



**2016/0397(COD)**

23.1.2018

# **AMENDMENTS**

## **508 - 700**

**Draft report**  
**Guillaume Balas**  
(PE612.058v02-00)

Proposal amending Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004

Proposal for a regulation  
(COM(2016)815 – C8-0521/2016 – 2016/0397 (COD))



## **Amendment 508**

**Marian Harkin, António Marinho e Pinto**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point -1 (new)**

Regulation (EC) No 987/2009

Recital 13

#### *Present text*

(13) This Regulation provides for measures and procedures to promote the mobility of employees and unemployed persons. Frontier workers who have become wholly unemployed may make themselves available to the employment services in both their country of residence and the Member State where they were last employed. ***However, they should be entitled to benefits only from their Member State of residence.***

#### *Amendment*

#### ***-1. Recital 13 is amended as follows:***

"(13) This Regulation provides for measures and procedures to promote the mobility of employees and unemployed persons. Frontier workers who have become wholly unemployed may make themselves available to the employment services in both their country of residence and the Member State where they were last employed. "

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R0987:20130108:EN:HTML>)

## **Amendment 509**

**Joëlle Mélin, Dominique Martin**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 3 a (new)**

Regulation (EC) No 987/2009

Recital 25 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***25a. These data should be compiled and used only for the stated purposes and should be deleted when the persons in question return to their country of origin.***

Or. fr

## Amendment 510

Sergio Gutiérrez Prieto, Javi López

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 4

Regulation (EC) No 987/2009

Article 1 – paragraph 2 – point e a

#### *Text proposed by the Commission*

“(ea) ‘fraud’ means any intentional act or omission to act, in order to obtain or receive social security benefits or to avoid to pay social security contributions, contrary to the law of a Member State;”.

#### *Amendment*

“(ea) ‘fraud’ means any intentional act or omission to act, in order to obtain or receive social security benefits or to avoid to pay social security contributions ***or circumvent the rules governing membership of a Member State social security scheme to the detriment of persons or institutions***, contrary to the law of a Member State;”.

Or. es

## Amendment 511

Helga Stevens, Ulrike Trebesius

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 4

Regulation (EC) No 987/2009

Article 1 – paragraph 2 – point e a

#### *Text proposed by the Commission*

(ea) ‘fraud’ means any intentional act or omission to act, in order to obtain or receive social security benefits ***or*** to avoid to pay social security contributions, contrary to the law of a Member State;.

#### *Amendment*

(ea) ‘fraud’ means any intentional act or omission to act, in order to obtain or receive social security benefits, to avoid to pay social security contributions ***or to avoid the applicable law***, contrary to the law of a Member State ***in accordance to the basic Regulation and the implementing Regulation***;

Or. en

#### *Justification*

*The law of a Member State cannot violate European legislation.*

## Amendment 512

Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann, Sofia Ribeiro

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 4

Regulation (EC) No 987/2009

Article 1 – point 2 – point e a

#### *Text proposed by the Commission*

(ea) ‘fraud’ means any intentional act or omission to act, in order to obtain or receive social security benefits or to avoid to pay social security contributions, contrary to the law of a Member State;.

#### *Amendment*

(ea) ‘fraud’ means any intentional act or omission to act, in order to obtain or receive social security benefits or to avoid to pay social security contributions, contrary to the ***provisions of the basic Regulation and the implementing Regulation or the*** law of a Member State;

Or. en

#### *Justification*

*ea) The proposed definition of fraud corresponds to that contained in Part A 2 Point (a) of the Resolution of the Council of 22 April 1999. However, a reference has to be inserted that takes account of the fact that social security benefits can be obtained fraudulently not only in breach of the legal provisions of a Member State, but also by violating the provisions contained in Regulations (EC) No 883/2004 and (EC) No 987/2009.*

## Amendment 513

Laura Agea, Tiziana Beghin, Rosa D'Amato, Marco Valli

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 4

Regulation (EC) No 987/2009

Article 1 – point 2 – point e a

#### *Text proposed by the Commission*

(ea) ‘fraud’ means any intentional act or omission to act, in order to obtain or receive social security benefits or to avoid to pay social security contributions, contrary to the law of a Member State;”.

#### *Amendment*

(ea) ‘fraud’ means any intentional act or omission to act, in order to obtain or receive social security benefits or to avoid to pay social security contributions, contrary to the law of a Member State, ***the basic Regulation or the implementing Regulation;***”.

**Amendment 514**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 4**

Regulation (EC) No 987/2009

Article 1 – paragraph 2 – point e b (new)

*Text proposed by the Commission*

*Amendment*

***(eb) ‘error’ means unintentional wrong conduct or unintentional omission on the part of an institution or of a person falling within the scope of the basic Regulation and the implementing Regulation;***

Or. en

*Justification*

*(eb): A definition of the term “error” has to be inserted. The term is used in recital 25 and Article 5(2), Point (b) of Regulation (EC) No 987/2009 without having been defined in Regulation (EC) No 987/2009.*

**Amendment 515**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 5**

Regulation (EC) No 987/2009

Article 2 – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. When a person's rights or obligations to which the basic and implementing Regulations apply have been established or determined, the competent institution may request the institution in the Member State of residence or stay to ***provide*** personal data about that person.

5. When a person's rights or obligations to which the basic and implementing Regulations apply have been established or determined, the competent institution may request the institution in the Member State of residence or stay to ***transmit*** personal data about that person

The request and any response shall concern information which enables the competent Member State to identify any ***inaccuracy*** in the facts on which a document or a decision determining the rights and obligations of a person under the basic or implementing Regulation is based. The request can also be ***made*** where there is no existing doubt about the validity or accuracy of the information contained in the document or on which the decision is based in a particular case. The request for information and any response must be necessary and proportionate.

***within the meaning of Regulation (EU) 2016/679***. The request and any response shall concern information which enables the competent Member State to identify any ***inconsistencies*** in the facts on which a document or a decision determining the rights and obligations of a person under the basic or implementing Regulation is based. The request can also be ***transmitted*** where there is no existing doubt about the validity or accuracy of the information contained in the document or on which the decision is based in a particular case, ***but the information shall be required in accordance with the legislation applicable to the competent institution***. The request for information and any response must be necessary and proportionate.

Or. en

#### *Justification*

*A concrete legal basis regarding the collection and processing of data for the purpose of measures combating fraud and errors in Regulations (EC) No 883/2004 and (EC) No 987/2009 is needed and welcome. Several definitions should however be altered so that the legal basis corresponds to the stipulations of permissible data processing in accordance with Regulation (EU) 2016/679.*

#### **Amendment 516**

**Laura Agea, Tiziana Beghin, Rosa D'Amato, Marco Valli**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 5**

Regulation (EC) No 987/2009

Article 2 – paragraph 5

#### *Text proposed by the Commission*

5. When a person's rights or obligations to which the basic and implementing Regulations apply have been established or determined, the competent institution may request the institution in the Member State of residence or stay to provide personal data about that person. The request and any response shall

#### *Amendment*

5. When a person's rights or obligations to which the basic and implementing Regulations apply have been established or determined, the competent institution may request the institution in the Member State of residence or stay to provide personal data about that person, ***while fully respecting privacy***

**concern** information which enables the competent Member State to identify any inaccuracy in the facts on which a document or a decision determining the rights and obligations of a person under the basic or implementing Regulation is based. The request can also be made where there is no existing doubt about the validity or accuracy of the information contained in the document or on which the decision is based in a particular case. The request for information and any response must be necessary and proportionate.

**requirements.** The request and any response ***shall be limited to*** information which enables the competent Member State to identify any inaccuracy in the facts on which a document or a decision determining the rights and obligations of a person under the basic or implementing Regulation is based. The request can also be made where there is no existing doubt about the validity or accuracy of the information contained in the document or on which the decision is based in a particular case. The request for information and any response must be ***justifiable***, necessary and proportionate.

Or. it

#### **Amendment 517**

**Joëlle Mélin, Dominique Martin**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 5**

Regulation (EC) No 987/2009

Article 2 – paragraph 5

#### *Text proposed by the Commission*

5. When a person's rights or obligations to which the basic and implementing Regulations apply have been established or determined, the competent institution may request the institution in the Member State of residence or stay to provide personal data about that person. The request and any response shall concern information which enables the competent Member State to identify any inaccuracy in the facts on which a document or a decision determining the rights and obligations of a person under the basic or implementing Regulation is based. The request can also be made where there is no existing doubt about the validity or accuracy of the information contained in the document or on which the decision is based in a particular case. The request for

#### *Amendment*

5. When a person's rights or obligations to which the basic and implementing Regulations apply have been established or determined, the competent institution may request the institution in the Member State of residence or stay to provide personal data about that person. The request and any response shall concern information which enables the competent Member State to identify any inaccuracy in the facts on which a document or a decision determining the rights and obligations of a person under the basic or implementing Regulation is based. The request can also be made where there is no existing doubt about the validity or accuracy of the information contained in the document or on which the decision is based in a particular case. The request for



information and any response must be necessary and **proportionate**.

information and any response must be necessary and **concern only specifically relevant data**.

Or. fr

**Amendment 518**  
**Renate Weber**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 7**  
Regulation (EC) No 987/2009  
Article 5 – paragraph 1

*Text proposed by the Commission*

1. Documents issued by the institution of a Member State and showing the position of a person for the purposes of the application of the basic Regulation and of the implementing Regulation, **and supporting evidence on the basis of which the documents have been issued**, shall be accepted by the institutions of the other Member States for as long as they have not been withdrawn or declared to be invalid by the Member State in which they were issued. **Such documents shall only be valid if all sections indicated as compulsory are filled in.**

*Amendment*

1. Documents issued by the institution of a Member State and showing the position of a person for the purposes of the application of the basic Regulation and of the implementing Regulation shall be accepted by the institutions of the other Member States for as long as they have not been withdrawn or declared to be invalid by the Member State in which they were issued.

Or. en

*Justification*

*We propose to delete the reference to "supporting evidence on the basis of which the documents have been issued" since only documents issued pursuant to EU Regulations coordinating the social security systems developed by the EU institutions (i.e. portable document, SED, type E forms) can take effect in another MS under such supranational legislation, as opposed to documents issued pursuant to different national legislation. In addition, such a request would put unnecessary administrative burden on the social security institutions. With respect to compulsory sections of the documents to be filled in as to make it valid, it could lead to the situation where a simple error of a public servant might have unforeseen and disproportionate legal consequences and currently, the portable document A1 does not contain mandatory fields.*

## **Amendment 519**

**Emilian Pavel**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 7**

Regulation (EC) No 987/2009

Article 5 – paragraph 1

#### *Text proposed by the Commission*

1. Documents issued by the institution of a Member State and showing the position of a person for the purposes of the application of the basic Regulation and of the implementing Regulation, and supporting evidence on the basis of which the documents have been issued, shall be accepted by the institutions of the other Member States for as long as they have not been withdrawn or declared to be invalid by the Member State in which they were issued. ***Such documents shall only be valid if all sections indicated as compulsory are filled in.***

#### *Amendment*

1. Documents issued by the institution of a Member State and showing the position of a person for the purposes of the application of the basic Regulation and of the implementing Regulation, and supporting evidence on the basis of which the documents have been issued, shall be accepted by the institutions of the other Member States for as long as they have not been withdrawn or declared to be invalid by the Member State in which they were issued.

Or. en

## **Amendment 520**

**Gabriele Zimmer, Patrick Le Hyaric, João Pimenta Lopes, Kostadinka Kuneva**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 7**

Regulation (EC) No 987/2009

Article 5 – paragraph 1

#### *Text proposed by the Commission*

1. Documents issued by the institution of a Member State and showing the position of a person for the purposes of the application of the basic Regulation and of the implementing Regulation, and supporting evidence on the basis of which the documents have been issued, shall be accepted by the institutions of the other Member States for as long as they have not been withdrawn or declared to be invalid

#### *Amendment*

1. Documents issued by the institution of a Member State and showing the position of a person for the purposes of the application of the basic Regulation and of the implementing Regulation, and supporting evidence on the basis of which the documents have been issued, shall be accepted by the institutions of the other Member States for as long as they have not been withdrawn or declared to be invalid

by the Member State in which they were issued. Such documents shall only be valid if all sections indicated as compulsory are filled in.

by the Member State in which they were issued. Such documents shall only be valid if all sections indicated as compulsory are filled in. ***However, such documents are not required to be accepted where they have not been withdrawn due to a breach of the principle of sincere cooperation by the issuing Member State.***

Or. en

#### **Amendment 521**

**Helga Stevens, Ulrike Trebesius**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 7**

Regulation (EC) No 987/2009

Article 5 – paragraph 1

#### *Text proposed by the Commission*

1. Documents issued by the institution of a Member State and showing the position of a person for the purposes of the application of the basic Regulation and of the implementing Regulation, and supporting evidence on the basis of which the documents have been issued, shall be accepted by the institutions of the other Member States for as long as they have not been withdrawn or declared to be invalid by the Member State in which they were issued. Such documents shall only be valid if all sections indicated as compulsory are filled in.

#### *Amendment*

1. Documents issued by the institution of a Member State and showing the position of a person for the purposes of the application of the basic Regulation and of the implementing Regulation, and supporting evidence on the basis of which the documents have been issued, shall be accepted by the institutions of the other Member States for as long as they have not been withdrawn or declared to be invalid by the Member State in which they were issued. Such documents shall only be valid if all sections indicated as compulsory are filled in. ***However, such documents shall not be required to be accepted in the case of irrefutable fraud by the institution of the receiving Member State.***

Or. en

#### **Amendment 522**

**Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura**

## Proposal for a regulation

### Article 2 – paragraph 1 – point 7

Regulation (EC) No 987/2009

Article 5 – paragraph 1

#### *Text proposed by the Commission*

1. Documents issued by the institution of a Member State and showing the position of a person for the purposes of the application of the basic Regulation and of the implementing Regulation, and supporting evidence on the basis of which the documents have been issued, shall be accepted by the institutions of the other Member States for as long as they have not been withdrawn or declared to be invalid by the Member State in which they were issued. ***Such documents shall only be valid if*** all sections indicated as compulsory are filled in.

#### *Amendment*

1. Documents issued by the institution of a Member State and showing the position of a person for the purposes of the application of the basic Regulation and of the implementing Regulation, and supporting evidence on the basis of which the documents have been issued, shall be accepted by the institutions of the other Member States for as long as they have not been withdrawn or declared to be invalid by the Member State in which they were issued. ***Where not*** all sections indicated as compulsory are filled in, ***the receiving institution shall without delay notify the issuing institution, which should take the appropriate action.***

Or. en

## Amendment 523

Guillaume Balas, Elena Gentile, Agnes Jongerius

## Proposal for a regulation

### Article 2 – paragraph 1 – point 7

Regulation (EC) No 987/2009

Article 5 – paragraph 1

#### *Text proposed by the Commission*

1. Documents issued by the institution of a Member State and showing the position of a person for the purposes of the application of the basic Regulation and of the implementing Regulation, and supporting evidence on the basis of which the documents have been issued, shall be accepted by the institutions of the other Member States for as long as they have not been withdrawn or declared to be invalid by the Member State in which they were

#### *Amendment*

1. Documents issued by the institution of a Member State and showing the position of a person for the purposes of the application of the basic Regulation and of the implementing Regulation, and supporting evidence on the basis of which the documents have been issued, shall be accepted by the institutions of the other Member States for as long as they have not been withdrawn or declared to be invalid by the Member State in which they were

issued. Such documents shall only be valid if all sections indicated as compulsory are filled in.

issued *or qualified as a fraudulent document pursuant Article 5a*. Such documents shall only be valid if all sections indicated as compulsory are filled in.

Or. en

#### **Amendment 524**

**Gabriele Zimmer, Patrick Le Hyaric, Kostadinka Kuneva**

#### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 7**

Regulation (EC) No 987/2009

Article 5 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*1a. Where not all sections of the documents referred to in paragraph 1 that are indicated as compulsory are filled in, the institution of the Member State that receives the document shall, without delay, notify the issuing institution of the defect in the document. The issuing institution shall, as soon possible, rectify the document or confirm that the conditions of issuing the document are not fulfilled. If the missing information is not provided within five working days of notification of the defect, the requesting institution may proceed as if the document had never been issued and, if it does so, shall inform the issuing institution accordingly.*

Or. en

#### **Amendment 525**

**Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura**

#### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 7**

Regulation (EC) No 987/2009

Article 5 – paragraph 2

*Text proposed by the Commission*

2. Where there is doubt about the validity of a document or the accuracy of the facts on which they are based, the institution of the Member State that receives the document shall ask the issuing institution for the necessary clarification and, where appropriate, the withdrawal of that document.

*Amendment*

2. Where there is doubt about the validity of a document or the accuracy of the facts on which they are based, the institution of the Member State that receives the document shall ask the issuing institution for the necessary clarification and, where appropriate, the withdrawal of that document, ***clearly stating the grounds and presenting all the supporting evidence of doubt.***

Or. en

*Justification*

*The burden of proof should lay on both institutions- the issuing and the receiving one. This is in line with principle of sincere cooperation, laid down in Article 4(3) TEU.*

**Amendment 526**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7**

Regulation (EC) No 987/2009

Article 5 – paragraph 2 – point a

*Text proposed by the Commission*

(a) When receiving such a request, the issuing institution shall reconsider the grounds for issuing the document and, ***if necessary, withdraw it or rectify it, within 25 working days from the receipt of the request. Upon detection of an irrefutable case of fraud committed by the applicant of the document,*** the issuing institution shall ***withdraw or rectify the document immediately and with retroactive effect.***

*Amendment*

(a) When receiving such a request, the issuing institution shall reconsider the grounds for issuing the document and ***shall inform the competent institutions of the Member States concerned of the result within three months from receipt of the request. Upon determination that the applicable law was incorrectly certified, the certificate shall be withdrawn or rectified, whereby the legislation applicable in the issuing Member State shall be complied with. This shall also be applied to previous periods.***

Or. en

### *Justification*

*A period of 25 working days for the withdrawal or rectification of a document is not realistic, bearing in mind translation periods and times for participation and consultation of third parties necessary in accordance with national law.*

#### **Amendment 527**

**Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura**

#### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 7**

Regulation (EC) No 987/2009

Article 5– paragraph 2 – point a

#### *Text proposed by the Commission*

(a) When receiving **such a** request, the issuing institution shall reconsider the grounds for issuing the document and, if necessary, withdraw it or rectify it, within 25 working days from the receipt of the request. Upon detection of an irrefutable case of fraud committed by the applicant of the document, the issuing institution shall withdraw or rectify the document immediately and with retroactive effect.

#### *Amendment*

(a) When receiving **a reasoned** request, the issuing institution shall reconsider the grounds for issuing the document and, if necessary, withdraw it or rectify it, within 25 working days from the receipt of the request. Upon detection of an irrefutable case of fraud committed by the applicant of the document, the issuing institution shall withdraw or rectify the document immediately and with retroactive effect.

Or. en

### *Justification*

*The burden of proof should lay on both institutions- the issuing and the receiving one. This is in line with principle of sincere cooperation, laid down in Article 4(3) TEU. The request should be a justified one.*

#### **Amendment 528**

**Laura Agea, Tiziana Beghin, Rosa D'Amato, Marco Valli**

#### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 7**

Regulation (EC) No 987/2009

Article 5 – paragraph 2 – point a

#### *Text proposed by the Commission*

(a) When receiving such a request, the

#### *Amendment*

(a) When receiving such a request, the

issuing institution shall reconsider the grounds for issuing the document and, if necessary, withdraw it or rectify it, within **25** working days from the receipt of the request. Upon detection of an irrefutable case of fraud committed by the applicant of the document, the issuing institution shall withdraw or rectify the document immediately and with retroactive effect.

issuing institution shall reconsider the grounds for issuing the document and, if necessary, withdraw it or rectify it, within **15** working days from the receipt of the request. Upon detection of an irrefutable case of fraud committed by the applicant of the document, the issuing institution shall withdraw or rectify the document immediately and with retroactive effect.

