

Official Journal

of the European Communities

ISSN 0378-6978

L 235

Volume 34

23 August 1991

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

.....

II *Acts whose publication is not obligatory*

Commission

Administrative Commission of the European Communities on Social Security for Migrant Workers

91/423/EEC:

- ★ **Decision No 145 of 27 June 1990 concerning the payment of arrears of family benefits due to self-employed persons pursuant to Articles 73 and 74 of Regulation (EEC) No 1408/71** 1

91/424/EEC:

- ★ **Decision No 146 of 10 October 1990 concerning the interpretation of Article 94 (9) of Regulation (EEC) No 1408/71** 9

91/425/EEC:

- ★ **Decision No 147 of 10 October 1990 concerning the application of Article 76 of Regulation (EEC) No 1408/71** 21

1

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

II

(Acts whose publication is not obligatory)

COMMISSION

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

DECISION No 145

of 27 June 1990

concerning the payment of arrears of family benefits due to self-employed persons pursuant to Articles 73 and 74 of Regulation (EEC) No 1408/71

(91/423/EEC)

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 the members of their families moving within the Community, under which it is responsible for dealing with all administrative questions and questions of interpretation arising from the provisions of Regulation (EEC) No 1408/71 and subsequent Regulations,

Having regard to Article 2(1) of Council Regulation (EEC) No 574/72 of 21 March 1972 under which it shall draw up models of certificates, certified statements, declarations, applications and other documents necessary for the application of the Regulations,

Having regard to Council Regulation (EEC) No 3427/89 of 30 October 1989 which introduces, in particular, a uniform solution for all the Member States to the problem of the payment of family benefits to members of the family not residing in the territory of the competent States, and extends its provisions to self-employed persons,

Whereas Regulation (EEC) No 3427/89 is, under the terms of its Article 3, applicable from 15 January 1986, save for the part of its Article 1(1) relating to the amendment of Article 76;

Whereas it is necessary for the award and payment of arrears of family benefits due to self-employed persons pursuant to Articles 73 and 74 of Regulation (EEC) No 1408/71, as amended since the date of application of Regulation (EEC) No 3427/89, to specify the conditions under which the amounts of family benefits already paid under the legislation of

the State of residence of the members of the family by virtue of such residence or of the pursuit of an occupation by the spouse or by another member of the family are deducted from the amounts of such arrears;

Whereas, moreover, the rate for the conversion of currencies to be used for this deduction must be determined;

Whereas, moreover, a special model form should be drawn up for the payment of arrears;

Whereas Recommendation No 15 of the Administrative Commission makes provision for the language in which the forms should be issued;

Whereas the time limits applicable to claims for the payment of arrears of family benefits due under Articles 73 and 74 of Regulation (EEC) No 1408/71, as amended, must be determined, and also with regard to the payment of these arrears,

HAS DECIDED AS FOLLOWS:

1. a) At the request of the person concerned the competent institution shall award and pay arrears of family benefits due to self-employed persons for the period between the date of application of Regulation (EEC) No 3427/89 and the date on which the said institution effectively implements that Regulation.
- b) The payment of arrears is effected after deduction of the amount of family benefits received for the same periods either under the legislation of the State of residence of the members of the family, by virtue of residence or of the pursuit of an occupation by the spouse or the person within whose household the members of the worker's family live, or of the activity of the spouse in another Member State or under a bilateral convention.
- c) In order to obtain the payment of arrears of family benefits, the person concerned shall enclose with his request a solemn statement specifying the total amount of family benefits received, year by year, for the members of his family under the legislation of the State of residence of these members or by virtue of another entitlement.

Notwithstanding this statement, the competent institution may ask the institutions concerned for a statement certifying the receipt or non-receipt of family benefits in accordance with the model below.

The competent authorities of the Member States shall make this form available to the competent institutions concerned. This form shall be available in the official languages of the Community and shall be laid out in such a manner that the different language versions are perfectly superposable so as to enable the person concerned to receive the form printed in his own language.

- d) The amounts of family benefits granted under the legislation of the competent State, on the one hand, and under the legislation of the State of residence of the members of the family or by virtue of another entitlement, on the other hand, to be taken into account for the application of subparagraph (b), shall be the amounts granted for all the members of the worker's family qualifying for either of these benefits.
- e) The deduction referred to in subparagraph (b) shall be effected for a worker's family as a whole, whereby the total amount of family benefits received under the legislation of the State of residence of the members of the family or by virtue of another entitlement for a particular year shall be deducted from the total amount of family benefits due for the same year under the legislation of the competent State.

Where the former benefits are higher than or equal to the latter, no arrears of benefits shall be due by the competent institution. Where the former benefits are lower than the latter, the arrears of benefits shall be paid to the worker, after deduction of the amount already received as indicated in subparagraph (b).

In all cases the total sum of benefits already paid under the legislation of the State of residence of the members of the family or by virtue of another entitlement shall remain acquired by the worker, and the institution that paid these benefits shall be regarded as having waived their refund by the competent institution.

