Basic information

2003/0138(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Social security: employed persons, self-employed persons, and their families (amend. Regulations (EEC) No 1408/71 and (EEC) No 574/72) **Subject** 4.10.10 Social protection, social security	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	JENSEN Anne E. (ELDR)	12/03/2003

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	GHILARDOTTI Fiorella (PSE)	07/07/2003
PETI Petitions	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Employment, Social Policy, Health and Consumer Affairs	2535	2003-10-20
Employment, Social Policy, Health and Consumer Affairs	2567	2004-03-04

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	

Key events

Date	Event	Reference	Summary
27/06/2003	Legislative proposal published	COM(2003)0378	Summary
03/07/2003	Committee referral announced in Parliament, 1st reading		
20/10/2003	Debate in Council		Summary

04/11/2003	Vote in committee, 1st reading		Summary
04/11/2003	Committee report tabled for plenary, 1st reading	A5-0399/2003	
04/12/2003	Decision by Parliament, 1st reading	T5-0544/2003	Summary
04/12/2003	Debate in Parliament		
19/12/2003	Modified legislative proposal published	COM(2003)0831	Summary
04/03/2004	Act adopted by Council after Parliament's 1st reading		
31/03/2004	Final act signed		
31/03/2004	End of procedure in Parliament		
06/04/2004	Final act published in Official Journal		

Technical information

Procedure reference	2003/0138(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Codification
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 042 EC Treaty (after Amsterdam) EC 308
Stage reached in procedure	Procedure completed

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0399/2003	04/11/2003	
Text adopted by Parliament, 1st reading/single reading		T5-0544/2003 OJ C 089 14.04.2004, p. 0033-0124 E	04/12/2003	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2003)0073	17/02/2003	Summary
Legislative proposal	COM(2003)0378	27/06/2003	Summary
Modified legislative proposal	COM(2003)0831	19/12/2003	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0751/2003 OJ C 220 16.09.2003, p. 0046-0049	18/06/2003	
EESC	Economic and Social Committee: opinion, report	CES1399/2003 OJ C 032 05.02.2004, p. 0078-0080	29/10/2003	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Regulation 2004/0631 OJ L 100 06.04.2004, p. 0001-0005	Summary

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

2003/0138(COD) - 04/12/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution based on the report drafted by Anne Elisabet JENSEN (ELDR, DK) but rejecting most of the amendments voted by the committee. The principal amendments were as follows: - all insured persons must be entitled to the benefits in kind which become medically necessary during their stay in the territory of another Member State, taking account of the nature of the benefits and the expected length of the stay; - Member States should ensure that appropriate information is provided regarding changes in rights and obligations introduced by the Regulation; - there are special provisions for students and members of their families; - a document issued by the competent institution for entitlement to benefits in accordance with the provisions of the Regulation, in each individual case concerned, will have the same effect with regard to the provider of benefits as national evidence of the entitlements of the persons insured with the institution of the place of stay; - for the purpose of the implementation of the Regulation, the institutions in the Member State of stay must ensure that all care providers are fully aware of the criteria set out in the relevant provisions of Regulation 1408/71/EEC. Parliament stated that direct access to care providers must be guaranteed by 1 July 2004 at the latest. The date of entry into force will be 1 June 2004. The Commissioner DIAMANTOPOULOU informed Parliament that the Commission could accept all the amendments.

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

2003/0138(COD) - 31/03/2004 - Final act

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

2003/0138(COD) - 19/12/2003 - Modified legislative proposal

The Commission has agreed to incorporate all amendments adopted by the European Parliament. These concern the following: - simplifying the formalities for patients who need care in the State of stay by allowing them direct access to care providers. Others aim to ensure that the care providers will be fully aware of the extent of the rights of the insured persons during the temporary stay; - clarifying and making more precise the Commission's proposal or to make some linguistic corrections; - ensuring the information of the insured persons about their rights and obligations arising from the new Regulation; - specifying in a precise way the obligation of information of the institution and of the insured persons about their

situation; - replacing the word "penalties" which is strong and refers to criminal law, by "measures" which is softer; - specifying that the document (European health insurance card or E-form) has the same effect with regard to the care provider as national evidence of the entitlements of the persons insured with the institution of the place of stay; - the entry into force of the new Regulation, this amendment makes sure that the new Regulation will enter into force on the same date (1 June 2004) as the European health insurance card. As far as the direct access to care providers is concerned, for purely administrative reasons, the entry into force is postponed until 1 July 2004.

