

Social security: nationals of third countries not covered due to their nationality

2007/0152(COD) - 24/11/2010 - Final act

PURPOSE: to extend provisions on the co-ordination of social security systems to third country nationals.

LEGISLATIVE ACT: Regulation (EU) No 1231/2010 of the European Parliament and of the Council extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality.

CONTENT: the Council adopted its position at first reading on a draft regulation aimed at extending the application of regulation 883/2004 on the coordination of social security systems and its implementing regulation 987/2009 to nationals of third countries. The German, Austrian and Bulgarian delegations voted against, and the Czech delegation abstained.

The application of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by those Regulations solely on the ground of their nationality must not give them any entitlement to enter, to stay or to reside in a Member State or to have access to its labour market. Accordingly, the application of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 should be without prejudice to the right of the Member States to refuse to grant, to withdraw or to refuse to renew a permit to enter, to stay, to reside or to work in the Member State concerned, in accordance with the law of the Union.

In addition, the condition of residing legally in the territory of a Member State should not affect the rights deriving from the application of Regulation (EC) No 883/2004 concerning invalidity, old age or survivors' pensions, on behalf of one or more Member States, for a third-country national who has previously fulfilled the conditions of this present Regulation, or the survivors of such third-country national, insofar as they derive their rights from a worker, when residing in a third country.

Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. The same applies to the United Kingdom.

Ireland has notified its wish to take part in the adoption and application of this Regulation.

ENTRY INTO FORCE: 01/01/2011.