- f) In order to effect the deduction referred to in subparagraph (b), the competent institution shall convert into its currency the amount of family benefits received by the person concerned for the members of his family under the legislation of the State of residence of the said members of the family or by virtue of another entitlement, using the rate of conversion provided for in Article 107 (1) of Regulation (EEC) No 574/72. The rate of conversion to be taken into account shall be that applicable on 16 November 1989.
2. With regard to the requests for the payment of arrears of family benefits referred to in paragraph 1, the time limits provided for by the national legislations shall apply; however, such requests may be validly lodged within the two years following 16 November 1989, even if the aforementioned time limits are shorter.
3. With regard to the payment of arrears of family benefits, if the application referred to in paragraph 1 is submitted within two years of 16 November 1989, the rights provided under Regulation (EEC) No 3427/89 shall be acquired, and the provisions of the legislation of any Member State relating to the lapse or barring of the rights may not be applied to the persons concerned.
4. This Decision shall be applicable from the first day of the month following its publication in the *Official Journal of the European Communities*.

The Chairman of the Administrative Commission
E. Mc CUMISKEY



CERTIFICATE OF PAYMENT OR NON-PAYMENT OF BENEFITS TO SELF-EMPLOYED PERSONS

Reg. 1408/71: Art. 73; Art. 74
Reg. 574/72: Art. 86; Art. 88

A. Request for certificate

To be completed by the institution responsible for the payment of family benefits

1	Self-employed person claiming family benefits			
1.1	Surname (1 ^a)			
1.2	Forenames	Maiden name (1 ^a)	Place of birth (1 ^b)	
1.3	Date of birth	Sex	Nationality	DNI (1 ^c)
1.4	Civil status	<input type="checkbox"/> Single <input type="checkbox"/> Divorced	<input type="checkbox"/> Married <input type="checkbox"/> Separated	<input type="checkbox"/> Widow/widower
1.5	Address (2)			

2	Spouse or person with whom the members of the family live			
2.1	Surname (1 ^a)			
2.2	Forenames	Maiden name	Place of birth (1 ^b)	
2.3	Date of birth	Sex	Nationality	DNI (1 ^c)
2.4	Occupation currently pursued:			
2.5	Address (2)			

3	Successive addresses of the members of the family during the period(s) covered by the certificate			
3.1	Period from	to	Address	
3.2	Period from	to	Address	
3.3	Period from	to	Address	
3.4	Period from	from	Address	

4	Institution(s) responsible for the payment of family benefits during the period(s) covered by the certificate (2)			
4.1	Name	Address		
4.2	Name	Address		
4.3	Name	Address		



5

Request for certificate

5.1 Certificate relating to family benefits paid for the following periods:

5.2 1986

5.3 1987

5.4 1988

5.5 1989

5.6 1990 [January to ...⁽⁴⁾]

6

Institution currently responsible for the payment of family benefits

6.1 Name

6.2 Address (?)

6.3 File reference number

6.4 Stamp

6.5 Date:

6.6 Signature



B. Certificate of payment or non-payment of family benefits

To be completed by the institution(s) responsible for the payment of family benefits during the period(s) covered by the certificate.

7 Members of the family for whom family benefits were received in the country of residence

Surname (1 a)	Forenames	Date of birth	Family relationship (b)	Place of residence (c)	Occupation
1.
2.
3.
4.
5.

8 Certificate

8.1 Family benefits were/were not provided for the following periods (1):

8.2 1986:

8.3 1987:

8.4 1988:

8.5 1989:

8.6 1990 [January to ...: (4)]

8.7 Family benefits provided by virtue of:

The occupation of the spouse or of the person with whom the members of the family lived

A bilateral convention

The residence of the members of the family

8.8 Remarks:

9 Institution(s) responsible for the payment of family benefits during the period(s) covered by the certificate

9.1 Name(s):

9.2 Address(es):

9.3 Stamp(s)

9.4 Date(s):

9.5 Signature(s)



INSTRUCTIONS

Please complete this form in block letters, writing on the dotted lines only. It consists of three pages, none of which may be left out even if it does not contain any relevant information.

NOTES

- (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.
- (1a) In the case of Spanish nationals state both names.
In the case of Portuguese nationals please indicate all names (forenames, surname, maiden name) in the order of civil status in which they appear on the identity card or passport.
- (1b) In the case of Portuguese districts, please state also the parish and local authority.
- (1c) In the case of Spanish nationals state the number appearing on the national identity card (D.N.I.), if it exists, even if the card is out of date. Failing this, state 'None'.
- (2) Street, number, post code, town, country.
- (3) If this institution cannot be determined, this form should be sent to the liaison body of the State where the members of the family resided last during the period or periods covered by the certificate.
- (4) Please indicate the period immediately preceding the date on which Articles 73 and 74 of Regulation No 1408/71 were effectively implemented for self-employed persons by the institution currently responsible for the payment of family benefits.
- (5) Please indicate the relationship of each member of the family to the worker, using the following symbols A = legitimate child. In Spain child born in wedlock (matrimonial) and child born out of wedlock (non-matrimonial).
A = legitimate child. In Spain child born in wedlock (matrimonial) and child born out of wedlock (non-matrimonial).
B = legitimized child.
C = adopted child.
D = natural child (if the form is completed for a male worker, the natural children must be mentioned only if the paternity or the worker's obligation to maintain them has been officially recognized).
E = child of a spouse belonging to the worker's household.
F = grandchildren, brothers and sisters whom the person concerned has taken into his household. Also the nephews, and nieces to the third degree where the competent institution is a Greek institution.
G = other children belonging permanently to the household on the same footing as the worker's children (foster children).
Other relationships (e.g. grandfather) must be written in full. If the child is married, divorced, a widow or a widower, mention this in item 7. Please specify also in item 7.1 whether a child has no father or no mother, for the purposes of Greek institutions.
- (6) If the child resides at an address other than that stated in section 2.5, please indicate below.

