

## II

*(Preparatory Acts)*

## ECONOMIC AND SOCIAL COMMITTEE

**Opinion on the proposal for a Council Regulation (EEC) amending 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 and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71<sup>(1)</sup>**

*(92/C 332/01)*

On 19 August 1992 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Social, Family, Educational and Cultural Affairs, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 6 October 1992. The Rapporteur was Mr Pearson.

At its 300th Plenary Session (meeting of 22 October 1992) the Economic and Social Committee adopted the following Opinion unanimously.

**Comment**

1. The Committee welcomes the Proposal in that it represents a further necessary updating and amending of 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 with the Community, and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71.

1.1. This Proposal aims to update and amend the current Community Regulations in the light of a number of changes to form, substance, and administration made by national legislations and other changes, as follows:

- (a) to make provision as to the share of family benefits to be borne by the two Member States of the relevant employment concerned in relation to cases not covered by the Dammer judgment where both parents are working but in different Member States neither of which is the children's State of residence;
- (b) to remove discrimination and misunderstanding in interpretation;

- (c) to bring about greater approximation of the social security systems in the Member States concerned;
- (d) to change titles of competent authorities or liaison bodies, and new addresses;
- (e) to implement provisions of bilateral agreements already in place and remaining, between (i) Belgium and Italy, (ii) France and Italy, (iii) France and the United Kingdom.

1.2. Since the entry into force of Regulation (EEC) No 2001/83 which is a consolidated update codified in a single official text of Regulations (EEC) Nos 1408/71 and 574/72 following the extension of their scope to self-employed persons, many and complex changes have been made which are not included in the 'Compendium of Community Provisions on Social Security (1988)'. The Economic and Social Committee feels very strongly that a new updated publication is necessary at the earliest date. The existing Compendium is so out of date as to be virtually unusable and therefore liable to lead to wrong decisions being made.

1.3. The Committee is concerned about the acceptability between Member States in the use of social security forms, particularly as regards medical reimbursement (E forms).

<sup>(1)</sup> OJ No C 251, 28. 9. 1992, p. 51.

**ARTICLE 1****2. Amendments to Regulation (EEC) No 1408/71**

2.1. There should be no problem with the proposed amendment to Annex I Part I G IRELAND.

2.1.1. Persons whose only income is unearned income from investments, dividends, and rents from property are to be included in the above Regulation (EEC) 1408/71 as self-employed persons. Under certain circumstances they are regarded as self employed and contributing to social insurance (PRSI class S) compulsory or voluntary, and therefore currently covered by Irish old age and widows pensions scheme specific for the self-employed.

2.2. Amendment to Annex VI G. Ireland (a)(i) point 5.

2.2.1. The word 'maternity' is to be deleted, since Pay Related Benefit is no longer paid with maternity benefit.

2.3. Amendments to heading J. NETHERLANDS.

2.3.1. The proposed changes to be adopted aim to encompass certain residents, including 'family members' in the Netherlands who could not be insured under the Netherlands statutory insurance scheme for medical expenses. The new rules remove the necessity for these people to enter private insurance contracts which require high premiums, and bring about greater approximation of the social security schemes between the Member States. Also persons drawing an early retirement pension and benefiting, under certain conditions, from Netherlands rules on social insurance for sickness costs, may continue to benefit in the territory of other Member States.

2.3.2. Other changes have removed discrimination and misunderstanding in interpretation of rules applying to insurance for old age benefit purposes.

**ARTICLE 2**

3. Amendments to Regulation (EEC) No 574/72 laying down the procedure for implementing updated Regulation (EEC) No 1408/71, and other changes previously mentioned at 1.1., are straightforward, and require no further explanation.

**ARTICLE 3**

4. The Committee notes and approves the following:

4.1. This Regulation shall enter into force on the first day of the month following that of its publication in the Official Journal of the European Communities.

4.2. Article 1, points 2(b)v, 2(b)vi and 2(b)vii shall apply from 1 April 1985.

4.3. Article 1, points 2(b)viii and 2(b)ix shall apply from 2 August 1989.

4.4. Article 2, point 5(a) shall apply from 10 February 1992.

4.5. Article 2 point 5(b) shall apply from 14 March 1991.

4.6. Article 2, point 5(c) shall apply from 1 July 1992.

4.7. This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 October 1992.

*The Chairman  
of the Economic and Social Committee*

Susanne TIEMANN