

Basic information	
2006/0008(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Coordination of social security systems: amending Annexes Amending Regulation (EC) No 883/2004 1998/0360(COD) Subject 2.20 Free movement of persons 4.10.10 Social protection, social security	

Key players			
European Parliament	Committee responsible		Rapporteur
	EMPL Employment and Social Affairs		CREMERS Jan (PSE)
	Former committee responsible		Former rapporteur
	EMPL Employment and Social Affairs		BOZKURT Emine (PSE)
Council of the European Union	Council configuration		Meetings
	General Affairs		2957
	Employment, Social Policy, Health and Consumer Affairs		2876
	Employment, Social Policy, Health and Consumer Affairs		2767
	Employment, Social Policy, Health and Consumer Affairs		2893
	Employment, Social Policy, Health and Consumer Affairs		2803
	Employment, Social Policy, Health and Consumer Affairs		2916
	Employment, Social Policy, Health and Consumer Affairs		2837
	Employment, Social Policy, Health and Consumer Affairs		2733
European Commission	Commission DG		Commissioner
	Employment, Social Affairs and Inclusion		ŠPIDLA Vladimír

Key events			
Date	Event	Reference	Summary

24/01/2006	Legislative proposal published	COM(2006)0007 	Summary
14/02/2006	Committee referral announced in Parliament, 1st reading		
01/06/2006	Debate in Council		Summary
30/11/2006	Debate in Council		
30/05/2007	Debate in Council		Summary
05/12/2007	Debate in Council		
29/05/2008	Vote in committee, 1st reading		Summary
05/06/2008	Committee report tabled for plenary, 1st reading	A6-0229/2008	
09/06/2008	Debate in Council		Summary
09/07/2008	Decision by Parliament, 1st reading	T6-0349/2008	Summary
09/07/2008	Debate in Parliament		
02/10/2008	Debate in Council		Summary
15/10/2008	Modified legislative proposal published	COM(2008)0648 	Summary
17/12/2008	Council position published	14518/1/2008	Summary
15/01/2009	Committee referral announced in Parliament, 2nd reading		
31/03/2009	Vote in committee, 2nd reading		Summary
02/04/2009	Committee recommendation tabled for plenary, 2nd reading	A6-0207/2009	
22/04/2009	Decision by Parliament, 2nd reading	T6-0222/2009	Summary
22/04/2009	Results of vote in Parliament		
27/07/2009	Act approved by Council, 2nd reading		
16/09/2009	Final act signed		
16/09/2009	End of procedure in Parliament		
30/10/2009	Final act published in Official Journal		

Technical information

Procedure reference	2006/0008(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 883/2004 1998/0360(COD)
Legal basis	EC Treaty (after Amsterdam) EC 042 EC Treaty (after Amsterdam) EC 308
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/6/71622

Documentation gateway


European Parliament

Document type	Committee	Reference	Date	Summary
Amendments tabled in committee		PE402.505	15/04/2008	
Committee draft report		PE400.316	21/04/2008	
Committee report tabled for plenary, 1st reading/single reading		A6-0229/2008	05/06/2008	
Text adopted by Parliament, 1st reading/single reading		T6-0349/2008	09/07/2008	Summary
Committee draft report		PE418.290	23/01/2009	
Committee recommendation tabled for plenary, 2nd reading		A6-0207/2009	02/04/2009	
Text adopted by Parliament, 2nd reading		T6-0222/2009	22/04/2009	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	16555/2008	04/12/2008	
Council position	14518/1/2008	17/12/2008	Summary
Draft final act	03647/2009/LEX	16/09/2009	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2006)0007 	24/01/2006	Summary
Supplementary legislative basic document	COM(2007)0376 	03/07/2007	Summary
Modified legislative proposal	COM(2008)0648 	15/10/2008	Summary
Commission communication on Council's position	COM(2008)0897 	07/01/2009	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2009)0265 	05/06/2009	Summary
Commission response to text adopted in plenary	SP(2009)3507	25/06/2009	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0422/2007	14/03/2007	
EESC	Economic and Social Committee: opinion, report	CES0996/2007	12/07/2007	

Additional information		
Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	
Final act		
Regulation 2009/0988 OJ L 284 30.10.2009, p. 0043		Summary

Coordination of social security systems: amending Annexes

2006/0008(COD) - 09/07/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 674 votes to 22 with 8 abstentions, a legislative resolution under the consultation procedure, amending the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems, and determining the content of Annex XI.

