

COMMISSION

DECISION No 1/2006 OF THE EU-SWISS JOINT COMMITTEE

of 6 July 2006

amending Annex II (Social Security) to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, on the Free Movement of Persons

(2006/652/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons and in particular Articles 14 and 18 thereof,

Whereas:

- (1) The Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons (hereinafter referred to as 'the Agreement') was signed on 21 June 1999 and entered into force on 1 June 2002.
- (2) Annex II to the Agreement, as amended by Decision No 2/2003 of the EU-Swiss Joint Committee of 15 July 2003 amending Annex II (Social Security) to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, on the free movement of persons ⁽¹⁾, refers in particular to Council Regulations (EEC) No 1408/71 ⁽²⁾ and (EEC) No 574/72 ⁽³⁾, as updated by Regulation (EC) No 118/97 ⁽⁴⁾ as well as to subsequent amending Regulations, including Regulation (EC) No 1386/2001 of the European Parliament and of the Council ⁽⁵⁾ and Commission Regulation (EC) No 410/2002 ⁽⁶⁾.
- (3) Regulations (EEC) No 1408/71 and (EEC) No 574/72 have, since the adoption of Decision 2/2003 of the EU-Swiss Joint Committee, been amended twice. Consequently, it is now necessary to incorporate the relevant amending acts, namely Commission Regulation (EC) No 1851/2003 ⁽⁷⁾ and Regulation (EC) No 631/2004 of the European Parliament and of the Council ⁽⁸⁾, into the Agreement, and more specifically into Annex II thereto.
- (4) The option to request exemption from compulsory Swiss sickness insurance should be offered to pensioners who receive a Swiss pension and who reside in Portugal as they will be covered by the Portuguese sickness insurance.
- (5) Persons who reside in France and who are insured under the Swiss sickness insurance scheme despite the possibility to ask for exemption should have access to healthcare in France and in Switzerland.
- (6) It needs to be indicated that Switzerland does not have a scheme which provides only for family allowances or supplementary or special allowances for orphans.
- (7) Annex II needs to be amended to list the competent German institution and liaison body regarding pension insurance in relation to Switzerland.

⁽¹⁾ OJ L 187, 26.7.2003, p. 55.

⁽²⁾ OJ L 149, 5.7.1971, p. 2.

⁽³⁾ OJ L 74, 27.3.1972, p. 1.

⁽⁴⁾ OJ L 28, 30.1.1997, p. 1.

⁽⁵⁾ OJ L 187, 10.7.2001, p. 1.

⁽⁶⁾ OJ L 62, 5.3.2002, p. 17.

⁽⁷⁾ OJ L 271, 22.10.2003, p. 3.

⁽⁸⁾ OJ L 100, 6.4.2004, p. 1.

- (8) The complicated and technical nature of the coordination of social security schemes requires effective and coherent coordination through the application of common and homogeneous provisions within the territory of the Contracting parties.
- (9) It is in the interest of the persons covered by the Agreement to resolve, or at least limit in time, any negative effects arising from the application of different coordination rules by the Contracting Parties.
- (10) Amendments to Annex II which insert the reference to Regulation (EC) No 631/2004 and which refer to the possibility of exempting pensioners residing in Portugal from Swiss compulsory insurance should take effect as from 1 June 2004, and amendments which concern the possibility for persons residing in France to access healthcare in Switzerland should take effect as from 1 January 2004,

HAS DECIDED AS FOLLOWS:

Article 1

Annex II to the Agreement shall be amended as set out in the Annex to this Decision.

Article 2

This Decision shall enter into force on the day of its adoption by the Joint Committee.

However:

- provisions of this Decision which insert the reference to Regulation (EC) No 631/2004, as well as those regarding Point 3(b) of Annex II to the Agreement, extending the possibility of exemption from Swiss compulsory insurance for pensioners residing in Portugal shall take effect on 1 June 2004;
- provisions of this Decision regarding Point 4 of Annex II to the Agreement offering access to healthcare in Switzerland to persons who are covered by the Swiss sickness insurance scheme and who reside in France shall take effect on 1 January 2004.

Done at Brussels, 6 July 2006.

For the Joint Committee

The Chairman

Dieter GROSSEN

ANNEX

Annex II to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons is hereby amended as follows:

1. The following is added under the Title 'Section A: Acts referred to' under point 1 'Regulation (EEC) No 1408/71' as the last entry.

'304 R 631: Regulation (EC) No 631/2004 of the European Parliament and of the Council of 31 March 2004 amending Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community, and Council Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71, in respect of the alignment of rights and the simplification of procedures (O) L 100, 6.4.2004, p. 1).'

2. Under the heading 'For the purposes of this Agreement, the Regulation shall be amended as follows:', point 1 of Section A of Annex II of the Agreement is amended as follows:

- (a) Under (o), concerning Annex VI, insert the following under No 3, (b) after the word '... Finland':

'and with regard to persons referred to in (a) (ii), Portugal.'

- (b) Under (o), concerning Annex VI, insert under No 4 after the word 'Belgium,' the word 'France'.

- (c) After p), concerning Annex VII, add a new paragraph q):

'q) The following shall be added to Annex VIII:

Switzerland

None'

3. The following references are inserted under the Title 'Section A: Acts referred to' under point 2, 'Regulation (EEC) No 574/72':

- (a) after the reference '302 R 410: Commission Regulation (EC) No 410/2002 ...':

and, once the Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons regarding the participation as Contracting Parties of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic pursuant to their accession to the European Union has entered into force,

before the reference '12003 TN 02/02/A: Act concerning the conditions of accession ...'

'303 R 1851: Commission Regulation (EC) No 1851/2003 of 17 October 2003 amending Council Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (O) L 271, 22.10.2003, p. 3).'

