

Social protection: third-country nationals not covered due to their nationality (ext. Regulation (EEC) No 1408/71 and (EEC) No 574/72)

2002/0039(CNS) - 14/05/2003 - Final act

PURPOSE : to extend to third-country nationals, currently excluded on account of their nationality, the provisions of Regulation 1408/71/EEC on the application of social security schemes to employed persons and their families moving within the Community. **COMMUNITY MEASURE** : Council Regulation 859/2003/EC extending the provisions of Regulation 1408/71/EC and Regulation 574/72/EEC to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality. **CONTENT** : the Council adopted a Regulation aimed at extending to third-country nationals, currently excluded on account of their nationality, the provisions of Regulation 1408/71/EEC on the application of social security schemes to employed persons and their families moving with the Community. It is aimed at granting rights as similar as possible to those enjoyed by Union citizens to third-country nationals legally resident in the Community who satisfy the other conditions provided for in Regulation 1408/71/EEC. It follows on from the request made by the Tampere European Council in October 1999 for the status of third-country nationals to be approximated to that of Member State nationals. This Regulation shall not create any rights in respect of the period before 1 June 2003. Any period of insurance and, where appropriate, any period of employment, self-employment or residence completed under the legislation of a Member State before 1 June 2003 shall be taken into account for the determination of rights acquired in accordance with the provisions of this Regulation. Any benefit that has not been awarded to that has been suspended on account of the nationality or the residence of the person concerned shall, at the latter's request, be awarded or resumed from 1 June 2003, provided that the rights for which benefits were previously awarded did not give rise to a lump-sum payment. The rights of persons who prior to 1 June 2003 obtained the award of a pension may be reviewed at their request, account being taken of the provisions of this Regulation. If the request is lodged within 2 years from 1 June 2003, rights deriving from this Regulation shall be acquired from that date and the provisions of the legislation of any Member States on the forfeiture or lapse of rights may not be applied to the persons concerned. If this request is lodged after expiry of the deadline, rights not forfeited or lapsed shall be acquired from the date of such request, subject to any more favourable provisions of the legislation of any Member State. **ENTRY INTO FORCE** : 1 June 2003.