The report had been tabled for consideration in plenary by Emine **BOZKURT** (PES, NL) on behalf of the Committee on Employment and Social Affairs. Many of the amendments are the result of agreement reached during trialogue meetings between representatives of the Parliament, the Commission and the Council.

Parliament notes that it considers the procedure on the Coordination of social security systems: amending the annexes to Regulation (EC) No 883/2004 ([COD/2007/0129](#)) to have lapsed as a result of the incorporation into this procedure of the contents of the Commission proposal (COM(2007) 0376). It should be noted that this procedure is linked to the proposal for the implementing regulation (see [COD/2006/0006](#)). Both these procedures need to be completed before the new social security coordinating Regulation 883/2004 becomes applicable.

Due to the merging of the procedures, the title for this proposal is changed to: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems, and determining the content of its annexes. A new recital notes that Annexes I, III, IV, VI, VII, VIII and IX to Regulation (EC) No 883/2004 should be adapted to take into account both the requirements of the Member States that have acceded to the European Union since that Regulation was adopted and recent developments in other Member States.

Parliament clarified the situation of family members of former frontier workers should benefit from the possibility to continue medical treatment in the former country of employment of the insured person after his or her retirement. It also clarified that the principle of unity of the applicable legislation is of great importance and should be enhanced. This should not mean, however, that the grant of a benefit alone, in accordance with the Regulation and comprising the payment of insurance contributions or insurance coverage for the beneficiary, renders the legislation of the Member State whose institution has granted that benefit the applicable legislation for that person.

The Parliament also adopted another technical amendment which clarifies one of the Annexes in order to take account of new amendments made to Member States' legislation.

Coordination of social security systems: amending Annexes

2006/0008(COD) - 17/12/2008 - Council position

The Council unanimously adopted its common position with a view to the adoption by the European Parliament and the Council of a Regulation amending Regulation (EC) No 883/2004 on the coordination of social security systems, and determining the contents of its annexes. This common position incorporates, as desired by the European Parliament following an agreement concluded with the Council on this issue, the content of a parallel proposal (which is now obsolete) also aiming to amend the annexes to Regulation (EC) No 883/2004 on the coordination of social security systems (former procedure COD/2007/0129). The common position therefore focuses on the two initial proposals merged in a single text.

Regarding the amendments adopted by the European Parliament at first reading (which were all accepted by the Commission in its amended proposal), the Council decided to follow the Commission in accepting, in part or in full, 70 of the 77 amendments adopted at first reading, and in rejecting 7 amendments for the following reasons:

(1) the right of the members of the family of a frontier worker to receive health care in the Member State where the worker is employed on the same conditions as those which are applicable to him/her: Article 18(2) of the basic Regulation provides that "the members of the family of a frontier worker shall be entitled to benefits in kind during their stay in the competent Member State, unless this Member State is listed in Annex III". Annex III of the basic Regulation lists the seven Member States which apply restrictions of the rights to benefits in kind for members of the family of a frontier worker.

The amendment of the European Parliament (to which three amendments closely relate) states that a new paragraph 10a should be inserted into Article 87 of the basic Regulation which would provide that "Annex III shall be repealed 5 years after the date of application of the Regulation." After several debates between delegations (some of which were opposed to this amendment), a compromise solution was eventually reached, in view of the importance of this issue for the European Parliament. The solution, which was reached unanimously by the delegations, can be summarised as follows:

- Articles 18(2) and 28(1) of the basic Regulation would be amended to provide that Annex III would be reviewed 5 years after its application; and
- a new paragraph (10a) would be added to Article 87 of the basic Regulation to provide that the period of validity of some Member States' entries in Annex III would be limited to 4 years.

(2) Annex II to the basic Regulation on bilateral conventions: in point 36 of this Annex, under the Portugal-United Kingdom entry, Parliament includes a reference to Article 2(1) of the Protocol on medical treatment of 15 November 1978 which is already covered by Annex III of Council Regulation (EEC) No 1408/71. This Protocol does not appear in Annex II in the Council's common position as the two Member States concerned have indicated that they have decided not to apply Article 2(1) of this Protocol as from 1 September 2008.