Surname and forenames:
.....
Address (2):
.....

- (7) Please put a cross only in the box or boxes relating to the years in which benefits were paid. For each period please indicate the total amount of benefits paid in the currency of the State concerned. If the period in question is less than one year, please specify the exact dates.

DECISION No 146
of 10 October 1990
concerning the interpretation of Article 94 (9) of Regulation (EEC) No 1408/71
(91/424/EEC)

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 the members of their families moving within the Community, under which it is responsible for dealing with all administrative questions and questions of interpretation arising from the provisions of Regulation (EEC) No 1408/71 and subsequent Regulations,

Having regard to Article 2 (1) of Council Regulation (EEC) No 574/72 of 21 March 1972 under which it is responsible for drawing up models of certificates, certified statements, declarations, applications and other documents necessary for the application of the Regulations,

Having regard to Council Regulation (EEC) No 3427/89 of 30 October 1989 which introduces a uniform solution for all the Member States to the problem of the payment of family benefits to members of the family not residing in the territory of the competent State,

Having regard to Article 94 (9), as amended by the said Regulation, which on the one hand provides that the family allowances received by employed persons employed in France in respect of the members of their families residing in another Member State on the date of 15 November 1989 shall continue to be paid at the rates, within the limits and according to the procedures applicable on that date as long as their amount exceeds that of the benefits that would be due as from the date of 16 November 1989 and as long as the persons concerned are subject to French legislation, and on the other hand provides that the Administrative Commission shall deliver an opinion on the procedure for implementing this paragraph, and in particular the sharing of the cost of these allowances,

Whereas it is important to define exactly the scope of Article 94 (9) and the conditions of its application;

Whereas it is necessary to lay down the procedure enabling the provisions of the allowances, with regard to the responsibilities of the institutions concerned, the comparison between the amount of the family allowances (guaranteed amount) and that of French family benefits, the payment, where appropriate, of a supplement equal to the difference between these two amounts, and the sharing of the cost of these allowances between the institutions concerned;

Whereas, moreover, it is necessary to specify the rate of conversion of currencies to be used for the aforementioned comparison;

Whereas two specific model forms should be created, one certifying the payment of family allowances for November 1989 and the other certifying the continuation or termination of the payment of family allowances pursuant to Article 94 (9);

Whereas the language in which the forms are to be issued has been settled by Recommendation No 15 of the Administrative Commission;

Whereas, finally, the time limits applicable for the exercise of the right to receive a guaranteed amount of family allowances should be determined;

Acting in accordance with the conditions laid down in Article 80 (3) of Regulation (EEC) No 1408/71,

HAS DECIDED AS FOLLOWS:

1. (a) The provisions of Article 94 (9) of Regulation (EEC) No 1408/71 shall be applicable if on 15 November 1989 an employed person subject to French legislation received the family allowances provided for in the former Article 73 (2) for the members of his family residing in another Member State; they shall not be applicable if the right to family benefits was acquired in the State of residence on 15 November 1989; they shall permanently cease to be applicable if subsequently a right to family benefits is acquired in the State of residence.

Moreover, the family allowances which an employed person employed in France receives on 15 November 1989 for the members of his family residing in another Member State shall continue to be provided pursuant to the provisions of Article 94 (9) as long as the members of the family are still resident in the territory of that other Member State.

- (b) The family allowances referred to in Article 94 (9) of Regulation (EEC) No 1408/71 shall be those that were effectively provided to the employed person in November 1989 for the members of his family qualifying for these allowances. The amount of these allowances shall constitute the guaranteed amount.

The family benefits referred to in the said Article shall be the French family benefits due to the employed person from 16 November 1989.

- (c) If for two consecutive months the amount of French family benefits, except for those paid as a once-only payment (these being disregarded for the purpose of the comparison) is higher than or equal to the guaranteed amount for a given month, entitlement to that amount shall be permanently withdrawn.

With regard to the condition, laid down in Article 94 (9), of the person concerned remaining subject to French legislation, no account shall be taken of interruptions of work of less than one month or of periods of temporary suspension of work due to illness, maternity, accident at work, occupational disease or unemployment, with the continued receipt of pay or receipt of corresponding benefits under French legislation, except for pensions and annuities or because of paid leave, a strike or a lockout.

- (d) The guaranteed amount shall be established definitively. In particular, it cannot be reassessed subsequently either because of a change in the rate of family allowances provided for by the legislation of the Member State in whose territory the members of the family resided on 15 November 1989 or because of an increase in the number of members of the family.

However, in the event of a subsequent decrease in the number of members of the family, referred to in Article 94 (9), in the Member State of residence, the guaranteed amount shall be recalculated by reference to the number of family members remaining, at the rate and within the limits applicable on 15 November 1989 in the territory of the said Member State.

