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COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending the annexes to Regulation (EC) No 883/2004 on the coordination of social security systems

(presented by the Commission)

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

€ **Grounds for and objectives of the proposal**

Regulation 883/2004, which modernises and simplifies the coordination of social security systems within the EU, came into force in May 2004 but is not yet applicable. In order for the Regulation to become applicable, its Annexes must be completed.

€ **General context**

Regulation 883/2004 replaces Regulation (EEC) No 1408/71 which currently provides for the coordination of social security systems. The new Regulation simplifies and modernises the existing legislation. Regulation 833/2004 provides that the content of Annexes II and X must be determined before the date of application of this Regulation. The remainder of the Annexes need updating, principally to take into account the requirements of the Member States who have acceded to the EU since the date when the Regulation was completed (29 April 2004).

€ **Existing provisions in the area of the proposal**

Annexes II and X of Regulation 883/2004, which are currently empty, have equivalent provisions in Annexes III and IIa of Regulation 1408/71. The remainder of the Annexes being amended by this proposal already contain provisions in respect of several Member States, but need to be completed to take account of the Member States which acceded to the EU after 29 April 2004. Some of these Annexes also have corresponding provisions in Regulation 1408/71. However, Annex I Part 1 (advances of maintenance payments) and Annexes III and IV (special rules for health care benefits) only apply to Regulation 883/2004.

€ **Consistency with other policies and objectives of the Union**

Not applicable.

2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

€ **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

Each Member State was invited to submit any proposals needed for the Annexes in respect of its legislation. The Commission services then evaluated the proposals and discussed further details with officials of the Member States concerned.

Summary of responses and how they have been taken into account

Nearly all the requests made by Member States were accepted. Some were withdrawn after discussion with the Commission, as it was concluded that they were not necessary.

€ **Collection and use of expertise**

There was no need for external expertise.

€ **Impact assessment**

Regulation 883/2004 simplifies and modernises the existing legislation. The Regulation provides that the content of Annexes II and X must be determined before the date of application of the Regulation. The remainder of the Annexes have to be updated to take into account the position of the Member States who acceded to the EU after 29 April 2004.

Regulation 883/2004 facilitates the coordination of social security schemes in the Member States and modernises and simplifies existing procedures. This will have a positive impact in comparison with the existing legislation and will improve administrative procedures for all users of the Regulation, including national social security authorities, employers, in particular small and medium-sized businesses, and individual citizens.

3) LEGAL ELEMENTS OF THE PROPOSAL

€ **Summary of the proposed action**

Each Annex of the Regulation contains provisions in respect of individual Member States. The Regulation provides that the content of Annexes II (provisions of conventions which remain in force) and X (special non-contributory cash benefits) must be determined before the date of application of the Regulation. Annexes I, III, IV, VI and VIII, IX and XI must be adapted to take into account the requirements of the Member States that acceded to the European Union after 29 April 2004. Further minor amendments are required to some Annexes to take into account recent developments in other Member States.

€ **Legal basis**

Articles 42 and 308 of the Treaty establishing the European Community.

€ **Subsidiarity principle**

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the Community.

The objectives of the proposal cannot be sufficiently achieved by the Member States for the following reason(s).

Community action in the form of coordination measures in social security is required by Article 42 of the Treaty and is necessary to guarantee that the right to free movement laid down in the Treaty can be fully exercised. Without such coordination, freedom of movement would run the risk of being inoperable, since people would be less likely to make use of this right if it meant, in essence, losing social security rights already acquired in another Member State. Existing Community legislation on social security does not aim to replace the different national social security systems. It should

be stressed that the proposed Regulation is not a harmonisation measure and does not go beyond what is necessary for effective coordination. The proposal is basically aimed at simplifying the existing arrangements.

Community action will better achieve the objectives of the proposal for the following reason(s).

Coordination of social security schemes can only be done at Community level. The aim is to ensure that the coordination of social security schemes operates effectively throughout all Member States.

As regards qualitative indicators, as the proposal is purely a coordination measure, it can only be put into effect at Community level. The proposal will lead to more effective coordination of the Member States' social security schemes.

Member States remain responsible for the organisation and financing of their own social security schemes.

The proposal therefore complies with the subsidiarity principle.

€ **Proportionality principle**

The proposal complies with the proportionality principle for the following reason(s).

Regulation 883/2004 already requires this form of action, as the Annexes that are being amended are part of this Regulation.