(3) maintain the entry "Italy" in Annex IV of the basic Regulation: a European Parliament amendment aims, inter alia, to maintain the entry "Italy" in Annex IV of the basic Regulation which provides that the Member States listed in this Annex will provide more rights for pensioners returning to the competent Member State (Article 27(2) of the basic Regulation). This amendment was not acceptable to the Council acting on the basis of unanimity. The Italian competent authorities reassessed their position, preferring not to grant, for the time being, additional rights for pensioners. In the light of these new developments, the Commission proposed that the entry "Italy" be deleted from Annex IV. The Italian delegation could go along with the Commission's proposal.

Moreover, the Council introduced a series of additional technical changes, which include: (i) changes in relation to benefits for accidents at work or occupational diseases; (ii) details on the maximum time period during which a person will be subject to the legislation of a Member State other than the one determined in accordance with Title II of Council Regulation (EEC) No 1408/71.

General conclusions: the Council welcomes the spirit of cooperation which prevailed with the European Parliament during the first reading of the Regulation, which allowed the two institutions already to reduce the scope of potential disagreement to a very large extent. It considers that its common position goes largely in the direction of the concerns voiced by Parliament and looks forward to pursuing this constructive discussion with the European Parliament, with a view to reaching final agreement on this complementary legislation as soon as possible.

Coordination of social security systems: amending Annexes

2006/0008(COD) - 05/06/2009 - Commission opinion on Parliament's position at 2nd reading

The Commission accepts all 4 amendments adopted by Parliament.

The 4 amendments concern Annex III, which contains a list of Member States applying "restriction of rights to benefits in kind for members of the family of frontier workers" in the competent Member State. The text provides a review of Annex III no later than 5 years from the date of entry into force of the Regulation. The corresponding four amendments all aim to clarify that the aim of the revision is, in principle, to have Annex III repealed, unless there are compelling reasons to do otherwise.

Coordination of social security systems: amending Annexes

2006/0008(COD) - 24/01/2006 - Legislative proposal

PURPOSE: to amend Regulation 883/2004/EC on the coordination of social security systems and to determine the content of Annex XI.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: Regulation 883/2004/EC replaces Regulation 1408/71/EEC which currently provides for the coordination of social security systems. The new Regulation simplifies and modernises the existing legislation. The Regulation provides that the content of Annex XI must be determined before the date of application of the Regulation. This Annex is necessary in order to take into account the particularities of the various social security systems of Member States.

More specifically, Annex XI of Regulation 883/2004/EC sets out particular methods for applying the legislation of certain Member States. This Annex will facilitate the application of Regulation 883/2004/EC by ensuring the smooth interaction of Community legislation with national laws. Annex XI contains separate sections for each Member State containing, where necessary, supplementary provisions regarding specific aspects of that Member State's legislation. The purpose of each entry is to ensure that the Regulation can be smoothly applied in the Member State concerned.

Coordination of social security systems: amending Annexes

2006/0008(COD) - 09/06/2008

The Council has agreed on a **general approach** on a regulation amending Regulation (EC) No 883/2004 on the coordination of social security systems and determining the content of its Annexes ([9939/08](#)).

These Annexes are necessary in order to ensure that the particular characteristics of the various systems in the Member States are taken into account.

Annex XI contains provisions regarding specific aspects of individual Member States' legislation.

Coordination of social security systems: amending Annexes

2006/0008(COD) - 30/05/2007

Pending the European Parliament's opinion at first reading, the Council reached a partial general approach on a draft Regulation amending Regulation (EC) No 883/2004 and determining the content of Annex XI on the coordination of the social security systems.

While the proposal for a Regulation implementing Regulation (EC) No 883/2004 (the "basic Regulation") provides for horizontal rules, the draft Regulation amending Regulation (EC) No 883/2004 and determining the content of Annex XI, for its part, provides for supplementary provisions regarding specific aspects of individual Member States' legislation in order to ensure that the basic Regulation is smoothly applied in the Member States concerned.

The examination of this proposal will be pursued in parallel with the examination of the implementing Regulation.

Coordination of social security systems: amending Annexes

2006/0008(COD) - 16/12/2008

The Council adopted a **Common Position** on a draft Regulation which complements the basic Regulation (EC) No 883/2004 on the coordination of social security systems.

This Regulation and the parallel Regulation laying down the procedure for application of Regulation (EC) No 883/2004 on the coordination of social security systems will complete the process of modernising European legislation on the coordination of national social security systems begun with the adoption of Regulation (EC) No 883/2004.

