



**COUNCIL OF  
THE EUROPEAN UNION**



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## **Council adopts new rules for the coordination of social security systems**

The Council today<sup>1</sup> adopted two regulations modernising and simplifying the coordination of member states' social security systems ([3646/09](#) + [11162/09 ADD 1](#), [3647/09](#) + [11600/09 ADD 1](#))<sup>2</sup>, following an agreement with the European Parliament in second reading.

The first regulation contains the implementing provisions for regulation 883/2004 (known as "the basic regulation"), and the second amends this regulation by determining the content of its annexes, in particular in order to take into account the requirements of the member states which have acceded to the EU since the regulation was adopted (29 April 2004).

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<sup>1</sup> The decision was taken, without debate, at a meeting of the General Affairs Council in Brussels.

<sup>2</sup> These documents can be found in the public register of the Council by typing in the corresponding number, see <http://www.consilium.europa.eu/showPage.aspx?id=549&lang=en>

# **P R E S S**

The adoption of the two new regulations will allow the so-called **new EU social security coordination rules** (i.e. regulation 883/2004 and the implementing regulation adopted today) to enter into application on 1 March 2010, after more than eleven years of negotiations. The new rules will replace the EU provisions currently in force<sup>1</sup> on the coordination of national social security systems.<sup>2</sup>

The new EU social security coordination rules are designed to make it easier for citizens to exercise their right to move freely in the European Union, whether for study, leisure or for professional reasons, by guaranteeing that they are not disadvantaged in terms of social security.

The new rules extend the material and personal scope of the current provisions on the coordination of social security systems, and reinforce cooperation obligations between the competent authorities of the member states.

In addition to the traditional branches of social security (e.g. sickness, maternity, invalidity, retirement, accidents at work, unemployment, family benefits), the new rules also cover pre-retirement schemes.

The new regulations apply to all EU citizens who are or who have been covered by the social security legislation of one of the member states (as well as their family members and their survivors). This means that in addition to employees, self-employed persons, civil servants, students and pensioners "non-active persons" (e.g. persons who are in a social security system covering all residents but who do not exercise a paid activity, such as persons taking care of the home) will also be protected by the coordination rules.

Regulation 883/04 also introduces the principle of good administration, obliging the institutions of the member states to increased cooperation and mutual assistance, in order to avoid a citizen being sent endlessly from pillar to post between one institution and another. The institutions responsible are also obliged to respond to any request within a reasonable period of time and to communicate to the persons concerned all the information required to safeguard their rights. In return, the persons concerned should inform the institutions about any change in their situation which may affect their claim to benefit.

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<sup>1</sup> Regulation 1408/71 on the application of social security schemes to employed persons and their families moving within the Community, and its implementing regulation 574/72.

<sup>2</sup> The negotiations on the draft regulation extending the provisions of regulation 883/04 to nationals of third countries not already covered are still ongoing.

The new regulations provide for many other improvements (e.g. for frontier workers); however, the basic principles of the current regulation, 1408/71, are maintained. These include:

- single applicable legislation (a person is subject, in principle, to the social security law of one country only, which is, as a general rule, the country where the person is working);
- equal treatment (in any member state, anyone covered by the rules has the same rights and obligations as the nationals of that member state);
- the export of benefits (a person cannot lose their right to a social security benefit merely by living in the territory of another member state);
- the totalisation of periods (insurance periods are added together).

Community provisions on the coordination of social security systems date back to the early years of the European Economic Community and were introduced instead of harmonising member states' legislation on social security systems. Under the coordination arrangements, member states retain the right to determine who should be insured, what benefits they provide and the amount of such benefits, as well as the conditions of eligibility.