

AC 294/18

**Main conclusions of the 357th
meeting of the Administrative
Commission****SECRETARIAT – 10.10.2019****Orig. EN****ADMINISTRATIVE COMMISSION
FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS****Main conclusions of the
357th meeting of the Administrative Commission****19-20 December 2018****A. Agenda**

The agenda was adopted without changes.

B. Approval of Minutes

The minutes of the 353rd meeting of the Administrative Commission on 13-14 December 2017 and the Minutes of the 6th meeting of the International Dimension of Social Security Coordination of 4 October 2018 were removed from the agenda as the translations for these items were not received before the meeting.

C. Communications and Questions**a) Presidency**

The Presidency provided information on the latest state of play of the proposal for the revision of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009, the proposal concerning the European Labour Authority, and the proposal for a Council Recommendation on access to social protection for workers and the self-employed.

b) Secretariat/Commission

The Secretariat informed the delegations of recent staff changes affecting EMPL/D2, reminded the delegations about recent proposal on an informal/non-binding annex to UB_BUC_01 for countries to be filled in, as well as about technical improvements of the Detailed Medical report.

I. Approval/notice without discussion

The delegations were reminded to nominate new members to the Horizontal and Family Benefit Ad Hoc groups.

The Administrative Commission approved without discussion the following items: Nominations for membership to the Ad-Hoc Groups established for the definition of data to be exchanged electronically; Nomination for membership of Steering Committee of the Fraud and Error Platform; Average costs of benefits in kind 2016 and 2017; Claims situation as at 31 December 2017 between Social Security Institutions in the Member States; Nominations for membership to the Conciliation Panel of the Audit Board; Work Programme of the Audit Board for the years 2019 – 2022; Nominations for membership to the Change Advisory Board.

II. Report of the outcome of the Working Party of the Administrative Commission of 18 December 2018

The delegations took note of the outcomes of the AC Working Party meeting of 18 December 2018.

III. EESSI

a) EESSI governance and progress update

The Administrative Commission welcomed the updates about the progress of the EESSI project and the national implementation based on monitoring dashboards submitted by the countries and the work of the Technical Commission and the Executive Board, in particular the proposed measures for the assessment of the status of the countries in meeting the transition deadline.

b) Change management

The Administrative Commission approved the change requests as per recommendations following the 1st and 2nd meetings of the Change Advisory Board and as recommended by the Technical Commission in its 81st meeting and took note of the outcomes of the 3rd Change Advisory Board meeting.

c) 2018 EESSI Release Calendar

The Administrative Commission approved the Release Calendar (note AC 218/18REV2).

IV. Follow up to the report of the Ad hoc Group on Family Benefits

a) Draft proposal for a Decision revising Decision F1

The Administrative Commission will wait for the judgement of the CJEU In case (C-322/17, *Bogatu*) to continue its discussion on this proposal, as well as on the proposal for a new Decision of the series A (point IV. b) of the Agenda).

c) Draft proposal for a Decision of series F concerning the uniform method of calculation of the differential supplement

The decision of series F concerning the uniform method of calculation of the differential supplement was adopted by qualified majority.

V. Recognition of the status of ‘family member’ with regard to sickness benefits in kind in case of residence in a Member State other than the competent Member State

The Administrative Commission agreed to the interpretation of “family member” for the application of the sickness chapter as presented by the Belgian delegation - definition by the legislation of the Member State of residence.

VI. Interpretation of the definition of “benefits in kind” provided in Article 1(va) of Regulation (EC) No 883/2004

The nature of the Danish benefit should be assessed in accordance with the criteria of the relevant case law of the Court of Justice of the European Union *Molenaar* case (C-160/96).

VII. Statistical reporting on the coordination of social security schemes

The Administrative Commission approved: Statistical report on maternity and equivalent paternity benefits; Statistical report on recovery; Statistical report 2018.

The delegations took note of the final report on future collection of statistical data.

The Administrative Commission took note of the provisional calendar to provide data in 2019 and the updated privacy statement on the SharePoint site.

VIII. Annual discussion on Fraud and Error

The Administrative Commission approved the Report on fraud and error and took note of the Report prepared by the Committee.

IX. Territorial application of Social Security Coordination Regulations

The delegations took note of the note on territorial application of Social Security Coordination Regulation.

X. Changes in Member States legislation

The delegations took note of the changes in legislation related to Swedish guaranteed pension following the judgement of the CJUE in case C-189/16 and changes regarding sickness benefits and unemployment benefits; Portuguese changes to social security legislation; Danish changes to their unemployment benefit system and United Kingdom's changes to the E205 process.

XI. Application of Article 15 of Regulation (EC) No 883/2004 and Article 17 of Regulation (EC) 987/2009

The Administrative Commission took note of the information provided on the application of Article 15 of Regulation (EC) No 883/2004 and Article 17 of Regulation (EC) 987/2009 and asked the Office for the Administration and Payment of Individual Entitlements of the European Commission (PMO) to provide further information.

XII. Follow up to the discussion on the determination of the applicable legislation in the situations linked to the territory of third (non EU) countries –adding a new chapter to the Practical Guide

The importance of the coherent application of the provisions by all the Member States was stressed and a reference to the European Intra Corporate Transfer Directive No 2014/66/ and other relevant directives and bilateral agreements that need to be reviewed in order to see if they could provide some additional guidance on the raised issues was made.

XIII. Determination of applicable legislation in the situations of the nationals of third countries

The delegations agreed to postpone the discussion until the Court delivers its judgment in case *Balandin* (C-477/17) and were invited to send notes on any issues which could be relevant for additions to the *Practical Guide* regarding the determination of applicable legislation, also in relation to the situation of third country nationals including the persons falling under the scope of the ICT-Directive.

XIV. Follow up to the Working Party on the consequences and possible solutions in cases of lump sum payment of pensions, reimbursement of contributions and waiver of pensions

The delegations were invited to send notes on the consequences and possible solutions in cases of lump sum payment of pensions, reimbursement of contributions and waiver of pensions.

XV. Draft agendas of the meetings of the Administrative Commission in the first half of 2019

The delegations took note of the priorities during the Romanian Presidency and the draft agendas for the first half of 2019.

XVI. Other Business

There was no other business to discuss.