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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.10.2008
COM(2008) 648 final

2006/0008 (COD)

Amended proposals for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Regulation (EC) No 883/2004 on the coordination of social security systems,
and determining the content of Annex XI**

and a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending the annexes to 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)

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security systems**

(Text with EEA relevance)

1. STAGE OF THE PROCEDURES

The proposals COM(2006)7 final – 2006/0008 (COD) and COM(2007) 376 final – 2007/0129 (COD) were adopted by the Commission on 24 January 2006 and 3 July 2007 and sent to Parliament on 24 January 2006 and 3 July 2007.

The European Economic and Social Committee adopted an opinion on the Commission proposal on 14 March 2007 (1st proposal only).

As these two proposals both relate to the Annexes to Regulation (EC) No 883/2004 and both amend some of the same Annexes, the Council and Parliament decided that the two proposals should be merged.

Parliament considers procedure 2007/0129(COD) to have lapsed as a result of the incorporation of the contents of Commission proposal COM(2007)0376 final into procedure 2006/0008(COD).

On the basis of a single report Parliament adopted 77 amendments at the first reading on 9 July 2008.

2. OBJECTIVE OF THE PROPOSAL

Regulation (EC) No 883/2004 simplifies and modernises Regulation (EEC) No 1408/71 on the coordination of social security schemes. The Annexes to Regulation (EC) No 883/2004 must be supplemented before it becomes applicable. These proposals are going through the codecision procedure at the same time as the implementing Regulation for Regulation (EC) No 883/2004.

Initially there were two separate proposals for the various Annexes to the Regulation. The first proposal (COM(2006) 7 final) deals mainly with Annex XI. It also contains

some amendments to the basic Regulation and the re-written Annex VIII (pro rata pensions). This proposal is likely to be accepted by the Council .

The second proposal (COM(2007) 376 final) contains the remaining Annexes. It also includes further amendments to Annexes VIII and XI; some of these amendments were needed simply to take account of the accession of Bulgaria and Romania, but during the course of discussions on the proposal, a few other Member States wanted further amendments made to these Annexes. The proposal is likely to be accepted by the Council.

Parliament merged the two proposals on the first reading. This was done by incorporating all of the second proposal (COM(2007) 376 final, including amendments) into the first (COM (2006)7 final).

3. OBJECTIVE OF THE AMENDED PROPOSAL

The amended proposal acknowledges the merging of the two proposals and adapts them on a number of points as suggested by Parliament.

4. OBSERVATION ON THE AMENDMENTS ADOPTED BY THE EUROPEAN PARLIAMENT

4.1. Amendments accepted by the Commission (all excepting 6 and 12)

The Commission agrees to incorporate all amendments adopted. It can accept Amendments 1-5, 7-11, 13-24 and 26-78rev.

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

Amendments 6 and 12

4.2.1. Amendment 6

This amendment reflects new recital 7a agreed by Council but removes the reference to Annex III. The Commission can accept this amendment in part. The words "in principle" should be inserted as follows: "The family members of former frontier workers should **in principle** benefit from the possibility to continue medical treatment in the former country of employment of the insured person after his or her retirement." This is to reflect the fact that Annex III will continue to apply for a limited period, so the benefits referred to will not be available immediately in all cases.

4.2.2. Amendment 12

This amendment to Article 28(1) of Regulation (EC) No 883/2004 reflects a similar amendment agreed by Council but removes the reference to Annex III. The Commission can accept this amendment in part. It appears that it is in fact necessary to retain the reference to Annex III, but this reference should be amended to acknowledge the fact that the Annex will only be in force for a limited period. The amendment can therefore be accepted subject to an amendment to the second subparagraph so that it reads as follows: "The first subparagraph shall apply mutatis

mutandis to the members of the family of the retired frontier worker **unless, for as long as Annex III is in force, the Member State where the frontier worker last pursued his or her activity is listed in Annex III.**”

5. AMENDED PROPOSAL

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