

June 2017

Coordination of social security systems

Impact Assessment (SWD(2015) 460, SWD(2016) 361 (summary)) of a Commission proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 (COM(2016) 815)

Background

This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission's [Impact Assessment](#) (IA) accompanying the above proposal submitted on 13 December 2017 and referred to Parliament's Committee on Employment and Social Affairs. This proposal is part of the labour mobility package, which is included in the [2016 Commission work programme](#), and listed in the [joint declaration](#) on the EU's legislative priorities for 2017. The proposal aims to modernise the EU social security coordination rules, which enable free movement of persons, to make such rules fairer, clearer and easier to enforce.¹ The Commission proposes changes in four fields of social security coordination: long-term care benefits, unemployment benefits, access to social benefits for economically inactive mobile EU citizens, and family benefits.

Problem definition

The IA identifies the respective problems with the coordination rules in the four specified fields and explains the underlying causes and drivers well.² The IA presents a 'combined problem tree', which groups the identified problems and outlines drivers and consequences (IA, p. 13). The main problems relate to the lack of transparency and legal certainty for citizens and institutions; unequal treatment between citizens who are in comparable situations; unbalanced distribution of the financial burden; disincentives to work or continue to work in another EU Member State; administrative complexity; a perceived unfairness in the system; and a risk of loss of protection or double payments. The IA provides a number of examples of the problems encountered, which help to understand the issues at hand. The underlying causes include the economic crisis and pressures on social expenditure; new trends in social policy responding to demographic changes; changes in the Court of Justice of the EU (CJEU) case law; lack of clarity concerning precise rights and obligations; divergences in Member States' interpretation of the rules.

Objectives of the legislative proposal and range of options considered

The overarching general policy objective of this initiative is 'to continue the modernisation of the EU social security coordination rules by further facilitating the exercise of citizens' rights while at the same time ensuring legal clarity, a fair and equitable distribution of the financial burden among the institutions of the Member States involved and administrative simplicity and enforceability of the rules. It does not envisage granting new

¹ See M. Kiss, '[Amending social security coordination](#)', Briefing, EPRS, March 2017; M. Remáč, '[Coordination of social security systems](#)', Implementation Appraisal, EPRS, January 2017; J. Tymowski, '[Coordination of social security systems](#)', Implementation Appraisal, EPRS, January 2015.

² See IA, pp. 20-23; 42-46; 66-70; 80-83; 105-107; 125-130.

rights to EU citizens but on the contrary clarifying the current methods of coordination’ (IA, p. 10). The IA contains four subsidiary IAs dealing with the four fields under consideration, i.e. long-term care benefits, unemployment benefits, access to social benefits for economically inactive mobile EU citizens, and family benefits. At 177 pages of core text plus 26 annexes, the IA is lengthy and does not adhere to the recommendations of the Better Regulations Guidelines in this regard.³ The IA presents an ‘option tree’, which indicates the options considered and connects them with the respective objectives (IA, p. 14). The table below describes the policy options for the specific objectives in each field. The table also specifies the discarded options.⁴ The Commission’s preferred options are highlighted in grey.⁵ For each of the fields, the IA presents at least two policy options plus the baseline, discussing 33 options in total.