Or. it

#### **Amendment 529**

**Renate Weber**

#### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 7**

Regulation (EC) No 987/2009

Article 5 – paragraph 2 – point a

#### *Text proposed by the Commission*

(a) When receiving such a request, the issuing institution shall reconsider the grounds for issuing the document and, if necessary, withdraw it or rectify it, within **25** working days from the receipt of the request. Upon detection of an irrefutable case of fraud committed by the applicant of the document, the issuing institution shall withdraw or rectify the document immediately and with retroactive effect.

#### *Amendment*

(a) When receiving such a request, the issuing institution shall reconsider the grounds for issuing the document and, if necessary, withdraw it or rectify it, within **45** working days from the receipt of the request. Upon detection of an irrefutable case of fraud committed by the applicant of the document, the issuing institution shall withdraw or rectify the document immediately and with retroactive effect.

Or. en

#### **Amendment 530**

**Czesław Hoc, Zdzisław Krasnodebski, Kosma Złotowski**

#### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 7**

Regulation (EC) No 987/2009

Article 5 – paragraph 2 – point a



*Text proposed by the Commission*

(a) When receiving such a request, the issuing institution shall reconsider the grounds for issuing the document and, if necessary, withdraw it or rectify it, within **25** working days from the receipt of the request. Upon detection of an irrefutable case of fraud committed by the applicant of the document, the issuing institution shall withdraw or rectify the document immediately and with retroactive effect.

*Amendment*

(a) When receiving such a request, the issuing institution shall reconsider the grounds for issuing the document and, if necessary, withdraw it or rectify it, within **30** working days from the receipt of the request. Upon detection of an irrefutable case of fraud committed by the applicant of the document, the issuing institution shall withdraw or rectify the document immediately and with retroactive effect.

Or. en

**Amendment 531**

**Agnes Jongerius**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7**

Regulation (EC) No 987/2009

Article 5 – paragraph 2 – point a a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) In the absence of a response from the issuing institution, the requesting authority may reject, rectify or reclassify the documents issued by the institution of a Member State attesting to a person's situation for the purposes of the application of the basic Regulation and the implementing Regulation.***

Or. en

*(Article 5 – paragraph 2 a (new))*

**Amendment 532**

**Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura**

**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*

(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.

*Amendment*

(b) If the issuing institution, having reconsidered the grounds for issuing the document **does not** 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 **proven** in the request, **the validity of the document** shall be **confirmed** 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.

Or. en

*Justification*

*The burden of proof should lay on both institutions- the issuing and the receiving one. This is in line with principle of sincere cooperation, laid down in Article 4(3) TEU mutual . In urgent cases a short period of time is justified, however it should serve to confirm validity of the document. It is impossible within 2 working days to collect all supporting evidence and send it over to the requesting institution.*

**Amendment 533**

**Ádám Kósa**

**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*

(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

*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 **cases which are urgent for the protection of the rights of the person concerned**, this shall be done within two working days

working days from the receipt of the request, notwithstanding that the issuing institution may not have completed its deliberations pursuant to subparagraph (a) above.

from the receipt of the request, notwithstanding that the issuing institution may not have completed its deliberations pursuant to subparagraph (a) above.

Or. en

#### *Justification*

*The cases of urgency should be clearly described and justified, otherwise urgency might be invoked at a disproportionate extent and could create red tape effect. The only case when urgent procedure shall be triggered is when it is fundamentally necessary for the effective protection of the person concerned.*

#### **Amendment 534** **Renate Weber**

**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*

(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.

#### *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 **30** 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 **10** working days from the receipt of the request, notwithstanding that the issuing institution may not have completed its deliberations pursuant to subparagraph (a) above.

Or. en

#### *Justification*

*The timeframes should be more generous as to not put an administrative burden on the national institutions, considering that the exchange of documents between those institutions is not always carried out electronically.*

## **Amendment 535**

**Danuta Jazlowiecka, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 7**

Regulation (EC) 987/2009

#### **Article 5 – paragraph 2 – point c**

##### *Text proposed by the Commission*

(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.***

##### *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, and ***the requesting institution and the issuing institution are not able to come to an agreement, they shall make use of the dialogue and conciliation procedure set out in Decision No A1<sup>1a</sup>.***

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***<sup>1a</sup>. Decision No A2 of 12 June 2009 concerning the interpretation of Article 12 of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the legislation applicable to posted workers and self-employed workers temporarily working outside the competent State (OJ C 106, 24.4.2010, p. 5).***

Or. en

##### *Justification*

*Only the issuing institution is able to withdraw A1 form. In case of conflict of positions the dialogue and conciliation procedure, which is currently optional, should be made obligatory. This will enable to solve conflicting situations.*

## **Amendment 536**

**Marian Harkin, Martina Dlabajová, Jasenko Selimovic**

**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*

(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..

*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 **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

**Amendment 537**

**Agnes Jongerius**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7**

Regulation (EC) No 987/2009

Article 5 – paragraph 2 – point c a (new)

*Text proposed by the Commission*

*Amendment*

***(ca) The absence of response by the issuing institution to the requesting institution shall constitute a breach of the principle of sincere cooperation by the issuing Member State.***

Or. en

**Amendment 538**

**Gabriele Zimmer, Patrick Le Hyaric, Kostadinka Kuneva**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7**

Regulation 987/2009

Article 5 – paragraph 2 – point c a (new)

*Text proposed by the Commission*

*Amendment*

**(ca) The absence of response by the issuing institution to the requesting institution shall constitute a breach of the principle of sincere cooperation by the issuing Member State**

Or. en

**Amendment 539**

**Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura**

**Proposal for a regulation**

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

Regulation (EC) No 987/2009

Article 5– paragraph 2 – point c a new

*Text proposed by the Commission*

*Amendment*

**(ca) Forwarding the supporting evidence shall not lead to disclosure of company's secrets or violate the protection of personal data.**

Or. en

**Amendment 540**

**Helga Stevens, Ulrike Trebesius**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7**

Regulation (EC) No 987/2009

Article 5 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. Where the institution of the receiving Member State refuses the validity of the document in the case of**

*irrefutable fraud, it notifies, without delay, the issuing institution. The issuing institution has 25 days to proof the validity of the document or to withdraw the document. During those 25 days the document is considered to be invalid. In case proof of validity is not accepted by the receiving institution, and the issuing institution disagrees, it can bring the matter before the Administrative Commission.*

Or. en

**Amendment 541**  
**Guillaume Balas**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 7**  
Regulation (EC) No 987/2009  
Article 5 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a.** *Where the document is invalid or withdrawn, the issuing institution shall transfer the contributions already paid to the institution of the Member State whose legislation is applicable.*

Or. en

**Amendment 542**  
**Helga Stevens**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 7 a (new)**  
Regulation (EC) No 987/2009  
Article 5 – paragraph 4

*Present text*

*Amendment*

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

4. Where no agreement is reached

“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.

between the institutions concerned, the matter may be brought before the Administrative Commission by the competent authorities. The Administrative Commission ***shall reconcile*** the points of view within six months of the date on which the matter was brought before it.”

Or. en

**Amendment 543**  
**Jean Lambert**

**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 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 ***three*** months of the date on which the matter was brought before it. ***The competent authorities shall inform the person(s) concerned about the lack of an agreement and about whether the case has been brought before the Administrative Commission. Upon receipt of that information, and in the event that no solution was found through SOLVIT, only the person(s) concerned may call on the Administrative Commission.***"



(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02009R0987-20170411&rid=1>)

#### **Amendment 544**

**Jeroen Lenaers**

##### **Proposal for a regulation**

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

Regulation (EC) No 987/2009

Article 5 – paragraph 4 - subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**7a. In Article 5(4), the following subparagraph is added:**

***“In accordance with Article 75a of the basic Regulation, the competent authorities which request the conciliation of the Administrative Commission shall comply with its decision and, if necessary, withdraw or declare invalid the documents issued.”***

Or. en

#### **Amendment 545**

**Michael Detjen, Joachim Schuster**

##### **Proposal for a regulation**

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

Regulation (EC) No 987/2009

Article 5 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**7a. In Article 5, the following paragraph is added:**

***‘4a. Notwithstanding the provisions of paragraphs 1 to 4, an authority or court in the host Member State may disregard documents issued by the institution of a Member State and showing the position of a person for the purposes of the***

*application of the basic Regulation and of the implementing Regulation, and supporting evidence on the basis of which these documents have been issued, if a legal ruling has been handed down stipulating that the documents in question were fraudulently obtained or submitted. It may do so only if the social security authorities have first, without success, contacted the issuing institution and given it one month in which to consider the documents and, on the basis of the evidence provided, revoke them on the grounds that they were fraudulently obtained or declare that they are invalid.'*

Or. de

**Amendment 546**

**Elisabeth Morin-Chartier, Anne Sander, Jérôme Lavrilleux, Geoffroy Didier**

**Proposal for a regulation**

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

Regulation (EC) No 987/2009

Article 5 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. In Article 5, the following paragraph is added:**

***‘4a. In the event of intentional fraud as defined in Article 1 of this Regulation, the competent authorities of the State which receives the document may proceed in the same way as if the document had not been issued.’***

Or. fr

*Justification*

*The purpose of this amendment is to enable the authorities in the host country to revise form A1 in the event of fraud and regularise the situation of the person in question under the applicable legislation.*

**Amendment 547**

**Guillaume Balas, Elena Gentile, Agnes Jongerius**

**Proposal for a regulation**

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

Regulation (EC) No 987/2009

Article 5 a (new)

*Text proposed by the Commission*

*Amendment*

**7a. The following article is inserted :**

**« Article 5a**

***Fraudulent documents***

***In a situation in which a court of the host Member State or a court of the home Member State finds that documents issued was obtained or invoked fraudulently, that court may disapply that document. In order to find that there has been fraud, justifying disapplication of the document, it is necessary to establish, first, that the conditions laid down in the provisions under which the document was issued are not satisfied in the present case and, second, that the persons concerned intentionally concealed the fact that those conditions are not met.”***

Or. en

**Amendment 548**

**Czesław Hoc, Zdzisław Krasnodębski, Kosma Złotowski**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 8 – point a**

Regulation (EC) No 987/2009

Article 14 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**1. For the purposes of the application of Article 12(1) of the basic Regulation, 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** **deleted**

*posted within the meaning of the 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>52</sup> or sent by that employer to another Member State' shall include a person who is recruited with a view to being posted or sent to another Member State, provided that immediately before the start of his employment, the person concerned is already subject to the legislation of the sending Member State in accordance with Title II of the basic Regulation..*

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<sup>52</sup> OJ L 018 , 21.01.1997 p. 1.

Or. en

**Amendment 549**  
**Jean Lambert**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 8 – point a**  
Regulation (EC) No 987/2009  
Article 14 – paragraph 1

*Text proposed by the Commission*

1. For the purposes of the application of Article 12(1) of the basic Regulation, **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 the 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>52</sup> or sent by that employer to another Member State' shall include a person who is recruited** with a view to being **posted or sent to another Member State, provided that immediately before the start of his employment, the person** concerned is

*Amendment*

1. For the purposes of the application of Article 12(1) of the basic Regulation, **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 shall include a person who is recruited** with a view to being sent to another Member State, provided that, **at least two months** before the start of **the** employment, **the person** concerned is already subject to the legislation of the sending **Member State** in accordance with Title II of the basic Regulation. **Where the person concerned has been subject to the legislation of the sending Member State**

already subject to the legislation of the sending **Member State** in accordance with Title II of the basic Regulation..

***for less than two months before the start of the employment, the competent authorities shall conduct a case-by-case evaluation, taking account of all the other factors involved.***

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<sup>52</sup> ***OJ L 018 , 21.01.1997 p. 1.***

Or. en

#### *Justification*

*To ensure that the person is safely established in the social security system of his/her sending state a pre-insurance of two months seems sensible. Decision No A2 of the Administrative Commission gives further guidance in case of shorter periods. We should integrate this decision into the main legislative act.*

#### **Amendment 550**

**Martina Dlabajová, Renate Weber**

#### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 8 – point a**

Regulation (EC) No 987/2009

Article 14 – paragraph 1

#### *Text proposed by the Commission*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 the 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>52</sup> ***or*** sent by that employer to another Member State’ shall include a person who is recruited with a view to being ***posted or*** sent to another Member State, provided that immediately before the start of his employment, the person concerned is already subject to the legislation of the ***sending*** Member State in ***accordance with***

#### *Amendment*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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’ shall include a person who is recruited with a view to being sent to another Member State, provided that, immediately before the start of his employment, the person concerned is already subject to the legislation of the Member State in ***which his employer is established.***

## ***Title II of the basic Regulation..***

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<sup>52</sup> ***OJ L 018 , 21.01.1997 p. 1.***

Or. en

### ***Justification***

*The aim of this amendment is to cover all situations where an employee is sent to work in another Member State, notwithstanding the how the Directive 96/71/EC is implemented at the national level.*

## **Amendment 551**

**Marian Harkin**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 8 – point a**

Regulation (EC) No 987/2009

Article 14 – paragraph 1

#### ***Text proposed by the Commission***

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 the 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>52</sup> ***or sent*** by that employer to another Member State’ shall include a person who is recruited with a view to being posted ***or sent*** to another Member State, provided that immediately before the start of his employment, the person concerned is already subject to the legislation of the ***sending*** Member State in accordance with Title II of the basic Regulation..

#### ***Amendment***

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 by that employer to another Member State’ shall include a person who is recruited with a view to being posted to another Member State, provided that immediately before the start of his employment, the person concerned is already subject to the legislation of the Member State in accordance with Title II of the basic Regulation..

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<sup>52</sup> ***OJ L 18, 21.01.1997 p. 1.***

**Amendment 552**

**Helga Stevens**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 8 – point a**

Regulation (EC) No 987/2009

Article 14 – paragraph 1

*Text proposed by the Commission*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 the 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>52</sup> ***or*** sent by that employer to another Member State’ shall include a person who is recruited with a view to being ***posted or*** sent to another Member State, provided that immediately before the start of his employment, the person concerned is already subject to the legislation of the sending Member State in accordance with Title II of the basic Regulation..

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<sup>52</sup> *OJ L 018, 21.01.1997 p. 1.*

*Amendment*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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’ shall include a person who is recruited with a view to being sent to another Member State, provided that immediately before the start of his employment, the person concerned is already subject to the legislation of the sending Member State in accordance with Title II of the basic Regulation.

**Amendment 553**

**Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 8 – point a**

Regulation (EC) No 987/2009

Article 14 – paragraph 1

*Text proposed by the Commission*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 the 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>52</sup> or sent by that employer to another Member State’ shall include a person who is recruited with a view to being ***posted or*** sent to another Member State, provided that immediately before the start of his employment, the person concerned is already subject to the legislation of the sending Member State in accordance with Title II of the basic Regulation..

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<sup>52</sup> ***OJ L 018 , 21.01.1997 p. 1.***

*Amendment*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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’ shall include a person who is recruited with a view to being sent to another Member State, provided that immediately before the start of his employment, the person concerned is already subject to the legislation of the sending Member State in accordance with Title II of the basic Regulation..

Or. en

*Justification*

*Reference to Directive 96/71/EC creates additional confusion and should be deleted. The term "sent workers" is broader than "posted workers" and include the latter.*

**Amendment 554**

**Emilian Pavel**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 8 – point a**

Regulation (EC) No 987/2009

Article 14 – paragraph 1

*Text proposed by the Commission*

1. For the purposes of the application of Article 12(1) of the basic Regulation, a ‘person who pursues an activity as an

*Amendment*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 the 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>52</sup> or sent by that employer to another Member State' shall include a person who is recruited with a view to being posted or sent to another Member State, provided that immediately before the start of his employment, the person concerned is already subject to the legislation of the sending Member State in accordance with Title II of the basic Regulation..

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<sup>52</sup> *OJ L 018, 21.01.1997 p. 1.*

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' shall include a person who is recruited with a view to being posted or sent to another Member State, provided that immediately before the start of his employment, the person concerned is already subject to the legislation of the sending Member State in accordance with Title II of the basic Regulation.

Or. en

## **Amendment 555**

**Georgi Pirinski**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 8 – point a**

Regulation (EC) No 987/2009

Article 14 – paragraph 1

#### *Text proposed by the Commission*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 the 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>52</sup> or sent by that employer to another Member State' shall include a person who is recruited with a view to being posted or

#### *Amendment*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 by that employer to another Member State' shall include a person who is recruited with a view to being posted or sent to another Member State, provided that immediately before the start of his employment, the person concerned is already subject to the legislation of the sending Member State in accordance with

sent to another Member State, provided that immediately before the start of his employment, the person concerned is already subject to the legislation of the sending Member State in accordance with Title II of the basic Regulation..

Title II of the basic Regulation.

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<sup>52</sup> *OJ L 018, 21.01.1997 p. 1.*

Or. en

#### **Amendment 556**

**Sven Schulze, Michaela Šojdrová, Csaba Sógor, Dieter-Lebrecht Koch, Thomas Mann**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 8 – point a**

Regulation (EC) No 987/2009

Article 14 – paragraph 1

#### *Text proposed by the Commission*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 the 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>52</sup> or sent by that employer to another Member State’ shall include a person who is recruited with a view to being posted or sent to another Member State, provided that ***immediately*** before the start of his employment, the person concerned is already subject to the legislation of the sending Member State in accordance with Title II of the basic Regulation..

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<sup>52</sup> *OJ L 018, 21.01.1997 p. 1.*

#### *Amendment*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 by that employer to another Member State’ shall include a person who is recruited with a view to being posted or sent to another Member State, provided that ***in the last month*** before the start of his employment, the person concerned is already subject to the legislation of the sending Member State in accordance with Title II of the basic Regulation.

Or. en

## Amendment 557

Gabriele Zimmer, Patrick Le Hyaric, João Pimenta Lopes, Kostadinka Kuneva

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 8 – point a

Regulation (EC) No 987/2009

Article 14 – paragraph 1

#### *Text proposed by the Commission*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 the 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>52</sup> or sent by that employer to another Member State’ shall include a person who is recruited with a view to being posted *or sent* to another Member State, provided that immediately before the start of his employment, the person concerned *is* already subject to the legislation of the *sending* Member State in accordance with Title *II of the basic Regulation*..

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<sup>52</sup> OJ L 018, 21.01.1997 p. 1.

#### *Amendment*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 by that employer to another Member State’ shall include a person who is recruited with a view to being posted to another Member State, provided that, immediately before the start of his employment, the person concerned *has* already *been* subject, *for a period of at least six months*, to the legislation of the Member State *where the employer is established*, in accordance with *this* Title.

Or. en

## Amendment 558

Elisabeth Morin-Chartier, Anne Sander, Jérôme Lavrilleux, Geoffroy Didier

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 8 – point a

Regulation (EC) No 987/2009

Article 14 – paragraph 1

*Text proposed by the Commission*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 the 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>52</sup> or sent by that employer to another Member State’ shall include a person who is recruited with a view to being posted or sent to another Member State, provided that immediately before the start of his employment, the person concerned *is* already subject to the legislation of the sending Member State in accordance with Title II of the basic Regulation.

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<sup>52</sup> OJ L 018, 21.01.1997 p. 1.

*Amendment*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 the 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 or sent by that employer to another Member State’ shall include a person who is recruited with a view to being posted or sent to another Member State, provided that immediately before the start of his employment, the person concerned *has* already *been* subject to the legislation of the sending Member State *for at least three months* in accordance with Title II of the basic Regulation.

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<sup>52</sup> OJ L 018, 21.01.1997 p. 1.

Or. fr

*Justification*

*The purpose of this amendment is to strengthen the link between the posted worker and the legislation of the Member State from which he or she has been posted. He or she will remain bound by that legislation if the duration of the secondment does not exceed the limit set in Article 12 of this Regulation.*

**Amendment 559**

**Claude Rolin**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 8 – point a**

Regulation (EC) No 987/2009

Article 14 – paragraph 1

*Text proposed by the Commission*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 the 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>52</sup> or sent by that employer to another Member State’ shall include a person who is recruited with a view to being posted or sent to another Member State, provided that immediately before the start of his employment, the person concerned *is* already subject to the legislation of the sending Member State in accordance with Title II of the basic Regulation.