The proposal facilitates the coordination of social security schemes for the Member States and is therefore beneficial for both citizens and national social security authorities.

€ **Choice of instruments**

Proposed instruments: regulation.

Other means would not be adequate for the following reason(s).

There is no alternative option since Regulation 883/2004 already requires this form of action, as the Annexes are part of this Regulation.

4) BUDGETARY IMPLICATION

The proposal has no implication for the Community budget.

5) ADDITIONAL INFORMATION

€ **Simplification**

The proposal provides for simplification of legislation.

Regulation 883/2004 contains simplified rules and procedures compared to its

predecessor, Regulation 1408/71.

€ **European Economic Area**

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

€ **Detailed explanation of the proposal**

Point 1 of the Annex amends Annex I of Regulation 883/2004, which concerns advances of maintenance payments (Part 1) and special childbirth and adoption allowances (Part 2). Article 1(z) of the Regulation provides that such payments and allowances which are listed in Annex I are not "family benefits" within the meaning of the Regulation. The payments and allowances listed in Annex I are therefore outside the scope of the Regulation. The amending provision adds a number of benefits to the lists in the Annex.

Point 2 of the Annex determines the content of Annex II of Regulation 883/2004, which concerns bilateral conventions between Member States that remain in force. Article 8(1) of the Regulation provides that, as a general rule, the Regulation replaces any social security conventions between Member States that fall within its scope. However, such conventions may continue to apply provided that they are more favourable to the beneficiaries, or if they arise from specific historical circumstances and their effect is limited in time. Such conventions are listed in Annex II. Some of these conventions do not extend to all persons to whom the Regulation applies; such conventions are listed in Part B of the Annex. The entries are largely similar to the entries in Annex III of Regulation 1408/71, which is the current provision corresponding to Annex II of Regulation 883/2004.

Point 3 of the Annex amends Annex III of Regulation 883/2004, which concerns a restriction of rights to benefits in kind (health care) for the members of the family of a frontier worker. Under Article 17 of the Regulation, a person who resides outside the competent Member State (the state responsible for the provision of social security) is insured for health care in the competent state, but is entitled to receive health care in the country of residence as if he were insured there; this also applies to members of the insured person's family. Article 18(1) of the Regulation provides that where such persons go to stay temporarily in the competent state, they may also receive full health care in that state. However, Article 18(2) provides an exception for the members of the family of a frontier worker. (A "frontier worker" is defined in Article 1(f) as a person working in one Member State and residing in another, provided that they return to the Member State of residence at least once a week.) Where the family members of a frontier worker go to stay temporarily in the competent state, if the Member State concerned is listed in Annex III, they will be entitled to receive health care on the basis of Article 19. The effect is that such persons will only be entitled to the more limited benefits covered by that Article (treatment which becomes necessary on medical grounds during the stay). The amending provision adds a number of Member States to the list in the Annex.

Point 4 of the Annex amends Annex IV of Regulation 883/2004, which concerns an extension of rights to benefits in kind for pensioners returning to the competent Member State. Article 27(1) of the Regulation provides that pensioners and their

family members who reside outside the competent Member State are normally entitled receive health care on the basis of Article 19 (see above) when they go to stay temporarily in another Member State. However, Article 27(2) provides that such persons may receive full health care when they go to stay in the competent state, provided that the Member State concerned is listed in Annex IV. The effect is that such persons will be entitled to full health care rather than the limited benefits covered by Article 19. The amending provision adds a number of Member States to the list in the Annex.

Annex V of Regulation 883/2004 is not being amended, as no Member States made requests for changes to this Annex.

Point 5 of the Annex amends Annex VI of Regulation 883/2004, which concerns the identification of type A legislation which is subject to special coordination. Under Article 44(1), "type A legislation" is legislation under which the amount of invalidity benefits is independent of the duration of the periods of insurance or residence, and which is expressly included in Annex VI. Type A benefits are subject to a special system of social security coordination; as general rule, a person who is entitled to type A benefits will receive one full invalidity benefit from the Member State under whose legislation the entitlement arises. (This contrasts with the type B system, where a person receives separate benefits from each Member State where he has been insured, each benefit being calculated on a pro rata basis.) The amending provision adds specified legislation of some Member States to the list in the Annex.

