Social security: employed persons, self-employed persons and their families (amend. Regul. 1408/71 /EEC, 574/72/EEC)

1996/0227(CNS) - 27/06/1997 - Final act

OBJECTIVE: to update Regulations (EC) Nos 1408/71 and 574/72 on the application of social security schemes to migrant workers and members of their families moving within the Community, to take account of changes in national legislation and other technical changes. COMMUNITY MEASURE: Council Regulation (EC) No 1290/97 amending Regulation (EEC) No 1408/71 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 Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71. SUBSTANCE: the amendments to these 2 Regulations concern the following points: - for the purpose of defining 'member of the family', reference is made to the national legislation pursuant to which the service is provided; - civil servants, other persons treated as such, members of their family and their survivors are explicitly included in the scope of Regulation No 1408/71; - people staying in a Member State other than the competent State to study there or receive vocational training, and members of their families, are enabled to receive services in kind for any care, whether or not immediately needed. The new Regulation provides for a transitional period for the application of this new paragraph to the Netherlands, in view of the administrative problems to which it might give rise there. The transitional period must not extend beyond 01.01.1999. The Regulation also improves the coordination of national social security schemes by introducing new provisions concerning the simplification and speeding-up of administrative procedures in the framework of the multiannual TESS (Telematics in Social Security) programme, designed to facilitate the use of telematics services to exchange social security data. A clause is inserted to ensure that documents exchanged electronically will be accepted in the same way as paper documents. A rule is also introduced concerning the burden of proof in cases where the correctness and quality of a document received electronically is questioned. As regards the changes to be made to Regulation 574/72, the Regulation mainly: - inserts a new Title VIa, concerned wholly with electronic data processing; - seeks to ensure that the Administrative Commission on Social Security for Migrant Workers will encourage the use of telematics services to exchange information between the social security institutions in the Member States; - lays down that Member States are responsible for extending the use of telematics services between their own social security institutions; - stipulates that the Commission will support activities of common interest (adoption of common architecture rules and inter-operability tests); - stresses that Member States are responsible, in accordance with Community provisions on the protection of individuals with regard to the processing of personal data, for managing their own part of the telematics services. Lastly, a number of amendments are made to take account of certain bilateral agreements concluded between Member States. ENTRY INTO FORCE: 04/10/1997.