Long-term care benefits
<p>Specific objectives:</p> <ul style="list-style-type: none"> ➤ To establish a stable regime appropriate to long-term care benefits; ➤ To ensure a fair and equitable sharing of the financial burden between Member States; ➤ To establish legal clarity and transparency for citizens, institutions and other stakeholders on coordination rules.
<p>Policy options (IA, pp. 25-28):</p> <ul style="list-style-type: none"> • Baseline: No specific provisions for long-term care benefits; • Option 1: The competent Member State provides long-term care benefits in cash and reimburses the cost of benefits in kind provided by the Member State of residence; • Option 2: The Member State of residence provides all long-term care benefits with reimbursement by the competent Member State: <ul style="list-style-type: none"> - Sub-option 2a: The benefits are provided at the level of the Member State of residence without a supplement by the competent Member State; - Sub-option 2b: The benefits at the level of the Member State of residence are supplemented by the competent Member State. <p><i>Discarded options: (1) Introduction of a safeguarding provision; (2) Make the Member State of residence responsible for providing all long-term care benefits without reimbursement by the competent Member State; (3) Make the competent Member State responsible for providing all long-term care benefits to insured persons residing abroad (export).</i></p>
Unemployment benefits
<p>Aggregation of periods for unemployment benefits</p> <p>Specific objectives:</p> <ul style="list-style-type: none"> ➤ To ensure a uniform and consistent application of the aggregation and calculation rules in a way that reflects the degree of integration of a worker into a national insurance system; ➤ To ensure that mobile EU workers benefit from protection of rights when they move to another Member State to take up employment; ➤ To ensure a proportionate distribution of financial burden between Member States.
<p>Policy options (IA, pp. 48-51):</p> <ul style="list-style-type: none"> • Baseline: No minimum insurance period to qualify for aggregation: Member States have divergent approach; • Option 1: Formalisation of the ‘one day rule’, meaning that the principle of aggregation can be invoked after one day of insurance (or self-employment) under a given system; the unemployment benefit shall be calculated on the basis of the salary earned or professional income in the Member State of last activity; • Option 2: Introduction of a minimum period of insurance or (self-)employment of a period of:

³ European Commission, [Better Regulation Guidelines](#), SWD(2015) 111, 19 May 2015, p. 31.

⁴ The Commission discarded some options because they would ‘give rise to a lot of uncertainties’ (IA, p. 27); ‘put too great a burden on the administrative and financial organisation of the system of long-term care benefits in the Member State of residence’ (IA, p. 28); ‘not contribute to an even financial burden sharing between Member States’ (IA, p. 28); ‘[a reimbursement] mechanism is likely to create disputes and delays between the institutions involved’ (IA, p. 51); or because it was considered incompatible with primary EU law (IA, p. 138).

⁵ See also table indicating the preferred options, IA, pp. 164-165.

- Sub-option 2a: at least one month;
- Sub-option 2b: at least three months.
- Option 3: Taking into account previous earnings received in another Member State if a person has worked in the competent Member State less than a period of:
 - Sub-option 3a: at least one month;
 - Sub-option 3b: at least three months;
- Horizontal option: clarification of the conditions for the recognition of periods to be aggregated.

Discarded option: (1) Reimbursement mechanism between the Member State of most recent employment and Member State of previous employment.

Export of unemployment benefits

Specific objectives:

- To protect the rights of unemployed persons when they move to another Member State to take up employment there;
- To promote the integration of unemployed persons into the labour market across the EU;
- To provide for a systematic and easy to administer cooperation and control mechanism in order to monitor the fulfilment of their rights and obligations.

Policy options (IA, pp. 72-73):

- Baseline: Export of unemployment benefits for three months with option to extend to six months;
- Option 1: Extend the period for export of unemployment benefits to a minimum period of six months (or end of entitlement period if shorter);
- Option 2: Provide for export of unemployment benefits until the end of the entitlement period.

Unemployment benefits for frontier and other cross-border workers

Specific objectives:

- To ensure that frontier and other cross-border workers, who reside in a Member State other than the state of last activity, benefit from the same protection of rights in case of unemployment;
- To ensure that frontier and other cross-border workers, who reside in a Member State other than the state of their last activity, benefit from the best available opportunities of reintegration into the labour market;
- To distribute the financial burden for paying unemployment benefits between the competent Member State of their last activity and the Member State of residence in a manner that corresponds to contributions or taxes received in a way that is easy to administer and achieves fair results.