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<sup>52</sup> OJ L 018, 21.01.1997 p. 1.

*Amendment*

1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 the 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 or sent by that employer to another Member State’ shall include a person who is recruited with a view to being posted or sent to another Member State, provided that immediately before the start of his employment, the person concerned *has* already *been* subject to the legislation of the sending Member State *for at least three months* in accordance with Title II of the basic Regulation.

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<sup>52</sup> OJ L 018, 21.01.1997 p. 1.

Or. fr

**Amendment 560**

**Laura Agea, Tiziana Beghin, Rosa D'Amato, Marco Valli**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 8 – point a**

Regulation (EC) No 987/2009

Article 14 – paragraph 1

*Text proposed by the Commission*

1. “1. For the purposes of the application of Article 12(1) of the basic Regulation, 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

*Amendment*

1. “1. For the purposes of the application of Article 12(1) of the basic Regulation, 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 the 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>52</sup> or sent by that employer to another Member State' shall include a person who is recruited with a view to being posted ***or sent to another Member State***, provided that immediately before the start of his employment, the person concerned is already subject to the legislation of the ***sending*** Member State in accordance with Title ***II of the basic Regulation***.”

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<sup>52</sup> OJ L 018, 21.01.1997 p. 1.

of the 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>52</sup> or sent by that employer to another Member State' shall include a person who is recruited with a view to being posted, provided that, immediately before the start of his employment, the person concerned has already been subject, ***for a period of at least three months***, to the legislation of the Member State ***where the employer is established***, in accordance with ***this*** Title.”

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<sup>52</sup> OJ L 018, 21.01.1997 p. 1.

Or. it

#### **Amendment 561**

**Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura**

#### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 8 – point a (new)**

Regulation (EC) No 987/2009

Article 14 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Once a person has been sent in accordance with Article 12(1) of the basic Regulation or pursues an activity as a self-employed person in another Member State in accordance with Article 12(2) of the basic Regulation for a total of 24 months, either continuously or with interruptions of not longer than two months, no new period under Article 12(1) or (2) for the same employed or self-employed person in the same Member State shall start until at least two months have elapsed from the end of the previous period.***

***Undertakings may derogate from the first***

*subparagraph in specific circumstances.”*

Or. en

*Justification*

*The proposed wording aligns this provision to Art. 3 (c) of Decision No A2 of 12 June 2009 of the Administrative Commission.*

**Amendment 562**

**Jean Lambert**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 8 – point a a (new)**

Regulation (EC) No 987/2009

Article 14 – paragraph 2

*Present text*

2. For the purposes of the application of Article 12(1) of the basic Regulation, the words ‘which normally carries out its activities there’ shall refer to an employer that ordinarily performs substantial activities, other than purely internal management activities, ***in the territory of the Member State in which it is established***, taking account of ***all criteria characterising the activities*** carried out by the undertaking ***in question. The relevant criteria must be suited to the specific characteristics of each employer and the real nature of the activities carried out.***

*Amendment*

***(aa) paragraph 2 is replaced by the following:***

"2. For the purposes of the application of Article 12(1) of the basic Regulation, the words ‘which normally carries out its activities there’ shall refer to an employer that ordinarily performs substantial activities. ***In order to determine whether an undertaking genuinely performs substantial activities***, other than purely internal management ***and/or administrative***, activities, ***the competent authorities shall make an overall assessment of all factual elements characterising those activities***, taking account of ***a wider timeframe***, carried out ***by an undertaking in the Member State of establishment. Such elements may include in particular: "***

***(a) the place where the undertaking has its registered office and administration, uses office space, pays taxes and social security contributions and, where applicable, in accordance with national law has a professional licence or is registered with the chambers of commerce or professional bodies;***

- (b) *the place where workers are recruited and from which they are sent;*
- (c) *the law applicable to the contracts concluded by the undertaking with its workers, on the one hand, and with its clients, on the other;*
- (d) *the place where the undertaking performs its substantial business activity and where it employs administrative staff;*
- (e) *the number of contracts performed and/or the size of the turnover realised in the Member State of establishment, taking into account the specific situation of, inter alia, newly established undertakings and SMEs.”*

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02009R0987-20170411&rid=1>)

#### *Justification*

*This amendment integrates the criteria developed to define substantial activity in Directive 2014/67/EC.*

#### **Amendment 563** **Emilian Pavel**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 8 – point a a (new)**  
Regulation (EC) No 987/2009  
Article 14 – paragraph 2

#### *Present text*

2. For the purposes of the application of Article 12(1) of the basic Regulation, the **words** ‘which normally carries out its activities there’ shall refer to an employer that ordinarily performs substantial activities, other than purely internal management activities, in the territory of the Member State in which **it is**

#### *Amendment*

**(aa) paragraph 2 is replaced by the following:**

“2. For the purposes of the application of Article 12(1) of the basic Regulation, the **phrase** ‘which normally carries out its activities there’ shall refer to an employer that ordinarily performs substantial activities, other than purely internal management activities, in the territory of the Member State in which **he is**



established, taking account of all criteria **characterising** the activities carried out by the undertaking in question. The relevant criteria must be **suited** to the specific characteristics of each employer and the **real** nature of the activities carried out.

established, taking into account the criteria **defining** the activities carried out by the undertaking in question, **such as the turnover achieved in the posting state where such turnover is at least 25 % of the total turnover from the previous 12 months. However, in the case of a newly established undertaking, the turnover from the time they commenced the business (or a shorter period, if that would be more representative for their business) would be more appropriate.** The relevant criteria must be adapted to the specific characteristics of each employer and the nature of the activities carried out.”

Or. en

**Amendment 564**  
**Agnes Jongerius**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 8 – point a a (new)**

Regulation (EC) No 987/2009

Article 14 – paragraph 2

*Present text*

2. For the purposes of the application of Article 12(1) of the basic Regulation, the words ‘which normally carries out its activities there’ shall refer to an employer that ordinarily performs substantial activities, other than purely internal management activities, in the territory of the Member State in which it is established, taking account of all criteria characterising the activities carried out by the undertaking in question. The relevant criteria must be suited to the specific characteristics of each employer and the real nature of the activities carried out.

*Amendment*

**(aa) paragraph 2 is replaced by the following:**

"2. For the purposes of the application of Article 12(1) of the basic Regulation, the words ‘which normally carries out its activities there’ shall refer to an employer that ordinarily performs substantial activities, other than purely internal management activities, in the territory of the Member State in which it is established, taking account of all criteria characterising the activities carried out by the undertaking in question. The relevant criteria must be suited to the specific characteristics of each employer and the real nature of the activities carried out **and shall include at least:**

**(a) the place where posted workers**

*are recruited and from which they are posted;*

*(b) the law applicable to the contracts concluded by the undertaking with its workers, on the one hand, and with its clients, on the other;*

*(c) the place where the undertaking performs its substantial business activity and where it employs administrative staff;*

*(d) the number of contracts performed and/or the size of the turnover realised in the Member State of establishment, taking into account the specific situation of, inter alia, newly established undertakings and SMEs. "*

Or. en

*(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:284:0001:0042:en:PDF>)*

## **Amendment 565**

**Helga Stevens**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 8 – point a a (new)**

Regulation (EC) No 987/2009

Article 14 – paragraph 2

*Text proposed by the Commission*

2. For the purposes of the application of Article 12(1) of the basic Regulation, the words ‘which normally carries out its activities there’ shall refer to an employer that ordinarily performs substantial activities, other than purely internal management activities, in the territory of the Member State in which it is established, taking account of all criteria characterising the activities carried out by the undertaking in question. The relevant criteria must be suited to the specific characteristics of each employer and the

*Amendment*

*(aa) paragraph 2 is replaced by the following:*

“2. For the purposes of the application of Article 12(1) of the basic regulation, the words 'which normally carries out its activities there' shall refer to an employer that ordinarily performs substantial activities, other than purely internal management activities, in the territory of the Member State in which it is established, taking **into** account of all criteria characterising the activities carried out by the undertaking in question, **such as the hours worked in the sending state where such hours worked are at least 25%**

real nature of the activities carried out.

*of the total hours worked.* The relevant criteria must be suited to the specific characteristics of each employer and the real nature of the activities carried out.”

Or. en

**Amendment 566**  
**Maria Arena**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 8 – point a a (new)**  
Regulation (EC) No 987/2009  
Article 14 – paragraph 2

*Text proposed by the Commission*

2. For the purposes of the application of Article 12(1) of the basic Regulation, the words ‘which normally carries out its activities there’ shall refer to an employer that ordinarily performs substantial activities, other than purely internal management activities, in the territory of the Member State in which it is established, taking account of all criteria characterising the activities carried out by the undertaking in question. The relevant criteria must be suited to the specific characteristics of each employer and the real nature of the activities carried out.

*Amendment*

***(aa) Paragraph 2 is replaced by the following:***

‘2. For the purposes of the application of Article 12(1) of the basic Regulation, the words ‘which normally carries out its activities there’ shall refer to an employer that ordinarily performs substantial activities, other than purely internal management activities, in the territory of the Member State in which it is established, taking account of all criteria characterising the activities carried out by the undertaking in question, ***including those listed - non-exhaustively - in Article 4 of Directive 2014/67/EU on the enforcement of Directive 96/71/EC on the posting of workers in the framework of the provision of services;*** the relevant criteria must be suited to the specific characteristics of each employer and the real nature of the activities carried out.’

Or. fr

**Amendment 567**  
**Claude Rolin**

## Proposal for a regulation

### Article 2 – paragraph 1 – point 8 – point a a (new)

Regulation (EC) No 987/2009

Article 14 – paragraph 2

*Text proposed by the Commission*

2. For the purposes of the application of Article 12(1) of the basic Regulation, the words ‘which normally carries out its activities there’ shall refer to an employer that ordinarily performs substantial activities, other than purely internal management activities, in the territory of the Member State in which it is established, taking account of all criteria characterising the activities carried out by the undertaking in question. The relevant criteria must be suited to the specific characteristics of each employer and the real nature of the activities carried out.

*Amendment*

**(aa) Paragraph 2 is replaced by the following:**

‘2. For the purposes of the application of Article 12(1) of the basic Regulation, the words ‘which normally carries out its activities there’ shall refer to an employer that ordinarily performs substantial activities, other than purely internal management activities, in the territory of the Member State in which it is established, taking account of all criteria characterising the activities carried out by the undertaking in question, **including the turnover generated by the posting undertaking in the Member State of employment, which must account for at least 25% of its overall turnover;** the relevant criteria must be suited to the specific characteristics of each employer and the real nature of the activities carried out.’

Or. fr

### *Justification*

*The Practical Guide to the posting of workers refers to the ‘turnover achieved by the posting undertaking in the posting State and in the State of employment during an appropriately typical period (e.g. turnover of approximately 25% of total turnover in the posting State could be a sufficient indicator, but cases would warrant individual attention if the figure is under 25%).’*

## Amendment 568

Elisabeth Morin-Chartier, Anne Sander, Jérôme Lavrilleux, Geoffroy Didier

## Proposal for a regulation

### Article 2 – paragraph 1 – point 8 – point a a (new)

Regulation (EC) No 883/2004

Article 14 – paragraph 2

‘2. For the purposes of the application of Article 12(1) of the basic Regulation, the words ‘which normally carries out its activities there’ shall refer to an employer that ordinarily performs substantial activities, other than purely internal management activities, in the territory of the Member State in which it is established, taking account of all criteria characterising the activities carried out by the undertaking in question; The relevant criteria must be suited to the specific characteristics of each employer and the real nature of the activities carried out.

**(aa) Paragraph 2 is replaced by the following:**

2. For the purposes of the application of Article 12(1) of the basic Regulation, the words ‘which normally carries out its activities there’ shall refer to an employer that ordinarily performs substantial activities, other than purely internal management activities, in the territory of the Member State in which it is established, taking account of all criteria characterising the activities carried out by the undertaking in question, ***such as the requirement that an undertaking should generate more than 25% of its turnover in the Member State from which it posts a worker.*** The relevant criteria must be suited to the specific characteristics of each employer and the real nature of the activities carried out.’

Or. fr

*Justification*

*The purpose of this amendment is to clarify what the legislation means by ‘substantial activity’. The rate of 25% has been chosen because it is that recommended by the Commission in the most recent (2013) edition of its official document entitled ‘Practical guide on the applicable legislation in the European Union, the European Economic Area and Switzerland’.*

**Amendment 569**

**Czesław Hoc, Zdzisław Krasnodębski, Kosma Złotowski**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 8 – point b**

Regulation (EC) No 987/2009

Article 14 – paragraph 5a

5a. For the purpose of the application of Title II of the basic Regulation, ‘registered office or place of business’

5a. For the purpose of the application of Title II of the basic Regulation, ‘registered office or place of business’

shall refer to the registered office or place of business where the essential decisions of the undertaking are adopted and where the functions of its central administration are carried out, *provided the undertaking performs a substantial activity in that Member State. Otherwise, it shall be deemed to be situated in the Member State where the centre of interest of activities of the undertaking determined in accordance with the criteria laid down in paragraphs 9 and 10 is located.*

shall refer to the registered office or place of business where the essential decisions of the undertaking are adopted and where the functions of its central administration are carried out. *In determining the location of the registered office or place of business, a series of factors shall be taken into account, including:*

- (a) the place of residence of the main directors;*
- (b) the places where general meetings are held;*
- (iii) the place where administrative and accounting documents are kept;*
- (iv) the place where financial and particularly banking transactions mainly take place;*
- (v) the habitual nature of the activity pursued.*

*The determination shall be carried out in the framework of an overall assessment, giving due weight to each of the criteria mentioned above. The Administrative Commission shall lay down the detailed arrangements for the determination.*

Or. en

#### **Amendment 570**

**Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Csaba Sógor**

#### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 8 – point b**

Regulation (EC) No 987/2009

Article 14 – paragraph 5a

*Text proposed by the Commission*

5a. For the purpose of the application

*Amendment*

5a. For the purpose of the application

of Title II of the basic Regulation, 'registered office or place of business' shall refer to the registered office or place of business where the essential decisions of the undertaking are adopted and where the functions of its central administration are carried out, *provided the undertaking performs a substantial activity in that Member State. Otherwise, it shall be deemed to be situated in the Member State where the centre of interest of activities of the undertaking determined in accordance with the criteria laid down in paragraphs 9 and 10 is located.*

of Title II of the basic Regulation, 'registered office or place of business' shall refer to the registered office or place of business where the essential decisions of the undertaking are adopted and where the functions of its central administration are carried out. *In determining the location of the "registered office or place of business" the following factors shall be taken into account in an overall assessment:*

- (a) the place of residence of the main directors;*
- (b) the places where general meetings are held;*
- (c) the place where administrative and accounting documents are kept;*
- (d) the place where financial and particularly transactions mainly take place;*
- (e) the habitual nature of the activity pursued.*

*The determination shall be carried out in the framework of an overall assessment giving due weight to each of the criteria mentioned above.*

Or. en

#### *Justification*

*This amendment is in line with recent case law Planzer Luxembourg Sarl ruling, which helps to correctly apply the criteria for determining the place of establishment. Treating the substantial activity as the decisive factor could affect badly fair companies, for example in the transport sector.*

#### **Amendment 571**

**Ádám Kósa**

#### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 8 – point b**

*Text proposed by the Commission*

5a. For the purpose of the application of Title II of the basic Regulation, ‘registered office or place of business’ shall refer to the registered office or place of business where the essential decisions of the undertaking are adopted and where the functions of its central administration are carried out, ***provided the undertaking performs a substantial activity in that Member State. Otherwise, it shall be deemed to be situated in the Member State where the centre of interest of activities of the undertaking determined in accordance with the criteria laid down in paragraphs 9 and 10 is located..***

*Amendment*

5a. For the purpose of the application of Title II of the basic Regulation, ‘registered office or place of business’ shall refer to the registered office or place of business where the essential decisions of the undertaking are adopted and where the functions of its central administration are carried out.

Or. en

*Justification*

*Article 14, paragraph (5a) of Regulation 987/2009 should remain unchanged since the term “substantial activity” may lead to entirely different interpretations and therefore can disproportionately affect certain sectors such as international transportation. Moreover, it is impossible to implement the rule proposed by the Commission in a clear and transparent way. If the lack of substantial activity is established by an institution, this institution will not be able to find out which country must be considered as the centre of the interest of the undertaking. Accordingly, the introduction of a new, unidentified definition (centre of interest) will not help legal clarity and foreseeability for the person concerned in terms of his/her social security status and legal responsibilities. Lengthy procedures could be foreseen and the increase of temporary determinations of applicable legislation can be expected, these determinations will probably happen in the Member State of residence - or not. It follows that through the use of place of residence the administrative burden remains unchanged, and in addition, by introducing the new concept of the centre of interest, administrative burden would even more increase which might definitely not be the goal of the legislators. Finally, according to recent research, there is no data underpinning the large scale of misuse of the current legislation, therefore the Commission’s proposal would create more ambiguity than clarity.*

**Amendment 572**  
**Helga Stevens**



## Proposal for a regulation

### Article 2 – paragraph 1 – point 8 – point b a (new)

Regulation (EC) No 987/2009

Article 14 – paragraph 8 – subparagraph 3

#### *Present text*

In the framework of an overall assessment, a share of less than 25 % ***in respect of the criteria mentioned above shall be an indicator*** that a substantial part of the activities is not being pursued in the relevant Member State.

#### *Amendment*

***(ba) in paragraph 8, the third subparagraph is replaced by the following:***

“In the framework of an overall assessment, a share of less than 25% of ***hours worked shall indicate*** that a substantial part of the activities is not being pursued in the relevant Member State.”

Or. en

## Amendment 573

Emilian Pavel

## Proposal for a regulation

### Article 2 – paragraph 1 – point 8 – point b a (new)

Regulation (EC) No 987/2009

Article 14 – paragraph 10

#### *Present text*

10. ***For the*** determination of the applicable legislation under ***paragraphs 8 and 9, the institutions concerned shall take into account the situation projected for the following 12 calendar months.***

#### *Amendment*

***(ba) Paragraph 10 is replaced by the following:***

10. ***The*** determination of applicable legislation under ***Article 13 of the basic Regulation shall apply for a maximum period of 24 months. After expiry of the 24-month period, the determination shall be revised on the basis of the person's situation.***

Or. en

## Amendment 574

Elisabeth Morin-Chartier, Anne Sander, Jérôme Lavrilleux, Geoffroy Didier

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 8 – point b a (new)**

Regulation (EC) No 987/2009

Article 14 – paragraph 10

*Present text*

10. ***For*** the determination of the applicable legislation ***under paragraphs 8 and 9, the institutions concerned shall take into account the situation projected for the following 12 calendar*** months.

*Amendment*

***(ba) Paragraph 10 is replaced with the following:***

‘10. The determination of the applicable legislation ***within the meaning of Article 13 of the basic Regulation shall apply for a maximum period of 24*** months. ***Once that period has elapsed, the applicable legislation must be reassessed in the light of the employee’s situation.***’

Or. fr

*Justification*

*This amendment calls for an assessment of the situation of the worker in the light of his or her actual activity and of the legislation applicable to him or her to be carried out every two years. The aim is to determine whether a change in situation calls for an adjustment in the light of the applicable legislation.*

**Amendment 575**

**Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 8 – point c**

Regulation (EC) No 987/2009

Article 14 – paragraph 12

*Text proposed by the Commission*

12. If a person who resides outside the territory of the Union pursues his activities as an employed or self-employed person in two or more Member States and if this person, by virtue of the national legislation of one of those Member States, is subject to the legislation of that State, the provisions of the basic Regulation and the implementing Regulation on the determination of the applicable legislation shall apply mutatis mutandis subject to the

*Amendment*

12. If a person who resides outside the territory of the Union pursues his activities as an employed or self-employed person in two or more Member States and if this person, by virtue of the national legislation of one of those Member States, is subject to the legislation of that State, the provisions of the basic Regulation and the implementing Regulation on the determination of the applicable legislation shall apply mutatis mutandis subject to the

proviso that his or her residence shall be deemed to be in the Member State where the registered office or place of business of the undertaking or his or her employer or the centre of interest of his or her activities is located..

proviso that his or her residence shall be deemed to be in the Member State where the registered office or place of business of the undertaking or his or her employer or the centre of interest of his or her activities **as self-employed person** is located..

