

EIROPAS PARLAMENTS

2004



2009

Sesijas dokuments

GALĪGAIS
A6-000/2005

A6-0003/2005

24.1.2005

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IETEIKUMS OTRAJAM LASĪJUMAM

par Padomes kopējo nostāju, lai pieņemtu Eiropas Parlamenta un Padomes regulu, ar ko groza Padomes Regulu (EEK) 1408/71 par sociālā nodrošinājuma sistēmu piemērošanu darbiniekiem, pašnodarbinātām personām un viņu ģimenes locekļiem, kas pārvietojas Kopienas teritorijā, un Regulu (EEK) 574/72, ar kuru nosaka īstenošanas kārtību Regulai (EEK) 1408/71 (12062/3/2004 – C6-0189/2004 – 2003/0184(COD))

Sesijas dokuments

Referents: *Proinsias De Rossa*

Izmantoto apzīmējumu skaidrojums

- * Apsriežu procedūra
nodoto balsu vairākums
- **I Sadarbības procedūra (pirmais lasījums)
nodoto balsu vairākums
- **II Sadarbības procedūra (otrais lasījums)
*nodoto balsu vairākums, lai apstiprinātu kopējo nostāju
Parlamenta deputātu vairākums, lai noraidītu vai grozītu kopējo
nostāju*
- *** Piekrišanas procedūra
*Parlamenta deputātu vairākums, izņemot gadījumus, kas minēti
EK līguma 105., 107., 161. un 300. pantā un ES līguma 7. pantā*
- ***I Koplēmuma procedūra (pirmais lasījums)
nodoto balsu vairākums
- ***II Koplēmuma procedūra (otrais lasījums)
*nodoto balsu vairākums, lai apstiprinātu kopējo nostāju
Parlamenta deputātu vairākums, lai noraidītu vai grozītu kopējo
nostāju*
- ***III Koplēmuma procedūra (trešais lasījums)
nodoto balsu vairākums, lai apstiprinātu kopīgo projektu

(Norādīto procedūru izvēlas atkarībā no Komisijas ierosinātā juridiskā pamata)

Grozījumi normatīvā tekstā

Parlamenta grozījumos izmaiņas ir treknā slīprakstā. Teksts parastā slīprakstā tehniskajiem dienestiem norāda tās normatīvā teksta daļas, kurās ir ierosināti labojumi galīgajam teksta variantam (piemēram, nepārprotami kļūdainas teksta daļas vai to izlaidumi kādā no valodām). Šie labojumu ierosinājumi jāapstiprina attiecīgiem tehniskajiem dienestiem.

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EIROPAS PARLAMENTA NORMATĪVĀS REZOLŪCIJAS PROJEKTS

par Padomes kopējo nostāju, lai pieņemtu Eiropas Parlamenta un Padomes regulu, ar ko groza Padomes Regulu (EEK) 1408/71 par sociālā nodrošinājuma sistēmu piemērošanu darbiniekiem, pašnodarbinātām personām un viņu ģimenes locekļiem, kas pārvietojas Kopienas teritorijā, un Regulu (EEK) 574/72, ar kuru nosaka īstenošanas kārtību Regulai (EEK) 1408/71

(12062/3/2004 – C6-0189/2004 – 2003/0184(COD))

(Koplēmuma procedūra — otrs lasījums)

Eiropas Parlaments,

- ņemot vērā Padomes kopējo nostāju (12062/3/2004 – C6-0189/2004),
 - ņemot vērā tā nostāju pirmajā lasījumā¹ par priekšlikumu, ko Komisija iesniegusi Parlamentam un Padomei (KOM(2003)0468)²,
 - ņemot vērā grozīto priekšlikumu (KOM(2004)0314)³,
 - ņemot vērā EK līguma 251. panta 2. punktu,
 - ņemot vērā Reglamenta 67. pantu,
 - ņemot vērā Nodarbinātības un sociālo lietu komitejas ieteikumu otrajam lasījumam (A6–0003/2005),
-
1. apstiprina kopējo nostāju;
 2. aicina Komisiju veikt atbilstīgu tiesisko darbību, lai visdrīzākajā laikā gūtu skaidrību par jautājumiem, kas minēti tās paziņojumā par Padomes kopējai nostājai⁴ pievienoto IIa pielikumu, un informētu Eiropas Parlamentu par rezultātiem sešus mēnešus pēc šīs Regulas stāšanās spēkā;
 3. atzīmē, ka šis tiesību akts ir pieņemts saskaņā ar kopējo nostāju,
 4. uzdod Parlamenta priekšsēdētājam parakstīt šo tiesību aktu kopā ar Padomes priekšsēdētāju atbilstīgi EK līguma 254 panta 1. punktam;
 5. uzdod ģenerālsekreṭāram parakstīt šo tiesību aktu tiklīdz ir pārbaudīts, ka visas procedūras ir pienācīgi pabeigtas, un, vienojoties ar Padomes ģenerālsekreṭāru, publicēt to “Eiropas Savienības Oficiālajā Vēstnesī”;

