

10.4.2019

A8-0386/180

**Amendment 180**

**Marian Harkin**

on behalf of the ALDE Group

**Report**

**Guillaume Balas**

Coordination of social security systems  
(COM(2016)0815 – C8-0521/2016 – 2016/0397(COD))

**A8-0386/2018**

**Proposal for a regulation**

**Recital 1**

*Text proposed by the Commission*

(10) There is a need to ensure greater parity of treatment for frontier and cross-border workers by ensuring frontier workers receive unemployment benefits from the Member State of last activity provided that they have worked in that Member State for at least the past *twelve* months.

*Amendment*

(10) There is a need to ensure greater parity of treatment for frontier and cross-border workers by ensuring frontier workers receive unemployment benefits from the Member State of last activity provided that they have worked in that Member State for at least the past *fifteen* months.

Or. en

10.4.2019

A8-0386/181

**Amendment 181**

**Marian Harkin**

on behalf of the ALDE Group

**Report**

**A8-0386/2018**

**Guillaume Balas**

Coordination of social security systems  
(COM(2016)0815 – C8-0521/2016 – 2016/0397(COD))

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 13**

Regulation (EC) No 883/2004

Article 12 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. A person who pursues an activity as an employed person in a Member State on behalf of an employer which normally carries out its activities there and who is ***posted within the meaning of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services<sup>46</sup>*** or sent by that employer to another Member State to perform work on that employer's behalf shall continue to be subject to the legislation of the first Member State, provided that the anticipated duration of such work does not exceed 24 months and that the person is not posted or sent to replace another employed or self-employed person previously posted or sent within the meaning of this Article.

1. A person who pursues an activity as an employed person in a Member State on behalf of an employer which normally carries out its activities there and who is sent by that employer to another Member State to perform work on that employer's behalf shall continue to be subject to the legislation of the first Member State, provided that the anticipated duration of such work does not exceed 24 months and that the person is not posted or sent to replace another employed or self-employed person previously posted or sent within the meaning of this Article.

---

<sup>46</sup> *OJ L 018 , 21.01.1997 p. 1.*

Or. en

10.4.2019

A8-0386/182

**Amendment 182**

**Marian Harkin**

on behalf of the ALDE Group

**Report**

**Guillaume Balas**

Coordination of social security systems

(COM(2016)0815 – C8-0521/2016 – 2016/0397(COD))

**A8-0386/2018**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 22**

Regulation (EC) No 883/2004

Article 65 – paragraph 2

*Text proposed by the Commission*

2. By way of derogation from paragraph 1, a wholly unemployed person who, during the last activity as an employed or self-employed person, resided in a Member State other than the competent Member State, and who had not completed at least **12** months of unemployment insurance exclusively under the legislation of the competent Member State shall make himself or herself available to the employment service of the Member State of residence. Such a person shall receive benefits in accordance with the legislation of the Member State of residence as if he or she had completed all periods of insurance under the legislation of that Member State. Those benefits shall be provided by the institution of the Member State of residence. ***Alternatively, a wholly unemployed person referred to in this paragraph, who would be entitled to an unemployment benefit solely under the national legislation of the competent Member State if he or she resided there, may instead opt to make themselves available to the employment services in that Member State and to receive benefits in accordance with the legislation of that Member State as if he or she were***

*Amendment*

2. By way of derogation from paragraph 1, a wholly unemployed person who, during the last activity as an employed or self-employed person, resided in a Member State other than the competent Member State, and who had not completed ***uninterrupted periods of*** at least **15** months of unemployment insurance exclusively under the legislation of the competent Member State shall make himself or herself available to the employment service of the Member State of residence. Such a person shall receive benefits in accordance with the legislation of the Member State of residence as if he or she had completed all periods of insurance under the legislation of that Member State. Those benefits shall be provided by the institution of the Member State of residence.

