

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****(Text with EEA relevance)**

(2003/148/EC)

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81(a) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their family moving within the Community ⁽¹⁾, pursuant to which it is the duty of the Administrative Commission to deal with all administrative matters arising from Regulation (EEC) No 1408/71 and subsequent regulations,

Having regard to Article 2(1) of Council Regulation (EEC) No 574/72 ⁽²⁾, pursuant to which it is the duty of the Administrative Commission to draw up models of certificates, certified statements, declarations, applications and other documents necessary for the application of the regulations,

Having regard to Decision No 153 ⁽³⁾ on the model forms necessary for the application of these Regulations (E 001, E 103 to E 127),

Having regard to Decision No 170 ⁽⁴⁾ concerning the compilation of the lists provided for in Article 94(4) and Article 95(4) of Council Regulation (EEC) No 574/72,

Whereas:

- (1) It is necessary to update the forms to take account of changes to national legislation in the Member States.
- (2) The current structure of form E 108 as shown in Decision No 153 does not allow the institution in the place of residence to notify the competent institution of the cessation of entitlement to health benefits affecting both the pensioner and any members of his or her family residing in a Member State other than the competent State.
- (3) The amendment of form E 108 requires certain amendments to Decision No 170 to adapt it to the new function of form E 108.
- (4) The one-year validity of form E 121 issued by German, French, Italian and Portuguese institutions can only relate to the application of Article 30, and not Article 29, of Regulation (EEC) No 574/72,

HAS DECIDED AS FOLLOWS:

1. The model form E 108 as set out in Decision No 153 shall be replaced by the model appended hereto.
2. Decision No 170 is amended in accordance with the Annex to this Decision.
3. This Decision shall be published in the *Official Journal of the European Union*. It shall be applicable from the date of its adoption by the Administrative Commission of the European Communities on Social Security for Migrant Workers.

*The Chairman of the Administrative
Commission*

Carlos GARCÍA DE CORTÁZAR

⁽¹⁾ OJ L 149, 5.7.1971, p. 2.

⁽²⁾ OJ L 74, 27.3.1972, p. 1.

⁽³⁾ OJ L 244, 19.9.1994, p. 22.

⁽⁴⁾ OJ L 275, 10.10.1998, p. 40.

ANNEX

Decision No 170 is amended as follows:

- (a) Article 1, section 'I. LIST PROVIDED FOR IN ARTICLE 94(4), Families of employed or self-employed persons' is amended as follows:
- (i) point 3 is replaced by the following:

'3. The competent institution or the institution of the place of residence, as the case may be, shall inform the institution of the place of residence or the competent institution of the suspension or withdrawal of entitlement to benefits in kind by sending it two copies of form E 108, with part A completed. The receiving institution, after completing part B of the form, must return one copy to the sending institution.'
 - (ii) in point 4 the existing paragraphs (c) and (d) are renumbered (d) and (e), and a new paragraph (c) is added as follows:

'(c) the date of suspension or withdrawal of entitlement notified by the institution of the place of residence to the competent institution. This date shall be stated on form E 108 and shall be the date on which form E 109 ceases to apply.'
 - (iii) point 5 is replaced by the following:

'5. The institution of the place of residence shall keep the list up to date, by taking as a basis its own information or that provided by the competent institution concerning acquisition of entitlement (form E 109) or suspension or withdrawal of such entitlement (form E 108), and taking account of the one-year validity of E 109 forms issued by German, French, Italian and Portuguese institutions, though without prejudice to the form with which it is possible to end validity of this entitlement as soon as facts occur which, under the legislation of these Member States, justify the withdrawal or suspension of entitlement to benefits.'
- (b) Article 1, section 'II. LIST PROVIDED FOR IN ARTICLE 95(4), Pensioners and/or members of their families' is amended as follows:
- (i) point 3 is replaced by the following:

'The competent institution or the institution of the place of residence, as the case may be, shall inform the competent institution or the institution of the place of residence of the suspension or withdrawal of entitlement to benefits in kind by forwarding two copies of form E 108, with part A completed. After completing part B, the receiving institution shall return one of these copies to the sending institution.

Where the E 108 form suspends or cancels an E 121 form, it shall, like the E 121 form, be issued in respect of a particular individual; in the event of the suspension or cancellation of a number of E 121 forms for members of the same family, as many E 108 forms must be issued as there are E 121 forms involved, even if the suspension or cancellation dates are identical or if all the persons concerned are registered with the same institution of the place of residence.'
 - (ii) in point 4 the existing paragraphs (c) and (d) are renumbered (d) and (e), and a new paragraph (c) is added as follows:

'(c) the date of suspension or withdrawal of entitlement notified by the institution of the place of residence to the competent institution. This date shall be stated on form E 108 and shall be the date on which form E 121 ceases to apply.'
 - (iii) point 5 is replaced by the following:

'5. The institution of the place of residence shall keep the list up to date by taking as a basis its own information or that supplied by the institution responsible for the pension, or the competent sickness insurance organisation of the Member State responsible for the pension, concerning acquisition of entitlement (form E 121) or the suspension or withdrawal of entitlement to benefits (form E 108), and taking account of the one-year validity period of E 121 forms issued by the German, French, Italian and Portuguese institutions concerning cases in which pensioners' family members reside in a Member State other than the competent Member State where the pensioner resides (Article 30 of Regulation (EEC) No 574/72), though without prejudice to the form with which it is possible to end validity of this entitlement as soon as facts occur which, under the legislation of these Member States, justify the withdrawal or suspension of entitlement to benefits.'
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NOTIFICATION OF SUSPENSION OR WITHDRAWAL OF THE RIGHT TO SICKNESS AND MATERNITY INSURANCE BENEFITS IN KIND

Persons residing in a country other than the competent country

*Regulation (EEC) No 1408/71: Art. 19.1.a and 2; Art. 25.3.i; Art. 26.1; Art. 28.1.a; Art. 29.1.a
Regulation (EEC) No 574/72: Art. 17.2 and 3; Art. 27; Art. 28; Art. 29.5; Art. 30; Art. 94.4; Art. 95.4*

The competent institution or the institution in the place of residence should complete part A of the form and send two copies to the institution in the place of residence or to the competent institution (where appropriate through the liaison body). The receiving institution should complete part B and return one copy to the sending institution.

A. Notification

1.	Institution to which the form is addressed
1.1.	Name
1.2.	Address ⁽²⁾

2.	<input type="checkbox"/> Employed person	<input type="checkbox"/> Unemployed person	
	<input type="checkbox"/> Self-employed person	<input type="checkbox"/> Pension claimant	
	<input type="checkbox"/> Frontier worker (employed)	<input type="checkbox"/> Pensioner (scheme for employed persons)	
	<input type="checkbox"/> Frontier worker (self-employed)	<input type="checkbox"/> Pensioner (scheme for self-employed persons)	
2.1.	Surname ^(2a)		
2.2.	Forenames	Previous names ^(2a)	Date of birth
2.3.	Address in the country of residence ⁽²⁾		
2.4.	Identification No ^(2b)		

3.	Member of the family ⁽³⁾		
3.1.	Surname ^(2a)		
3.2.	Forenames	Previous names ^(2a)	Date of birth
3.3.	Address in the country of residence ⁽²⁾		
3.4.	Identification No ^(2b)		

4 Entitlement to benefits certified on our your form of (date) has been suspended or withdrawn for the following reason:

4.1. The insurance of the abovementioned worker ended on

- 4.2. None of the registered family members of the worker has resided in our your country since
- 4.3. The pension of the abovementioned pensioner has been suspended or withdrawn since
- 4.4. The person entitled to benefits named in 2
or
 The family member named in 3
 has not resided in our your country since (date)
 died on (date)
- 4.5. The family member named in 3 has not met the requirements of the legislation of the
State of residence since
- 4.6. (4)

5.	<input type="checkbox"/> Competent institution	<input type="checkbox"/> Institution in the place of residence
5.1.	Name	Code number ⁽⁵⁾
5.2.	Address ⁽²⁾	
5.3.	Stamp	
		5.4. Date
		5.5. Signature

B. Acknowledgement of receipt

6. We received the above notification (part A) on
7. The registration of the person(s) indicated in part A ended on
- We confirm the suspension or withdrawal of entitlement to benefits as notified in section 4, which will take effect on

8.	<input type="checkbox"/> Institution in the place of residence	<input type="checkbox"/> Competent institution
8.1.	Name	
8.2.	Address ⁽²⁾	
8.3.	Stamp	
		8.4. Date:
		8.5. Signature:

INSTRUCTIONS

Please complete this form in block letters, writing on the dotted lines only.

NOTES

- (*) EEA Agreement on the European Economic Area, Annex VI, Social Security. For the purpose of this Agreement the present form shall also apply to Iceland, Liechtenstein and Norway.
- (1) Symbol of the country to which the institution completing part A of the form belongs: B = Belgium; DK = Denmark; D = Germany; GR = Greece; E = Spain; F = France; IRL = Ireland; I = Italy; L = Luxembourg; NL = the Netherlands; P = Portugal; GB = United Kingdom; A = Austria; FIN = Finland; IS = Iceland; FL = Liechtenstein; N = Norway; S = Sweden.
- (2) Street, number, post code, town, country.
- (2^a) In the case of Spanish nationals, state both names at birth.
In the case of Portuguese nationals, state all names (forenames, surname, maiden name) in the order of civil status as they appear on the identity card or passport.
- (2^b) Indicate the identification number at the competent institution. For Italian nationals indicate, if possible, insurance number and/or the 'codice fiscale'.
- (3) Complete when the suspension or withdrawal of the entitlement to benefits affects family members. Complete individual form E 108 for each member of the pensioner's family.
- (4) If completing section 4.6, the reason for suspension/withdrawal must be specified using one of the letters below:
(a) The pension holder has taken up a professional activity in the country of residence.
(b) The family member has taken up a professional activity in the country of residence.
(c) Non-payment of contributions.
(d) ...
- (5) To be completed where this exists.
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