Or. en

## **Amendment 576**

**Jean Lambert**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 8 a (new)**

Regulation (EC) No 987/2009

Article 15 – paragraph 1

#### *Present text*

1. Unless otherwise provided for by Article 16 of the implementing Regulation, where a person pursues his activity in a Member State other than the Member State competent under Title II of the basic Regulation, the employer or, in the case of a person who does not pursue an activity as an employed person, the person concerned shall inform the competent institution of the Member State whose legislation is applicable thereof, whenever possible in advance. That institution shall ***issue the attestation referred to in Article 19(2) of the implementing Regulation to the person concerned and shall*** without delay make information concerning the legislation applicable to ***that*** person, pursuant to Article 11(3)(b) or Article 12 of the basic Regulation, available to the institution designated by the competent authority of the Member State in which the activity is pursued.

#### *Amendment*

***8a. in Article 15, paragraph 1 is replaced by the following:***

"1. Unless otherwise provided for by Article 16 of the implementing Regulation, where a person pursues his activity in a Member State other than the Member State competent under Title II of the basic Regulation, the employer or, in the case of a person who does not pursue an activity as an employed person, the person concerned shall inform the competent institution of the Member State whose legislation is applicable thereof, whenever possible in advance. That institution shall without delay make information concerning the legislation applicable to ***the person concerned***, pursuant to Article 11(3)(b) or Article 12 of the basic Regulation, available ***to the person concerned and*** to the institution designated by the competent authority of the Member State in which the activity is pursued. "

Or. en

**Amendment 577**  
**Guillaume Balas**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 8 a (new)**  
Regulation (EC) No 987/2009  
Article 15 – paragraph 1

*Present text*

1. Unless otherwise provided for by Article 16 of the implementing Regulation, where a person pursues his activity in a Member State other than the Member State competent under Title II of the basic Regulation, the employer or, in the case of a person who does not pursue an activity as an employed person, the person concerned shall inform the competent institution of the Member State whose legislation is applicable thereof, *whenever possible* in advance. That institution shall without delay make information concerning the legislation applicable to the person concerned, pursuant to Article 11(3)(b) or Article 12 of the basic Regulation, available to the person concerned and to the institution designated by the competent authority of the Member State in which the activity is pursued.

*Amendment*

**8a. In Article 15, paragraph 1 is replaced with the following:**

‘1. Unless otherwise provided for by Article 16 of the implementing Regulation, where a person pursues his activity in a Member State other than the Member State competent under Title II of the basic Regulation, the employer or, in the case of a person who does not pursue an activity as an employed person, the person concerned shall inform the competent institution of the Member State whose legislation is applicable thereof, in advance. That institution shall without delay make information concerning the legislation applicable to the person concerned, pursuant to Article 11(3)(b) or Article 12 **or Article 13** of the basic Regulation, available to the person concerned and to the institution designated by the competent authority of the Member State in which the activity is pursued.’

Or. fr

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:284:0001:0042:en:PDF>)

**Amendment 578**  
**Elisabeth Morin-Chartier, Anne Sander, Jérôme Lavrilleux, Geoffroy Didier**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 8 a (new)**

*Present text*

‘1. Unless otherwise provided for by Article 16 of the implementing Regulation, where a person pursues his activity in a Member State other than the Member State competent under Title II of the basic Regulation, the employer or, in the case of a person who does not pursue an activity as an employed person, the person concerned shall inform the competent institution of the Member State whose legislation is applicable thereof, **whenever possible** in advance. That institution shall without delay make information concerning the legislation applicable to the person concerned, pursuant to Article 11(3)(b) or Article 12 of the basic Regulation, available to the person concerned and to the institution designated by the competent authority of the Member State in which the activity is pursued.

*Amendment*

**8a. In Article 15, paragraph 10 is replaced with the following:**

‘1. Unless otherwise provided for by Article 16 of the implementing Regulation, where a person pursues his activity in a Member State other than the Member State competent under Title II of the basic Regulation, the employer or, in the case of a person who does not pursue an activity as an employed person, the person concerned shall inform the competent institution of the Member State whose legislation is applicable thereof, in advance. That institution shall without delay make information concerning the legislation applicable to the person concerned, pursuant to Article 11(3)(b) or Article 12 **or Article 13** of the basic Regulation, available to the person concerned and to the institution designated by the competent authority of the Member State in which the activity is pursued.’

Or. fr

*Justification*

*The purpose of the amendment is to ensure that the Member State responsible is informed in advance of the departure of an employee.*

**Amendment 579**  
**Agnes Jongerius**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 9 a (new)**  
Regulation (EC) No 987/2009  
Article 15 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**9a. In Article 15, the following**

*paragraph is inserted:*

**"3a. For the purpose of applying Article 11 (5) of the basic Regulation, the activity of a salaried crew member on duty shall be based on a calculation of the hours flown on board of an aircraft from the Member State concerned which returns to this same Member State at the end of the scheduled mission. A total of less than 50% of hours flown on an aircraft which departs from and then returns to this Member State will indicate that most of the activity is not carried out in the Member State in question."**

Or. en

**Amendment 580**  
**Jean Lambert**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 9 a (new)**  
Regulation (EC) No 987/2009  
Article 15 a (new)

*Text proposed by the Commission*

*Amendment*

**9a. The following article is inserted:**

**"Article 15a**

***Delivery of the attestation***

**1. In order to guarantee timely delivery of the attestations referred to in Article 19(2), administrative cooperation and mutual assistance referred to in Article 15(1) shall be implemented through the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council\*.**

**2. Member States shall ensure that the attestations referred to in Article 19(2) are issued to the persons concerned and to the employers electronically.**

***\*Regulation (EU) No 1024/2012 of the European Parliament and of the Council on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p.1)."***

Or. en

*Justification*

*So far, not all Member States are issuing PDAI forms electronically, nor providing them to the receiving Member State in a timely manner. This leads to delays which are a burden on the concerned citizens and employers. To foster free movement and improve social security cooperation Member States should issue the document electronically. For cooperation, Member States should use the IMI which is developed exactly to increase cooperation on crossborder matters.*

**Amendment 581**  
**Guillaume Balas**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 9 a (new)**  
Regulation (EC) No 987/2009  
Article 15 a (new)

*Text proposed by the Commission*

*Amendment*

**9a. The following article is inserted:**

***'Article 15a***

***Activity covered by Article 15(5) of the basic Regulation***

***For the purposes of the application of Article 11(5) of the basic Regulation, the main duties of a crew member who is an employed person on active duty shall be determined on the basis of a record of the hours worked on flights departing from the Member State concerned and to which he or she returns after completing his or her schedule of flights. A figure which is less than 50% of the total shall indicate that the main duties are not carried out in the State in question.'***

**Amendment 582**

**Sven Schulze, Michaela Šojdrová, Csaba Sógor, Dieter-Lebrecht Koch, Georges Bach, Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Claude Rolin, Elisabeth Morin-Chartier, Jérôme Lavrilleux, Anne Sander, Thomas Mann, Sofia Ribeiro**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 10**

Regulation (EC) No 987/2009

Article 16 – paragraph 3

*Text proposed by the Commission*

3. If that institution determines that the legislation of another Member State applies, it shall do so provisionally and shall without delay inform the institution of the Member State which it considers to be competent of this provisional decision. The decision shall become definitive within two months after the institution designated by the competent authorities of the Member State concerned has been informed of it, unless the latter institution informs the first institution and the persons concerned that it cannot yet accept the provisional determination or that it takes a different view on this.

*Amendment*

3. If that institution determines that the legislation of another Member State applies, it shall do so provisionally and shall without delay inform the institution of the Member State which it considers to be competent of this provisional decision. The decision shall become definitive within two months after the institution designated by the competent authorities of the Member State concerned has been informed of it, unless the latter institution informs the first institution and the persons **and the employers** concerned that it cannot yet accept the provisional determination or that it takes a different view on this.

Or. en

*Justification*

*Both employee and employer should be informed.*

**Amendment 583**

**Marian Harkin, Martina Dlabajová, Robert Rochefort**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 10**

Regulation (EC) No 987/2009

Article 16 – paragraph 3



*Text proposed by the Commission*

3. If that institution determines that the legislation of another Member State applies, it shall do so provisionally and shall without delay inform the institution of the Member State which it considers to be competent of this provisional decision. The decision shall become definitive within two months after the institution designated by the competent authorities of the Member State concerned has been informed of it, unless the latter institution informs the first institution **and** the persons concerned that it cannot yet accept the provisional determination or that it takes a different view on this.

*Amendment*

3. If that institution determines that the legislation of another Member State applies, it shall do so provisionally and shall without delay inform the institution of the Member State which it considers to be competent of this provisional decision. The decision shall become definitive within two months after the institution designated by the competent authorities of the Member State concerned has been informed of it, unless the latter institution informs the first institution, the persons **and the employer** concerned that it cannot yet accept the provisional determination or that it takes a different view on this.

Or. en

**Amendment 584**  
**Helga Stevens**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 10**  
Regulation (EC) No 987/2009  
Article 16 – paragraph 5

*Text proposed by the Commission*

5. The competent institution of the Member State whose legislation is determined to be applicable either provisionally or definitively shall without delay inform the person concerned **and/or** his or her employer.

*Amendment*

5. The competent institution of the Member State whose legislation is determined to be applicable either provisionally or definitively shall without delay inform the person concerned **and** his or her employer.

Or. en

**Amendment 585**  
**Marian Harkin, Martina Dlabajová, Enrique Calvet Chambon, Robert Rochefort, Jasenko Selimovic**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 10**

Regulation (EC) No 987/2009

Article 16 – paragraph 5

*Text proposed by the Commission*

5. The competent institution of the Member State whose legislation is determined to be applicable either provisionally or definitively shall without delay inform the person concerned **and/or** his or her employer.

*Amendment*

5. The competent institution of the Member State whose legislation is determined to be applicable either provisionally or definitively shall without delay inform the person concerned **and** his or her employer.

Or. en

**Amendment 586**

**Sven Schulze, Michaela Šojdrová, Dieter-Lebrecht Koch, Georges Bach, Claude Rolin, Elisabeth Morin-Chartier, Jérôme Lavrilleux, Anne Sander, Thomas Mann, Sofia Ribeiro**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 10**

Regulation (EC) No 987/2009

Article 16 – paragraph 5

*Text proposed by the Commission*

5. The competent institution of the Member State whose legislation is determined to be applicable either provisionally or definitively shall without delay inform the person concerned **and/or** his or her employer.

*Amendment*

5. The competent institution of the Member State whose legislation is determined to be applicable either provisionally or definitively shall without delay inform the person concerned **and** his or her employer.

Or. en

**Amendment 587**

**Agnieszka Kozłowska-Rajewicz, Danuta Jazłowiecka, Krzysztof Hetman, Sven Schulze, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 10 a (new)**

Regulation (EC) No 987/2009

Article 19 – paragraph 2

2. At the request of the person concerned or of the employer, the competent institution of the Member State whose legislation is applicable pursuant to Title II of the basic Regulation shall provide an attestation that such legislation is applicable and shall indicate, where appropriate, until what date and under what conditions.

**10a. In Article 19, paragraph 2 is replaced by the following:**

"2. At the request of the person concerned or of the employer, the competent institution of the Member State whose legislation is applicable pursuant to Title II of the basic Regulation shall provide an attestation that such legislation is applicable and shall indicate, where appropriate, until what date and under what conditions. ***As of 1 July 2019, at the latest, such an attestation shall be made solely in the form of the Structured Electronic Document referred to in point (d) of Article 1(2) of the implementing Regulation and using the Electronic Exchange of Social Security Information — EESSI referred to in the third subparagraph of Article 95(1) of the implementing Regulation.***

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1515592051048&uri=CELEX:02009R0987-20170411>)

**Amendment 588**  
**Agnes Jongerius**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 11**  
Regulation (EC) No 987/2009  
Article 19 – paragraph 3

*Text proposed by the Commission*

3. Whenever an institution is asked to issue the attestation referred to above, it shall carry out a proper assessment of the relevant facts and guarantee that the information on the basis of which the attestation is provided is correct.

*Amendment*

3. Whenever an institution is asked to issue the attestation referred to above, it shall carry out a proper assessment of the relevant facts and guarantee that the information on the basis of which the attestation is provided is correct.

***Upon issuing the attestation, it shall notify the competent authority of the Member***

***State for which it is intended. The legislation of the issuing Member State shall only be applicable as from the date of the issuance of the attestation.***

Or. en

**Amendment 589**

**Laura Agea, Tiziana Beghin, Rosa D'Amato, Marco Valli**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 11**

Regulation (EC) No 987/2009

Article 19 – paragraph 4

*Text proposed by the Commission*

4. Where necessary for the exercise of legislative powers at national or Union level, relevant information regarding the social security rights and obligations of the persons concerned shall be exchanged directly between the competent institutions and the labour inspectorates, immigration or tax authorities of the States concerned this may include the processing of personal data for purposes other than the exercise or enforcement of rights and obligations under the basic Regulation and this Regulation ***in particular to ensure*** compliance with relevant legal obligations in the fields of labour, health and safety, immigration and taxation law. Further details shall be laid down by decision of the Administrative Commission.

*Amendment*

4. Where necessary for the exercise of legislative powers at national or Union level, relevant information regarding the social security rights and obligations of the persons concerned shall be exchanged directly between the competent institutions and the labour inspectorates, immigration or tax authorities of the States concerned, ***while ensuring full respect for privacy;*** this may include the processing of personal data for purposes other than the exercise or enforcement of rights and obligations under the basic Regulation and this Regulation ***for the sole purpose of ensuring*** compliance with relevant legal obligations in the fields of labour, health and safety, immigration and taxation law. Further details shall be laid down by decision of the Administrative Commission.

Or. it

**Amendment 590**

**Czesław Hoc, Zdzisław Krasnodębski, Kosma Złotowski**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 11 a (new)**

Regulation (EC) No 987/2009

Article 19 a (new)

**11a. The following article is inserted:**

**“Article 19a**

***Cooperation in case of doubts about the validity of issued documents concerning the applicable legislation***

**1. Where there is doubt about the validity of a document showing the position of the person for the purposes of the applicable legislation or the accuracy of the facts on which the document is based, the institution of the Member State that receives the document shall ask the issuing institution for the necessary clarification and, where appropriate, the withdrawal or rectification of that document. The requesting institution shall substantiate its request and provide relevant supporting documentation that gave rise to the request.**

**2. When receiving such a request, the issuing institution shall reconsider the grounds for issuing the document and, where an error is detected, withdraw it or rectify it within 30 working days from the receipt of the request.**

**3. 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 available evidence within 30 working days from the receipt of the request. In urgent cases, where the reasons for urgency have been clearly indicated and substantiated in the request, this shall be done within 10 working days from the receipt of the request, notwithstanding that the issuing institution may not have completed its deliberations pursuant to paragraph 2 above.**

**4. Where the requesting institution having received the available 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 or 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 or rectification of that document by the issuing institution in accordance with the procedure and timeframes set out above.”*

Or. en

**Amendment 591**  
**Jean Lambert**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 11 a (new)**  
Regulation (EC) No 987/2009  
Article 19 a (new)

*Text proposed by the Commission*

*Amendment*

**11a. The following article inserted:**

**“Article 19a**

***Procedure for the application of Article 12 of the basic Regulation concerning open attestations for consecutive trips***

**1. At the request of the person concerned, the competent institution shall issue an attestation of applicable legislation as referred to in Article 19(2) for a period of validity of up to three months and without immediately specifying the person’s Member State of destination.**

***This paragraph applies only to cases where the person concerned returns to the home Member State after each sending.***

**2. Where the person concerned has made a request under the first subparagraph of paragraph 1, the employer shall notify the competent institution of the precise destination and duration of each sending at its**

*commencement. Any substantive changes to the duration or destination of the sending shall be notified additionally.*

*3. In accordance with Article 20, the competent institution of the Member State whose legislation is applicable shall make information relating to the legislation applicable to the person concerned available via the Electronic Exchange of Social Security Information to the concerned Member State(s).*

*4. Where, during the period of validity of the attestation, the situation of the person concerned changes in regard to the applicable legislation, the employer shall immediately notify the competent institution.”*

Or. en

#### *Justification*

*Where workers go abroad frequently for a series of business trips under Article 12 basic regulation, requesting new A1 forms for each trip is cumbersome. The A1 simply certifies that a person is affiliated in the home Member State. It then would be better to be provided with 1 attestation valid for 3 months that can be used for all trips. To not create unintended loopholes, this is conditional upon:- the worker always returning to his work place- the employer notifying by a simple "click-in-click-out" procedure where the worker goes when- any change of relevance to social security has to be immediately*

#### **Amendment 592**

**Jean Lambert**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 12**

Regulation (EC) No 987/2009

Article 20 -a (new)

*Text proposed by the Commission*

*Amendment*

#### **Article 20-a**

***Issuing and withdrawing portable documents certifying the social security legislation applicable***

*The Commission shall adopt delegated acts in accordance with Article 20-b, supplementing this Regulation by establishing a standard procedure concerning:*

*(a) the determination of situations in which the portable documents certifying the social security legislation which applies to the holder, as referred to in the first indent of Article 20a(1), is to be issued; and*

*(b) the withdrawal of such documents when their accuracy or validity is contested by the competent institution of the Member State of employment.*

Or. en

#### *Justification*

*Developing standard procedures for the determination of situations and the withdrawal of the A1 document go beyond pure implementation. These provisions effectively supplement certain elements of the basic legislative act and are closely linked to the newly suggested provisions in Article 5.1 and 2 of 987/2009/EC. Therefore this should be done via Delegated Acts.*

#### **Amendment 593**

**Jean Lambert**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 12**

Regulation (EC) No 987/2009

Article 20 -ab (new)

*Text proposed by the Commission*

*Amendment*

#### **Article 20-ab**

##### **Exercise of the delegation**

**1. The power to adopt delegated acts referred to in Article 20-a shall be conferred on the Commission subject to the conditions laid down in this Article.**

**2. The power to adopt delegated acts referred to in Article 20-a shall be conferred on the Commission for a period**



*of five years from ... [Publications Office: please insert exact date of entry into force of Regulation xxx COD 2016/815]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

*3. The delegation of power referred to in Article 20-a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

*4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.*

*5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*6. A delegated act adopted pursuant to Article 20-a shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the*

*Justification*

*Developing standard procedures for the determination of situations and the withdrawal of the A1 document go beyond pure implementation. These provisions effectively supplement certain elements of the basic legislative act and are closely linked to the newly suggested provisions in Article 5.1 and 2 of 987/2009/EC. Therefore this should be done via Delegated Acts.*

**Amendment 594**

**Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 12**

Regulation (EC) No 987/2009

Article 20a – paragraph 1 – introductory part

*Text proposed by the Commission*

1. The Commission shall be empowered to adopt implementing acts specifying the procedure to be followed in order to ensure uniform conditions for the application of Articles 12 and 13 of the basic Regulation. Those acts shall establish a standard procedure ***including*** time limits for:

*Amendment*

1. The Commission shall be empowered to adopt implementing acts specifying the procedure to be followed in order to ensure uniform conditions for the application of Articles 12 and 13 of the basic Regulation. Those acts shall establish a standard procedure ***for the issuing institution with regard to*** time limits for:

**Amendment 595**

**Claude Rolin, Tom Vandenkendelaere**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 12**

Regulation (EC) No 987/2009

Article 20a – paragraph 1 – indent 1

*Text proposed by the Commission*

– the issuance, the format and the contents of a portable document certifying

*Amendment*

– the issuance, the ***electronic*** format and the contents of a ***forgery-proof***,

the social security legislation which applies to the holder,

***standardised*** portable document certifying the social security legislation which applies to the holder ***and including a European social security number***,

Or. fr

**Amendment 596**  
**Helga Stevens**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 12**  
Regulation (EC) No 987/2009  
Article 20 a – paragraph 1 – indent 1

*Text proposed by the Commission*

– the issuance, the format and the contents of a portable document certifying the social security legislation which applies to the holder,

*Amendment*

– the issuance, the ***electronic*** format and the contents, ***with mandatory information*** of a portable document certifying the social security legislation which applies to the holder,

Or. en

**Amendment 597**  
**Sven Schulze, Michaela Šojdrová, Csaba Sógor, Dieter-Lebrecht Koch, Georges Bach, Claude Rolin, Thomas Mann**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 12**  
Regulation (EC) No 987/2009  
Article 20 a – paragraph 1 – indent 1

*Text proposed by the Commission*

– the issuance, the format and the contents of a portable document certifying the social security legislation which applies to the holder,

*Amendment*

– the issuance, the format and the contents of a portable ***electronic*** document certifying the social security legislation which applies to the holder,

Or. en

## **Amendment 598**

**Marian Harkin, Enrique Calvet Chambon**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 12**

Regulation (EC) No 987/2009

Article 20 a – paragraph 1 – indent 1

#### *Text proposed by the Commission*

– the issuance, the format and the contents of a portable document certifying the social security legislation which applies to the holder,

#### *Amendment*

– the issuance, the format and the contents of a portable **electronic** document certifying the social security legislation which applies to the holder,

Or. en

## **Amendment 599**

**Jean Lambert**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 12**

Regulation (EC) No 987/2009

Article 20 a – paragraph 1 – indent 2

#### *Text proposed by the Commission*

– ***the determination of situations in which the document shall be issued,***

#### *Amendment*

***deleted***

Or. en

#### *Justification*

*Developing standard procedures for the determination of situations and the withdrawal of the A1 document go beyond pure implementation. These provisions effectively supplement certain elements of the basic legislative act and are closely linked to the newly suggested provisions in Article 5.1 and 2 of 987/2009/EC. Therefore this should be done via Delegated Acts.*

## **Amendment 600**

**Jeroen Lenaers**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 12**

Regulation (EC) No 987/2009  
Article 20 a – paragraph 1 – indent 3

*Text proposed by the Commission*

– the elements to verified before the document can be issued,

*Amendment*

– the elements to be verified before the document can be issued, ***rectified or withdrawn,***

Or. nl

#### **Amendment 601**

**Jean Lambert**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 12**

Regulation (EC) No 987/2009

Article 20 a – paragraph 1 – indent 4

*Text proposed by the Commission*

– ***the withdrawal of the document when its accuracy and validity is contested by the competent institution of the Member State of employment.***

*Amendment*

***deleted***

Or. en

*Justification*

*Procedures for this should be provided for in the implementing regulation itself*

#### **Amendment 602**

**Claude Rolin, Tom Vandenkendelaere**

#### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 12**

Regulation (EC) No 987/2009

Article 20 a – paragraph 1 – indent 4

*Text proposed by the Commission*

– the withdrawal of the document when its accuracy and validity is contested

*Amendment*

– the withdrawal of the document:

by the competent institution of the Member State of employment.

- when its accuracy and validity is contested by the competent institution of the Member State of employment,
- ***when the information has not been supplied by the deadline by the issuing institution;***
- ***when there is manifest evidence of fraud.***

Or. fr

**Amendment 603**  
**Jeroen Lenaers**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 12**  
Regulation (EC) No 987/2009  
Article 20 a – paragraph 1 – indent 4

*Text proposed by the Commission*

- the withdrawal of the document when its accuracy and validity is contested by the competent institution of the Member State of employment.

*Amendment*

- the withdrawal of the document when its accuracy and validity is contested by the competent institution of the Member State of employment ***and where a supporting body of evidence can be provided, if no reply is received from the issuer within the specified deadline.***

Or. nl

**Amendment 604**  
**Marian Harkin, Enrique Calvet Chambon, Robert Rochefort**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 13**  
Regulation (EC) No 987/2009  
Title III – Chapter 1 – title

*Text proposed by the Commission*

Sickness, maternity and equivalent paternity benefits, ***and long-term care***

*Amendment*

Sickness, ***long-term care***, maternity and equivalent paternity benefits.

*benefits.*

Or. en

## **Amendment 605**

**Jean Lambert**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 13 a (new)**

Regulation (EC) 987/2009

Article 22

#### *Present text*

Article 22

General implementing provisions

1. The competent authorities or institutions shall ensure that any necessary information is made available to insured persons regarding the procedures and conditions for the granting of benefits in kind where such benefits are received in the territory of a Member State other than that of the competent institution.

2. Notwithstanding Article 5(a) of the basic Regulation, a Member State may

#### *Amendment*

***13a. Article 22 is replaced by the following:***

"Article 22

General implementing provisions

1. The competent authorities or institutions shall ensure that any necessary information is made available to insured persons regarding the procedures and conditions for the granting of benefits in kind where such benefits are received in the territory of a Member State other than that of the competent institution. ***To facilitate the coordination of long-term care benefits which meet the criteria contained in Article 1 (vb) of the basic Regulation, the European Commission shall make information available about which institution is responsible for which type of benefit in every Member State, including where relevant at regional level.***

***1a. To facilitate the coordination of long-term care benefits which meet the criteria contained in Article 1 (vb) of the basic Regulation, the Administrative Commission should consider more precise definitions of certain terms related to that Article, to ensure that the person concerned is not deprived of necessary long-term care.***

2. Notwithstanding Article 5(a) of the basic Regulation, a Member State may

become responsible for the cost of benefits in accordance with Article 22 of the basic Regulation only if, either the insured person has made a claim for a pension under the legislation of that Member State, or in accordance with Articles 23 to 30 of the basic Regulation, he receives a pension under the legislation of that Member State.

become responsible for the cost of benefits in accordance with Article 22 of the basic Regulation only if, either the insured person has made a claim for a pension under the legislation of that Member State, or in accordance with Articles 23 to 30 of the basic Regulation, he receives a pension under the legislation of that Member State.  
"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02009R0987-20170411&rid=1>)

#### **Amendment 606**

**Marian Harkin, Enrique Calvet Chambon, Robert Rochefort**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 14**

Regulation (EC) No 987/2009

Article 23 – second sentence

*Text proposed by the Commission*

*Amendment*

**14. At the end of Article 23, the following sentence is added:**

**deleted**

***‘This provision applies mutatis mutandis to long-term care benefits. ’***

Or. en

#### **Amendment 607**

**Gabriele Zimmer, Patrick Le Hyaric, João Pimenta Lopes, Kostadinka Kuneva**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 14**

Regulation (EC) No 987/2009

Article 23 – second sentence

*Text proposed by the Commission*

*Amendment*

**14. At the end of Article 23, the following sentence is added:**

**deleted**

***‘This provision applies mutatis mutandis***



*to long-term care benefits. '*

Or. en

*Justification*

*When long-term care is incorporated into TITLE III CHAPTER 1 (sickness insurance) of the basic Regulation, the respective Articles in the implementing regulation must be changed accordingly.*

**Amendment 608**

**Marita Ulvskog**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 14**

Regulation (EC) No 987/2009

Article 23 – second sentence

*Text proposed by the Commission*

*Amendment*

**14. At the end of Article 23, the following sentence is added:**

**deleted**

***‘This provision applies mutatis mutandis to long-term care benefits. ’***

Or. en

**Amendment 609**

**Marian Harkin, Enrique Calvet Chambon, Robert Rochefort, António Marinho e Pinto**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 14 a (new)**

Regulation (EC) No 987/2009

Article 23

*Present text*

*Amendment*

Article 23

Regime applicable in the event of the existence of more than one regime in the Member State of residence or stay

If the legislation of the Member State of

***14a. Article 23 is replaced by the following;***

"Article 23

Regime applicable in the event of the existence of more than one regime in the Member State of residence or stay

If the legislation of the Member State of

residence or stay comprises more than one scheme of sickness, maternity and paternity insurance for more than one category of insured persons, the provisions applicable under Articles 17, 19(1), 20, 22, 24 and 26 of the basic Regulation shall be those of the legislation on the general scheme for employed persons.

residence or stay comprises more than one scheme of sickness, **long-term care**, maternity and paternity insurance for more than one category of insured persons, the provisions applicable under Articles 17, 19(1), 20, 22, 24 and 26 of the basic Regulation shall be those of the legislation on the general scheme for employed persons. "

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R0987:20130108:EN:HTML>)

## **Amendment 610**

**Gabriele Zimmer, Patrick Le Hyaric, João Pimenta Lopes, Kostadinka Kuneva**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 14 a (new)**

Regulation (EC) No 987/2009

Article 23

#### *Present text*

#### Article 23

Regime applicable in the event of the existence of more than one regime in the Member State of residence or stay

If the legislation of the Member State of residence or stay comprises more than one scheme of sickness, maternity and paternity insurance for more than one category of insured persons, the provisions applicable under Articles 17, 19(1), 20, 22, 24 and 26 of the basic Regulation shall be those of the legislation on the general scheme for employed persons.

#### *Amendment*

#### **14a. Article 23 is replaced by the following:**

#### "Article 23

Regime applicable in the event of the existence of more than one regime in the Member State of residence or stay

If the legislation of the Member State of residence or stay comprises more than one scheme of sickness, **long-term care**, maternity and paternity insurance for more than one category of insured persons, the provisions applicable under Articles 17, 19(1), 20, 22, 24 and 26 of the basic Regulation shall be those of the legislation on the general scheme for employed persons. "

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R0987:20130108:EN:HTML>)

### *Justification*

*When long-term care is incorporated into TITLE III CHAPTER 1 (sickness insurance) of the basic regulation, the respective articles in the implementing regulation must be changed accordingly.*

#### **Amendment 611**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

#### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 15**

Regulation (EC) No 987/2009

Article 24 – paragraph 3

*Text proposed by the Commission*

*Amendment*

**15. In Article 24(3), the term "and 26" is replaced by ", 26 and 35a".** *deleted*

Or. en

### *Justification*

*Article 35a is deleted. LTC coordinated under Chapter 1*

#### **Amendment 612**

**Marita Ulvskog**

#### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 15**

Regulation (EC) No 987/2009

Article 24 – paragraph 3

*Text proposed by the Commission*

*Amendment*

**15. In Article 24(3), the term "and 26" is replaced by ", 26 and 35a".** *deleted*

Or. en

#### **Amendment 613**

**Marian Harkin, Enrique Calvet Chambon, Robert Rochefort**

## **Proposal for a regulation**

**Article 2 – paragraph 1 – point 15** Regulation (EC) No 987/2009

Article 24 – paragraph 3

*Text proposed by the Commission*

*Amendment*

**15.** *In Article 24(3), the term "and 26" is replaced by ", 26 and 35a".* **deleted**

Or. en

## **Amendment 614**

**Marian Harkin, Robert Rochefort, António Marinho e Pinto**

## **Proposal for a regulation**

**Article 2 – paragraph 1 – point 15 a (new)**

Regulation (EC) No 987/2009

Article 25 – paragraph 1

*Present text*

*Amendment*

1. For the purposes of the application of Article 19 of the basic Regulation, the insured person shall present to the health care provider in the Member State of stay a document issued by the competent institution indicating his entitlement to benefits in kind. If the insured person does not have such a document, the institution of the place of stay, upon request or if otherwise necessary, shall contact the competent institution in order to obtain one.

**15a.** *In Article 25, paragraph 1 is replaced by the following:*

1. For the purposes of the application of Article 19 of the basic Regulation, the insured person shall present to the health **care or long-term** care provider in the Member State of stay a document issued by the competent institution indicating his entitlement to benefits in kind. If the insured person does not have such a document, the institution of the place of stay, upon request or if otherwise necessary, shall contact the competent institution in order to obtain one.

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R0987:20130108:EN:HTML>)

## **Amendment 615**

**Gabriele Zimmer, Patrick Le Hyaric, João Pimenta Lopes, Kostadinka Kuneva**

## **Proposal for a regulation**

**Article 2 – paragraph 1 – point 15 a (new)**

PE616.619v01-00

76/129

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*Present text*

1. For the purposes of the application of Article 19 of the basic Regulation, the insured person shall present to the health care provider in the Member State of stay a document issued by the competent institution indicating his entitlement to benefits in kind. If the insured person does not have such a document, the institution of the place of stay, upon request or if otherwise necessary, shall contact the competent institution in order to obtain one.

*Amendment*

**15a. Article 25, paragraph 1 is replaced by the following:**

"1. For the purposes of the application of Article 19 of the basic Regulation, the insured person shall present to the health **care or long-term** care provider in the Member State of stay a document issued by the competent institution indicating his entitlement to benefits in kind. If the insured person does not have such a document, the institution of the place of stay, upon request or if otherwise necessary, shall contact the competent institution in order to obtain one."

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R0987:20130108:EN:HTML>)

*Justification*

*When long-term care is covered under TITLE III CHAPTER 1 (sickness insurance) of the basic regulation, the respective articles in the implementing regulation must be changed accordingly.*

**Amendment 616**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 15 a (new)**

Regulation (EC) No 987/2009

Article 25 – paragraph 1

*Present text*

1. For the purposes of the application of Article 19 of the basic Regulation, the insured person shall present to the health

*Amendment*

**15a. In Article 25, paragraph 1 is replaced by the following:**

"1. For the purposes of the application of Article 19 of the basic Regulation, the insured person shall present to the health

care provider in the Member State of stay a document issued by the competent institution indicating his entitlement to benefits in kind. If the insured person does not have such a document, the institution of the place of stay, upon request or if otherwise necessary, shall contact the competent institution in order to obtain one.

*care or long-term* care provider in the Member State of stay a document issued by the competent institution indicating his entitlement to benefits in kind. If the insured person does not have such a document, the institution of the place of stay, upon request or if otherwise necessary, shall contact the competent institution in order to obtain one. "

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009R0987-20170411&from=EN>)

#### *Justification*

*Corresponding adjustments to article 19 of Regulation No 883/2004*

#### **Amendment 617**

**Marian Harkin, Robert Rochefort, António Marinho e Pinto**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 15 b (new)**

Regulation (EC) No 987/2009

Article 25 – paragraph 3

#### *Present text*

3. The benefits in kind referred to in Article 19(1) of the basic Regulation shall refer to the benefits in kind which are provided in the Member State of stay, in accordance with its legislation, and which become necessary on medical grounds with a view to preventing an insured person from being forced to return, before the end of the planned duration of stay, to the competent Member State to obtain the necessary treatment.

#### *Amendment*

#### ***15b. In Article 25, paragraph 3 is replaced by the following:***

“3. The benefits in kind referred to in Article 19(1) of the basic Regulation shall refer to the benefits in kind which are provided in the Member State of stay, in accordance with its legislation, and which become necessary on medical grounds ***or due to the need for long-term care*** with a view to preventing an insured person from being forced to return, before the end of the planned duration of stay, to the competent Member State to obtain the necessary treatment ***or long-term care.***”

Or. en

(<http://eur->

## **Amendment 618**

**Gabriele Zimmer, Patrick Le Hyaric, João Pimenta Lopes, Kostadinka Kuneva**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 15 b (new)**

Regulation (EC) No 987/2009

Article 25 – paragraph 3

#### *Present text*

3. The benefits in kind referred to in Article 19(1) of the basic Regulation shall refer to the benefits in kind which are provided in the Member State of stay, in accordance with its legislation, and which become necessary on medical grounds with a view to preventing an insured person from being forced to return, before the end of the planned duration of stay, to the competent Member State to obtain the necessary treatment.

#### *Amendment*

#### ***15b. Article 25 paragraph 3 is replaced by the following:***

"3. The benefits in kind referred to in Article 19(1) of the basic Regulation shall refer to the benefits in kind which are provided in the Member State of stay, in accordance with its legislation, and which become necessary on medical grounds ***or due to the need for long-term care*** with a view to preventing an insured person from being forced to return, before the end of the planned duration of stay, to the competent Member State to obtain the necessary treatment. "

Or. en

*([http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R0987:20130108:EN:HTML)*

*lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R0987:20130108:EN:HTML)*

#### *Justification*

*When long-term care is incorporated into TITLE III CHAPTER 1 (sickness insurance) of the basic regulation, the respective articles in the implementing regulation must be changed accordingly.*

## **Amendment 619**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 15 b (new)**

Regulation (EC) No 987/2009

Article 25 – paragraph 3

*Present text*

3. The benefits in kind referred to in Article 19(1) of the basic Regulation shall refer to the benefits in kind which are provided in the Member State of stay, in accordance with its legislation, and which become necessary on medical grounds with a view to preventing an insured person from being forced to return, before the end of the planned duration of stay, to the competent Member State to obtain the necessary treatment.

*Amendment*

**15b. In Article 25, paragraph 3 is replaced by the following:**

"3. The benefits in kind referred to in Article 19(1) of the basic Regulation shall refer to the benefits in kind which are provided in the Member State of stay, in accordance with its legislation, and which become necessary on medical grounds **or due to the need for long-term care** with a view to preventing an insured person from being forced to return, before the end of the planned duration of stay, to the competent Member State to obtain the necessary treatment."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009R0987-20170411&from=EN>)

*Justification*

*Corresponding adjustments to article 19 of Regulation No 883/2004*

**Amendment 620**  
**Jean Lambert**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 15 a (new)**  
Regulation (EC) No 987/2009  
Article 26

*Present text*

Article 26  
Scheduled treatment  
A. Authorisation procedure  
1. For the purposes of the application of Article 20(1) of the basic Regulation, the insured person shall present a

*Amendment*

**15a. Article 26 is replaced by the following:**

"Article 26  
Scheduled treatment  
A. Authorisation procedure  
1. For the purposes of the application of Article 20(1) of the basic Regulation, the insured person shall present a



document issued by the competent institution to the institution of the place of stay. For the purposes of this Article, the competent institution shall mean the institution which bears the cost of the scheduled treatment; in the cases referred to in Article 20(4) and 27(5) of the basic Regulation, in which the benefits in kind provided in the Member State of residence are reimbursed on the basis of fixed amounts, the competent institution shall mean the institution of the place of residence.

2. If an insured person does not reside in the competent Member State, he shall request authorisation from the institution of the place of residence, which shall forward it to the competent institution without delay. In that event, the institution of the place of residence shall certify in a statement whether the conditions set out in the second sentence of Article 20(2) of the basic Regulation are met in the Member State of residence. The competent institution may refuse to grant the requested authorisation only if, in accordance with the assessment of the institution of the place of residence, the conditions set out in the second sentence of Article 20(2) of the basic Regulation are not met in the Member State of residence of the insured person, or if the same treatment can be provided in the competent Member State itself, within a time-limit which is medically justifiable, taking into account the current state of health and the probable course of illness of the person concerned. The competent institution shall inform the institution of the place of residence of its decision. In the absence of a reply within the deadlines set by its national legislation, the authorisation shall be considered to have been granted by the competent institution.

3. If an insured person who does not reside in the competent Member State is in

document issued by the competent institution to the institution of the place of stay. For the purposes of this Article, the competent institution shall mean the institution which bears the cost of the scheduled treatment *or long-term care*; in the cases referred to in Article 20(4) and 27(5) of the basic Regulation, in which the benefits in kind provided in the Member State of residence are reimbursed on the basis of fixed amounts, the competent institution shall mean the institution of the place of residence.