2. (a) In order to enable the French competent institution to determine whether the provisions of Article 94 (9) should be applied, the institution of the place in which the members of the family resided on 15 November 1989 shall, at the request of the persons concerned or of the French institution issue a statement certifying whether family allowances were or were not actually provided for November 1989, in accordance with the model form E 412 F produced below.

If family allowances were provided, the institution of the place of residence shall on the certified statement specify the members of the family for whom they were provided as well as the amount of the allowances, per member of the family or for the family as a whole, in accordance with the provisions of the legislation applied.

The said certified statement must also specify whether the employed person's spouse or the person to whom the family allowances were provided pursued an occupation in November 1989 or an activity treated as such in accordance with Decision No 199.

- (b) Upon receipt of this certified statement, the French competent institution shall, where appropriate, compare the amount of the family benefits referred to in the second sentence of paragraph 1(b) with the guaranteed amount.

If the amount of the family benefits is higher than or equal to the guaranteed amount, only the benefits shall be provided by the competent institution.

If the amount of the family benefits is less than the guaranteed amount, the benefits shall be provided by the French competent institution and a supplement equal to the difference between the guaranteed amount and these benefits shall be provided by the institution of the place of residence.

If the amount of the French family benefits is nil, the supplement provided by the institution of the place of residence shall be equal to the guaranteed amount.

- (c) In order to make the comparison referred to in the preceding subparagraph, the French competent institution shall convert the guaranteed amount to its own currency, using the rate of conversion provided for in Article 107 (1) of Regulation (EEC) No 574/72. The rate of conversion to be taken into account shall be the rate applicable on 16 November 1989.

3. (a) Where a differential supplement has to be provided, the French competent institution shall every month send the institution of the place of residence a certificate concerning the continuation or termination of the provision of family allowances, in accordance with the model form E 413 F reproduced below.

Upon receipt of this certificate, the institution of the place of residence shall provide the supplement equal to the difference between the guaranteed amount and the equivalent in its own currency, at the official rate of exchange on the day of comparison, of the amount of the French family benefits.

- (b) If the legislation applied by the institution of the place of residence provides that the family benefits shall be provided at intervals other than monthly intervals, the said institution may provide the differential supplement in accordance with these other intervals.

- (c) If the person concerned ceases to benefit from the provisions of Article 94 (9), the French competent institution shall use the certificate referred to in the preceding subparagraphs to notify the institution of the place of residence of the permanent termination of entitlement to the guaranteed amount.

4. The competent authorities of the Member States shall make the forms referred to in paragraphs 2 (a) and 3 (a) available to the competent institutions concerned. These forms shall be available in the official languages of the Community and shall be laid out in such a manner that the different versions are perfectly superposable to enable every person concerned to receive the forms in his own language.

5. In the event of a recalculation of the guaranteed amount, in accordance with the conditions laid down in the third sentence of paragraph 1 (d), the institution of the place of residence shall again issue the certificate referred to in paragraph 2 (a). The French competent institution shall then make a new comparison as indicated in subparagraphs 2 (b) and (c).

6. The cost of the allowances constituting the amount guaranteed by Article 94 (9) of Regulation (EEC) No 1408/71 shall be shared in the following manner:
- the French competent institution shall bear the cost of these allowances up to the total amount of the French family benefits provided to the employed person for the members of his family residing in another Member State,
 - the institution of the place of residence of the members of the family shall bear the cost of the difference between the guaranteed amount and the amount of these family benefits.

However, France and another Member State or their competent authorities may agree or other cost-sharing arrangements and shall inform the Administrative Commission thereof.

7. For the exercise of the right, recognized by Article 94 (9), to receive a guaranteed amount of family allowances, the two-year time limit provided for by French legislation shall be suspended up to the date of application of this Decision and shall apply only with effect from the said date.
8. This Decision shall be applicable from the first day of the month following its publication in the *Official Journal of the European Communities*.

The Chairman of the Administrative Commission
M. T. FERRARO

E 412

F (1)

CERTIFICATE OF PAYMENT OF FAMILY ALLOWANCES UNDER THE FORMER ARTICLE 73 (2) OF REGULATION 1408/71 FOR THE MONTH OF NOVEMBER 1989

Regulation 1408/71: Article 94 (9)

A. Request for certificate

To be completed by the French institution responsible for granting family benefits

1	Applicant for family benefits: employed person subject to French legislation on 15 November 1989			
1.1	Surname (1a):			
1.2	Forenames:	Maiden name:	Place of birth (1b):	
1.3	Date of birth:	Sex:	Nationality:	DNI (1c):
1.4	Civil status: <input type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> widow/widover			
	<input type="checkbox"/> divorced <input type="checkbox"/> separated			
1.5	Address (2):			

2	Spouse or person with whom members of the family reside (5)			
2.1	Surname (1a):			
2.2	Forenames:	Maiden name:	Place of birth (1b):	
2.3	Date of birth:	Sex:	Nationality:	DNI (1c):
2.4	Current occupation: Is the person covered currently in paid employment (or in a position treated as such? (1)) <input type="checkbox"/> Yes <input type="checkbox"/> No Self-employed (or in a position treated as such? (1)) <input type="checkbox"/> Yes <input type="checkbox"/> No			
2.5	Address:			

3	Members of the family other than the spouse (known to the Institution referred to in section 5)					
	Name (1a)	Forenames	Date of birth	Relationship (3)	Place of residence (4)	Occupation
	1.					
	2.					
	3.					
	4.					
	5.					

