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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.10.2008
COM(2008) 647 final

2006/0006 (COD)

Amended proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**laying down the procedure for implementing Regulation (EC) No 883/2004 on the
coordination of social security systems**

(presented by the Commission pursuant to Article 250 (2) of the EC Treaty)

Amended proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems

(Text with EEA relevance)

1. STAGE OF PROCEDURES

The proposal – COM (2006)16 – 2006/0006(COD) was adopted by the Commission on 31 January 2006 and sent to Parliament and the Council on 31 January 2006.

The European Economic and Social Committee adopted an opinion on the Commission proposal on 26 October 2006.

Parliament adopted 162 amendments at the first reading on 9 July 2008.

2. OBJECTIVE OF THE PROPOSAL

The objective of the proposal is to define the procedures for implementing the rules set out in Regulation (EC) No 883/2004 for all parties involved. The proposal completes the modernisation work performed by the Regulation and seeks to improve current procedures by simplifying them and clarifying the existing provisions in many areas. The proposal also aims to draw lessons from enhanced cooperation between the institutions as referred to in Regulation (EC) No 883/2004 (e.g. electronic data exchange between the Member States).

3. OBJECTIVE OF THE AMENDED PROPOSAL

The amended proposal adapts the original proposal on a number of points as suggested by Parliament. The Commission can accept the vast majority of the amendments (159 out of 162) as they are in line with the objectives of its proposal. These amendments relate to procedures for implementing Regulation (EC) No 883/2004 and generally aim to ensure that social security benefits are granted quickly and efficiently to EU citizens (cutting red tape). Given the wide range of social security systems across the Union, there is more than one way to achieve the goal and allow the Commission to follow the co-legislature when they identify the most effective procedure for the benefit of all stakeholders.

4. OBSERVATIONS ON THE AMENDMENTS ADOPTED BY THE EUROPEAN PARLIAMENT

4.1. Amendments accepted by the Commission

The Commission can accept Amendments 1-14, 16-25, 27-54 and 56-162.

Many of these amendments are identical or similar to the changes made by the Council as a result of the work of the Council Working Group on Social Security. The Commission considered these in detail during the negotiations in the Council Working Group and can accept them.

Other amendments are of a linguistic nature or spell out the procedure more clearly.

4.2. Amendments which the Commission can accept in part or subject to rewording

Amendment 15

This amendment reflects the opinion of the European Data Protection Supervisor and changes agreed by the Council. It focuses on the exchange of personal data between national administrations and the protection of such data in so far as they relate to social security benefits. The amendment introduces a reference into Directive 95/46/EC on processing of personal data and affects the content of Annex IV to *Regulation (EC) No 883/2004* (subparagraph 4). This may interfere with the competence and internal organisation of the Member States in this area, which are already covered by Directive 95/46/EC. The Commission can accept the remainder of the amendment (subparagraphs 1-3).

4.3. Amendments which the Commission cannot accept

The Commission cannot accept Amendment 26 or 55.

Amendment 26

The purpose of Amendment 26 is to clarify the provisions on reimbursement of benefits paid provisionally in cash and in kind by the competent institution. The new Council wording of the first subparagraph of Article 6(4), negotiated as part of the partial general approach, is more accurate. It reflects the progress made by the Council Working Party on Social Security specifically in Chapter III, Title IV (Financial provisions).

Amendment 55

According to Amendment 55, a certificate determining the legislation applicable (e.g. in cases of posting) will always be issued to the person concerned and will indicate the wages stated by the employer. This amendment goes further than the information needed for social security purposes in cases of posting (determination of legislation applicable) and the objectives of the Regulation.

5. AMENDED PROPOSAL

Having regard to Article 250(2) of the EC Treaty, the Commission amends its proposal as indicated above.