Social security: implementing Regulation (EC) No 883/2004 on the coordination of the social security systems

2006/0006(COD) - 15/10/2008 - Modified legislative proposal

In its amendment proposal following the European Parliament's opinion at 1st reading on 9 July 2008, the Commission adapts a certain number of points in its original proposal based on the Parliament's suggestions. The Commission can accept the vast majority of the amendments (159 out of 162) as they are in line with the objectives of its proposal. These amendments relate to procedures for implementing Regulation (EC) No 883/2004 and generally aim to ensure that social security benefits are granted quickly and efficiently to EU citizens (cutting red tape).

Many of these amendments are identical or similar to the changes made by the Council as a result of the work of the Council Working Group on Social Security. Other amendments are of a linguistic nature or spell out the procedure more clearly.

Amendment which the Commission can accept in part:

- **Amendment 15** which reflects the opinion of the European Data Protection Supervisor and changes agreed by the Council. It focuses on the exchange of personal data between national administrations and the protection of such data in so far as they relate to social security benefits. The amendment introduces a reference into Directive 95/46/EC on processing of personal data and affects the content of Annex IV to Regulation (EC) No 883/2004. This may interfere with the competence and internal organisation of the Member States in this area, which are already covered by Directive 95 /46/EC.

The Commission cannot accept the following:

- **Amendment 26**: the purpose being to clarify the provisions on reimbursement of benefits paid provisionally in cash and in kind by the competent institution. The new Council wording of the first subparagraph of Article 6(4), negotiated as part of the partial general approach, is more accurate. It reflects the progress made by the Council Working Party on Social Security specifically in Chapter III, Title IV (Financial provisions).
- **Amendment 55**: according to this amendment, a certificate determining the legislation applicable (e. g. in cases of posting) will always be issued to the person concerned and will indicate the wages stated by the employer. This amendment goes further than the information needed for social security purposes in cases of posting (determination of legislation applicable) and the objectives of the Regulation.