4 Competent institution in the place of residence of the members of the family

4.1 Name:

4.2 Address (?):

4.3 File reference number:

5 French institution responsible for granting family benefits

5.1 Name:

5.2 Address (?):

5.3 File reference number:

5.4 Stamp:

5.5 Date:

5.6 Signature:

B. Certificate concerning the guaranteed amount of family allowances

To be completed by the institution of the place where the members of the family resided on 15 November 1989

6

6.1 In November 1989, the person named in section 2:

6.2 pursued an occupation or was in a position treated as such (?) entitling him to family benefits (under the terms of Article 76 of Regulation 1408/71);

6.3 did not pursue an occupation and was not in a position treated as such (?) and, by virtue of the rights of the worker specified in section 1, received family allowances under the former Article 73 (2) of Regulation 1408/71 from the competent French institution;

Amount of family allowances paid in November 1989 (?):

6.4 was in the situation referred to in 6.3 but received no family allowance for November 1989:

Reason:

6.5 Comments:

7

7.1 If the guaranteed amount at 15 November 1989 referred to in section 6 has had to be recalculated:
It amounts to from the month of

7.2 Reason for recalculation:

8 Institution of the place where the members of the family resided on 15 November 1989

8.1 Name:

8.2 Address (?):

8.3 File reference number:

8.4 Stamp:

8.5 Date:

8.6 Signature:

INSTRUCTIONS

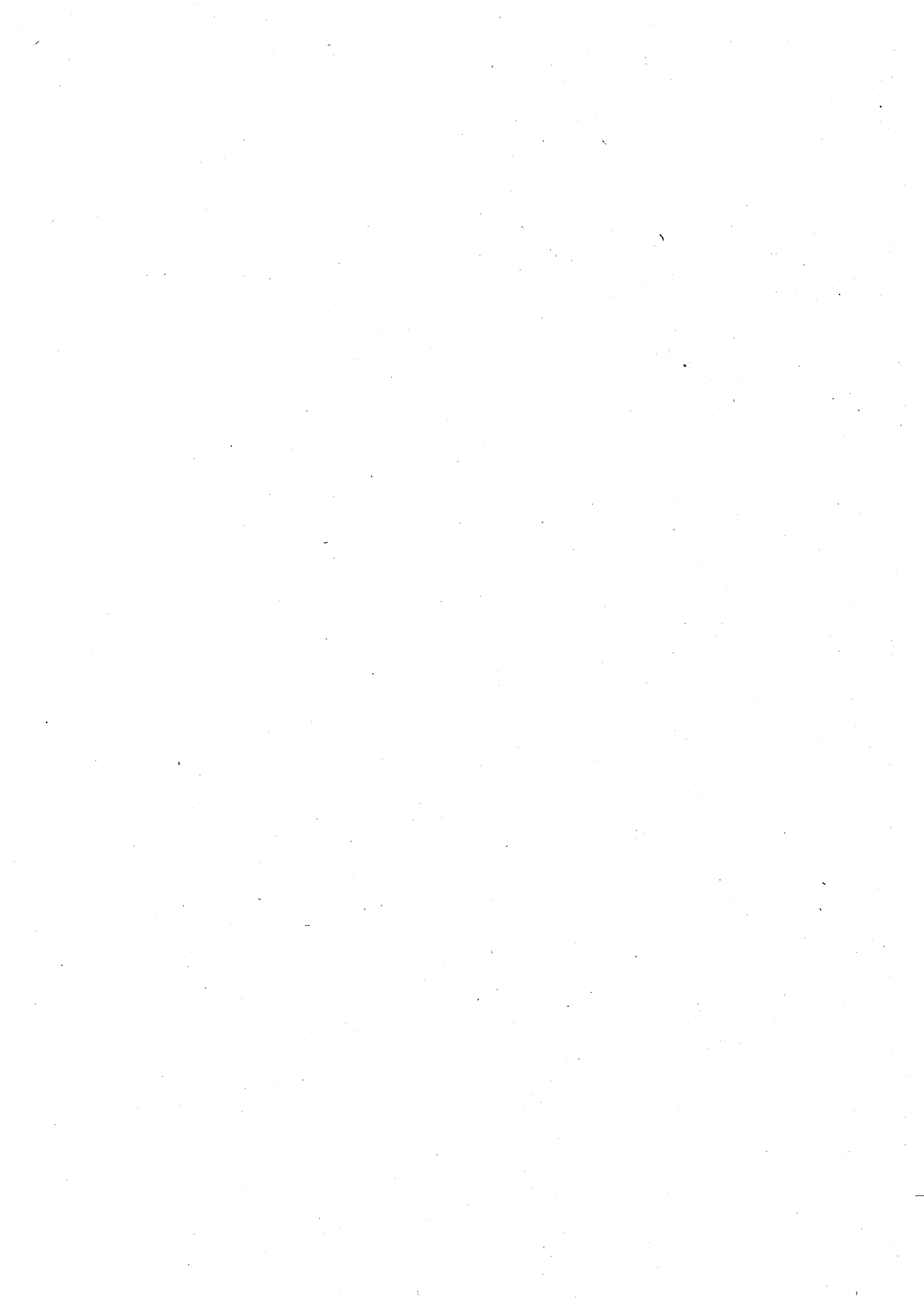
Please complete this form in block letters, writing on the dotted lines only. It consists of three pages, none of which may be left out even if it does not contain any relevant information.