Coordination of social security systems: amending Annexes

2006/0008(COD) - 03/07/2007 - Supplementary legislative basic document

PURPOSE: to amend the annexes to Regulation (EC) No 883/2004 on the co-ordination of social security systems.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: in May 2004, Regulation (EC) No 883/2004 came into force. It was adopted in order to simplify and modernise existing legislation on the co-ordination of social security systems, since current legislation dates back to a 1971 Regulation (Regulation (EEC) No 1408/71). However, for the 2004 Regulation to become applicable its Annexes must first be completed.

The remainder of the Annexes being amended by this proposal already contain provisions for several of the EU Member States. However, since the accession of new EU Member States, commencing in 2004, these Annexes need to be updated to take account of the enlargement process.

CONTENT: the purpose of this proposal, therefore, is to amend the Annexes to Regulation (EC) No 883/2004. Specifically the Commission proposes that:

- the content of Annexes II (provisions of conventions which remain in force) and Annex X (special non-contributory cash benefits) be determined - before Regulation (EC) No 883/2004 becomes applicable;
- Annexes I, III, IV, VI, VIII, IX and XI be adopted to take account of new requirements due to the EU's enlargement in May 2004;
- minor amendments be adopted to Annexes I, III, VII and IX, to take account of recent developments in other EU Member States.

Coordination of social security systems: amending Annexes

2006/0008(COD) - 15/10/2008 - Modified legislative proposal

In its amendment proposal following the European Parliament's opinion at 1st reading on 9 July 2008, the Commission amends a certain number of points in its original proposal based on the Parliament's suggestions. The Commission intends to merge 2 proposals that concern the same theme.

Proposals COD/2006/0008 and [COD/2007/0129](#) both relate to the Annexes to Regulation (EC) No 883/2004 and amend some of the same Annexes.

The Council and Parliament decided that the two proposals should be merged. Parliament considers procedure COD/2007/0129 to have lapsed as a result of the incorporation of the contents of Commission proposal into procedure COD/2006/0008.

The amended proposal acknowledges the merging of the two proposals and adapts them on a number of points as suggested by Parliament. The Commission agrees to incorporate all amendments adopted at 1st reading apart from amendments 6 and 12 which it accepts in part for the following reasons:

- **Amendment 6:** this amendment reflects new recital 7a agreed by Council but removes the reference to Annex III. The Commission can accept this amendment in part. The words "in principle" should be inserted as follows: "The family members of former frontier workers should in principle benefit from the possibility to continue medical treatment in the former country of employment of the insured person after his or her retirement." This is to reflect the fact that Annex III will continue to apply for a limited period, so the benefits referred to will not be available immediately in all cases.
- **Amendment 12:** this amendment to Article 28(1) of Regulation (EC) No 883/2004 reflects a similar amendment agreed by Council but removes the reference to Annex III. The Commission can accept this amendment in part. It appears that it is in fact necessary to retain the reference to Annex III, but this reference should be amended to acknowledge the fact that the Annex will only be in force for a limited period. The amendment can therefore be accepted subject to an amendment to the second subparagraph so that it reads as follows: "The first subparagraph shall apply mutatis mutandis to the members of the family of the retired frontier worker unless, for as long as Annex III is in force, the Member State where the frontier worker last pursued his or her activity is listed in Annex III".

Coordination of social security systems: amending Annexes

2006/0008(COD) - 16/09/2009 - Final act

PURPOSE : to amend the annexes of Regulation 883/2004/CE regarding the coordination of social security systems in order to take account of particular features of the social security systems of the new Member States.

LEGISLATIVE ACT : Regulation (EC) No 988/2009 of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems, and determining the content of its Annexes.

CONTEXT : Community provisions on the coordination of social security systems date back to the early years of the European Economic Community and were introduced in place of harmonising Member States' legislation on social security systems. The rules on the coordination of national social security systems were coordinated by Regulation (EEC) No 1408/71 and its implementing regulation, Regulation (EEC) No 574/72. [Regulation \(EC\) No 883/2004](#) is intended to replace Regulation (EEC) No 1408/71. However, the new rules on coordination in Regulation (EC) No 883/2004 cannot be applied until the corresponding implementing regulation has been adopted to replace Regulation (EEC) No 574/72. This is the objective of this Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems which modernises and simplifies the rules. However, in order to ensure that the legislation is complete, this Regulation modifies the annexes to Regulation (EC) No 883/2004.