2. If an insured person does not reside in the competent Member State, he shall request authorisation from the institution of the place of residence, which shall forward it to the competent institution without delay. In that event, the institution of the place of residence shall certify in a statement whether the conditions set out in the second sentence of Article 20(2) of the basic Regulation are met in the Member State of residence. The competent institution may refuse to grant the requested authorisation only if, in accordance with the assessment of the institution of the place of residence, the conditions set out in the second sentence of Article 20(2) of the basic Regulation are not met in the Member State of residence of the insured person, or if the same treatment *or long-term care* can be provided in the competent Member State itself, within a time-limit which is medically justifiable *or on the basis of a long-term care need*, taking into account the current state of health *or of care need* and the probable course of illness of the person concerned. The competent institution shall inform the institution of the place of residence of its decision. In the absence of a reply within the deadlines set by its national legislation, the authorisation shall be considered to have been granted by the competent institution.

3. If an insured person who does not reside in the competent Member State is in

need of urgent vitally necessary treatment, and the authorisation cannot be refused in accordance with the second sentence of Article 20(2) of the basic Regulation, the authorisation shall be granted by the institution of the place of residence on behalf of the competent institution, which shall be immediately informed by the institution of the place of residence. The competent institution shall accept the findings and the treatment options of the doctors approved by the institution of the place of residence that issues the authorisation, concerning the need for urgent vitally necessary treatment.

4. At any time during the procedure granting the authorisation, the competent institution shall retain the right to have the insured person examined by a doctor of its own choice in the Member State of stay or residence.

5. The institution of the place of stay shall, without prejudice to any decision regarding authorisation, inform the competent institution if it appears **medically** appropriate to supplement the treatment covered by the existing authorisation.

B. Meeting the cost of benefits in kind incurred by the insured person

6. Without prejudice to paragraph 7, Article 25(4) and (5) of the implementing Regulation shall apply *mutatis mutandis*.

7. If the insured person has actually borne all or part of the costs for the authorised medical treatment him or herself and the costs which the competent institution is obliged to reimburse to the institution of the place of stay or to the insured person according to paragraph 6 (actual cost) are lower than the costs which it would have had to assume for the same treatment in the competent Member State (notional cost), the competent institution shall reimburse, upon request, the cost of treatment incurred by the insured person up to the amount by which the notional cost

need of urgent vitally necessary treatment, and the authorisation cannot be refused in accordance with the second sentence of Article 20(2) of the basic Regulation, the authorisation shall be granted by the institution of the place of residence on behalf of the competent institution, which shall be immediately informed by the institution of the place of residence. The competent institution shall accept the findings and the treatment options of the doctors approved by the institution of the place of residence that issues the authorisation, concerning the need for urgent vitally necessary treatment.

4. At any time during the procedure granting the authorisation, the competent institution shall retain the right to have the insured person examined by a doctor **or long-term care provider** of its own choice in the Member State of stay or residence.

5. The institution of the place of stay shall, without prejudice to any decision regarding authorisation, inform the competent institution if it appears appropriate **medically or in the relation to the care need** to supplement the treatment covered by the existing authorisation.

B. Meeting the cost of benefits in kind incurred by the insured person

6. Without prejudice to paragraph 7, Article 25(4) and (5) of the implementing Regulation shall apply *mutatis mutandis*.

7. If the insured person has actually borne all or part of the costs for the authorised medical treatment him or herself and the costs which the competent institution is obliged to reimburse to the institution of the place of stay or to the insured person according to paragraph 6 (actual cost) are lower than the costs which it would have had to assume for the same treatment in the competent Member State (notional cost), the competent institution shall reimburse, upon request, the cost of treatment incurred by the insured person up to the amount by which the notional cost

exceeds the actual cost. The reimbursed sum may not, however, exceed the costs actually incurred by the insured person and may take account of the amount which the insured person would have had to pay if the treatment had been delivered in the competent Member State.

C. Meeting the costs of travel and stay as part of scheduled treatment

8. Where the national legislation of the competent institution provides for the reimbursement of the costs of travel and stay which are inseparable from the treatment of the insured person, such costs for the person concerned and, if necessary, for a person who must accompany him/her, shall be assumed by this institution when an authorisation is granted in the case of treatment in another Member State.

D. Family members

9. Paragraphs 1 to 8 shall apply *mutatis mutandis* to the members of the family of the insured persons.

exceeds the actual cost. The reimbursed sum may not, however, exceed the costs actually incurred by the insured person and may take account of the amount which the insured person would have had to pay if the treatment had been delivered in the competent Member State.

C. Meeting the costs of travel and stay as part of scheduled treatment

8. Where the national legislation of the competent institution provides for the reimbursement of the costs of travel and stay which are inseparable from the treatment of the insured person, such costs for the person concerned and, if necessary, for a person who must accompany him/her, shall be assumed by this institution when an authorisation is granted in the case of treatment in another Member State.

D. Family members

9. Paragraphs 1 to 8 shall apply *mutatis mutandis* to the members of the family of the insured persons. "

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02009R0987-20170411&rid=1>)

**Amendment 621**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 15 c (new)**

Regulation (EC) No 987/2009

Article 26

*Present text*

Article 26

Scheduled treatment

*Amendment*

**15c. Article 26 is replaced by the following:**

"Article 26

Scheduled treatment

#### A. Authorisation procedure

1. For the purposes of the application of Article 20(1) of the basic Regulation, the insured person shall present a document issued by the competent institution to the institution of the place of stay. For the purposes of this Article, the competent institution shall mean the institution which bears the cost of the scheduled treatment; in the cases referred to in Article 20(4) and 27(5) of the basic Regulation, in which the benefits in kind provided in the Member State of residence are reimbursed on the basis of fixed amounts, the competent institution shall mean the institution of the place of residence.

2. If an insured person does not reside in the competent Member State, he shall request authorisation from the institution of the place of residence, which shall forward it to the competent institution without delay. In that event, the institution of the place of residence shall certify in a statement whether the conditions set out in the second sentence of Article 20(2) of the basic Regulation are met in the Member State of residence. The competent institution may refuse to grant the requested authorisation only if, in accordance with the assessment of the institution of the place of residence, the conditions set out in the second sentence of Article 20(2) of the basic Regulation are not met in the Member State of residence of the insured person, or if the same treatment can be provided in the competent Member State itself, within a time-limit which is medically justifiable, taking into account the current state of **health** and the probable course of **illness** of the person concerned. The competent institution shall inform the institution of the place of residence of its decision. In the absence of a reply within the deadlines set by its national legislation, the authorisation shall be considered to have been granted by the competent institution.

#### A. Authorisation procedure

1. For the purposes of the application of Article 20(1) of the basic Regulation, the insured person shall present a document issued by the competent institution to the institution of the place of stay. For the purposes of this Article, the competent institution shall mean the institution which bears the cost of the scheduled treatment **or long-term care**; in the cases referred to in Article 20(4) and 27(5) of the basic Regulation, in which the benefits in kind provided in the Member State of residence are reimbursed on the basis of fixed amounts, the competent institution shall mean the institution of the place of residence.

2. If an insured person does not reside in the competent Member State, he shall request authorisation from the institution of the place of residence, which shall forward it to the competent institution without delay. In that event, the institution of the place of residence shall certify in a statement whether the conditions set out in the second sentence of Article 20(2) of the basic Regulation are met in the Member State of residence. The competent institution may refuse to grant the requested authorisation only if, in accordance with the assessment of the institution of the place of residence, the conditions set out in the second sentence of Article 20(2) of the basic Regulation are not met in the Member State of residence of the insured person, or if the same treatment **or long-term care** can be provided in the competent Member State itself, within a time-limit which is medically justifiable, taking into account the current state of **need of long-term care** and the probable course of **need of long-term care** of the person concerned. The competent institution shall inform the institution of the place of residence of its decision. In the absence of a reply within the deadlines set by its national legislation, the authorisation shall be considered to

3. If an insured person who does not reside in the competent Member State is in need of urgent vitally necessary treatment, and the authorisation cannot be refused in accordance with the second sentence of Article 20(2) of the basic Regulation, the authorisation shall be granted by the institution of the place of residence on behalf of the competent institution, which shall be immediately informed by the institution of the place of residence. The competent institution shall accept the findings and the treatment options of the doctors approved by the institution of the place of residence that issues the authorisation, concerning the need for urgent vitally necessary treatment.

4. At any time during the procedure granting the authorisation, the competent institution shall retain the right to have the insured person examined by a doctor of its own choice in the Member State of stay or residence.

5. The institution of the place of stay shall, without prejudice to any decision regarding authorisation, inform the competent institution if it appears medically appropriate to supplement the treatment covered by the existing authorisation. ***B. Meeting the cost of benefits in kind incurred by the insured person***

B. Meeting the cost of benefits in kind incurred by the insured person

6. Without prejudice to paragraph 7, Article 25(4) and (5) of the implementing Regulation shall apply mutatis mutandis.

7. If the insured person has actually borne all or part of the costs for the authorised medical treatment him or herself and the costs which the competent institution is obliged to reimburse to the

have been granted by the competent institution.

3. If an insured person who does not reside in the competent Member State is in need of urgent vitally necessary treatment, and the authorisation cannot be refused in accordance with the second sentence of Article 20(2) of the basic Regulation, the authorisation shall be granted by the institution of the place of residence on behalf of the competent institution, which shall be immediately informed by the institution of the place of residence. The competent institution shall accept the findings and the treatment options of the doctors approved by the institution of the place of residence that issues the authorisation, concerning the need for urgent vitally necessary treatment.

4. At any time during the procedure granting the authorisation, the competent institution shall retain the right to have the insured person examined by a doctor of its own choice ***or, in the case of the need for long-term care, by a doctor or another expert of its own choice*** in the Member State of stay or residence.

5. The institution of the place of stay shall, without prejudice to any decision regarding authorisation, inform the competent institution if it appears medically appropriate ***or appropriate taking into account the current state of need for long-term care*** to supplement the treatment ***or long-term care*** covered by the existing authorisation.

B. Meeting the cost of benefits in kind incurred by the insured person

6. Without prejudice to paragraph 7, Article 25(4) and (5) of the implementing Regulation shall apply mutatis mutandis.

7. If the insured person has actually borne all or part of the costs for the authorised medical treatment ***or long-term care*** him or herself and the costs which the competent institution is obliged to

institution of the place of stay or to the insured person according to paragraph 6 (actual cost) are lower than the costs which it would have had to assume for the same treatment in the competent Member State (notional cost), the competent institution shall reimburse, upon request, the cost of treatment incurred by the insured person up to the amount by which the notional cost exceeds the actual cost. The reimbursed sum may not, however, exceed the costs actually incurred by the insured person and may take account of the amount which the insured person would have had to pay if the treatment had been delivered in the competent Member State.

C. Meeting the costs of travel and stay as part of scheduled treatment

8. Where the national legislation of the competent institution provides for the reimbursement of the costs of travel and stay which are inseparable from the treatment of the insured person, such costs for the person concerned and, if necessary, for a person who must accompany him/her, shall be assumed by this institution when an authorisation is granted in the case of treatment in another Member State.

D. Family members

9. Paragraphs 1 to 8 shall apply *mutatis mutandis* to the members of the family of the insured persons.

reimburse to the institution of the place of stay or to the insured person according to paragraph 6 (actual cost) are lower than the costs which it would have had to assume for the same treatment *or long-term care* in the competent Member State (notional cost), the competent institution shall reimburse, upon request, the cost of treatment *or long-term care* incurred by the insured person up to the amount by which the notional cost exceeds the actual cost. The reimbursed sum may not, however, exceed the costs actually incurred by the insured person and may take account of the amount which the insured person would have had to pay if the treatment *or long-term care* had been delivered in the competent Member State.

C. Meeting the costs of travel and stay as part of scheduled treatment *or long-term care*

8. Where the national legislation of the competent institution provides for the reimbursement of the costs of travel and stay which are inseparable from the treatment *or long-term care* of the insured person, such costs for the person concerned and, if necessary, for a person who must accompany him/her, shall be assumed by this institution when an authorisation is granted in the case of treatment *or long-term care* in another Member State.

D. Family members

9. Paragraphs 1 to 8 shall apply *mutatis mutandis* to the members of the family of the insured persons. "

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009R0987-20170411&from=EN>)

*Justification*

*Corresponding adjustments to article 20 of Regulation No 883/2004*

## **Amendment 622**

**Marita Ulvskog**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 16**

Regulation (EC) No 987/2009

Article 28 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**16. In Article 28(1), after the term "pursuant to Article 21(1) of the basic Regulation", the following term is added "in accordance with Article 35a thereof".** *deleted*

Or. en

## **Amendment 623**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 16**

Regulation (EC) No 987/2009

Article 28 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**16. In Article 28(1), after the term "pursuant to Article 21(1) of the basic Regulation", the following term is added "in accordance with Article 35a thereof".** *deleted*

Or. en

*Justification*

*Article 35a is deleted*

## **Amendment 624**

**Marian Harkin, Robert Rochefort**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 16**

*Text proposed by the Commission*

*Amendment*

**16. In Article 28(1), after the term "pursuant to Article 21(1) of the basic Regulation", the following term is added "in accordance with Article 35a thereof".** *deleted*

Or. en

**Amendment 625**

**Jean Lambert**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 16**

Regulation (EC) No 987/2009

Article 28 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**16. In Article 28(1), after the term "pursuant to Article 21(1) of the basic Regulation", the following term is added "in accordance with Article 35a thereof".** *deleted*

Or. en

**Amendment 626**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 17**

Regulation (EC) No 987/2009

Article 31 – title and paragraphs 1 and 2

*Text proposed by the Commission*

*Amendment*

**17. Article 31 is amended as follows:** *deleted*  
**(c) The title is replaced by the following title:**  
**‘Application of Article 35b of the basic**



***Regulation; '***

***(d) In paragraph 1, the term "Article 34" is replaced by "Article 35b";***

***(e) In paragraph (2), the term "Article 34(2)" is replaced by "Article 35a (2)".***

Or. en

*Justification*

*Article 35b is deleted.*

## **Amendment 627**

**Jean Lambert**

### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 17**

Regulation (EC) No 987/2009

Article 31 – title and paragraphs 1 and 2

*Text proposed by the Commission*

*Amendment*

**17. Article 31 is amended as follows: *deleted***

***(c) The title is replaced by the following title:***

***‘Application of Article 35b of the basic Regulation; ’***

***(d) In paragraph 1, the term "Article 34" is replaced by "Article 35b";***

***(e) In paragraph (2), the term "Article 34(2)" is replaced by "Article 35a (2)".***

Or. en

## **Amendment 628**

**Marian Harkin, Robert Rochefort**

### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 17 – point c**

Regulation (EC) No 987/2009

Article 31 – title

*Text proposed by the Commission*

*Amendment*

(c) *The title is replaced by the following title:* *deleted*

*‘Application of Article 35b of the basic Regulation; ’*

Or. en

#### **Amendment 629**

**Marian Harkin, Robert Rochefort**

##### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 17 – point d**

Regulation (EC) No 987/2009

Article 31 – paragraph 1

*Text proposed by the Commission*

*Amendment*

(d) *In paragraph 1, the term "Article 34" is replaced by "Article 35b";* *deleted*

Or. en

#### **Amendment 630**

**Marian Harkin, Robert Rochefort**

##### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 17 – point e**

Regulation (EC) No 987/2009

Article 31 – paragraph 2

*Text proposed by the Commission*

*Amendment*

(e) In paragraph (2), the term "Article 34(2)" is replaced by "Article **35a (2)**".

(e) In paragraph (2), the term "Article 34(2)" is replaced by "Article **33a (1)**".

Or. en

#### **Amendment 631**

**Marian Harkin, Robert Rochefort, António Marinho e Pinto**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 17 a (new)**

Regulation (EC) No 987/2009

Article 32 – paragraph 1

*Present text*

1. When a person or a group of persons are exempted upon request from compulsory sickness insurance and such persons are thus not covered by a sickness insurance scheme to which the basic Regulation applies, the institution of another Member State shall not, solely because of this exemption, become responsible for bearing the costs of benefits in kind or in cash provided to such persons or to a member of their family under Title III, Chapter I, of the basic Regulation.

*Amendment*

**17a. In Article 32, paragraph 1 is replaced by the following:**

"1. When a person or a group of persons are exempted upon request from compulsory sickness **or long-term care** insurance and such persons are thus not covered by a sickness **or long-term care** insurance scheme to which the basic Regulation applies, the institution of another Member State shall not, solely because of this exemption, become responsible for bearing the costs of benefits in kind or in cash provided to such persons or to a member of their family under Title III, Chapter I, of the basic Regulation. "

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R0987:20130108:EN:HTML>)

**Amendment 632**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 17 a (new)**

Regulation (EC) No 987/2009

Article 32 – paragraph 1

*Present text*

1. When a person or a group of persons are exempted upon request from compulsory sickness insurance and such persons are thus not covered by a sickness insurance scheme to which the basic Regulation applies, the institution of

*Amendment*

**17a. In Article 32, paragraph 1 is replaced by the following:**

"1. When a person or a group of persons are exempted upon request from compulsory sickness **or long-term care** insurance and such persons are thus not covered by a sickness insurance scheme to which the basic Regulation applies, the

another Member State shall not, solely because of this exemption, become responsible for bearing the costs of benefits in kind or in cash provided to such persons or to a member of their family under Title III, Chapter I, of the basic Regulation.

institution of another Member State shall not, solely because of this exemption, become responsible for bearing the costs of benefits in kind or in cash provided to such persons or to a member of their family under Title III, Chapter I, of the basic Regulation. "

Or. en

*(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009R0987-20170411&from=EN>)*

*Justification*

*Only paragraph 1 of this article has a specific reference which would not cover LTC. Therefore, it is more transparent to amend this specific paragraph as well.*

**Amendment 633**

**Marian Harkin, Robert Rochefort**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 18**

Regulation (EC) No 987/2009

Article 32 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**18. In Article 32, the following paragraph 4 is added after paragraph 3:**

**deleted**

**‘4. This Article applies mutatis mutandis to long-term care benefits. ’**

Or. en

**Amendment 634**

**Marita Ulvskog**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 18**

Regulation (EC) No 883/2004

Article 32 – paragraph 4

**18. In Article 32, the following paragraph 4 is added after paragraph 3:** *deleted*

**‘4. This Article applies mutatis mutandis to long-term care benefits. ’**

Or. en

## **Amendment 635**

**Gabriele Zimmer, Patrick Le Hyaric, João Pimenta Lopes, Kostadinka Kuneva**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 19 a (new)**

Regulation (EC) No 987/2009

Article 54 – paragraph 1

#### *Present text*

1. Article 12(1) of the implementing Regulation shall apply mutatis mutandis to Article **61** of the basic Regulation. Without prejudice to the underlying obligations of the institutions involved, the person concerned may submit to the competent institution a document issued by the institution of the Member State to whose legislation he was subject in respect of his last activity as an employed or self-employed person specifying the periods completed under that legislation.