NOTES

- (1) Symbol of the country to whose legislation the employee is subject: F = France.
- (1a) In the case of Spanish nationals state both names.
In the case of Portuguese nationals state all names (forenames, surname, maiden name) in the order of civil status in which they appear on the identity card or passport.
- (1b) In the case of Portuguese districts state also the parish and the local authority.
- (1c) In the case of Spanish nationals state the number appearing on the national identity card (DNI) if it exists, even if it has expired. Failing this, indicate 'none'.
- (2) Street, number, postcode, town, country.
- (3) Show the relationship of each member of the family to the worker, using the following symbols:
 A = legitimate child. In Spain child born in wedlock (matrimonial) and child born out of wedlock (non-matrimonial).
 B = legitimized child.
 C = adopted child.
 D = natural child (if the form is completed for a male worker, the natural children must be mentioned only if the paternity or the worker's obligation to maintain them has been officially recognized).
 E = child of a spouse belonging to the worker's household.
 F = grandchildren, brothers and sisters whom the person concerned has taken into his household. Also, nephews and nieces to the third degree where the competent institution is a Greek institution.
 G = other children belonging permanently to the household on the same footing as the worker's children (foster children).
 Other relationship (e.g. grandfather) must be written in full.
 If a child is married, divorced or widowed, this should be indicated at point 3.1. Also indicate there (for Greek institutions) whether a child has only one surviving parent.
- (4) If a child lives at a different address from that indicated at 1.5 or 2.5, please indicate below:

Surname and forenames: Address (2):
--

- (5) In this case, please indicate in brackets after point 2.1 what family relationship there is between this person and the members of the worker's family.
- (6) Please indicate the amount in the currency of the State of residence of the members of the family and the type of currency.
- (7) As defined in Decision No 119.



E 413 **F** (1)

**CERTIFICATE OF PAYMENT OR CESSATION OF PAYMENT OF FAMILY ALLOWANCES GUARANTEED UNDER ARTICLE 94 (9)
OF REGULATION (EEC) No 1408/71**

Regulation 1408/71: Article 94 (9)

To be filled in by the competent French institution which has paid family benefits during the month of ...

1	Employed person subject to French legislation on 15 November 1989		
1.1	Surname (1 ^a):		
1.2	Forenames:	Maiden name:	Place of birth (1 ^b):
1.3	Date of birth:	Sex:	Nationality:
1.4	Status:	<input type="checkbox"/> single <input type="checkbox"/> divorced	<input type="checkbox"/> married <input type="checkbox"/> separated <input type="checkbox"/> widow/widower
1.5	Address (2):		

2	Spouse or person with whom members of the family reside		
2.1	Surname (1 ^a):		
2.2	Forenames:	Maiden name:	Place of birth (1 ^b):
2.3	Date of birth:	Sex:	Nationality:
2.4	Is the person concerned currently in paid employment (or in a position treated as such? (3)) <input type="checkbox"/> Yes <input type="checkbox"/> No Self-employed: (Or in a position treated as such? (3)) <input type="checkbox"/> Yes <input type="checkbox"/> No		
2.5	Address (2):		

3	Competent institution in the place of residence of the members of the family		
3.1	Name:		
3.2	Address:		
3.3	File reference number:		

4	Guaranteed amount or new guaranteed amount if recalculation
4.1	Amount:
4.2	Currency:
4.3	Equivalent in French francs for the month of November 1989:

5	Amount of family benefits paid by the competent French institution for members of the family residing in the other Member State
5.1	Family allowances and age supplements:
5.2	Allowances for children aged over 3 months:
5.3	Family supplement:
5.4	Family support allowance (unless orphan):
5.5	Special education allowance:
5.6	Single parent allowance:
5.7	Schooling expenses allowance (for the record):
5.8	Total (excluding 5.7):

6	Article 94 (9) continues to apply during the month of
----------	---

7	Article 94 (9) will cease to apply from the month of for the following reason:
----------	---

7.1	<input type="checkbox"/> The person named in section 1 has not pursued an occupation for more than a month and is not receiving sickness or unemployment benefit under the terms of French legislation;
7.2	<input type="checkbox"/> The spouse or the person with whom the members of the family are living, named in section 2, has a right to family benefits in the country of residence under the terms of Article 76;
7.3	<input type="checkbox"/> The amount of French family benefits paid during the month of is greater than the guaranteed amount referred to in section 4.
7.4	<input type="checkbox"/> Transfer of residence by all family members to another Member State

8	French institution competent as regards family benefits
8.1	Name:
8.2	Address:
8.3	File reference number:
8.4	Stamp:
	8.5 Date:
	8.6 Signature:

INSTRUCTIONS

Please complete this form in block letters using the dotted lines only. It consists of three pages, none of which may be left out even if it does not contain any relevant information.