Policy options (IA, pp. 85-88):

- Baseline: Frontier workers receive their unemployment benefits from the Member State of residence; cross-border workers either receive their unemployment benefits from the Member State of their last activity, or from the Member State of residence; a reimbursement mechanism is in place;
- Option 1: Introduce a right of choice for frontier workers to receive unemployment benefits from the Member State of their last activity, or the Member State of residence;
- Option 2: Provide for the payment of unemployment benefits by the Member State of their last activity:
 - Sub-option 2a: The unemployed cross-border worker shall register with the employment services in the state of their last activity;
 - Sub-option 2b: The unemployed cross-border worker is awarded the choice to register with the unemployment services in the state of their last activity, or the state of residence;
- Option 3: Provide for the payment of unemployment benefits by the Member State of last activity only in situations where the cross-border worker has worked there for a sufficiently representative period (at least 12 months);
 - Sub-option 3a: The unemployed person shall register with the employment services in the state of last activity;
 - Sub-option 3b: The unemployed person is awarded the choice to register with the unemployment services in the state of last activity, or the state of residence.

Access to social benefits for economically inactive mobile EU citizens

Specific objective:

- To ensure legal clarity and transparency on the distinctions between the rights of workers, jobseekers and economically inactive mobile EU citizens, including the extent to which Member States' social security institutions are permitted to limit the equal treatment principle for economically inactive mobile EU citizens and jobseekers who claim certain tax financed social benefits.

Policy options (IA, pp. 109-111):

- Baseline: Economically inactive mobile EU citizens have no right to social benefits for the first three months; Member States may still refuse to award benefits after three months if the respective person lacks sufficient resources and comprehensive sickness insurance;
- Option 1: Amendment of Regulation (EC) No 883/2004 to make reference to the limitations in Directive 2004/38/EC.⁶
 - Sub-option 1a: Dynamic reference to the limitations to equal treatment in Directive 2004/38/EC;⁷
 - Sub-option 1b: Dynamic reference to the limitations to equal treatment in Directive 2004/38/EC and to extend these limitations by analogy to other tax-financed benefits;
 - Sub-option 1c: Specific reference to Directive 2004/38/EC in relation to special non-contributory cash benefits (SNCBs);
- Option 2: Remove SNCBs providing subsistence income from Regulation (EC) No 883/2004;
- Option 3: Provide administrative guidance on the interpretation of Regulation (EC) 883/2004.

Family benefits

Specific objectives:

- To ensure a clear and transparent link between the Member State issuing family benefits and the recipients of those benefits;
- To reduce barriers or disincentives to parents' ongoing participation in the labour market;
- To ensure that family benefits are processed as efficiently as possible.

Policy options (IA, pp. 133-138):

- Baseline: Family benefits are exported at the level of the competent Member State;
- Option 1: Adjustment to standard of living:
 - Sub-option 1a: Adjustment to standard of living: upwards and downwards;
 - Sub-option 1b: Adjustment to standard of living: only downwards;
- Option 2: State of residence of the child always has primary competence;
- Horizontal option: Different coordination rules for childcare allowances;
 - Sub-option a: Individual rights for salary-related childcare allowances: mandatory derogation from the rules against overlapping allowances;
 - Sub-option b: Individual rights for all childcare allowances: mandatory derogation from the rules against overlapping allowances;
 - Sub-option c: Individual rights for all childcare allowances: optional derogation from the rules against overlapping allowances.

Discarded option: (1) No export of family benefits.

Source: EPRS, based on IA

Overall, the Commission has developed reasonable options to tackle the problems identified. The [Better Regulation Guidelines](#) require that non-regulatory options are always considered; the Commission suggested one non-regulatory policy option (Option 3 on administrative guidance relating to social benefits for economically inactive mobile EU citizens). The Commission admits that, following the CJEU ruling in case

⁶ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and of their family members to move and reside freely within the territory of the Member States (the 'Free Movement Directive').