#### *Amendment*

**19 a. Article 54, paragraph 1 is replaced by the following:**

"1. Article 12(1) of the implementing Regulation shall apply mutatis mutandis to **unemployment benefits treated under Article 6** of the basic Regulation. Without prejudice to the underlying obligations of the institutions involved, the person concerned may submit to the competent institution a document issued by the institution of the Member State to whose legislation he was subject in respect of his last activity as an employed or self-employed person specifying the periods completed under that legislation. "

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R0987:20130108:EN:HTML>)

#### *Justification*

*When Article 61 is deleted and unemployment benefits are aggregated solely on the basis of Article 6 of the basic regulation, changes in the implementing regulation must be introduced accordingly.*

**Amendment 636**

**Sven Schulze, Csaba Sógor, Dieter-Lebrecht Koch, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 20**

Regulation (EC) No 987/2009

Article 55 – paragraph 4 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

**20. In the third subparagraph of Article 55(4), the words “At the request of the competent institution,” are deleted.** *deleted*

Or. en

**Amendment 637**

**Sven Schulze, Csaba Sógor, Dieter-Lebrecht Koch, Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 21**

Regulation (EC) No 987/2009

Article 55 – paragraph 7

*Text proposed by the Commission*

*Amendment*

**21. In paragraph 7 of Article 55, the term “Article 65a(3)” is replaced by “Article 64a and Article 65a(3)”** *deleted*

Or. en

**Amendment 638**

**Gabriele Zimmer, Patrick Le Hyaric, João Pimenta Lopes, Kostadinka Kuneva**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 21**

Regulation (EC) No 987/2009

Article 55 – paragraph 7

*Text proposed by the Commission*

*Amendment*

21. In paragraph 7 of Article 55, the term “Article 65a(3)” is replaced by “Article 64a and Article 65a(3)” *deleted*

Or. en

*Justification*

*If Article 64a is not introduced into the basic Regulation, the cross-reference should be removed.*

#### **Amendment 639**

**Czesław Hoc, Zdzisław Krasnodębski, Kosma Złotowski**

#### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 21**

Regulation (EC) No 987/2009

Article 55 – paragraph 7

*Text proposed by the Commission*

*Amendment*

21. In paragraph 7 of Article 55, the term “Article 65a(3)” is replaced by “Article 64a and Article 65a(3)”

21. In Article 55, paragraph 7 is *deleted.*

Or. en

#### **Amendment 640**

**Sven Schulze, Csaba Sógor, Dieter-Lebrecht Koch, Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

#### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 22**

Regulation (EC) No 987/2009

Article 55a

*Text proposed by the Commission*

*Amendment*

22. The following Article 55a is *deleted*  
*inserted after Article 55:*  
*‘Article 55a*

***Obligation of employment service of the  
Member State of most recent insurance***

***In the situation referred to in Article 61(2)  
of the basic Regulation, the institution of  
the Member State of most recent  
insurance shall immediately send a  
document to the competent institution of  
the Member State of previous insurance  
containing: the date on which the person  
concerned had become unemployed, the  
period of insurance, employment or self-  
employment completed under its  
legislation, the relevant circumstances of  
the unemployment likely to affect  
entitlement to benefits, the date of  
registration as unemployed person and  
their address.. ’***

Or. en

***Justification***

*This article is not needed as article 61 of Regulation (EC) No 883/2004 has been deleted.*

**Amendment 641**

**Gabriele Zimmer, Patrick Le Hyaric, João Pimenta Lopes, Kostadinka Kuneva**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 22**

Regulation (EC) No 987/2009

Article 55a

***Text proposed by the Commission***

***Amendment***

**22.     *The following Article 55a is                      deleted*  
*inserted after Article 55:***

***‘Article 55a***

***Obligation of employment service of the  
Member State of most recent insurance***

***In the situation referred to in Article 61(2)  
of the basic Regulation, the institution of  
the Member State of most recent  
insurance shall immediately send a  
document to the competent institution of  
the Member State of previous insurance***



*containing: the date on which the person concerned had become unemployed, the period of insurance, employment or self-employment completed under its legislation, the relevant circumstances of the unemployment likely to affect entitlement to benefits, the date of registration as unemployed person and their address.. ’*

Or. en

*Justification*

*If Article 61 of the basic Regulation is deleted the cross-reference should be removed.*

**Amendment 642**

**Czesław Hoc, Zdzisław Krasnodębski, Kosma Złotowski**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 22**

Regulation (EC) No 987/2009

Article 55 a

*Text proposed by the Commission*

*Amendment*

**22. The following Article 55a is *deleted* inserted after Article 55:**

**‘Article 55a**

***Obligation of employment service of the Member State of most recent insurance***

***In the situation referred to in Article 61(2) of the basic Regulation, the institution of the Member State of most recent insurance shall immediately send a document to the competent institution of the Member State of previous insurance containing: the date on which the person concerned had become unemployed, the period of insurance, employment or self-employment completed under its legislation, the relevant circumstances of the unemployment likely to affect entitlement to benefits, the date of registration as unemployed person and***

*their address.. ’*

Or. en

#### **Amendment 643**

**Guillaume Balas**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 22**

Regulation (EC) No 987/2009

Article 55 a – paragraph 1

##### *Text proposed by the Commission*

In the situation referred to in Article 61(2) of the basic Regulation, the institution of the Member State of most recent insurance shall immediately send a document to the competent institution of the Member State of previous insurance containing: the date on which the person concerned had become unemployed, the period of insurance, employment or self-employment completed under its legislation, the relevant circumstances of the unemployment likely to affect entitlement to benefits, the date of registration as unemployed person and their address.

##### *Amendment*

In the situation referred to in Article 61(2) of the basic Regulation, the institution of the Member State of most recent insurance shall immediately send a document to the competent institution of the Member State of previous insurance containing: the date on which the person concerned had become unemployed, the period *or periods* of insurance, employment or self-employment completed under its legislation *and under the legislation of other Member States of which it has been informed*, the relevant circumstances of the unemployment likely to affect entitlement to benefits, the date of registration as unemployed person and their address.

Or. fr

#### **Amendment 644**

**Sven Schulze, Csaba Sógor, Dieter-Lebrecht Koch, Georges Bach, Thomas Mann**

##### **Proposal for a regulation**

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

Regulation (EC) No 987/2009

Article 56 – paragraphs 1 and 3

##### *Text proposed by the Commission*

**23. Article 56 is amended as follows:**

##### *Amendment*

*deleted*

- (a) *In paragraph 1, the term " Article 65(2)" is replaced by "Article 65(4)";*  
(b) *Paragraph 3 is deleted.*

Or. en

*Justification*

*Since the changes of article 65 of Regulation (EC) No 883/2004 have been deleted this article becomes obsolete.*

**Amendment 645**

**Gabriele Zimmer, Patrick Le Hyaric, João Pimenta Lopes, Kostadinka Kuneva**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 23 a (new)**

Regulation (EC) No 987/2009

Article 57 – title

*Present text*

Provisions for the application of Articles **61**, 62, 64 and 65 of the basic Regulation regarding persons covered by a special scheme for civil servants

*Amendment*

**23a. In Article 57, the title is replaced by the following:**

"Provisions for the application of Articles 62, 64 and 65 of the basic Regulation regarding persons covered by a special scheme for civil servants"

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R0987:20130108:EN:HTML>)

*Justification*

*If Article 61 of the basic Regulation is deleted, the cross-reference should be removed.*

**Amendment 646**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 24**

Regulation (EC) No 987/2009

Title VI – Chapter I – title

*Text proposed by the Commission*

*Amendment*

**24. Chapter 1 of Title IV is renamed as follows:** *deleted*

**‘CHAPTER I**

***Reimbursement of the cost of benefits in application of Article 35, 35c and Article 41 of the basic Regulation’***

Or. en

*Justification*

*No Change of title needed as article 35c has been deleted (LTC)*

**Amendment 647**

**Marian Harkin, Robert Rochefort**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 24**

Regulation (EC) No 987/2009

Title VI – Chapter I – title

*Text proposed by the Commission*

*Amendment*

**24. Chapter 1 of Title IV is renamed as follows:** *deleted*

**‘CHAPTER I**

***Reimbursement of the cost of benefits in application of Article 35, 35c and Article 41 of the basic Regulation’***

Or. en

**Amendment 648**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann, Sofia Ribeiro**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 26**

Regulation (EC) No 987/2009

Article 65 – paragraph 1

*Text proposed by the Commission*

1. The annual average cost per person in each age group for a specific year shall be notified to the Audit Board at the latest by the end of the second year following the year in question.

*Amendment*

1. The annual average cost per person in each age group for a specific year shall be notified to the Audit Board at the latest by the end of the second year following the year in question, ***with sickness and long-term care benefits in kind indicated separately.***

Or. en

*Justification*

*The costs for sickness and long-term care benefits in kind should be indicated separately within the calculation of the annual average cost, so that the debtor state can divide the costs more easily.*

**Amendment 649**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 26 a (new)**

Regulation (EC) No 987/2009

Article 66 – paragraph 2

*Present text*

2. The reimbursements between the institutions of the Member States, provided for in Articles 35 and 41 of the basic Regulation, shall be made via the liaison body. There may be a separate liaison body for reimbursements under **Article** 35 and **Article** 41 of the basic Regulation.

*Amendment*

***26a. In Article 66, paragraph 2 is replaced by the following:***

"2. The reimbursements between the institutions of the Member States, provided for in Articles 35 and 41 of the basic Regulation, shall be made via the liaison body. There may be a separate liaison body for reimbursements under **Articles** 35 and 41 of the basic Regulation. ***Mutual claims shall be off-set between the liaison bodies. The Administrative Commission shall establish detailed arrangements for such off-setting.*** "

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009R0987->

*Justification*

*In order to maintain confidence in the principle of sincere cooperation and to satisfy the economic viability of budgeting required by social security institutions, the possibility of offsetting should be introduced. The number of payment transactions would be reduced since only the excess amounts would be paid internationally.*

**Amendment 650**

**Sven Schulze, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Michaela Šojdrová, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 26 b (new)**

Regulation (EC) No 987/2009

Article 67 – paragraph 1

*Present text*

1. Claims based on actual expenditure shall be introduced to the liaison body of the debtor Member State within 12 months of the end of the calendar half-year during which those claims were recorded in the accounts of the creditor institution.

*Amendment*

**26b. In Article 67, paragraph 1 is replaced by the following:**

"1. Claims based on actual expenditure shall be introduced to the liaison body of the debtor Member State within 12 months of the end of the calendar half-year during which those claims were recorded in the accounts of the creditor institution. ***Claims shall be met, where possible, within one month, and in any event within six months, of the claim.*** "

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009R0987-20170411&from=EN>)

*Justification*

*Re paragraph (1): The Global Claims currently frequently contain several tens of thousands of individual invoices. This is because they are frequently only submitted twice per year. This can lead to delays in processing, and therefore in payment. In order to accelerate and stabilise the settlement process, the liaison bodies should spread the volumes more evenly.*

## **Amendment 651**

**Sven Schulze, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Michaela Šojdrová, Thomas Mann**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 26 c (new)**

Regulation (EC) No 987/2009

Article 67 – paragraph 3

#### *Present text*

3. *In the case referred to in Article 6(5) second subparagraph of the implementing Regulation, the deadline set out in paragraphs 1 and 2 of this Article shall not start before the competent institution has been identified.*

#### *Amendment*

**26c. In Article 67, paragraph 3 is replaced by the following:**

**"3. The period referred to in paragraphs 1 and 2 shall not commence until the date on which the creditor institution becomes aware of the claim of the debtor institution. Claims may be introduced for benefit periods of no more than the previous five calendar years. The introduction of claims to the liaison body of the debtor Member State shall be decisive."**

Or. en

*(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009R0987-20170411&from=EN>)*

#### *Justification*

*Re paragraph (3): Taking account of the provision provided for in Article 73 of Regulation (EC) No 987/2009 (see No 28) (Recovery of benefits unduly provided or paid), the provisions on the deadlines for the submission of claims between institutions in Article 67(3) of Regulation (EC) No 987/2009 should be adjusted appropriately.*

## **Amendment 652**

**Sven Schulze, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Michaela Šojdrová, Thomas Mann**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 26 e (new)**

Regulation (EC) No 987/2009

Article 67 – paragraph 5

5. The claims shall be paid to the liaison body of the creditor Member State referred to in Article 66 of the implementing Regulation by the debtor institution within 18 months of the end of the month during which they were introduced to the liaison body of the debtor Member State. This does not apply to the claims which the debtor institution has rejected for a relevant reason within that period.

**26e. In Article 67, paragraph 5 is replaced by the following:**

"5. The claims shall be paid to the liaison body of the creditor Member State referred to in Article 66 of the implementing Regulation by the debtor institution within 18 months of the end of the month during which they were introduced to the liaison body of the debtor Member State. This does not apply to the claims which the debtor institution has rejected for a relevant reason within that period. ***The liaison body of the creditor Member State shall reply to such a rejection within 12 months of the end of the month during which the rejection was received. In the absence of such a reply, the rejection shall be deemed to be accepted.***"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009R0987-20170411&from=EN>)

*Justification*

*Re paragraph 5: Article 67(5) of Regulation (EC) No 987/2009 regulates a deadline of 18 months for the settlement or payment of invoices. The deadline of 12 months for a reaction by the creditor institution to a contestation by the debtor institution, which is highly relevant for practical implementation. It should also be made clear here that it is the actual receipt of the reaction within the period that is decisive, and not its sending. Article 67(5), sentence 3, of Regulation (EC) No 987/2009 should be adjusted for this. Paragraph 7 provides that the Audit Board facilitates the final closing of accounts in cases where the parties have been unable to reach a settlement within 36 months. The consultation of the conciliation panel at the Audit Board is to help clarify claims quickly. In accordance with the provision, the conciliation panel must make a statement within six months following the month in which the matter was referred to it. This deadline has proven to be too short in practice, and should be extended to nine months.*

**Amendment 653**

**Gabriele Zimmer, Patrick Le Hyaric, Kostadinka Kuneva**



**Proposal for a regulation**

**Article 2 – paragraph 1 – point 26 a (new)**

Regulation (EC) No 987/2009

Article 67 – paragraph 5

*Present text*

5. The claims shall be paid to the liaison body of the creditor Member State referred to in Article 66 of the implementing Regulation by the debtor institution within **18** months of the end of the month during which they were introduced to the liaison body of the debtor Member State. This does not apply to the claims which the debtor institution has rejected for a relevant reason within that period.

*Amendment*

**26a. In Article 67, paragraph 5 is replaced by the following:**

"5. The claims shall be paid to the liaison body of the creditor Member State referred to in Article 66 of the implementing Regulation by the debtor institution within **12** months of the end of the month during which they were introduced to the liaison body of the debtor Member State. This does not apply to the claims which the debtor institution has rejected for a relevant reason within that period. "

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R0987:20130108:EN:HTML>)

*Justification*

*The current time period of 18 month should be reduced to 12 month in order to lessen the cost pressure on the liaison body pre-financing a benefit.*

**Amendment 654**

**Sven Schulze, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Michaela Šojdrová, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 26 f (new)**

Regulation (EC) No 987/2009

Article 67 – paragraph 7

*Present text*

7. The Audit Board shall facilitate the final closing of accounts in cases where a

*Amendment*

**26f. In Article 67, paragraph 7 is replaced by the following:**

"7. The Audit Board shall facilitate the final closing of accounts in cases where a

settlement cannot be reached within the period set out in paragraph 6, and, upon a reasoned request by one of the parties, shall give its opinion on a dispute within **six** months following the month in which the matter was referred to it.

settlement cannot be reached within the period set out in paragraph 6, and, upon a reasoned request by one of the parties, shall give its opinion on a dispute within **nine** months following the month in which the matter was referred to it. ***The Audit Board shall receive the request no later than nine months after expiry of the period set out in paragraph 6. "***

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009R0987-20170411&from=EN>)

#### *Justification*

*Paragraph 7 provides that the Audit Board facilitates the final closing of accounts in cases where the parties have been unable to reach a settlement within 36 months. The consultation of the conciliation panel at the Audit Board is to help clarify claims quickly. In accordance with the provision, the conciliation panel must make a statement within six months following the month in which the matter was referred to it. This deadline has proven to be too short in practice, and should be extended to nine months. Furthermore, the previous provision contained in Article 67(7) does not contain a deadline for the submission of facts. Such a deadline did exist with regard to claims within the scope of Regulations (EEC) No 1408/71 and No (EEC) 574/72, within Decision No S10, and this has proven to be worthwhile. The six-month deadline specified therein has, however, proven to be too short in practice. A nine-month deadline can be considered appropriate.*

#### **Amendment 655**

**Gabriele Zimmer, Patrick Le Hyaric, Kostadinka Kuneva**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 26 b (new)**

Regulation (EC) No 987/2009

Article 68 – paragraph 2

#### *Present text*

2. The interest shall be calculated on the basis of the reference rate applied by the European Central Bank to its main refinancing operations. The reference rate applicable shall be that in force on the first day of the month on which the payment is

#### *Amendment*

***26b. in Article 68, paragraph 2 is replaced by the following:***

"2. The interest shall be calculated on the basis of the reference rate applied by the European Central Bank to its main refinancing operations ***plus 8 percentage points***. The reference rate applicable shall be that in force on the first day of the

due.

month on which the payment is due. "

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R0987:20130108:EN:HTML>)

*Justification*

*Often outstanding claims are only paid by the debtor institution after the time limit for the payment has expired. The raising of the interest rate can be an incentive to make the payments within the given time limit.*

**Amendment 656**

**Sven Schulze, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 26 g (new)**

Regulation (EC) No 987/2009

Article 68 – paragraph 2

*Present text*

2. The interest shall be calculated on the basis of the reference rate applied by the European Central Bank to its main refinancing operations. The reference rate applicable shall be that in force on the first day of the month on which the payment is due.

*Amendment*

**26g. In Article 68, paragraph 2 is replaced by the following:**

"2. The interest shall be calculated on the basis of the reference rate applied by the European Central Bank to its main refinancing operations **plus eight percentage points**. The reference rate applicable shall be that in force on the first day of the month on which the payment is due. "

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32009R0987>)

*Justification*

*In analogy to Directive 2011/7/EU on combatting late payment in commercial transactions, the interest on arrears due should be eight percentage points above the reference rate applied by the European Central Bank.*

## Amendment 657

Sven Schulze, Csaba Sógor, Dieter-Lebrecht Koch, Thomas Mann

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 27

Regulation (EC) No 987/2009

Article 70

*Text proposed by the Commission*

*Amendment*

27. *Article 70 is deleted.*

*deleted*

Or. en

## Amendment 658

Sven Schulze, Csaba Sógor, Dieter-Lebrecht Koch, Thomas Mann

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 27 a (new)

Regulation (EC) No 987/2009

Article 70 – paragraph 1

*Present text*

*Amendment*

If there is no agreement in accordance with Article **65(8)** of the basic Regulation, the institution of the place of residence shall request reimbursement of unemployment benefits pursuant to Article 65(6) **and (7)** of the basic Regulation from the institution of the Member State to whose legislation the beneficiary was last subject. The request shall be made within six months of the end of the calendar half-year during which the last payment of unemployment benefit, for which reimbursement is requested, was made. The request shall indicate the amount of benefit paid during the **three or five** month-period referred to in Article **65(6) and (7)** of the basic Regulation, the period for which the benefits were paid and the identification data of the unemployed person. The claims shall be introduced and paid via the liaison

**27a. in Article 70, the first paragraph is replaced by the following:**

“If there is no agreement in accordance with Article **65(11)** of the basic Regulation, the institution of the place of residence shall request reimbursement of unemployment benefits pursuant to Article 65(6) **to (9)** of the basic Regulation from the institution of the Member State to whose legislation the beneficiary was last subject. The request shall be made within six months of the end of the calendar half-year during which the last payment of unemployment benefit, for which reimbursement is requested, was made. The request shall indicate the amount of benefit paid during the **four** month-period referred to in **Article 65 (6)** of the basic Regulation, the period for which the benefits were paid and the identification data of the unemployed person. The claims shall be introduced and paid via the liaison

bodies of the Member States concerned.

bodies of the Member States concerned.”

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009R0987-20170411&from=EN>)

*Justification*

*Since the proposed changes by the Commission on article 65 of Regulation (EC) No 883/2004 were deleted and a proposal to simplify the reimbursement procedures for frontier workers in Article 65 of Regulation (EC) No 883/2004 was tabled this article has to be reintroduced and adapted.*

**Amendment 659**

**Sven Schulze, Csaba Sógor, Dieter-Lebrecht Koch, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 27 b (new)**

Regulation (EC) No 987/2009

Article 70 – paragraph 3

*Present text*

*Articles 66(1) and 67(5) to (7) of the implementing Regulation shall apply mutatis mutandis.*

*Amendment*

**27b. in Article 70, the third paragraph is replaced by the following:**

**“Article 66(1) and Article 67(5), (6) and (7) of the implementing Regulation shall apply mutatis mutandis.”**

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009R0987-20170411&from=EN>)

*Justification*

*Since the proposed changes by the Commission on article 65 of Regulation (EC) No 883/2004 were deleted and a proposal to simplify the reimbursement procedures for frontier workers in Article 65 of Regulation (EC) No 883/2004 was tabled this article has to be reintroduced and adapted.*

**Amendment 660**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 28**

Regulation (EC) No 987/2009

Article 73 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

In case of a retroactive change of the applicable legislation including situations referred to in Article 6(4) and (5) of the implementing Regulation, at the latest **three** months after the applicable legislation has been determined or the institution responsible for paying the benefits has been identified, the institution which unduly paid cash benefits shall draw up a statement of the amount paid and shall send it to the institution identified as being competent for the purpose of their reimbursement.