- (b) after the above title of Regulation (EC) No 1851/2003 and, once the Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons regarding the participation as Contracting Parties of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic pursuant to their accession to the European Union has entered into force,

after the reference '12003 TN 02/02/A: Act concerning the conditions of accession ...'.

'304 R 631: Regulation (EC) No 631/2004 of the European Parliament and of the Council of 31 March 2004 amending Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community, and Council Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71, in respect of the alignment of rights and the simplification of procedures (O) L 100, 6.4.2004, p. 1).'

4. Under the heading 'For the purposes of this Agreement, the Regulation shall be amended as follows:', point 2 of Section A of Annex II of the Agreement is amended as follows:

(a) Under b), concerning Annex 2, the following section is inserted before the section headed 'Switzerland':

'C. GERMANY

1. Under point 2 "Pension insurance for manual workers, clerical workers and miners", the following addition is made to (a)(i), first sentence:

"if the person concerned is resident in Switzerland or is a Swiss national resident in the territory of a non-member State:

Landesversicherungsanstalt Baden-Württemberg (Regional Insurance Office of Baden-Württemberg), Karlsruhe."

2. Under point 2 "Pension insurance for manual workers, clerical workers and miners", the following addition is made to (b)(i), first sentence:

"if the last contribution under the legislation of another Member State was paid into a Swiss pension insurance institution:

Landesversicherungsanstalt Baden-Württemberg (Regional Insurance Office of Baden-Württemberg), Karlsruhe."

(b) Under c) concerning Annex 3, the following section is inserted before the section headed 'Switzerland':

'C. GERMANY

Under point 3 "Pension insurance", the following addition is made to (a):

In relation to Switzerland:

Landesversicherungsanstalt Baden-Württemberg (Regional Insurance Office of Baden-Württemberg), Karlsruhe'.

(c) Under d) concerning Annex 4, the following section is inserted before the section headed 'Switzerland':

'C. GERMANY

Under point 3 "Pension insurance", the following addition is made to (b):

In relation to Switzerland:

Landesversicherungsanstalt Baden-Württemberg (Regional Insurance Office of Baden-Württemberg), Karlsruhe'.

5. Section B of Annex II is amended as follows:

(a) Nos 4.19, 4.32, 4.48 and 4.68 are deleted.

(b) After No 4.68, the following new numbers are added

4.69: Decision No 184 of 10 December 2001 on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 201 to E 207, E 210, E 213 and E 215) (OJ L 304, 6.11.2002, p. 1)

4.70: Decision No 185 of 27 June 2002 amending Decision No 153 of 7 October 1993 (form E 108) and Decision No 170 of 11 June 1998 (compilation of the lists provided for in Article 94(4) and Article 95(4) of Council Regulation (EEC) No 574/72 of 21 March 1972) (OJ L 55, 1.3.2003, p. 74)

4.71: Decision No 186 of 27 June 2002 on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 101) (OJ L 55, 1.3.2003, p. 80)

4.72: Decision No 187 of 27 June 2002 on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 111 and E 111B) (OJ L 93, 10.4.2003, p. 40)

4.73: Decision No 188 of 10 December 2002 on the model forms necessary for the application of Council Regulation (EEC) No 574/72 (E 210 and E 211) (OJ L 112, 6.5.2003, p. 12)

4.74: Decision No 189 of 18 June 2003 aimed at introducing a European health insurance card to replace the forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 as regards access to health care during a temporary stay in a Member State other than the competent State or the State of residence (OJ L 276, 27.10.2003, p. 1)

4.75: Decision No 190 of 18 June 2003 concerning the technical specifications of the European health insurance card (OJ L 276, 27.10.2003, p. 4)

4.76: Decision No 191 of 18 June 2003 concerning the replacement of forms E 111 and E 111B by the European health insurance card (OJ L 276, 27.10.2003, p. 19)

4.77: Decision No 192 of 29 October 2003 concerning the conditions for implementing Article 50(1)(b) of Council Regulation (EEC) No 574/72 (OJ L 104, 8.4.2004, p. 114)

For the purposes of this Agreement, the Decision is hereby amended as follows:

In point 2.4 the following shall be added:

Switzerland

Schweizerische Ausgleichskasse, Genf — Caisse suisse de compensation, Genève — Cassa svizzera di compensazione, Ginevra.

4.78: Decision No 193 of 29 October 2003 on the processing of pension claims (OJ L 104, 8.4.2004, p. 123)

4.79: Decision No 194 of 17 December 2003 concerning the uniform application of Article 22(1)(a)(i) of Council Regulation (EEC) No 1408/71 in the Member State of stay (OJ L 104, 8.4.2004, p. 127)

4.80: Decision No 195 of 23 March 2004 on the uniform application of Article 22(1)(a)(i) of Regulation (EEC) No 1408/71 as regards health care in conjunction with pregnancy and childbirth (OJ L 160, 30.4.2004, p. 134)

4.81: Decision No 196 of 23 March 2004 pursuant to Article 22(1a) of Regulation (EEC) No 1408/71 (OJ L 160, 30.4.2004, p. 135)

4.82: Decision No 197 of 23 March 2004 on the transitional periods for the introduction of the European Health Insurance Card in accordance with Article 5 of Decision No 191 (OJ L 343, 19.11.2004, p. 28)

4.83: Decision No 198 of 23 March 2004 concerning the replacement and abolition of the model forms necessary for the implementation of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E110, E111, E111B, E113, E114, E119, E128, E128B) (OJ L 259, 5.8.2004, p. 1)

6. In Section C: 'Acts of which the contracting parties shall take note' after No 6.4 the following new number is added:

'6.5: Recommendation No 23 of 29 October 2003 on the processing of pension claims (OJ L 104, 8.4.2004, p. 125).'
