Basic information

2002/0039(CNS) CNS - Consultation procedure Regulation	Procedure completed
Social protection: third-country nationals not covered due to their nationality (ext. Regulation (EEC) No 1408/71 and (EEC) No 574/72) Repealed by 2007/0152(COD) **Subject** 4.10.10 Social protection, social security 7.10 Free movement and integration of third-country nationals	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	OOMEN-RUIJTEN Ria (PPE-DE)	19/03/2002

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	KESSLER Margot (PSE)	14/05/2002
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2507	2003-05-14

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	

Key events

Date	Event	Reference	Summary
06/02/2002	Legislative proposal published	COM(2002)0059	Summary
27/02/2002	Committee referral announced in Parliament		
05/11/2002	Vote in committee		Summary

05/11/2002	Committee report tabled for plenary, 1st reading/single reading	A5-0369/2002	
21/11/2002	Decision by Parliament	T5-0574/2002	Summary
21/11/2002	Debate in Parliament		
14/05/2003	Act adopted by Council after consultation of Parliament		
14/05/2003	End of procedure in Parliament		
20/05/2003	Final act published in Official Journal		

Technical information

Procedure reference	2002/0039(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealed by 2007/0152(COD)
Legal basis	EC Treaty (after Amsterdam) EC 063
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/5/15959

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0369/2002	05/11/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0574/2002 OJ C 025 29.01.2004, p. 0230-0413 E	21/11/2002	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2002)0059  OJ C 126 28.05.2002, p. 0388 E	06/02/2002	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2003/0859
OJ L 124 20.05.2003, p. 0001-0003 Summary

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 loose their rights as a result of its entry into force and to permit in particular the award, resumption or revision of the benefits.

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) - 14/05/2003 - Final act

PURPOSE : to extend to third-country nationals, currently excluded on account of their nationality, the provisions of Regulation 1408/71/EEC on the application of social security schemes to employed persons and their families moving within the Community. COMMUNITY MEASURE : Council Regulation 859/2003/EC extending the provisions of Regulation 1408/71/EC and Regulation 574/72/EEC to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality. CONTENT : the Council adopted a Regulation aimed at extending to third-country nationals, currently excluded on account of their nationality, the provisions of Regulation 1408/71/EEC on the application of social security schemes to employed persons and their families moving with the Community. It is aimed at granting rights as similar as possible to those enjoyed by Union citizens to third-country nationals legally resident in the Community who satisfy the other conditions provided for in Regulation 1408/71/EEC. It follows on from the request made by the Tampere European Council in October 1999 for the status of third-country nationals to be approximated to that of Member State nationals. This Regulation shall not create any rights in respect of the period before 1 June 2003. Any period of insurance and, where appropriate, any period of employment, self-employment or residence completed under the legislation of a Member State before 1 June 2003 shall be taken into account for the determination of rights acquired in accordance with the provisions of this Regulation. Any benefit that has not been awarded to that has been suspended on account of the nationality or the residence of the person concerned shall, at the latter's request, be awarded pr resumed from 1 June 2003, provided that the rights for which benefits were previously awarded did not give rise to a lump-sum payment. The rights of persons who prior to 1 June 2003 obtained the ward of a pension may be reviewed at their request, account being taken of the provisions of this Regulation. If the request is lodged within 2 years from 1 June 2003, rights deriving from this Regulation shall be acquired from that date and the provisions of the legislation of any Member States on the forfeiture or lapse of rights may not be applied to the persons concerned. If this request is lodged after expiry of the deadline, rights not forfeited or lapsed shall be acquired from the date of such request, subject to any more favourable provisions of the legislation of any Member State. ENTRY INTO FORCE : 1 June 2003.

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) - 21/11/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Ria OOMEN-RUIJTEN (EPP-ED, NL) on the Commission's proposal. (Please refer to the document dated 5/11/02).