

AC 827/16
Main conclusions of the 347 th meeting of the Administrative Commission
SECRETARIAT – 17.10.2016

Orig. EN

**ADMINISTRATIVE COMMISSION
FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS**

**Main conclusions of the
347th meeting of the Administrative Commission**

Amsterdam, 20-21 June 2016

A. AGENDA

The agenda (note AC 363/16REV) was approved without changes.

B. APPROVAL OF MINUTES

The minutes set out in note AC 810/15 and note AC 728/15 were approved.

C. COMMUNICATIONS AND QUESTIONS

The Presidency provided information on the proposal for the revision of the Posting of Workers Directive. They also informed delegations on exchanges with the Director General of DG EMPL on social security clauses in EU agreements with third countries, following a request of the Administrative Commission to investigate the matter at its 346th meeting.

The Secretariat communicated its intention to publish the summary reports of the meetings of the Administrative Commission as from this meeting. The Secretariat also presented the main deliverables envisaged under the FreSsco network's Work Programme for 2016.

I. ITEMS FOR APPROVAL/NOTICE WITHOUT DISCUSSION

The Administrative Commission approved without discussion the following items:

- a) Nominations for membership to the Ad-Hoc Groups established for the definition of data to be exchanged electronically (AC 242/16);
- b) Notifications on the maximum amount under Article 70 of Regulation (EC) No 987/2009 (Notifications received from Denmark, Germany, Czech Republic, Austria, Slovak Republic, Belgium, Netherlands and Finland) (AC 139/16, 168/16, 169/16, 209/16, 259/16, 379/16, 423/16 and 426/16);

c) Average costs of benefits in kind 2013 and 2014 (Notifications received from United Kingdom, Ireland, Portugal, Netherlands) (AC 380/16);

d) Nomination for membership of Steering Committee of the Fraud and Error Platform (AC 785/15REV2);

e) 2016 Work Programme of the Steering Committee of the Fraud and Error Platform (AC 362/16).

The Administrative Commission also took note of the following item:

f) National Contact Points nominated pursuant to Decision H5 of the Administrative Commission to promote cooperation between Member States to combat fraud and error within the field of social security coordination (AC 392/16).

II. OUTCOME OF THE REFLECTION FORUM ON FAMILY BENEFITS OF 15 DECEMBER 2015

Delegations took note of the report (AC 99/16) on the outcome of the 4th Reflection Forum on 15 December 2015 on coordination of family benefits which concerned four topics: i) the application of Case C-347/12 *Wiering*; ii) methods of calculating the differential supplement; iii) the definition of "family member" and Case C-363/08 *Slanina* and iv) special rules for special types of family benefits. The Administrative Commission approved the creation of an ad hoc group to examine the above four issues in more detail in order to make recommendations to the Administrative Commission. The Secretariat was requested to present a draft mandate for such an ad hoc group at the 348th meeting of the Administrative Commission.

III. OUTCOME OF THE WORKING PARTY OF THE ADMINISTRATIVE COMMISSION ON THE REPORT OF THE AD-HOC GROUP ON POSTING ISSUES OF 2 JUNE 2016

The Administrative Commission agreed that the report of the ad-hoc group on posting issues (AC 340/16) has fulfilled the mandate set by the Administrative Commission (AC 502/14REV8). The Administrative Commission asked the Secretariat and the future Slovak Presidency to prepare a roadmap for following up the recommendations set out in that report, to be presented at the 348th meeting of the Administrative Commission.

IV. SUBMISSIONS TO AND DECISIONS OF THE CONCILIATION BOARD

The Administrative Commission approved by unanimous decision of all delegations not involved in the dispute, the opinion of the Conciliation Board in relation to a dispute between Austria and Hungary (case CB – 4/15).

Delegations took note on an update on disputes between Austria and Poland (case CB – 2/15) and between Belgium and the United Kingdom (Gibraltar) (case CB – 1/15), following opinions of the Conciliation Board adopted previously in relation to these disputes.

A dispute between Belgium and Poland, which was pending referral to the Conciliation Board, was resolved via bilateral discussions. The case has therefore been closed.

V. FOLLOW UP TO THE DISCUSSION ON REFUND OF PENSION'S CONTRIBUTIONS AND AGGREGATION OF PERIODS OF INSURANCE

Delegations agreed that in cases where a refund of contributions results in complete obliteration of an insurance period, the Member State concerned must provide clear information to the insured person on the coordination rules and on the possible consequences of the refund. This will enable the insured person to make an informed choice and ensure that protection of rights of persons who have exercised their right to free movement. In the case of a refund of contributions, it was concluded that information on the periods of insurance for which contributions were refunded, should be made available, when possible, to the competent institutions of other Member States in the spirit of cooperation amongst the Member States. Moreover, in the future, citizens receiving a refund of their contributions should, at the same time, obtain a certificate stating their past insurance records. Delegations were invited to bring new concrete cases of a refund of contributions in cross border situations, should they arise in the Member States, to the attention of the Administrative Commission.

