

ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS**DECISION No E7****of 27 June 2019****concerning practical arrangements for cooperation and data exchange until the Electronic Exchange of Social Security Information (EESSI) is fully implemented in Member States****(Text of relevance to the EEA and to the EC/Switzerland Agreement)**

(2020/C 73/04)

THE ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS,

Having regard to Article 72(a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽¹⁾, under which the Administrative Commission is responsible for dealing with all administrative questions or questions of interpretation arising from the provisions of Regulation (EC) No 883/2004 and of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems ⁽²⁾,

Having regard to Article 72(d) of Regulation (EC) No 883/2004, under which the Administrative Commission shall encourage as far as possible the use of new technologies,

Having regard to Article 76(3) and (4) of Regulation (EC) No 883/2004, under which the institutions shall have a duty of cooperation and to communicate with one another for the purposes of the Regulations,

Having regard to Article 4 of the Regulation (EC) No 987/2009, under which the transmission of data between the institutions or the liaison bodies shall be carried out by electronic means, and the Administrative Commission shall lay down the detailed arrangements for exchange of documents and structured electronic documents,

Whereas:

- (1) Decision E4 of 13 March 2014 extended the transitional periods referred to in Article 95(1) of Regulation (EC) No 987/2009 for the full exchange of data by electronic means by the Member States by two years from the date when the central EESSI system is developed, tested and delivered into production, ready for Member States to start the integration to the central system.
- (2) Decision E5 of 16 March 2017 laid down the practical arrangements for the transitional period for the data exchange via electronic means referred to in Article 4 of Regulation (EC) No 987/2009.
- (3) At the 351st meeting on 27-28 June 2017, the Administrative Commission endorsed that the central EESSI system is fit for purpose to start EESSI exchanges, and the two year period stated in Decision E4 started on 3 July 2017.
- (4) At the 358th meeting on 27-28 March 2019, the Administrative Commission agreed that, in line with Article 95 of Regulation (EC) No 987/2009, and also Decision E4 of 13 March 2014, the EESSI transitional period ends on 2 July 2019.
- (5) Considering the need to ensure and preserve the rights of the citizens in accordance with the social security coordination rules.
- (6) Considering the complexity and the status of the EESSI project at the time of the adoption of this Decision, the need to ensure its orderly and effective entry into production and the joint commitment of the European Commission and Member States to continue improving the stability, security of the EESSI project.

⁽¹⁾ OJ L 166, 30.4.2004, p. 1.

⁽²⁾ OJ L 284, 30.10.2009, p. 1.

- (7) Considering the required intensive national activities of Member States and the delays that occurred in the EESSI project, and that not all institutions will be fully ready to exchange all messages in EESSI on 3 July 2019, it is necessary to lay down, on the basis of the principle of good cooperation between institutions, temporary practical arrangements on the data exchange until EESSI is fully implemented in all Member States and in the EESSI central system.
- (8) Considering that it is necessary to provide a back-up solution in the event of a failure of the EESSI central system.
- (9) Considering that it is necessary that this Decision is applied as from 3 July 2019, in order to achieve its purposes of ensuring legal certainty for the institutions, and of safeguarding the rights of the persons covered by the Regulations,

HAS DECIDED AS FOLLOWS:

1. As of 3 July 2019, transmission of data between the institutions shall be carried out by electronic means through the EESSI system and based on the exchange of Structured Electronic Documents (SEDs) in the relevant Business Use Cases (BUCs). This is without prejudice to any exchange which may need to take place in paper format as provided in the Regulations on social security coordination, such as supporting evidence.

2. Notwithstanding paragraph 1, in order to allow for business continuity and to safeguard the rights of the persons covered by the Regulations, Member States which are not ready to exchange electronically for a BUC can continue to exchange data concerning the respective BUC also with any document, even if it is based on an outdated format, content or structure, where necessary, until the number of Member States which are 'EESSI ready' for that particular BUC reaches a threshold of 80 %.

3. In case a format other than SEDs is used, which does not contain all mandatory information contained in SEDs, the Member State requiring this information shall request it from the Member State that issued the outdated format document. In case of doubts concerning the rights of the citizen concerned, the receiving institution shall contact the issuing institution in the spirit of good cooperation.

4. Not later than six months after the threshold foreseen in paragraph 2 has been reached, Member States shall use only EESSI in their exchanges with other Member States, and will no longer be free to carry out exchanges outside the EESSI system. The Member States that are not 'EESSI ready' for some BUCs shall make the necessary arrangements at national level to be able to send and receive all data for those particular BUCs to and from other Member States through the EESSI system.

5. Notwithstanding paragraph 1, two or more Member States can agree that the necessary exchange of information for the handling of large volumes of messages such as claims related to reimbursement for health care, accidents at work and occupational diseases or unemployment benefits can continue under any format other than EESSI (i.e. Build projects) until the Member States part of the bilateral exchange will be EESSI ready.

6. Member States that are not ready to fully meet the obligations in paragraph 1 shall submit to the Administrative Commission, by October 2019, their commitments for the national implementation plans and main milestones to become 'EESSI ready' for all BUCs without further delay; they shall subsequently provide a status report on a quarterly basis to the Administrative Commission until they become 'EESSI ready' for all BUCs.

7. Being 'EESSI ready' for a particular BUC means that the Member State concerned can both send and receive all messages in that BUC, or, where relevant, in that BUC sub-domain, to and from other Member States. In case of BUCs not covered by the legislation of a Member State, being 'EESSI ready' can only refer to receiving the messages in that BUC.
8. Once two Member States are 'EESSI ready' for a BUC, the exchange of information between them shall be under EESSI for all exchanges covered by that BUC. This is without prejudice to exceptional and objectively justified situations such as ensuring business continuity in case of technical system failover or any bilateral arrangements that may, for instance, concern joint testing, piloting, training or analogous reasons.
9. In case of a multilateral BUC, meaning a BUC where more than two Member States participate in the exchange, the exchanges under EESSI shall only start once it is established that those Member States participating in the exchange have declared to be 'EESSI ready' for that particular BUC. This is without prejudice to the obligations of the Member States provided in paragraph 4. The principles outlined in paragraph 7 shall also apply in cases where more than two Member States participate in a BUC.
10. Member States shall inform the Administrative Commission at least 30 days prior to becoming 'EESSI ready' for a specific BUC.
11. The information on which BUC in which Member State is 'EESSI ready' shall be made accessible to the national institutions regularly (at least monthly) and shall be reflected in the EESSI Institution Repository.
12. The Administrative Commission shall monitor in their quarterly meetings the progress of the Member States until all Member States are 'EESSI ready' for all BUCs. A review of status and actions to be taken in this framework shall take place at least every six months and the conclusions should be made public.
13. Information exchanges which started outside EESSI before the date set in paragraph 1 or in accordance with paragraph 2 of the current decision can be concluded outside EESSI. Alternative arrangements can be made bilaterally between the Member States or agreed by the Administrative Commission if so required.
14. Within six months after publication, the Administrative Commission shall evaluate the functioning of this decision and assess possible needs of modifications.
15. This decision shall be published in the *Official Journal of the European Union*. It shall apply from 3 July 2019.

The Chair of the Administrative Commission
Adriana STOINEA
