Social security: employed persons, self-employed persons and their families (amend. Regulations (EEC) No 1408/71 and (EEC) No 574/72)

2000/0070(COD) - 05/06/2001 - Final act

PURPOSE : to amend Council Regulation 1408/71/EEC on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Council Regulation 574/72/EEC laying down the procedure for implementing Regulation 1408/71/EEC. COMMUNITY MEASURE : Regulation 1386/2001/EC of the European Parliament and of the Council amending Council Regulations 1408/71/EEC on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and 574/72/EEC laying down the procedure for implementing Regulation 1408/71/EEC (text with EEA relevance). CONTENT : the purpose of this Regulation is to update Community Regulations 1408/71/EEC, 574/72/EEC to take account of changes to national legislation as well as to clarify the legal situation as concerns certain Articles of the implementing Regulation. The amendments to the Articles relate to: - the separation of Article 34(4) and 34(5) of Regulation 574/72/EEC so that Article 34(5) no longer refers to the reimbursement procedure subject to a ceiling where expenses have been incurred during a stay in a Member State which does not provide for rates of reimbursement. Furthermore, the amendment offers an opportunity to correct errors in certain language versions, primarily in the English and Swedish versions, which refer to the "State of residence" rather than the "State of Stay"; - the reintroduction of Article 22c relating to "Studies in a Member State other than the competent State"; - the clarification of the current legal situation relating to Article 2 of Regulation 1103/97/EC and the responsibility for the quotation of EURO reference rates being assumed by the European Central Bank (ECB); The amendments to the Annexes relate to: - making applicable Regulation 1408/71/EEC to the French supplementary pension schemes ARRCO and AGIRC; - the addition of an entry in Annex VI Section "E. France" to align the conditions under which a Community national not pursuing activity on French territory can voluntarily join a French supplementary pension schemes with the conditions earlier laid down for the person concerned to voluntarily join a basic French old-age insurance scheme; - the addition of an entry to "K.Austria" aims at removing any uncertainty concerning the applicability of Regulation 1408/71/EEC to the only Austrian statutory pre-retirement scheme, i.e. special assistance under the Special Assistance Act (SUG); - "N. Sweden" which takes account of the ruling of the European Court of Justice that had established that the Swedish parental benefit must be treated as a family benefit rather than a maternity benefit. In conclusion, freedom of movement for persons is one of the objectives and principles of the Agreement on the European Economic Area (EEA). Article 29 of Chapter 1 relates to social security for persons moving within the Community. Consequently, this proposal for a Regulation, if adopted, must be applied to the member countries of the EEA. ENTRY INTO FORCE : this Regulation shall enter into force on 01/09/2001. Article 1, as far as the changes to Section "E France" of Annex IV, Part C, and of Annex IV to Regulation 1408/71/EEC are concerned, shall apply as from 1 January 2000.