CONTENT : following agreement at second reading with the European Parliament, the Council adopted two regulations modernising and simplifying the coordination of Member States' social security systems. The two regulations are this one and the [parallel Regulation \(EC\) 987/2009](#) laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems. The adoption of the two new regulations will allow the new EU social security coordination rules (i.e. Regulation (EC) No 883/2004 and the implementing Regulation) to be **applied from 1 March 2010**. The new EU social security coordination rules are designed to make it easier for citizens to exercise their right to move freely in the EU, whether for study, leisure or for professional reasons, by guaranteeing that they are not disadvantaged in terms of social security.

Main principles and objectives of the reform in applying Regulation 883/2004: the new rules on the coordination of social security systems in the EU replace Community provisions on the coordination of national social security systems. These were Regulation No 1408/71/EEC and its implementing Regulation N° 574/72/EEC, both of which have been amended on several occasions. The intention is to modernise and simplify existing rules and strengthen rules on cooperation and information in order to benefit those persons concerned.

Whilst Regulation (EC) N° 987/2009 sets out the details of the new rules, this Regulation is limited to amending some of the annexes of basic Regulation (EC) N° 883/2004, inter alia, in order to take account of certain matters relating to the social security systems of the new Member States (those that acceded to the EU after 29 April 2004).

Thus, the following annexes are amended (annexes which had not been determined at the time of the adoption of Regulation 883/2004).

The latter therefore provides that the content of:

- Annexes II: provisions of conventions which remain in force;
- Annex X: special non-contributory cash benefits; and
- Annex XI (special provisions for the application of the legislation of the Member States) should be determined before the date of application of the Regulation.

Furthermore, some of the Annexes to Regulation 883/2004 must be adapted to take account of the requirements of the Member States that joined the EU since the adoption of the Regulation, as well as recent developments in other Member States :

- Annex I,
- Annex III : restriction of rights to benefits in kind for members of the family of frontier workers;
- Annex IV;
- Annex VI;
- Annex VII;
- Annex VIII on cases in which the pro rata calculation shall be waived or shall not apply;
- Annex IX.

Without the amendment of these annexes, the basic Regulation could not apply.

The Regulation makes provision for a series of amendments particularly on:

Annex III – frontier workers: Article 28 of Regulation (EC) No 883/2004 is amended in order to clarify and extend its scope and to ensure that the members of the family of former frontier workers may also benefit from the possibility of continuing medical treatment in the former country of employment of the insured person after his/her retirement, unless the Member State where the frontier worker last pursued his/her last activity is listed in Annex III. This Regulation provides for the assessment of the significance, frequency, scale and costs relating to the application of the restriction of rights to benefits in kind for members of the family of frontier workers under Annex III to Regulation (EC) No 883/2004 for those Member States still listed in that Annex 4 years after the date of application of that Regulation.

Request for information from citizens: in order to facilitate the use of Regulation (EC) No 883/2004 by citizens when asking for information or making claims to the institutions of the Member States, references to the legislation of the Member States concerned must also be made in the original language wherever necessary in order to avoid any possible misunderstanding.

ENTRY INTO FORCE: the Regulation will enter into force on 31 October 2009. It will apply from 1 March 2010.

Coordination of social security systems: amending Annexes

2006/0008(COD) - 01/06/2006

Pending the European Parliament's opinion at first reading, the Council reached a partial general approach on a draft Regulation amending Regulation 883/2004/EC on the coordination of social security systems, and determining the content of Annex XI.

The proposed Regulation lays down provisions regarding specific aspects of individual Member States' legislation that will form the content of Annex XI to Regulation 883/2004/EC.

Coordination of social security systems: amending Annexes

2006/0008(COD) - 02/10/2008

The Council adopted a **partial general approach** on the texts of Title III, Chapters II and III, and Title V of the proposal for a Regulation implementing Regulation (EC) No 883/2004 on the coordination of social security systems.

In accordance with the approach already taken for the adoption of Regulation (EC) No 883/2004, it has been decided to seek the Council's agreement on a chapter-by-chapter basis.

The Council noted that the progress which had thereby been achieved offered the prospect of the adoption of a common position in December. Regulation (EC) No 883/2004 was the first step of a process aimed at modernising and simplifying European rules on the coordination of the national social security systems. Such rules are intended to allow EU citizens to move freely within Europe, while maintaining their social rights and expectations (health, pensions, unemployment protection, etc).

The process must be completed by adoption of an implementing regulation, the proposal for which is now under examination. The regulation will replace Regulation (EEC) No 574/723, with provisions designed to strengthen cooperation between national institutions and improve the methods of data exchange.