Point 6 of the Annex amends Annex VII of Regulation 883/2004, which concerns concordance between Member States on the degree of invalidity. Under Article 46 of the Regulation, where a person is entitled to invalidity benefits from more than one Member State, each Member State independently assesses the degree of invalidity. However, Article 46(3) provides that a decision on invalidity taken by one Member State shall be binding on another Member State, where concordance between the legislation of the Member States concerned on conditions relating to the degree of invalidity is acknowledged in Annex VII. Annex VII currently concerns concordance between four Member States: Belgium, France, Italy and Luxembourg. Due to recent changes in Luxembourg's national legislation, there is no longer any concordance between the legislation of Luxembourg and that of the other Member States, and therefore the entries relating to Luxembourg are removed from the Annex.

Point 7 of the Annex amends Annex VIII of Regulation 883/2004, which concerns cases where the pro rata calculation for benefits may be waived (Part 1) or does not apply (Part 2). Under Article 52(4) of the Regulation, the pro rata calculation of benefits may be waived where the calculation of the independent benefit (under the legislation of one Member State alone) would always be equal to or greater than the pro rata benefit. Under Article 52(5), the pro rata calculation does not apply to cases where periods of time are of no relevance to the calculation (for example, funded schemes). In order for the exemptions in Article 52 to apply, the schemes concerned must be listed in Annex VIII. Amendments to Article 52 and Annex VIII have been partially agreed during the negotiations in Council on the proposal for Annex XI (Council document 15598/06 SOC 556 CODEC 1352). Annex VIII as amended by that proposal will include entries for all Member States with the exception of Bulgaria and Romania. Therefore this amending provision adds entries to the Annex for Bulgaria

and Romania only.

Point 8 of the Annex amends Annex IX of Regulation 883/2004, which concerns overlapping benefits. Member States may have rules against overlapping, in order to prevent a person being entitled to two or more similar benefits in respect of the same period. Article 54 of the Regulation restricts the application of Member States' rules against overlapping: these rules may not apply to a pro rata benefit, and they may apply to an independent benefit only if that benefit meets the criteria in Article 54(2) and is listed in Annex IX. The criteria in Article 54(2) are that either the amount of the benefit does not depend on the duration of periods of insurance or residence (Part I of the Annex), or that the benefit is determined on the basis of a credited period (Part II of the Annex). There is an exception for agreements listed in Part III of the Annex. The amending provision adds specified legislation of some Member States to the lists in the Annex.

Point 9 of the Annex determines the content of Annex X of Regulation 883/2004, which concerns special non-contributory cash benefits. Article 70 of the Regulation provides special rules for this type of mixed social security/social assistance benefit. Unlike the other benefits to which the Regulation applies, special non-contributory cash benefits are not exportable. In other words, they are only payable when the recipient resides in the Member State which pays the benefit. The Annex contains a list of special non-contributory cash benefits for each Member State. The entries in the Annex are largely similar to the entries in Annex IIa of Regulation 1408/71, which is the current provision corresponding to Annex X of Regulation 883/2004.

Point 10 of the Annex amends Annex XI of Regulation 883/2004, which concerns special rules for the application of the legislation of Member States. This is provided for by Article 83 of the Regulation. Annex XI has separate sections for each Member State containing, where necessary, supplementary provisions regarding specific aspects of that Member State's legislation. The purpose of each entry is to ensure that the Regulation can be smoothly applied in the Member State concerned. A proposal for this Annex has already been presented (Council document 5672/06 SOC 28 CODEC 66- COM(2006) 7) and is currently before Council. That proposal includes entries for all the Member States with the exception of Bulgaria and Romania. Therefore this amending provision adds entries to the Annex for Bulgaria and Romania only.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending the annexes to Regulation (EC) No 883/2004 on the coordination of social security systems

(Text with relevance for the EEA and for Switzerland)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 308 thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁴,

Whereas:

- (1) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems⁵ provides that the content of Annexes II and X to that Regulation must be determined before the date of its application.
- (2) Annexes I, III, IV, VI and VIII, IX and XI to Regulation (EC) No 883/2004 should be adapted to take into account the requirements of the Member States that have acceded to the European Union since the Regulation was adopted.
- (3) Further minor amendments to Annexes I, III, IV, VII and IX to Regulation (EC) No 883/2004 are necessary to take into account recent developments in other Member States.
- (4) Regulation (EC) No 883/2004 states that it is to apply from the date of entry into force of the Implementing Regulation. This Regulation should therefore apply from the same date.