*Amendment*

In case of a retroactive change of the applicable legislation including situations referred to in Article 6(4) and (5) of the implementing Regulation, at the latest **six** months after the applicable legislation has been determined or the institution responsible for paying the benefits has been identified, the institution which unduly paid cash benefits shall draw up a statement of the amount paid and shall send it to the institution identified as being competent for the purpose of their reimbursement.

Or. en

*Justification*

*Cases of retroactive change of applicable legislation are very complex and often several institutions have to be involved in the settlement of benefits and contributions.*

**Amendment 661**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 28**

Regulation (EC) No 987/2009

Article 73 – paragraph 3 – subparagraph 3

*Text proposed by the Commission*

If the amount of unduly paid contributions exceeds the amount the legal and/or natural person owes to the institution identified as being competent, the institution which unduly received contributions shall reimburse the amount in excess to the legal and/or natural person concerned.

*Amendment*

If the amount of unduly paid contributions exceeds the amount the legal and/or natural person owes to the institution identified as being competent, the institution which unduly received contributions shall reimburse the amount in excess to the legal and/or natural person concerned **in**

*accordance with national law.*

Or. en

**Amendment 662**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 28**

Regulation (EC) No 987/2009

Article 73 – paragraph 4

*Text proposed by the Commission*

4. The existence of time limits under national legislation shall not be a valid ground for the refusal of the settlement of claims between institutions under this Article.

*Amendment*

4. The existence of time limits ***and application procedures*** under national legislation shall not be a valid ground for the refusal of the settlement of claims between institutions under this Article.

Or. en

**Amendment 663**

**Emilian Pavel**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 29**

Regulation 987/2009/EC

Article 75 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. The Member State where the person concerned by the refund of the social security contributions currently resides or stays, shall inform the Member State from which the refund is to be made, about the outcome of the refund within 25 working days.***

Or. en

**Amendment 664**  
**Renate Weber**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 29**  
Regulation (EC) No 987/2009  
Article 75 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. The requested party shall inform the applicant party about the outcome of its request within 6 months.**

Or. en

**Amendment 665**  
**Emilian Pavel**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 30**  
Regulation 987/2009/EC  
Article 76 – paragraph 3 b (new)

*Text proposed by the Commission*

*Amendment*

**3b. The requested party shall acknowledge receipt of the request as soon as possible and in any event within 25 working days from the moment the request was received.**

Or. en

**Amendment 666**  
**Renate Weber**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 30**  
Regulation (EC) No 987/2009  
Article 76 – paragraph 3 b (new)

*Text proposed by the Commission*

*Amendment*

**3b. The requested party shall**



*acknowledge receipt of the request as soon as possible and in any event within 15 calendar days of such receipt.*

Or. en

**Amendment 667**

**Emilian Pavel**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 31 – point b**

Regulation (EC) No 987/2009/EC

Article 77 – paragraph 3 – subparagraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

**6a. The requested party shall acknowledge receipt of the request as soon as possible and in any event within 25 working days from the moment the request was received.**

Or. en

**Amendment 668**

**Renate Weber**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 31 – point b**

Regulation (EC) No 987/2009

Article 77 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

**6a. The requested party shall acknowledge receipt of the request as soon as possible and in any event within 15 calendar days of such receipt.**

Or. en

**Amendment 669**

**Renate Weber**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 32 – point d**

Regulation (EC) No 987/2009

Article 78 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

**6a. If the currency of the requested party is different from the currency of applicant party, the applicant authority shall express the amount of the claim to be recovered in both currencies.**

Or. en

**Amendment 670**

**Emilian Pavel**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 32 – point d**

Regulation 987/2009/EC

Article 78 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

**6a. If the currency of the requested party is different from the currency of the applicant party, the applicant authority shall express in both currencies the amount of the claim to be recovered.**

Or. en

**Amendment 671**

**Emilian Pavel**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 32 – point d**

Regulation (EC) No 987/2009

Article 78 – paragraph 6 b (new)

*Text proposed by the Commission*

*Amendment*

**6b. The exchange rate to be used for**

*the purpose of the recovery assistance shall be the last exchange rate published by the European Central Bank before the request is sent.*

Or. en

**Amendment 672**  
**Renate Weber**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 32 – point d**  
Regulation (EC) No 987/2009  
Article 78 – paragraphs 6 b (new)

*Text proposed by the Commission*

*Amendment*

**6b.** *The exchange rate to be used for the purpose of the recovery assistance shall be the last exchange rate published by the European Central Bank before the date the request is sent.*

Or. en

**Amendment 673**  
**Emilian Pavel**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 32 – point d**  
Regulation (EC) No 987/2009  
Article 78 – paragraph 6 c (new)

*Text proposed by the Commission*

*Amendment*

**6c.** *The requested party shall acknowledge receipt of the request as soon as possible and in any event within 25 working days from the moment the request was received.*

Or. en

## **Amendment 674**

**Renate Weber**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 32 – point d**

Regulation (EC) No 987/2009

Article 78 – paragraph 6 c (new)

*Text proposed by the Commission*

*Amendment*

**6c. The requested party shall acknowledge receipt of the request as soon as possible and in any event within 15 calendar days of such receipt.**

Or. en

## **Amendment 675**

**Joëlle Mélin, Dominique Martin**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 33**

Regulation (EC) No 987/2009

Article 79 – paragraph 2 – point a

*Text proposed by the Commission*

*Amendment*

(a) the name, address and any other **relevant** information **relating** to the identification of the natural or legal person concerned and/or to the third party holding his or her assets;

(a) the name, address and any other information **limited** to the identification of the natural or legal person concerned and/or to the third party holding his or her assets;

Or. fr

## **Amendment 676**

**Emilian Pavel**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 33**

Regulation (EC) No 987/2009

Article 79 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. A single uniform instrument permitting enforcement in the Member State of the requested party may be issued in respect to several claims and several persons corresponding to the initial instrument or instruments permitting enforcement in the Member State of the applicant party.**

Or. en

**Amendment 677**

**Renate Weber**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 33**

Regulation (EC) No 987/2009

Article 79 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. A single uniform instrument permitting enforcement in the Member State of the requested party may be issued in respect of several claims and several persons corresponding to the initial instrument or instruments permitting enforcement in the Member State of applicant party.**

Or. en

**Amendment 678**

**Renate Weber**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 34 – point b a (new)**

Regulation (EC) No 987/2009

Article 80 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**(ba) the following paragraph is added:**

**“2a. Regardless of any amounts collected by the requested party by way of interest recovered, a claim shall be deemed recovered in proportion to the recovery of the amount expressed in the national currency of the Member State of the requested party on the basis of the exchange rate mentioned in the request.”**

Or. en

#### **Amendment 679**

**Emilian Pavel**

#### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 34 – point b a (new)**

Regulation (EC) No 987/2009

Article 80 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**(ba) the following paragraph is added:**

**2a. Regardless of the amounts collected by the requested party by way of interest shall be deemed recovered in proportion to the amount of the claim expressed in the national currency of the Member State of the requested party on the basis of the exchange rate mentioned in the request.**

Or. en

#### **Amendment 680**

**Renate Weber, Martina Dlabajová**

#### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 35 – point d**

Regulation (EC) No 987/2009

Article 81 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**5a. In order to convert the amount of the claim resulting from an adjustment into the currency of the Member State of the requested party, the applicant party shall use the exchange rate used in its initial request.**

Or. en

**Amendment 681**

**Emilian Pavel**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 35 – point d**

Regulation (EC) No 987/2009

Article 81 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**In order to convert the amount of the claim resulting from an adjustment into the currency of the Member State of the requested party, the applicant party shall use the exchange rate used in its initial request.**

Or. en

**Amendment 682**

**Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 39**

Regulation (EC) No 987/2009

Article 85 a – paragraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

1. By agreement between the applicant party and the requested party and in accordance with the arrangements laid down by the requested party, officials

1. By agreement between the applicant party and the requested party and in accordance with the arrangements laid down by the requested party **resulting**

authorised by the applicant party may, with a view to promoting mutual assistance provided for in this Section:

*from existing national law or practice*, officials authorised by the applicant party may, with a view to promoting mutual assistance provided for in this Section:

Or. en

**Amendment 683**  
**Helga Stevens**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 39**  
Regulation (EC) No 987/2009  
Article 85a – paragraph 1 – introductory part

*Text proposed by the Commission*

1. By agreement between the applicant party and the requested party and in accordance with the arrangements laid down by the requested party, officials authorised by the applicant party may, with a view to promoting mutual assistance provided for in this Section:

*Amendment*

1. By agreement between the applicant party and the requested party and in accordance with the arrangements laid down by the requested party, officials ***and responsible office-holders*** authorised by the applicant party may, with a view to promoting mutual assistance provided for in this Section:

Or. en

**Amendment 684**  
**Helga Stevens**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 39**  
Regulation (EC) No 987/2009  
Article 85a – paragraph 2

*Text proposed by the Commission*

2. In so far as it is permitted under the legislation in force in the Member State of the requested party, the agreement referred to in paragraph 1(b) may provide that officials of the Member State of applicant party may interview individuals and examine records.

*Amendment*

2. In so far as it is permitted under the legislation in force in the Member State of the requested party, the agreement referred to in paragraph 1(b) may provide that officials ***or responsible office-holders*** of the Member State of applicant party may interview individuals and examine records.



**Amendment 685**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation****Article 2 – paragraph 1 – point 39 a (new)**

Regulation (EC) No 987/2009

Article 86

*Present text*

Article 86

Review clause

**1.** No later than *the fourth full calendar year* after *the entry into force* of the *implementing Regulation*, the Administrative Commission shall present a comparative report on the time limits set out in Article 67(2), (5) and (6) of the implementing Regulation.

On the basis of this report, the *European Commission* may, as appropriate, submit proposals to *review these* time limits *with the aim of reducing them in a significant way*.

**2.** *No later than the date referred to in paragraph 1, the Administrative Commission shall also assess the rules for conversion of periods set out in Article 13 with a view to simplifying those rules, if possible.*

**3.** *No later than 1 May 2015, the Administrative Commission shall present a report specifically assessing the application of Chapters I and III of Title IV of the implementing Regulation, in particular with regard to the procedures and time limits referred to in Article*

*Amendment*

**39a.** *Article 86 is replaced by the following:*

"Article 86

Review clause

No later than *two years* after *expiry* of the *transitional period referred to in Article 95*, the Administrative Commission shall present a comparative report on the time limits set out in Article 67(2), (5) and (6) of the implementing Regulation. *The report shall include a review of when settlement on the basis of fixed amounts, as referred to in Section 2 of Chapter I of Title IV, can be deleted.*

On the basis of this report, the Commission may, as appropriate, submit proposals to *shorten those* time limits *as well as a proposal to delete Section 2 of Chapter I* of Title IV. "

**67(2), (5) and (6) of the implementing Regulation and to the recovery procedures referred to in Articles 75 to 85 of the implementing Regulation.**

***In the light of this report, the European Commission may, if necessary, submit appropriate proposals to make these procedures more efficient and balanced.***

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009R0987-20170411&from=EN>)

### *Justification*

*Article 86(1) of Regulation (EC) No 987/2009 already contains a review clause on the basis of which the Administrative Commission has to present a comparative report on the deadlines set out in Article 67(2), (5) and (6) of the implementing Regulation in 2015. Also given that the cross-border Electronic Exchange of Social Security Information (EESSI) system was not yet available at that time, no changes were made on the basis of the report. It appears to be expedient to alter this provision such that a renewed review is to be carried out two years after expiry of the transitional period in accordance with Article 95 of Regulation (EC) No 987/2009. It should also be reviewed in this context from what time onwards those Member States which still reimburse on the basis of fixed amounts can adapt their legal or administrative structures to accommodate reimbursement on the basis of actual expenditure. The other paragraphs of this article can be deleted as the reviews which they regulate have taken place.*

## **Amendment 686**

**Jean Lambert**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 40 – point b**

Regulation (EC) No 987/2009

Article 87 – paragraph 6

#### *Text proposed by the Commission*

However, if the institution which was requested to carry out the check also uses the findings for the granting of benefits to the person concerned under the legislation it applies, it shall not claim the expenses referred to in the previous sentence..

#### *Amendment*

However, if the institution which was requested to carry out the check also uses the findings for the granting of benefits ***on its own account*** to the person concerned under the legislation it applies, it shall not claim the expenses referred to in the previous sentence..

**Amendment 687**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 40 – point b**

Regulation (EC) No 987/2009

Article 87 – paragraph 6

*Text proposed by the Commission*

However, if the institution which was requested to carry out the check also uses the findings for the granting of benefits to the person concerned under the legislation it applies, it shall not claim the expenses referred to in the previous sentence..

*Amendment*

However, if the institution which was requested to carry out the check also uses the findings for the granting of benefits ***on its own account*** to the person concerned under the legislation it applies, it shall not claim the expenses referred to in the previous sentence.

Or. en

*Justification*

*It has to be made clear that only in cases in which the requested institution also uses the findings for the granting of benefits on its own account to the person concerned, it shall not claim the expenses referred. In cases where the institution of stay uses the findings to provide benefits on account of the competent institution, the effective amount of expense of the checks shall be reimbursed.*

**Amendment 688**

**Sven Schulze, Csaba Sógor, Dieter-Lebrecht Koch, Thomas Mann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 44**

Regulation (EC) No 987/2009

Article 94 a – paragraph 1

*Text proposed by the Commission*

Until the entry into force of Regulation (EU) XXX, **Articles 56 and 70** of the version of the implementing Regulation in force before [the date of entry into force of the Regulation (EU) xxxx] shall continue

*Amendment*

Until the entry into force of Regulation (EU) XXX, **Article 70** of the version of the implementing Regulation in force before [the date of entry into force of the Regulation (EU) xxxx] shall continue to

to apply to unemployment benefits granted to persons who became unemployed before that date..

apply to unemployment benefits granted to persons who became unemployed before that date..

Or. en

**Amendment 689**

**Jean Lambert**

**Proposal for a regulation**

**Article 3 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Point 9a of Article 2 [inserting a new Article 15a into Regulation (EC) 987/2009] shall be applicable from ... [5 years after the date of entry into force of this Regulation - COD2016/0397].***

Or. en

**Amendment 690**

**Herbert Dorfmann, Heinz K. Becker**

**Proposal for a regulation**

**Annex I – point 5 – point c a (new)**

Regulation (EC) No 883/2004

Annex X

*Text proposed by the Commission*

*Amendment*

***(ca) In the section ‘ITALY’, the following letter is inserted after letter h: ‘(i) additional, non-contributory care, social and family benefits paid by the regions and autonomous provinces.’***

Or. de

**Amendment 691**

**Marian Harkin, Robert Rochefort**

**Proposal for a regulation**

**Annex I – point 7**

Regulation (EC) No 883/2004

Annex XII – title

*Text proposed by the Commission*

LONG-TERM CARE BENEFITS IN  
CASH PROVIDED IN DEROGATION  
FROM ARTICLE 35A(1) OF CHAPTER  
*1A*

*Amendment*

LONG-TERM CARE BENEFITS IN  
CASH PROVIDED IN DEROGATION  
FROM ARTICLE 33A(1) OF CHAPTER *1*

Or. en

**Amendment 692**

**Marian Harkin, Robert Rochefort, Jasenko Selimovic**

**Proposal for a regulation**

**Annex I – point 7**

Regulation (EC) No 883/2004

Annex XII – subheading

*Text proposed by the Commission*

*(Article 35a(3))*

*Amendment*

*deleted*

Or. en

**Amendment 693**

**Joëlle Mélin, Dominique Martin**

**Proposal for a regulation**

**Annex I – point 7**

Regulation (EC) No 883/2004

Annex XII – subheading 0 a (new)

*Text proposed by the Commission*

*Amendment*

*Subject to statutory entitlement in the host  
Member State, these long-term care  
benefits in cash provided in derogation  
from Article 35a(1) shall be paid on the  
basis of clear, detailed provisions as  
regards the definition of long-term care  
and the arrangements for the provision of*

*care, with the permanent aim of ensuring that the welfare protection system in the country providing the benefits is not disrupted.*

Or. fr

**Amendment 694**

**Joëlle Mélin, Dominique Martin**

**Proposal for a regulation**

**Annex I – point 7**

Regulation (EC) No 883/2004

Annex XIII – Part I – subheading 0 a (new)

*Text proposed by the Commission*

*Amendment*

*Subject to statutory entitlement in the host Member State, these family benefits in cash intended to replace income during periods of child-raising shall be paid on the basis of clear, detailed provisions as regards the definition of income during periods of child-raising, with the permanent aim of ensuring that the welfare protection system in the country providing the benefits is not disrupted.*

Or. fr

**Amendment 695**

**Sven Schulze, Bendt Bendtsen, Dieter-Lebrecht Koch, Heinz K. Becker**

**Proposal for a regulation**

**Annex I – point 7**

Regulation (EC) No 883/2004

Annex XIII

*Text proposed by the Commission*

*Amendment*

Part II Member States which award family benefits referred in Article **65b(1)** in full

Part II Member States which award family benefits referred in Article **68b** in full

Or. en

**Amendment 696**

**Sven Schulze, Michaela Šojdrová, Danuta Jazłowiecka, Csaba Sógor, Dieter-Lebrecht Koch, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Marek Plura, Thomas Mann**

**Proposal for a regulation**

**Annex I – point 7 a (new)**

Regulation (EC) No 883/2004

Annex XIII a (new)

*Text proposed by the Commission*

*Amendment*

**7a. The following annex is added:**

***“Annex XIIIa***

***Long-term care benefits in cash provided  
in derogation from Article 33a(a) of  
Chapter I***

***(Article 33a(2))”***

Or. en

**Amendment 697**

**Sven Schulze, Bendt Bendtsen, Herbert Dorfmann, Dieter-Lebrecht Koch, Heinz K. Becker, Thomas Mann**

**Proposal for a regulation**

**Annex I – point 7 b (new)**

Regulation (EC) No 883/2004

Annex XIII b (new)

*Text proposed by the Commission*

*Amendment*

**7b. The following annex is added:**

***“Annex XIIIb***

***(Article 67c)***

***Adjustment mechanism for the allocation  
of family benefits in relation to children  
residing in Member States other than the  
competent Member State***

***Member States and competent regional  
authorities adapting family benefits in  
accordance with the adjustment  
mechanism referred to in Article 67b:”***

**Amendment 698**

**Marian Harkin, Morten Løkkegaard, Fredrick Federley, Ulrike Müller, Nadja Hirsch**

**Proposal for a regulation**

**Annex I – point 7 a (new)** Regulation (EC) No 883/2004

**Annex XIII a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. The following annex is added:**

***Annex XIIIa***

***(Article 67 (2))***

***Member States adapting family benefits in accordance with the mechanism set out in Article 67b.***

Or. en

**Amendment 699**

**Helga Stevens**

**Proposal for a regulation**

**Annex I – point 7 a (new)**

**Regulation (EC) No 883/2004**

**Annex XIII a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. the following Annex is added:**

***“Annex XIII (a)***

***WORK-RELATED DISABILITY  
BENEFITS”***

Or. en

**Amendment 700**

**Sven Schulze, Csaba Sógor, Dieter-Lebrecht Koch, Thomas Mann**



**Proposal for a regulation**  
**Annex I – point 7 c (new)**  
Regulation (EC) No 987/2009  
Annex 5

*Text proposed by the Commission*

*Amendment*

**7c. In Regulation (EC) No 987/2009,  
Annex 5 is deleted.**

Or. en

*Justification*

*With the overhaul and simplification of the reimbursement System in Art 65 of the Basic Regulation as well as of art. 70 in the implementing Regulation this Annex 5 became obsolete.*