⁷ Following the CJEU ruling in case C-308/14 *European Commission v United Kingdom* (see footnote below), codifying the case law of the Court by introducing a dynamic reference to the limitations to equal treatment in the Free Movement Directive implies that, in relation to economically inactive persons, Member States may make the access both to social assistance and social security benefits subject to fulfilling the conditions referred to in that Directive (IA, pp. 104-105).

C-308/14 *Commission v UK*,⁸ the options originally presented regarding access to social benefits for economically inactive mobile EU citizens have become much more limited (IA, p. 105).

Scope of the Impact Assessment

The IA assesses the economic, social and regulatory impacts of each policy option compared to the baseline. In addition, other impacts are analysed, which have been identified as relevant, before making an overall assessment of the effectiveness, the efficiency and coherence with the general objectives of the EU (IA, p. 15). For each field analysed, the IA first summarises the impacts in a table rating from a scale of ‘++’ to ‘--’, and then explains the ratings regarding the different impacts in more detail.⁹ With regard to economic impacts, the IA focuses on the direct costs to Member States for providing social security benefits, and the relative distribution of financial costs between Member States. The IA points out that ‘in line with the legal basis for the EU social security coordination rules the scope of the initiative is to coordinate not harmonise social security legislation between Member States. Therefore, while the impact of EU measures is assessed, this is distinguished from impact that already stems from differences between Member State social security schemes. This means the options do not assess the payment of “contributions” by insured persons or employers (levies earmarked for social security purposes) into national social security schemes before the contingency occurs’ (IA, p. 15). If options are assessed to have economic impacts, the IA often provides annotated ranges or a figure referring to the respective annexes. In terms of social rights, the IA mainly examines the impact of an option in relation to clarity, simplification and protection of rights, including fundamental rights as enshrined in the EU Charter of Fundamental Rights. The IA notes that when assessing social and economic impacts of possible limitations in the access of mobile EU citizens to certain benefits, the assessment refers to the maximum potential impact, since Member States are always allowed to be more generous than EU law prescribes when granting benefits to mobile EU citizens (IA, p. 15). The IA analyses other impacts associated with each option, in particular on regulatory costs, the risk of fraud and abuse, and fair burden sharing between Member States. The Commission made ‘some cautious estimates’ of the impact on mobility flows.¹⁰ However, the Commission appraises these secondary impacts as marginal. No significant environmental impact is expected (IA, pp. 15-16).

The Commission observes that most of its preferred options would either have positive or no social impact, and would not involve significant economic impact.¹¹ Exceptions are: the preferred option regarding unemployment benefits for frontier workers (with an expected increase of 6 % of the overall expenses for unemployment benefits from €416 million to €442 million); the horizontal option regarding the coordination of childcare allowances (for which the maximum financial impact would be an average increase in expenditure on exported childcare benefits for secondary competent Member States of 84 %, which, according to the Commission, is in practice expected to be more limited, as not all Member States will apply the derogation); as well as the preferred option regarding the aggregation of unemployment benefits (for which an overall decrease of expenditure amounting to approximately €29 million is expected) (see Tables, IA, pp. 165-167; 168-169).

Subsidiarity/proportionality

The legal basis of the proposal is Article 48 TFEU. The IA emphasises that ‘coordination measures at EU level in the field of social security are required by Article 48 TFEU and necessary to guarantee that the right to free movement can be exercised. Without such coordination, free movement may be hindered, since people would be less likely to move if it meant losing social security rights acquired in another Member State’ (IA, p. 18). The IA points out that the creation of an EU framework in this field ensures the uniform interpretation and

⁸ Case C-308/14 *European Commission v United Kingdom* [2016] Judgment of 14 June 2016, not yet reported; for an analysis of the case, see H. Verschueren, ‘Recent case before the Court of Justice of the European Union’, *European Journal of Social Security*, 2017 Vol. 19(1), 71-82.

⁹ See IA, pp. 31-39; 55-66; 75-79; 90-103; 114-123; 142-162.