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ C , , p. .

⁴ OJ C , , p. .

⁵ OJ L 166, 30.4.2004, p. 1.

(5) Regulation (EC) No 883/2004 should therefore be amended accordingly.

HAVE ADOPTED THIS REGULATION:

Article 1

The Annexes to Regulation (EC) No 883/2004 are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from the date of entry into force of the Implementing Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX

- (1) Annex I to Regulation (EC) No 883/2004 is amended as follows:
1. In Part I (advances of maintenance payments):
 - (a) After the entry under the heading “A. BELGIUM” the following entry is inserted:

“B. BULGARIA

Maintenance payments made by the state under Article 92 of the Family Code.”;
 - (b) The headings “B. DENMARK”, “C. GERMANY” and “D. FRANCE” are reordered with their respective entries and become “C. DENMARK”, “D. GERMANY” and “E. FRANCE”;
 - (c) After the entry under the heading “E. FRANCE” the following entry is inserted:

“F. LUXEMBOURG

Advances and recovery of maintenance payments within the meaning of the Act of 26 July 1980.”;
 - (d) The heading “E. AUSTRIA” is renumbered “G. AUSTRIA”;
 - (e) After the entry under the heading “G. AUSTRIA” the following entry is inserted:

“H. POLAND

Alimony advance under the Act on Proceedings Against Alimony Debtors and Alimony Advance.”;
 - (f) The heading “F. PORTUGAL” is renumbered “I. PORTUGAL”;
 - (g) After the entry under the heading “I. PORTUGAL” the following entries are inserted:

“J. SLOVENIA

Maintenance replacement in accordance with the Act of Public Guarantee and Maintenance Fund of the Republic of Slovenia of 25 July 2006.

K. SLOVAKIA

Substitute alimony benefit (substitute maintenance payment) pursuant to the Act No 452/2004 Coll. on substitute alimony benefit as amended by later regulations.”;
 - (h) The headings “G. FINLAND” and “H. SWEDEN” are reordered with their respective entries and become “L. FINLAND” and “M. SWEDEN”.

2. In Part II (special childbirth and adoption allowances):

(a) After the entry under the heading “A. BELGIUM” the following entries are inserted:

“B. BULGARIA

Maternity lump sum allowance (Law on Family Allowances for Children).

C. CZECH REPUBLIC

Childbirth allowance.

D. ESTONIA

(a) Childbirth allowance;

(b) Adoption allowance.”;

(b) The headings “B. SPAIN” and “C. FRANCE” are reordered with their respective entries and become “E. SPAIN” and “F. FRANCE”;

(c) After the entry under the heading “F. FRANCE” the following entries are inserted:

“G. LATVIA

(a) Childbirth grant;

(b) Adoption allowance.

H. LITHUANIA

Child lump sum grant.”.

(d) The heading “D. LUXEMBOURG” is renumbered “I. LUXEMBOURG ”;

(e) After the entry under the heading “I. LUXEMBOURG” the following entries are inserted:

“J. HUNGARY

Maternity grant.

K. POLAND

Single payment birth grant (Act on Family Benefits).

L. ROMANIA

Childbirth allowance.

M. SLOVENIA

Childbirth grant.

N. SLOVAKIA

(a) Childbirth allowance;

(b) Supplement to childbirth allowance.”;

(f) The heading “E. FINLAND” is renumbered “O. FINLAND”.

(2) Annex II to Regulation (EC) No 883/2004 is replaced by the following:

“ANNEX II

**PROVISIONS OF CONVENTIONS WHICH REMAIN IN FORCE AND WHICH,
WHERE APPLICABLE, ARE RESTRICTED TO THE PERSONS COVERED
THEREBY**

(Article 8(1))

A. Provisions of social security conventions remaining applicable

1. BELGIUM-GERMANY

Articles 3 and 4 of the Final Protocol of 7 December 1957 to the General Convention of that date, as in the Complementary Protocol of 10 November 1960 (reckoning of insurance periods completed in some border regions before, during and after the Second World War).

2. BULGARIA-GERMANY

Article 28(1)(b) of the Convention on social security of 17 December 1997.

3. BULGARIA-AUSTRIA

Article 38(3) of the Convention on social security of 14 April 2005.

4. BULGARIA-SLOVENIA

Article 32(2) of the Convention on Social Security of 18 December 1957.