¹ Pieņemtie teksti, 11.03.2004, P5_TA(2004)0175.

² OV vēl nav publicēts.

³ OV vēl nav publicēts.

⁴ 13940/2004 ADD 1.

6. uzdod tā priekšsēdētājam nosūtīt Parlamenta nostāju Padomei un Komisijai.

EXPLANATORY STATEMENT

General remarks

Regulation 1408/71 is modified annually to take account of the development of national social security schemes, incorporate changes in national laws, and take account of the case law of the Court of Justice of the European Communities.

The Rapporteur proposes support for the Council Common Position on the basis that all the amendments adopted by the European Parliament at 1st Reading regarding annual modifications of the Regulation for 2003 have been satisfactorily incorporated.

Moreover, the Common Position of the Council, adopted unanimously, maintains the essential aspects of the Commission's proposal. And the Commission agrees with the Common Position.

Since 1971 Regulation 1408/71 has defined the basis on which benefits are to be provided to citizens who move from one Member State to another. The revision and consolidation being dealt with here contains several new provisions aimed at improving social security rights. The Regulation continues to determine whether the citizen remains entitled to specific benefits laid down by their Member State of origin, and therefore exportable, or whether an equivalent benefit is available in the person's new Member State of residence. The Regulation fulfils an important role in realising one of the four fundamental freedoms of the EU's legislative structure: that of the free movement of European citizens. Indeed, the ability to live, work and move freely in the EU - with as little financial or administrative barriers as possible - is a tangible advantage that membership of the EU bestows on its citizens.

Revision of the current Regulation, originally created more than 30 years ago, is crucially dependant on the adoption of this Report, which constitutes a "tidying up" exercise aimed at clarifying the position of Member States with regard to specific non-contributory cash benefits.

Specific remarks on the Common Position

A particular point to mention is that the Council did not accept all of the Commission's proposal to revise the list of entries in Annex IIa. The Council does not agree with the inclusion of these particular benefits: Child care allowance (Finland); Disability Allowance and care allowance for disabled children (Sweden); Disability Living Allowance; Attendance Allowance; Carer's Allowance (United Kingdom).

The Commission in a statement, annexed to the Common Position, indicates that it continues to consider that this revision will be necessary in order to meet the criteria of the jurisprudence of the Court and the criteria agreed in the Council's Common Position.

All twenty five Member States have contributed to the compromises necessary in order to improve the exportability of benefits for citizens. These compromises include listing, in annexes, those national benefits which Member States felt should not be exportable. The list of such benefits in Annex IIa contains the 5 benefits referred to above which the Commission

believes should be deleted in order to meet criteria laid down by ECJ jurisprudence. And the Commission has reserved its right to take further legal action in this respect.

However both the Commission and Council are in agreement on the overall text and there is also agreement that the Common Position, as proposed, facilitates the earliest possible progress in clarifying the position in regard to the particular 5 benefits without interfering with the significant progress which continues to be made to achieve a high level of coordination between Member States on all other relevant benefits.

The Rapporteur is of the view that the clarification needed with regard to these five benefits are best dealt with by the Court. I am also of the view that the Parliament should not delay the adoption of this report pending such clarification, nor should we seek to reopen the compromises already reached by Council which in any case incorporate the amendments adopted by this Parliament at 1st Reading.

Conclusion

The process of revising the Regulation on coordination of social security systems is already concluded, however its new Implementing Regulation (ex-574/72) is not yet finalised. It is therefore important to continue with this 2003 annual review to ensure legal security for the Regulations and to provide better protection for the rights of those involved.