¹⁰ See IA, Annexes XVIII and XIX; the selected Member States included Belgium, Germany, Ireland, the Netherlands, Poland, Romania and Spain, to assess ‘secondary effects following a change of regulations on the exportation of family benefits’, see Annex XVIII.

¹¹ See also the explanatory memorandum to the proposal, pp. 7-9.

protection of rights of mobile EU citizens and their family members, which could not be achieved by the Member States alone at national level. The Commission also notes that the proposal complies with the proportionality principle. It underscores that ‘the proposed amending Regulation does not go beyond what is necessary for effective social security coordination: it will not expand the material or personal scope of the existing regulations and their effects are focused on the four areas outlined above. Member States remain responsible for organising and financing their own social security schemes’ (explanatory memorandum to the proposal, p. 5). The French Senate submitted a reasoned opinion, in which it considers that the proposal does not comply with the principle of subsidiarity (the submission deadline was 9 March 2017).¹²

Budgetary or public finance implications

According to the Commission, the proposal has no implications for the EU budget.¹³ The regulatory costs (or savings) of each option for the Member States are analysed, at times in the form of a range or an estimate with reference to the annexes. Overall, the preferred options’ regulatory costs are estimated as insignificant or unsubstantial. The preferred option regarding unemployment benefits for frontier workers indicates costs of around €5.1 million, a reduction of around €4.8 million, or 51 % of the baseline scenario (IA, pp. 99).¹⁴ The IA emphasises that this analysis is limited to the actual social security costs for Member States for providing social security benefits. It has not been possible to analyse the corresponding receipt of ‘contributions’ into national social security schemes before the contingency occurs. The impact on income taxation is also left aside, as under Regulation (EC) No 883/2004 only contributions are coordinated, while taxation is not (IA, pp. 15 and 167).

SME test/Competitiveness

The IA explains that SMEs are not directly affected. ‘The coordination rules are directly addressed to Member States and their institutions and only concern the services provided under the public social security system [...] They [SMEs] will provide their services under the conditions set by the national legislation’ (IA, p. 16). The IA also makes clear that no impact on the competitiveness of specific sectors is expected (IA, p. 16).

Simplification and other regulatory implications

The IA points out that the initiative complements a number of existing, recent and planned initiatives in this policy field. These include the freedom of movement of persons and services in the EU; EU citizenship; labour mobility; EU immigration law and policy; the internal market strategy for goods and services; and the Electronic Exchange of Social Security Information (EESSI), (IA, pp. 9-10). The Commission explains that some amendments proposed to the coordination rules (including with regard to posted workers), fall outside the scope of this IA because of their technical nature (IA, Annexes I and XX). Nevertheless, greater detail would have been helpful in the IA on the link with Directive 96/71/EC concerning the posting of workers, which is currently being revised.¹⁵

Quality of data, research and analysis

The IA is underpinned by sound, up-to-date and comprehensive research and studies (for an overview, see Annex I of the IA). Six studies supporting the IA on the coordination of family benefits and the aggregation of unemployment benefits were commissioned from external contractors Fondazione Giacomo Brodolini and KU Leuven Research Institute for Work and Society (HIVA).¹⁶ The IA states that data from the Member States and the EU were used to model economic impact and the administrative burden for Member States.¹⁷ The different

¹² See the [Platform for EU Interparliamentary Exchange \(IPEX\)](#).

¹³ See the explanatory memorandum to the proposal, p. 9.

¹⁴ The indicative budgetary impact of the preferred options for each Member State is set out in a table (IA, pp. 168-169).

¹⁵ 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.

¹⁶ See IA, Annexes XIII, XIV, XVI, XVII, XVIII, XIX.