*residing there.*

Or. en

10.4.2019

A8-0386/183

**Amendment 183**

**Marian Harkin**

on behalf of the ALDE Group

**Report**

**A8-0386/2018**

**Guillaume Balas**

Coordination of social security systems

(COM(2016)0815 – C8-0521/2016 – 2016/0397(COD))

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7**

Regulation (EC) No 987/2009

Article 5 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

**b)** If the issuing institution, having reconsidered the grounds for issuing the document is unable to detect any error it shall forward to the requesting institution all supporting evidence within **25** working days from the receipt of the request. In urgent **cases**, where the reasons for urgency have been clearly indicated in the request, this shall be done within **two** working days from the receipt of the request, notwithstanding that the issuing institution may not have completed its deliberations pursuant to **subparagraph** (a) above.

**(b)** If the issuing institution, having reconsidered the grounds for issuing the document is unable to detect any error it shall forward to the requesting institution all supporting evidence within **30** working days from the receipt of the request. In **cases which are urgent for the purpose of protecting the rights of the person concerned and** where the reasons for urgency have been clearly indicated in the request, this shall be done within **five** working days from the receipt of the request, notwithstanding that the issuing institution may not have completed its deliberations pursuant to **point** (a) above.

Or. en

10.4.2019

A8-0386/184

**Amendment 184**

**Marian Harkin**

on behalf of the ALDE Group

**Report**

**A8-0386/2018**

**Guillaume Balas**

Coordination of social security systems

(COM(2016)0815 – C8-0521/2016 – 2016/0397(COD))

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7**

Regulation (EC) No 987/2009

Article 5 – paragraph 2 – point c

*Text proposed by the Commission*

*Amendment*

**c)** Where the requesting institution having received the supporting evidence continues to have doubts about the validity of a document or the accuracy of the facts on which the particulars contained therein are based that the information upon which the document was issued is not correct, it **may** submit evidence to that effect and make a further request for clarification and where appropriate the withdrawal of that document by the issuing institution in accordance within the procedure and timeframes set out above.

**(c)** Where the requesting institution having received the supporting evidence continues to have doubts about the validity of a document or the accuracy of the facts on which the particulars contained therein are based that the information upon which the document was issued is not correct, it **shall** submit evidence to that effect and make a further request for clarification and where appropriate the withdrawal of that document by the issuing institution in accordance within the procedure and timeframes set out above.

Or. en

10.4.2019

A8-0386/185

**Amendment 185**

**Marian Harkin**

on behalf of the ALDE Group

**Report**

**Guillaume Balas**

Coordination of social security systems

(COM(2016)0815 – C8-0521/2016 – 2016/0397(COD))

**A8-0386/2018**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7 a (new)**

Regulation (EC) No 987/2009

Article 5 – paragraph 4

*Present text*

4. Where no agreement is reached between the institutions concerned, the matter may be brought before the Administrative Commission by the competent authorities ***no earlier than one month following the date on which the institution that received the document submitted its request.*** The Administrative Commission shall endeavour to reconcile the points of view within ***six*** months of the date on which the matter was brought before it.

*Amendment*

***(7a) In Article 5, paragraph 4 is replaced by the following:***

“4. Where no agreement is reached between the institutions concerned, the matter may be brought before the Administrative Commission by the competent authorities. The Administrative Commission shall endeavour to reconcile the points of view within ***four*** months of the date on which the matter was brought before it.

***The competent authorities and institutions concerned shall take the necessary measures to apply the decision of the Administrative Commission, without prejudice to the right of the authorities, institutions and persons concerned to have recourse to the procedures and tribunals provided for by the legislation of the Member States, by this Regulation or by the Treaties.”***

Or. en

10.4.2019

A8-0386/186

**Amendment 186**

**Marian Harkin**

on behalf of the ALDE Group

**Report**

**Guillaume Balas**

Coordination of social security systems

(COM(2016)0815 – C8-0521/2016 – 2016/0397(COD))

**A8-0386/2018**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 23 – point a**

Regulation (EC) No 987/2009

Article 56 – paragraph 1

*Text proposed by the Commission*

*Amendment*

(a) In paragraph 1, the term "Article 65(2)" is replaced by "**Article 65(4)**";

(a) In paragraph 1, the term "Article 65(2)" is replaced by "**Article 65(2) and (4) and Article 65a**";

Or. en