5. CZECH REPUBLIC-GERMANY

Article 39(1)(b) and (c) of the Agreement on Social Security of 27 July 2001.

6. CZECH REPUBLIC-CYPRUS

Article 32(4) of the Agreement on Social Security of 19 January 1999.

7. CZECH REPUBLIC-LUXEMBOURG

Article 52(8) of the Agreement of 17 November 2000.

8. CZECH REPUBLIC-AUSTRIA

Article 32(3) of the Convention on social security of 20 July 1999.

9. CZECH REPUBLIC-SLOVAKIA

Articles 12, 20 and 33 of the Agreement on Social Security of 29 October 1992.

10. DENMARK-FINLAND

Article 7 of the Nordic Convention on social security of 18 August 2003, concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country making more expensive return travel to the country of residence necessary.

11. DENMARK-SWEDEN

Article 7 of the Nordic Convention on social security of 18 August 2003, concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country making more expensive return travel to the country of residence necessary.

12. GERMANY-SPAIN

Article 45(2) of the Social Security Convention of 4 December 1973 (representation by diplomatic and consular authorities).

13. GERMANY-FRANCE

(a) Complementary Agreement No 4 of 10 July 1950 to the General Convention of the same date, as in Supplementary Agreement No 2 of 18 June 1955 (reckoning of periods of insurance completed between 1 July 1940 and 30 June 1950);

(b) Title I of the said Supplementary Agreement No 2 (reckoning of periods of insurance completed before 8 May 1945);

(c) points 6, 7 and 8 of the General Protocol of 10 July 1950 to the General Convention of the same date (administrative arrangements);

(d) Titles II, III and IV of the Agreement of 20 December 1963 (social security in the Saar).

14. GERMANY-LUXEMBOURG

Articles 4, 5, 6 and 7 of the Treaty of 11 July 1959 (reckoning of insurance periods completed between September 1940 and June 1946).

15. GERMANY-HUNGARY

Article 40(1)(b) of the Convention on social security of 2 May 1998.

16. GERMANY-NETHERLANDS

Articles 2 and 3 of Complementary Agreement No 4 of 21 December 1956 to the Convention of 29 March 1951 (settlement of rights acquired under the German social insurance scheme by Dutch workers between 13 May 1940 and 1 September 1945).

17. GERMANY-AUSTRIA

(a) Article 1(5) and Article 8 of the Convention on Unemployment Insurance of 19 July 1978 and Article 10 of the Final Protocol to this Convention (granting of unemployment allowances to frontier workers by the previous State of employment) shall continue to apply to persons who have exercised an activity as a frontier worker on or before 1 January 2005 and become unemployed before 1 January 2011.

(b) Article 14(2)(g), (h), (i) and (j) of the Convention on social security of 4 October 1995 concerning the division of competencies between both countries with regard to past insurance cases and acquired insurance periods.

18. GERMANY-POLAND

(a) Convention of 9 October 1975 on old-age and work injury provisions, under the conditions and the scope defined by Article 27(2) to (4) of the Convention on social security of 8 December 1990;

(b) Articles 27(5) and 28(2) of the Convention on social security of 8 December 1990.

19. GERMANY-ROMANIA

Article 28(1)(b) of the Convention on social security of 8 April 2005.

20. GERMANY-SLOVENIA

Article 42 of the Convention on social security of 24 September 1997.

21. GERMANY-SLOVAKIA

Article 29(1),(2) and 3 of the Agreement of 12 September 2002.

22. GERMANY-UNITED KINGDOM

(a) Article 7(5) and (6) of the Convention on social security of 20 April 1960 (legislation applicable to civilians serving in the military forces);

(b) Article 5(5) and (6) of the Convention on unemployment insurance of 20 April 1960 (legislation applicable to civilians serving in the military forces).

23. IRELAND-UNITED KINGDOM

Article 8 of the Agreement of 14 September 1971 on social security (concerning the transfer and reckoning of certain disability credits).

24. SPAIN-PORTUGAL

Article 22 of the General Convention of 11 June 1969 (export of unemployment benefits).

25. ITALY-SLOVENIA

(a) Agreement on regulation of mutual obligations in social insurance with reference to paragraph 7 of Annex XIV to the Peace Treaty (concluded by exchange of notes on 5 February 1959);

(b) Article 45(3) of the Convention on social security of 7 July 1997 concerning ex-Zone B of the Free Territory of Trieste.