¹⁷ See IA, Annexes XI and XII and EU Labour Force Survey (Eurostat); the Commission notes that some statistical analysis is based on citizenship and therefore identifies EU mobile citizens/workers, while other data are based on headcounts of case where citizenship is not collected, meaning a broader definition of mobility is adopted (IA, p. 17).

analytical models and methodologies, including key assumptions, used by the various studies are explained in more detail in Annex IV. The Commission highlights that ‘when reliable quantitative information on the total impact of the proposed initiative was not available, the analysis has been based on a qualitative assessment and structured interviews conducted with officials in representative Member States. Any limitations to this data are highlighted in the relevant chapter’ (IA, pp. 16-17, Annexes I and IV). Three studies on long-term care and unemployment benefits conducted by Deloitte Consulting and HIVA in 2013 (updated in 2015) further support the IA.¹⁸ The Commission also used studies conducted by the network of independent experts in the fields of free movement of workers and social security coordination in the European Union (FreSsco)¹⁹ completed in June 2015. Moreover, it refers to the evaluations carried out by the ‘training and reporting on European Social Security (trESS) network’, presented to the Administrative Commission for the Coordination of Social Security Systems in 2011 and 2012 (IA, Annex I).

Stakeholder consultation

The IA identifies the stakeholders affected by the problems and by the proposed solutions (see IA, Annex III on ‘who is affected and how’). Evidence suggests that the Commission consulted widely, taking the views of different stakeholders into account (IA, pp. 17-18; Annex II). It seems that the consultation of Member States was particularly thorough, both through the **Administrative Commission for the Coordination of Social Security Systems**²⁰ (the IA summarises the discussions of its meetings from 2009 to 2015, however, it appears that the minutes of such meetings are not publicly available on the Commission website), and also by means of a web-based survey. Social partners were consulted in the framework of **the Advisory Committee for the Coordination of Social Security Systems**²¹ on 24 October 2013, as well as in a hearing organised on 10 June 2015. The Commission consulted representatives of eleven NGOs during a meeting on 17 June 2015 (see IA, Annex II).

The Commission also conducted two open public online consultations in [2012/2013](#) and in [2015](#), respectively. The first consultation on the coordination of long-term care and unemployment benefits received 299 replies (199 replies from individuals; 100 from organisations or specialists).²² The majority of the responses from organisations came from national administrations (69 %), followed by social partners (19 %) and civil society organisations/NGOs (11 %). The second consultation on the coordination of family benefits, unemployment benefits and rules on posting received 310 replies (200 from individuals; 110 from organisations).²³ The IA states that ‘the different consultations presented different degrees of specificity in relation to the options assessed, and due to the high level of complexity of some topics, and the late definition of some options, some consultations have been kept very wide ...’ (IA, p. 17). The IA notes that relevant results of the public consultation in the framework of the EU Citizenship Report 2013 were also taken into account (Annex II). The IA presents the stakeholder support for each option, although in some cases such support is not readily apparent, for example with regard to a horizontal option (IA, pp. 51-52) or a baseline option (IA, p. 74). No formal consultation was carried out for two options (option 3 regarding unemployment benefits for cross-border workers, as well as the horizontal option regarding different coordination rules for childcare allowances) since

¹⁸ See IA, Annexes V, IX, X as well as XXVI (2015 update).

¹⁹ See IA, Annexes VI, VII and VIII.

²⁰ The Administrative Commission for the Coordination of Social Security Systems (Administrative Commission) is attached to the Commission, and made up of a government representative from each Member State. It deals with administrative questions and questions of interpretation, facilitates the uniform application of EU law, fosters and develops cooperation between Member States and can make relevant proposals to the Commission for improving and modernising the *acquis* (see Article 71 of Regulation (EC) No 883/2004).

²¹ The Advisory Committee for the Coordination of Social Security Systems comprises, from each Member State, one government representative; one representative from the trade unions; and one representative from the employers' organisations; and is chaired by a representative of the European Commission. The committee examines general questions or questions of principle and problems arising from the implementation of the Community provisions on the coordination of social security systems, and formulates opinions on such matters for the Administrative Commission and proposals for any revisions of the said provisions (see Article 75 of Regulation (EC) No 883/2004).

