

ORAL QUESTION O-0010/02

pursuant to Rule 42 of the Rules of Procedure

by Theodorus Bouwman, on behalf of the Committee on Employment and Social Affairs  
to the Council

Subject: Modernisation of Regulation (EEC) 1408/71 on free movement of persons and its extension to third countries' nationals legally residing in the European Union

On 3 December 2001, the Council on Employment and Social Affairs reached an agreement on the parameters to modernise and simplify Regulation (EEC) 1408/71<sup>1</sup> on free movement of persons.

The European Parliament welcomes the agreement reached that in principle the Regulation should apply to any person who is or has been subject to the social security legislation of one or several Member States and the extension, even limited, of the material scope of application of the Regulation and the established principle of its primacy.

The European Parliament, mindful of the Tampere Conclusions, took note of the Council's recognition of the urgent need to apply the Regulation to third countries' nationals and of the Laeken European Council's invitation to the Council to adopt as soon as possible adequate measures in this regard.

Could the Council justify the legal basis proposed, i.e. Article 63 (4) of the EC Treaty, regarding the extension of the coordination of social security systems to third country nationals residing and working legally in the European Union, and detail in particular the criteria for the purpose and the substance of this proposal? Why does the Council feel the Khalil judgement (C-95/99) supports this choice of legal base?

Would the Council agree that the legal basis should permit the full involvement of the directly elected European Parliament in a field related to the 'Europe of citizens' and that under the Treaties the European Parliament participates in this legislative activity on the basis of codecision?

Could the Council explain why it was unable to reach an agreement on the parameter on frontier workers proposed by the Belgian Presidency?

Could the Council provide information on the possible way to tackle the increasing relation between taxation and social security?

Could the Council provide information on whether the nationals of the candidate for accession countries will be included in the scope of the (EEC) 1408/71 Regulation during any transitional period? When the modified Regulation comes in, under which legal basis will they be treated during any transition period?

Tabled: 30.01.2002

Forwarded: 31.01.2002

Deadline for reply: 21.02.2002

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<sup>1</sup> OJ L 149, 5.7.1971, p. 2.