

ORAL QUESTION O-0011/02

pursuant to Rule 42 of the Rules of Procedure

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

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) 1408/71¹ 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 country nationals who are legally working and insured in one of the Member States and of the Laeken European Council's invitation to the Council to adopt as soon as possible adequate measures in this regard.

Could the Commission provide information on the purpose and the substance of the legal basis proposed, i.e. Article 63 (4) of the EC Treaty, for the extension of the coordination of social security systems to third country nationals? Does the Commission feel that the Khalil judgement (C-95/99) supports this choice of legal base?

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

Does the Commission agree with particular parameters such as parameter 6, 10 or 11 in view of the modernisation of Regulation (EEC) 1408/71 as reported in the Council's conclusions?

Could the Commission provide information as regards the state of negotiations with the candidate for accession countries on the implementation of the current (EEC) 1408/71 Regulation?

Could the Commission 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: 01.02.2002

Deadline for reply: 08.02.2002

¹ JO L 149, 5.7.1971, p. 2.