²² See European Commission (DG Employment, Social Affairs and Inclusion), Summary of public consultation on the coordination of long-term care and unemployment benefits in the EU, December 2013.

²³ See G. Berki, Summary of the public consultation on EU social security coordination, European Commission and FreSsco, 2016.

these options were developed in direct response to feedback from Member States in the Administrative Commission, about which the Commission is transparent (IA, pp. 88-89; 140).

Monitoring and evaluation

The IA specifies that monitoring will take place at EU level (the Commission will monitor the implementation) and at national level (the Administrative Commission will assess the application of the proposed changes). The Commission points out that mechanisms for gathering data are already in place. It is envisaged that indicators based on the data collection consortium of HIVA, Milieu Ltd, IRIS University Ghent will be monitored on an annual basis, while surveys on the application of the regulation will be less frequent (IA, pp. 171-172). The IA provides monitoring indicators linked to the respective operational objectives as required by the Better Regulation Guidelines²⁴ (IA, pp. 173-176). While it seems the proposal does not include a new review clause, the Commission plans to evaluate the revised legal framework five years after its application (IA, p. 177).

Commission Regulatory Scrutiny Board

The Regulatory Scrutiny Board (RSB) first issued a [negative opinion](#) on a draft version of the IA report on 13 November 2015. The RSB criticised the IA report's lack of assessment of the overall impact of the preferred options, and asked for an improved structure and a shortened text. Moreover, the report should clarify the scope of the initiative, its main problems and objectives, including its evidence-base, as well as its 'simplification potential'. The RSB's second [positive opinion](#) on a draft version of 18 December 2015 acknowledged improvements but pointed out inconsistencies and took note of the even longer text. The RSB's recommendations appear largely to be addressed in the final IA report. However, it is not readily apparent from the IA report how such recommendations were integrated in the IA, when this is a requirement in the Better Regulation Guidelines.²⁵

Coherence between the Commission's legislative proposal and IA

It appears that the Commission's legislative proposal follows the recommendations expressed in the IA.

Conclusions

Generally, the IA seems to provide a robust basis on which to change the current EU framework of social security coordination. A number of comprehensive external studies substantiates the IA. It appears that the European Commission was open about data limitations and key assumptions. Various stakeholder consultations were conducted, including two public online consultations. The Commission proved flexible and responsive in that it developed two options in direct response to feedback from the Administrative Commission. Consequently, however, the views of other stakeholders, including of social partners and NGOs regarding such options (which became the Commission's preferred options) were not gathered through a formal consultation.

This note, prepared by the Ex-Ante Impact Assessment Unit for the European Parliament's Committee on Employment and Social Affairs (EMPL), analyses whether the principal criteria laid down in the Commission's own Impact Assessment Guidelines, as well as additional factors identified by the Parliament in its Impact Assessment Handbook, appear to be met by the IA. It does not attempt to deal with the substance of the proposal. It is drafted for informational and background purposes to assist the relevant parliamentary committee(s) and Members more widely in their work.

To contact the Ex-Ante Impact Assessment Unit, please e-mail: EPRS-ImpactAssessment@europarl.europa.eu

Manuscript completed in June 2017. Brussels © European Union, 2017.

The opinions expressed in this document are the sole responsibility of the author(s) and do not represent an official position of the European Parliament. Reproduction and translation of this document for non-commercial purposes are authorized, provided the source is acknowledged and the publisher is given prior notice and sent a copy.

www.europarl.europa.eu/thinktank (Internet) – www.eptthinktank.eu (blog) – www.eprs.sso.ep.parl.union.eu (Intranet)

²⁴ Tool #13 of the [Better Regulation Toolbox](#) on 'How to set objectives'.

²⁵ See Tool #4 of the [Better Regulation Toolbox](#) on 'What steps should I follow for an IA?', p. 31.