

Opinion on the proposal for a Council Regulation amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community and Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71

The text referred to the Committee has been published in *Official Journal of the European Communities* No C 303 of 20 November 1980, page 7.

A. LEGAL BASIS FOR THE OPINION

On 31 October 1980 the Council referred the abovementioned proposal to the Economic and Social Committee in accordance with Article 198 of the Treaty establishing the European Economic Community.

B. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE

The Economic and Social Committee prepared its opinion on the above matter at its 185th plenary session held in Brussels on 25 and 26 February 1981.

The full text of the opinion is as follows:

THE ECONOMIC AND SOCIAL COMMITTEE,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 198 thereof,

Having regard to the request made by the Council of the European Communities on 31 October 1980 for an opinion on the proposal for a Council Regulation amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community and Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71,

Having regard to the decision taken by its chairman on 10 November 1980, instructing the Section for Social Questions to draw up an opinion and a report on the matter,

Having regard to the opinion issued by the Section for Social Questions on 12 February 1981,

Having regard to the report submitted by the rapporteur, Mr Ammundsen,

Having regard to the discussions at the 185th plenary session held on 25 and 26 February 1981 (meeting of 26 February 1981),

HAS ADOPTED THE FOLLOWING OPINION

by 67 votes to eight, with 12 abstentions:

The Committee endorses the Commission proposal.

Done at Brussels, 26 February 1981.

*The Chairman
of the
Economic and Social Committee*

Tomas ROSEINGRAVE

ANNEX

to the opinion of the Economic and Social Committee

The following amendments were rejected in the course of the discussions:

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1. Complete as follows:

'The Economic and Social Committee endorses the Commission proposal with the exception of Article 1 (1) (amendments to Article 22 (2) of Regulation (EEC) No 1408/71 and 4 (1 a) and 4 a) (amendments to Articles 17 (2) and 60 (2) of Regulation (EEC) No 574/72) with regard to which it would make the following comments and proposals:

2. Add the following:

'Article 1 of the proposal (Article 22 (2) of Regulation (EEC) No 1408/71)

1. The Committee regards the proposal to curtail entitlement of workers and their families to medical treatment by amending Article 22 (2) of Regulation (EEC) No 1408/71 as totally unacceptable, at any rate in its present form and on the grounds cited by the Commission.

1.1. Firstly, the Commission mentions abuse — obviously of current national and Community legislation. The Committee agrees that any possible abuse must be ruled out; any health service or authority allowing this to happen should be reprimanded sharply.

1.2. Secondly, the Committee does not feel that the proposed authorization can be refused where the institution of the State granting such authorization finds that the treatment requested is sufficiently justified and cannot be provided by its own health service or that the delay involved would place the insuree's health at risk.

1.3. To ensure that the situation referred to under point 1.2 above become less and less frequent, the Committee would ask the Commission to take more active measures to harmonize medical care schemes and to ensure that health services in countries and regions where serious shortcomings still persist are rapidly improved.'

Result of the voting

For: 17, Against: 37, Abstentions: 5

Add the following:

'Article 4 of the proposal (Articles 17 (2) and 60 (2) of Regulation (EEC) No 574/72)

2. In the Committee's view, the matter of the statement certifying that a worker employed in one Member State and resident in another is entitled in the latter to benefits for sickness/maternity and accidents at work/occupational diseases should be dealt with in greater depth than in Article 4 of the proposed Regulation as regards amendment of Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community and Regulation (EEC) No 574/72 fixing the procedure for implementing that Regulation.

2.1. This provision should also enable the worker concerned to obtain the above benefits, both for himself and members of his family, in a Member State where he is resident but not working, simply on presentation of the statement entitling him to benefits in the Member State where he is employed.

2.2. The certified statement to this effect should remain valid until the institution of his place of residence is notified of its cancellation. This rule applies to all Member States. Article 17 (2) and Article 60 (2) must therefore be amended accordingly.'

Result of the voting

For: 22, Against: 49, Abstentions: 8