NOTES

- (1) Symbol of the country to whose legislation the employee is subject:
F = France.
 - (1^a) In the case of Spanish nationals state both names.
In the case of Portuguese nationals state all names (forenames, surname, maiden name) in the order of civil status in which they appear on the identity card or passport.
 - (1^b) In the case of Portuguese districts state also the parish and the local authority.
 - (1^c) In the case of Spanish nationals state the number appearing on the national identity card (DNI) if it exists, even if it has expired. Failing this, indicate 'none'.
 - (2) Street, number, postcode, town, country.
 - (3) The meaning is the same as in Decision No 119.
-

DECISION No 147
of 10 October 1990
concerning the application of Article 76 of Regulation (EEC) No 1408/71
(91/425/EEC)

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 the members of their families moving within the Community, under which it is responsible for dealing with all administrative questions or questions of interpretation arising from the provisions of Regulation (EEC) No 1408/71 and subsequent Regulations,

Having regard to Article 2 (1) of Council Regulation (EEC) No 574/72 of 21 March 1972 under 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 Council Regulation (EEC) No 3427/89 of 30 October 1989 amending, in particular, Article 76 of Regulation (EEC) No 1408/71,

Whereas Article 76 now provides, in paragraph 1, that in the case of overlapping of rights to family benefits under the legislation of the competent State and under the legislation of the State of residence of the members of the family, the amount provided for by the legislation of the competent State shall be suspended up to the amount provided for by the legislation of the State of residence of the members of the family, and in paragraph 2 that if an application for benefits is not made in the State of residence, the competent institution of the other State may apply the provisions of paragraph 1 as if benefits were granted in the first State;

Whereas it is therefore necessary to define the procedure for implementing the said Article with regard to the information to be provided by the institution of the place of residence to the competent institution for the purposes of the aforementioned suspension, with regard to the comparison between the amounts provided for by the two legislations concerned, and with regard to the determination of the differential supplement that may have to be paid by the competent institution;

Whereas it is necessary for this purpose to draw up an amended model form E 411;

Whereas the language in which the forms are to be issued has been settled by Recommendation No 15 of the Administrative Commission;

Whereas, finally, it is necessary to specify the rate of conversion of currencies to be used for the purpose of the aforementioned comparison,

HAS DECIDED AS FOLLOWS:

1. (a) If the competent institution does not have at its disposal information showing that an occupation (or activity treated as such within the meaning of Decision No 119) giving entitlement to family benefits is pursued in the State of residence of the members of the family, that institution shall pay the family benefits in full.

- (b) In case of doubt, or where there is certainty that an occupation (or activity treated as such within the meaning of Decision No 119) giving entitlement to family benefits in the State of residence of members of the family is pursued, the competent institution may suspend the payment of family benefits. It shall then immediately ask the institution of the place of residence of the members of the family for information concerning the right to family benefits in the State of residence of the members of the family, in accordance with the amended model form E 411 reproduced below.

The competent authorities of the Member States shall place this form at the disposal of the competent institutions concerned. This form shall be available in the official languages of the Community and laid out in such a manner that the different versions are perfectly superposable to enable the person concerned to receive the form in his own language.

- (c) The competent institution shall then send form E 411 each year to the institution of the place of residence of the members of the family. The latter institution shall return the form to the competent institution within a period of three months of receiving it.
- (d) Upon receipt of the information supplied by the institution of the place of residence, the competent institution shall for each member of the family make a comparison between the amount of family benefits provided by the legislation of the State of residence of the members of the family (indicated in the information certified by the institution of the place of residence) and the amount of family benefits provided for by the legislation which it administers.
- (e) After having made the comparison, the competent institution shall, where appropriate, provide a supplement to the benefits provided for by the legislation of the Member State of residence of the members of the family, equal to the difference between the amount of benefit provided for by the said legislation and the amount of benefit due under the legislation of the competent State.

The amount of the supplement shall for the first time be determined not later than twelve months after the acquisition of the right to benefits in the Member State or residence of the members of the family and in the competent State. The supplement shall subsequently be determined at least every twelve months.

If no benefit is provided for, under the legislation which the competent institution administers, for the same member of the family or if the amount for which that legislation makes provision is less than that certified by the institution of the place of residence of the members of the family, the competent institution shall not provide a supplement.

Where benefits are provided for, under its legislation for the same member of the family and where their amount is higher than that certified by the institution of the place of residence of the members of the family, it shall pay the supplement equal to the difference between the two amounts.

If benefits are due under the legislation which the competent institution administers while no benefits are provided for by the legislation of the State of residence for the same member of the family, the said institution shall provide these benefits in full.

The competent institution may aggregate sums due as supplement for the family as a whole before providing the said sums to the persons concerned.

- (f) An advance on the differential supplement may be provided by the competent institution. In this case, if it appears subsequently that the amount of the advance exceeds the amount due, the competent institution shall undertake the appropriate regularization by deducting the amount overpaid from the supplement which it provides to the person concerned for the following period.
- (g) In the event that no claim for family benefits has been submitted in the State or residence of the members of the family and if the information at the disposal of the institution of the place of residence does not allow it to indicate the amount of family

benefits that would have been due if a claim had been submitted, the said institution shall send to the competent institution the general scale of rates provided for by the legislation which it administers that is in force for the period or periods concerned.

