinion' under EU infringement procedures. Malta now has two months to inform the Commission of measures it has taken to bring its legislation into line with EU law. Otherwise, the Commission may decide to refer Malta to the EU's Court of Justice.



## Your latest update on European Social Security

### News from the Commission > Ironing out cross-border workers' sickness benefits



EU citizens working in one country but living across the border are at the heart of an EU-funded project called SSCALA, on the coordination of social security systems in the France-Belgium-Luxembourg-Germany border regions.

Keyina Mpeye, responsible for designing the project at the Belgian Social Security Agency FPS, explains.

#### ***What is the aim of this project?***

SSCALA stands for Social Security Coordination: Activating Local Actors... But "scala" is also the Latin word for stairs! It reflects the main feature of the project, which is feedback rising from the bottom to the top. In the face of a very complex EU regulatory framework, this project indeed aims to better listen to the practitioners on

the ground and to the citizens, in order to involve them more in the policy process. To start with, we decided to look at the sickness benefits of cross-border workers living in the France-Belgium-Luxembourg-Germany border areas.

#### ***Concretely, what are the main actions you carry out?***

An information brochure has been drawn up, explaining the cross-border social security rights of cross-border workers. A satisfaction survey will be launched soon, in order to receive feedback on how the current rules are perceived by the target population, the difficulties experienced, the expected improvements... The outcome of this survey will be brought to the attention of the policy makers. This information process will be supported by a media campaign (radio spots, Internet animations), raising awareness of the target audience in a fun way. At the institutional level, we created a structured network, supported by an e-workspace, which allows experts from all the countries involved to exchange experiences. The idea is to directly connect the field actors to the national and EU policy makers, allowing them to submit feedback and improvement proposals. Finally, the outcome of this experience will be fed into a European conference, which aims to spread good practices and to capitalise on the lessons learned.

#### ***What are the benefits you expect?***

Our ambition is to develop an innovative model of cooperation between institutions, better relying on the capacity of the field practitioners to address the legal issues raised by the EU regulations, with concrete and practical solutions. We hope that this project will demonstrate the interest to further develop this kind of user-oriented initiatives, closer to the daily reality experienced by the practitioners and the European citizens.

### News from the Commission > Administrative Commission adopts a new interpretative decision on unemployment benefits



The Administrative Commission for the coordination of social security systems has adopted a new interpretative decision in the field of the coordination of unemployment benefits. The new Decision U4 concerns the reimbursement procedures under Article 65(6) and (7) of Regulation 883/2004 and Article 70 of Regulation 987/2009.

Regulation 883/2004 introduced a reimbursement mechanism in Article 65 with the aim of providing for a fairer financial balance between Member States in the case of unemployed persons who reside in a Member State other than the competent State. The reimbursements shall compensate for the additional financial burden on the Member State of residence, which provides unemployment benefits under Article 65(5)(a) without having collected any contributions from the persons concerned

during their last activity carried out in another Member State.

There was a need for transparency and guidance for the institutions to ensure a unified and coherent application of EU provisions concerning these reimbursement procedures, which is now provided via the [U4 Decision](#).



### News from the Commission > European Commission launches new call for proposals on social security coordination

Ensuring that people do not lose their social security rights when travelling or working abroad is an important factor in promoting free cross-border movement of persons. The EU approach involves the coordination of Member States' social security schemes as a key to encouraging free movement of citizens. For effective application of the EU coordination rules, the dissemination of information remains one of the most important factors. In addition, a main feature of the modernised social security coordination is its aim to enhance cooperation between social security institutions. To this end, Member States have agreed on introducing the system for Electronic Exchange of Social Security Information (EESSI).

In order to stimulate awareness raising actions to the public as well as activities improving exchanges between social security institutions in the Member States and to facilitate the implementation of EESSI, the European Commission has launched a new call for proposals on "Actions for Cooperation and Information on Social Security Coordination" (VP/2012/004).

The three objectives of this call for proposals are to support:

- Initiatives and actions with a trans-national dimension, which aim at developing cooperation between social security institutions and/or aim at improving information of the public about their rights and obligations deriving from the EU Regulations on social security coordination when exercising the right of free movement;
- trans-national initiatives and actions aiming at preparing and implementing the system for electronic data exchange (EESSI);
- national initiatives and actions aiming at preparing and implementing the system for electronic data exchange (EESSI).

The call for proposals is open, depending on the objective, to national social security, liaison bodies and organisations hosting the Access Points to the EESSI as well as social partners organisations, NGOs or other legally recognised type of non-profit organisation in the field of free movement of workers and social security, having a practical experience with the application of the Regulations on social security coordination. The available budget is € 2.6 mln with a EU co-financing rate of up to 80%. Detailed information, all relevant documents and the application form are available on the web-site of the Employment, Social Affairs and Inclusion Directorate-General:

<http://ec.europa.eu/social/main.jsp?catId=630&langId=en&callId=347&furtherCalls=yes>

Applications must be submitted before or by 31 May 2012.

### Commission requests Cyprus to clarify the pension rights of former Cypriot civil servants

The European Commission has requested Cyprus to clarify two issues linked to former Cypriot civil servants working in another EU member state or for the EU institutions. The current law in Cyprus states that those with at least 5 years of service and over the age of 45 receive a lump sum payment on departure as well as a consolidated pension when they reach 55. However, civil servants who resign before the age of 45 only receive a lump sum but no future pension entitlement. This age criteria do not apply to certain internal mobility situations such as for civil servants who are recruited by a Cypriot municipal authority, or in certain cases of general interest. This discriminates in particular against Cypriot civil servants who have left their job in the Cypriot national administration to work in another EU member state or for the EU institutions.

In addition, Cypriot civil servants moving to work at the EU institutions are only allowed nine months until they are forced to resign under Cypriot legislation or face disciplinary measures. Conversely, Cypriot civil servants who wish to move internally are usually entitled to several years' unpaid leave before being forced to resign completely.

Both the age criteria in determining pension rights and the risk of facing disciplinary measures linked to moving to the EU institutions dissuades civil servants from exercising their right to free movement and therefore breaches EU law.

The Commission's request takes the form of a 'reasoned opinion' under EU infringement procedures. Cyprus now has two months to inform the Commission of measures it has taken to bring its legislation into line with EU law. Otherwise the Commission may decide to refer Cyprus to the Court of Justice of the EU.

See [www.ec.europa.eu/social](http://www.ec.europa.eu/social)



## Your latest update on European Social Security

### News from the Council and the European Parliament > Regulation 883/2004 applicable to Switzerland as from 1 April 2012



As from 1st April 2012, Regulations 883/2004 and 987/2009 will apply in the relation between the EU Member States and Switzerland. They will replace the currently applicable Regulations 1408/71 and 574/72. However, transitional provisions will be foreseen, like this was the case when the new Regulations became applicable for the EU Member States.

For the time being, Regulations 1408/71 and 574/72 will however remain applicable in the relations with the EFTA Member States (Iceland, Liechtenstein and Norway).

### News from the Council and the European Parliament > Upcoming adoption of a Regulation amending Regulations 883/2004 and 987/2009

As already announced, we are close to the adoption of a new regulation amending Regulation 883/2004 and Regulation 987/2009. It concerns the regulation containing the “miscellaneous amendments 2010” (see our [April 2011 e-Newsletter](#)), adapting the coordination system to the changes in the national social security systems and to the developments in cross-border mobility of citizens. It will be discussed in the plenary session of the European Parliament of 18 April 2012 and if voted on positively, the new regulation could be adopted in June 2012.

See [www.consilium.europa.eu](http://www.consilium.europa.eu)