

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) - 06/02/2002 - Legislative proposal

PURPOSE: To offer third nationals legally resident in the EU the same social security opportunities as those offered to Member States' nationals. **CONTENT:** Regulation 1408/71/EEC provides for Community co-ordination of the Member States' social security schemes. It currently applies to Community nationals and certain categories of nationals of third countries. The main objective of this new proposal is to offer equal treatment to citizens of third country national legally resident in the Community. In simplifying the procedures it is hoped that administrative costs will be minimised. A further aim of the proposal is to encourage worker mobility with a view to promoting new European labour markets - which are open to all, with access for all. Since the entry into force of the Amsterdam Treaty and following extensive debate in the Council, the Commission has decided to change the legal basis of the proposal from Article 51 and 235 (now 42 and 308) to Article 63(4) of the EC Treaty. Article 63(4) provides for "measures defining the rights and conditions under which national of third countries who are legally resident in a Member State may reside in other Member States." Moreover, in presenting this proposal, the Commission argues that it is fulfilling the principles of subsidiarity and proportionality. The proposed Regulation outlines provisions to nationals of third countries not already covered by this Regulation on the ground of their nationality. Certain categories of third-country nationals are already included in its scope - namely stateless persons, refugees and members of families and survivors of Community national as defined by this Regulation. Those covered by the Regulation must have a temporary or permanent right of residence. A further provision has been included, designed to protect the persons covered by this Regulation, in order for them not to lose their rights as a result of its entry into force and to permit in particular the award, resumption or revision of the benefits.