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

2003/0138(COD) - 20/10/2003

Pending the European Parliament's opinion in first reading, the Council agreed on a provisional general approach on the proposal for a Regulation amending the Regulation 1408/71/EC on coordination of social security schemes and aimed at facilitating the introduction of a European Health Insurance Card. The text of the draft Regulation agreed on by the Council introduces only a few changes to the initial Commission's proposal in order to clarify certain points. In particular, it provides that the date of entry into force of the Regulation is set at 1 June 2004, i.e. the same date as the introduction of the European Health Card itself, (except in the case where publication of the Regulation would be at a later date); direct access to care providers is to be guaranteed by 1 July 2004.

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

2003/0138(COD) - 27/06/2003 - Legislative proposal

PURPOSE : to present a proposal for a Regulation amending Council Regulation 1408/71/EEC on the application of social security schemes to employed persons and their families moving within the Community, and Council Regulation 574/72/EEC fixing the procedure for implementing Regulation 1408/71/EEC in respect of the alignment of rights and the simplification of procedures. CONTENT : to recall, the Barcelona European Council of 15 and 16 March 2002 concluded that a European Health Insurance Card should replace the current paper forms needed for health treatment in another Member State. The Commission stated that it would present a proposal to that effect before the Spring European Council in 2003. Such a card shall simplify procedures, but will not change existing rights and obligations. In February 2003 the Commission presented a communication on the introduction of a European health insurance card ("European Card") proposing a scenario for the gradual replacement by the European card of the forms currently needed for health treatment during a temporary stay in a Member States other than the competent State. Two measures are recommended in order to enable the replacement of the forms by the European card in order for the introduction of this card to truly simplify procedures: 1) the rights of all groups of insured persons during a temporary stay in a Member State other than the competent State must be brought into line to enable all persons covered by the Regulation to receive any benefits in kind that may become necessary for medical reasons during a stay in another member State; 2) the formalities for patients who need care in the State of stay must be simplified, specifically by doing away with the obligation to contact the social security institution of the place of stay before seeing a care provider, thus allowing them direct access to care providers. Lastly, a provision must be drawn up that defines the relationship between the social security institutions and the users. It should also be noted that the agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, on the free movement of person, which came into force on 1 June 2002, contains an Article which reinstates the principles listed in Article 42 of the EC Treaty in respect of social security for persons moving within the Community. Consequently, this proposal for a Regulation should, if it is adopted, apply with respect to the Swiss Confederation.

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

2003/0138(COD) - 17/02/2003 - Document attached to the procedure

This document consists of a Communication from the Commission concerning the introduction of a European health insurance card. The Commission has proposed 1 June 2004 as the launch date of the common European health insurance card. The single, personalised card is designed to replace all current paper forms needed for health treatment which is necessary during a temporary stay in another Member State. The new card will make life easier for EU citizens, care providers (doctors, hospitals) and social security institutions. It will first replace the existing 'E111' form for short stays such as holidays and then, in a second phase, all the other forms used for temporary stays employees posted to another country (E128), international road transport (E110), study (E128) and job seekers (E119). In a third phase, it will take the form of an electronic 'smart' card, readable by computer. The card will simplify procedures but not change EU citizens' rights and obligations. The card will, for example, allow patients who have to pay for their health care abroad to be reimboursed more quickly by their own social security system. However, the card will offer more advantages as EU rules gradually open up more possibilities for EU citizens to be treated while on a temporary stay in another Member State. One such possibility, already agreed at political level between the Member States, is the right to all necessary care in the host Member State, not only emergency care. The Commission has adopted these proposals at the request of the Barcelona Spring Summit of March 2002, which asked the Commission to table, before the Brussels Spring Summit of 21 March this year, the necessary details for phasing in of a European health insurance card. The European card will be introduced in three stages: 1) Legal and technical preparation (2002-2003), with consultation of Member States and other stakeholders. 2) Launch on 1 June 2004. Initially, the card will replace only form "E111" and subsequently all the other forms used for temporary stays. Grace periods may be requested by those Member States which do not presently use cards but these grace periods may not exceed 18 months (i.e. until 31 December 2005). 3) Introduction of electronic "smart cards". In some EU border regions, such electronic systems already exist for planned health care in another

Member State (E112) . However, given the differences in national circumstances and in the technology used, this phase cannot be embarked upon immediately.