2. For the comparison to be made between the two amounts, the competent institution shall convert to its currency the amount of the family benefits provided for by the legislation of the State or residence of the members of the family, using the rate of conversion referred to in Article 107 (1) of Regulation (EEC) No 574/72. The rate of conversion to be taken into account shall be the rate applicable on the day on which the comparison is made.
3. This Decision shall be applicable from the first day of the month following its publication in the *Official Journal of the European Communities*.

The Chairman of the Administrative Commission
M. T. FERRARO



E 411



(1)

REQUEST FOR INFORMATION ON ENTITLEMENT TO FAMILY BENEFITS IN THE MEMBER STATE OF RESIDENCE OF THE MEMBERS OF THE FAMILY

Reg. 1408/71: Art. 76
Reg. 574/72: Art. 10

A. Request for certificate

The competent institution responsible for the payment of family benefits in the Member State in which the employed or self-employed person works, which wishes to know whether entitlement to family benefits exists in the Member State of residence of the members of the family, should complete two copies of Part A and send them to the institution of the place of residence of the members of the family.

1	<input type="checkbox"/> Employed person <input type="checkbox"/> Self-employed person	
1.1	Surname ^(2a)	
1.2	Forename(s)	Place of birth ^(2b)
1.3	Date of birth	Nationality
1.4	Address ⁽³⁾	

2	Spouse or other persons whose entitlement to family benefits in the country of residence of the members of the family must be verified	
2.1	Surname ^(2a)	
2.2	Forename(s)	Date of birth
2.3	Address ⁽³⁾	
2.4	Relationship to the members of the family mentioned in box 3	
2.5	Period for which the information is requested	

3	Members of the family				
	Surname ^(2a)	Forename(s)	Date of birth	Relationship ⁽⁴⁾	Place of residence ⁽⁵⁾

4	Information concerning the occupation pursued in the country of residence of the members of the family	
4.1	Employer:	
4.2	Address ⁽³⁾ :	
4.3	Self-employment:	
4.4	Activity treated as an occupation as defined by Decision No 119	



5. Competent institution

5.1 Name:

5.2 Address: (2)

5.3 File reference number (2):

5.4 Stamp

5.5 Date

5.6 Signature

B. Certificate

To be completed by the competent institution in the place of residence of the members of the family or by the employer of the person named in box 2 (2).

6 Certificate issued by the competent institution responsible for the payment of family benefits in the place residence of the members of the family or by the employer

6.1 During the period from the person named in box 2 to

pursued an occupation (or an activity treated as such as defined in Decision No 119) from to

did not pursue an occupation (or an activity treated as such as defined in Decision No 119) from to

6.2 For the period from the person named in box 2 to

is entitled to family benefits for the members of the family

total amount of family benefits:

is not entitled to family benefits for the following reasons:

has not submitted a claim (2)

7 Information concerning the family benefits referred to in box 6 per family member

Surname	Forename(s)	Date of birth	Relation-ship	Place of residence	Amount (7)
.....
.....
.....
.....
.....
.....
.....

8 Employer of the person named in box 2 (2)

8.1 Name of employer (if a company, the corporate name)

8.2 Address: (2)

8.3 Stamp

8.4 Date

8.5 Signature

9 Institution of the place of residence of the members of the family (2)

9.1 Name:

9.2 Address (2):

9.3 File reference number

9.4 Stamp

9.5 Date

9.6 Signature



INSTRUCTIONS

Please complete this form in block letters, writing on the dotted lines only. It consists of three pages, none of which may be left out even if it does not contain any relevant information.

NOTES

- (1) Symbol of the country to which the institution completing 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.
- (2) For use by the sending institution.
- (2a) In the case of Spanish nationals state both names.
In the case of Portuguese nationals state all names (forenames, surname, maiden name) in the order of civil status in which they appear on the identity card or passport.
- (2b) In the case of Portuguese districts, state also the parish and the local authority.
- (2c) In the case of Spanish nationals state the number appearing on the national identity card (DNI), if it exists, even if the card is out of date. Failing this, indicate 'None'.
- (3) Street, number, post code, town, country.
- (4) Show the relationship of each member of the family to the worker, using the following symbols:
A = legitimate child. In Spain child born in wedlock (matrimonial) and child born out of wedlock (non-matrimonial).
B = legitimized child.
C = adopted child.
D = natural child (if the form is completed for a male worker, the natural children must be mentioned only if the paternity or the worker's obligation to maintain them has been officially recognized).
E = child of a spouse belonging to the worker's household.
F = grandchildren, brothers and sisters whom the person concerned has taken into his household. Also, nephews, and nieces to the third degree where the competent institution is a Greek institution.
G = other children belonging permanently to the household on the same footing as the worker's children (foster children).
Other relationships (e.g. grandfather) must be written in full.
- (5) If the member of the family resides at an address other than that indicated at 2.3, please indicate here.

Surname and forenames:
Address (3):

- (6) In this case the institution of the place of residence should indicate the amount of family benefits they would have been granted if a claim had been submitted. If it does not have sufficient information to do so, it should indicate in box 7 the tariffs provided for by its legislation for each member of the family.
- (7) Where appropriate, indicate the tariffs referred to in footnote (6).
- (8) The certificate should be completed by the employer only if he has to pay the family benefits of the country of residence.
- (9) To be completed by the institution of the place of residence of the members of the family or, failing this, by the liaison body.