In relation to the supplement in the Member State of residence under Article 58 Regulation (EC) No 883/2004 in case of pensions paid by another Member State in a single payment, delegations were invited to bring concrete cases to the attention of the Administrative Commission.

VI. AUDIT BOARD ISSUES

The Administrative Commission approved the recommendations from the Audit Board to resolve outstanding uncontested claims introduced under Regulation (EEC) No 574/72. The Administrative Commission called upon debtors to urgently pay outstanding amounts.

Delegations discussed the draft guidelines proposed by the Audit Board on Decision S6, aspects related to retroactivity, and the introduction of inventories for reimbursement. As delegations expressed divergent views on the proposed guidelines, the Secretariat was asked to consider, in consultation with the future Presidencies, which could be the next steps in light of the comments provided.

VII. STATISTICAL REPORTING ON THE COORDINATION OF SOCIAL SECURITY SCHEMES

The Administrative Commission welcomed the draft reports on the EHIC, S2, and healthcare reimbursement. Delegations were invited to send additional data and eventual corrections to the Secretariat by 8 July 2016. The revised reports will be submitted for approval by written procedure after the summer break.

Delegations took note of proposed changes to the questionnaires for EHIC and Portable Document S2 for the 2017 data collection exercise. The updated questionnaires, following inclusion of corrections and clarifications discussed at the meeting, will be submitted for approval by written procedure.

VIII. EESSI

Delegations took note of the progress of the EESSI project in relation to the new timeline for the delivery of the central EESSI platform (AC 372/16), the activities and recommendations of the Executive Board and the Technical Commission presented by their respective Chairs.

The Administrative Commission approved the following items:

- the recommendation to close Pilot Phase 2 and start Pilot Phase 3.
- the Architecture Pack version 1.0 (note AC 172/16REV2) as the basis for the development of the EESSI system, understanding, that this is an iterative artefact and can be subject to further clarifications, when required.
- the EESSI Business Layer requirements (note AC 338/16REV2).
- the Business Use Cases referred to in notes AC 095/16REV and 370/16REV, subject to the caveat that certain comments received from delegations require confirmation from the Member State representatives of the ad-hoc groups.
- the administrative SEDs in Annex 30 of Note AC 370/16 as an initial version for dry run testing and that, depending on the results, further changes can be introduced in version 4.
- the content of the detailed medical report as recommended by the ad hoc group on the exchange of medical information (annex to note AC 377/16).

Delegations took note that version 3.2 of the SEDs would be available for use in all languages by the end of June. Delegations were called upon to adopt a pragmatic approach in the use of the SEDs in line with the provisions of Decision E1.

IX. MISCELLANEOUS AMENDMENTS

The Administrative Commission approved the request of Belgium and Ireland to delete from Annex I to Regulation (EC) No 883/2004 the bilateral agreement between Belgium and Ireland as well as the request from the United Kingdom to include changes in Annex VI and VIII to Regulation (EC) No 883/2004 reflecting changes in the national legislation¹. The Administrative Commission requested the European Commission to include these amendments in the next Commission Regulation.

The Administrative Commission also approved the following requests and asked the European Commission to include these proposals for amendments through the Council and European Parliament Regulation:

- the request for entry into the Annex XI to the Regulation (EC) 883/2004 presented by the Czech Republic and Slovakia;

¹ It should be noted that, soon after this meeting, the United Kingdom submitted a new request (note AC 614/16) revising the original request and which will be discussed in the 348th meeting of the Administrative Commission.

- the request to list the adoption allowance in Annex I part 2 to Regulation (EC) No 987/2009 presented by Sweden; and
- the request to include the UK Personal Independence Payment in Annex X to Regulation (EC) No 987/2009 and to introduce changes to paragraph 1 of Annex XI to that Regulation, presented by the United Kingdom to reflect changes in the UK national legislation.

Delegations took note that the request from Sweden concerning the listing of the housing allowance in Annex X has been postponed to a further meeting.

X. CHANGES IN MEMBER STATES' LEGISLATION

Delegations took note on the following legislative changes in the Member States' legislations:

- introduction of a new State Pension scheme in the United Kingdom as presented orally by the United Kingdom delegation at the 346th meeting of the Administrative Commission;
- changes related to different benefits under the social security systems of Portugal and Sweden;
- changes relating to pension schemes in Bulgaria, Belgium and Finland.

XI. DRAFT AGENDAS OF THE MEETINGS OF THE ADMINISTRATIVE COMMISSION IN THE SECOND HALF OF 2016

The Slovak delegation presented the political priorities for the future Slovak Presidency which would run from 1 July till 31 December 2016. The Slovak delegation also presented the Work Programme of the Slovak Presidency available in note AC 533/16.

The Secretariat presented the draft agendas for the meetings for the second half of 2016 as set out in note AC 393/16.

XII. ANY OTHER BUSINESS

The Chair of the Working Party, the Reflection Forum and the Technical Commission during the Netherlands Presidency thanked delegations for a very good cooperation during the Presidency period.

The meeting was chaired by Mr Johan VAN DER GRAAFF, representative of the Netherlands, the Member State which held the Presidency at the Council of the European Union from 1 January to 30 June 2016.