Coordination of social security systems: amending Annexes

2006/0008(COD) - 07/01/2009 - Commission communication on Council's position

The Commission notes that it can support the Council common position, which takes account, to a large extent, of the European Parliament amendments (69 of the 77 amendments proposed by the Parliament at first reading).

Nevertheless, the Commission makes the following comments:

- with regard to the amendments in relation to Annex III: under current rules, a member of the family of a frontier worker, who by definition does not reside in the competent Member State (that is, the Member State of employment whose legislation applies as regards access to sickness benefits) is not entitled to medical care in the competent Member State. After a very difficult negotiation on this point in 2003, and taking into account the need for unanimous agreement, a solution was finally found. Following this approach, Articles 18 (2) and 24 (2) of Regulation (EC) No 883/04 provide that the members of the family of a frontier worker shall be entitled to benefits in kind during their stay in the competent Member State. However, some exceptions to this principle are provided for in Annex III. Although the Commission would have preferred a different outcome, it accepted the compromise because it represents real progress for the family members of frontier workers. No other approach would have obtained the requisite unanimity in Council. The Parliament also followed the same approach at the time, which made the adoption of Regulation (EC) No 883/04 possible.

The Commission also supports the European Parliament amendment which aims to repeal Annex III after five years for all Member States. However, the Council common position led to a halfway house solution recommending: (i) a review of Annex III five years after the date of application of the Regulation; (ii) a new paragraph to provide that the period of validity of some Member States' entries in Annex III would be limited to four years.

Although the Commission regrets that it has not been possible to achieve more progress on this issue in Council, it considers that the compromise reached by Council is the start of a dynamic process that will allow all Member States to align themselves with the position of the European Parliament. It therefore accepts the compromise, which it considers a step forward compared to the current situation of Annex III;

- **with regard to entries in Annex IV:** the Commission recalls that a pensioner who does not reside in the competent Member State (i.e. the one paying the pension and responsible for the health care costs of their pensioners in the Member State of residence) is currently entitled only to sickness benefits in his Member State of residence. However, under Regulation (EC) No 883/04, when a Member State is listed in Annex IV, a pensioner will have the right to return in this Member State and have access to health care as an additional right. This means that not only will the competent Member State bear the health care costs payable to the Member State of residence, but also the cost of sickness benefits for the same person in its own territory. Italy was among the entries. Shortly after the adoption of Regulation (EC) No 883/2004, the Italian authorities reassessed their position and decided they were not able to grant, for the time being, additional rights for pensioners. Taking note of these new developments, the Commission proposed the deletion of the 'Italy' entry from Annex IV. In its amendment, the European Parliament wishes to maintain the 'Italy' entry in Annex IV of Regulation (EC) No 883/2004. However, taking into account the specific nature of Annex IV, the Commission confirms its proposal to delete the 'Italy' entry;

- **with regard to the other changes made by the Council:** the Commission considers that these changes are, overall, positive for the persons concerned and can therefore accept them.

Conclusion: the Commission considers that the compromise reached by Council is the start of a dynamic process that will allow all Member States to align themselves with the position of the European Parliament. It notes that it will endeavour to pursue and contribute to this process.

Lastly, the adoption of this Regulation, which fills in the blank annexes of Regulation (EC) No 883/04 and of the implementing Regulation, is a prerequisite to make it possible for Regulation (EC) No 883/04 to become applicable in 2010.

Coordination of social security systems: amending Annexes

2006/0008(COD) - 22/04/2009 - Text adopted by Parliament, 2nd reading

The European Parliament adopted by 633 votes to 13, with 18 abstentions, a legislative resolution modifying, under the second reading of the codecision procedure, the Council's common position for adopting a regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems, and determining the content of its annexes.

All the amendments relate to **Annex III** of the regulation, which contains a list of Member States which apply the "restriction of rights to benefits in kind for members of the family of frontier workers" in the competent Member State .

Given that the Council is unwilling to repeal Annex III, as called for by the Parliament, but instead proposes a review of this Annex no later than 5 years from the date of entry into force of the regulation, the Parliament feels that it should be made clear that, in principle, **the aim of this revision is to have Annex III repealed** (unless there are compelling reasons to do otherwise).

The possible repeal of Annex III should be based on the results of an impact assessment to be carried out five years after the entry into force of the regulation. That assessment should specify the significance, frequency, scale and costs, both in absolute and in relative terms, of the application of the provisions of Annex III and the effect of their possible repeal for those Member States which will still be listed in that Annex.