The Rapporteur agrees that adoption of this Recommendation for 2nd Reading, as it stands, best protects the position of the European Parliament and that of citizens reliant on accessibility of social security benefits on their relocation within the EU. It also ensures legal clarity until the full and complete entry into force of the new Regulation and its Implementing Regulation.

I have therefore proposed in a new Paragraph to be inserted in the legislative resolution of the Recommendation for 2nd Reading that Parliament supports the need for legal clarity and urges the use of whatever legal instruments are available to the Commission to achieve this clarity in the shortest possible time. This Amendment refers implicitly to the annulment procedure laid down in Article 230 of the Treaty EC. The use of infringement procedures can be quite tortuous and lengthy and I believe that the annulment procedure, which requires only a single step, should be used in this case.

In conclusion the Rapporteur believes that all due care is being taken by both the Commission and Council to deliver the most effective possible measures to ensure exportability of benefits to people with disability, and families. A considerable range of such benefits have already been mutually agreed by the Commission and Council and the remaining five benefits still to be determined could further enhance the social rights of people entitled to child care, disability and carers allowances in Finland, Sweden and the United Kingdom. Nevertheless the Rapporteur agrees with those Members of the Employment Committee who have argued that the Commission and the Council need to address how the free movement of families and people with disabilities can be further improved. This issue needs to be addressed in the upcoming Annexes in the reviewed 1408/71.

PROCEDŪRA

Virsraksts	Padomes kopējā nostāja, lai pieņemtu Eiropas Parlamenta un Padomes Regulu, ar ko groza Padomes Regulu (EEK) 1408/71 par sociālā nodrošinājuma sistēmu piemērošanu darbiniekiem, pašnodarbinātām personām un viņu ģimenes locekļiem, kas pārvietojas Kopienas teritorijā, un Regulu (EEK) 574/72, ar kuru nosaka īstenošanas kārtību Regulai (EEK) 1408/71	
Atsauces	12062/3/2004 – C6-0189/2004 – 2003/0184(COD)	
Juridiskais pamats	EK līguma 251. panta 2. punkts	
Atsauce uz Reglamentu	67. pants	
Pirmais lasījums Parlamentā	11.03.2004	P5_TA(2004)0175
Komisijas priekšlikums	KOM(2003)0468 – C5-0368/2003	
Grozītais Komisijas priekšlikums	KOM(2004)0314	
Datums, kad saņemta kopējā nostāja, par kuru paziņots plenārsēdē	18.11.2004	
Atbildīgā komiteja Datums, kad paziņoja plenārsēdē	EMPL 01.09.2003	
Referents(-e/-i/-es) Iecelšanas datums	<i>Proinsias De Rossa</i> 16.11.2004	
Aizstātais(-ā/-ie/-ās) referents(-e/-i/-es)	<i>Marie-Hélène Gillig</i>	
Izskatīšana komitejā	02.12.2004	18.01.2005
Pieņemts	18.01.2005	
Galīgā balsojuma rezultāti	par:	30
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Deputāti, kas bija klāt galīgajā balsojumā	<i>Jan Andersson, Roselyne Bachelot-Narquin, Jean-Luc Bennahmias, Philip Bushill-Matthews, Milan Cabrnoch, Ole Christensen, Derek Roland Clark, Ottaviano Del Turco, Proinsias De Rossa, Harald Ettl, Richard Falbr, Ilda Figueiredo, Stephen Hughes, Ona Juknevičienė, Jan Jerzy Kułkowski, Sepp Kusstatscher, Jean Lambert, Raymond Langendries, Bernard Lehideux, Jan Tadeusz Masiel, Mary Lou McDonald, Thomas Mann, Jiří Maštálka, Ana Mato Adrover, Csaba Őry, Gabriele Zimmer</i>	
Aizstājēji, kas bija klāt galīgajā balsojumā	<i>Richard James Ashworth, Elspeth Attwooll, Edit Bauer, Françoise Castex, Marian Harkin, Elisabeth Schroedter, Marc Tarabella, Yannick Vaugrenard</i>	
Iesniegšanas datums – A6	24.01.2005	A6-0003/2005