26. LUXEMBOURG-SLOVAKIA

Article 50(5) of the Treaty on Social Security of 23 May 2002.

27. HUNGARY-AUSTRIA

Article 36(3) of the Convention on social security of 31 March 1999.

28. HUNGARY-SLOVENIA

Article 31 of the Convention on social security of 7 October 1957.

29. HUNGARY-SLOVAKIA

Article 34(1) of the Convention on social security of 30 January 1959.

30. AUSTRIA-POLAND

Article 33(3) of the Convention on social security of 7 September 1998.

31. AUSTRIA-ROMANIA

Article 37(3) of the Agreement on social security of 28 October 2005.

32. AUSTRIA-SLOVENIA

Article 37 of the Convention on social security of 10 March 1997.

33. AUSTRIA-SLOVAKIA

Article 34(3) of the Agreement of 21 December 2001 on Social Security.

34. PORTUGAL-UNITED KINGDOM

Article 2(1) of the Protocol on medical treatment of 15 November 1978.

35. FINLAND-SWEDEN

Article 7 of the Nordic Convention on social security of 18 August 2003, concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country making more expensive return travel to the country of residence necessary.

B. Provisions of conventions remaining applicable which do not extend to all persons to whom the Regulation applies

1. BULGARIA-AUSTRIA

Article 38(3) of the Convention on social security of 14 April 2005.

2. CZECH REPUBLIC-CYPRUS

Article 32(4) of the Agreement on Social Security of 19 January 1999.

3. CZECH REPUBLIC-AUSTRIA

Article 32(3) of the Convention on social security of 20 July 1999.

4. GERMANY-AUSTRIA

Article 14(2)(g), (h), (i) and (j) of the Convention on social security of 4 October 1995 concerning the division of competencies between both countries with regard to past insurance cases and acquired insurance periods.

5. GERMANY-SLOVENIA

Article 42 of the Convention on social security of 24 September 1997.

6. ITALY-SLOVENIA

(a) Agreement on regulation of mutual obligations in social insurance with reference to paragraph 7 of Annex XIV to the Peace Treaty (concluded by exchange of notes on 5 February 1959);

(b) Article 45(3) of the Convention on social security of 7 July 1997 concerning ex-Zone B of the Free Territory of Trieste.

7. HUNGARY-AUSTRIA

Article 36(3) of the Convention on social security of 31 March 1999.

8. HUNGARY-SLOVENIA

Article 31 of the Convention on social security of 7 October 1957.

9. HUNGARY-SLOVAKIA

Article 34(1) of the Convention on social security of 30 January 1959.

10. AUSTRIA-POLAND

Article 33(3) of the Convention on social security of 7 September 1998.

11. AUSTRIA-ROMANIA

Article 37(3) of the Agreement on social security of 28 October 2005.

12. AUSTRIA-SLOVENIA

Article 37 of the Convention on social security of 10 March 1997.

13. AUSTRIA-SLOVAKIA

Article 34(3) of the Agreement of 21 December 2001 on Social Security.”.

(3) Annex III to Regulation (EC) No 883/2004 is amended as follows:

1. After the entry “DENMARK”, the entry “ESTONIA” is inserted.

2. After the entry “IRELAND”, the following entries are inserted:

“ITALY

LITHUANIA

HUNGARY”.

- (4) Annex IV to Regulation (EC) No 883/2004 is amended as follows:
1. After the entry “BELGIUM”, the following entries are inserted:
“BULGARIA
CZECH REPUBLIC”.
 2. The entry “ITALY” is deleted.
 3. After the entry “FRANCE”, the entry “CYPRUS” is inserted.
 4. After the entry “LUXEMBOURG”, the entry “HUNGARY” is inserted.
 5. After the entry “AUSTRIA”, the following entries are inserted:
“POLAND
SLOVENIA”.

(5) Annex VI to Regulation (EC) No 883/2004 is amended as follows:

1. At the beginning of the Annex the following entries are added:

“A. CZECH REPUBLIC

Full disability pension for persons whose total disability arose before reaching eighteen years of age and who were not insured for the required period (Section 42 of the Pension Insurance Act No 155/1995 Coll.).

B. ESTONIA

(a) Invalidity pensions granted before 1 April 2000 under the State Allowances Act and which are retained under the State Pension Insurance Act.

(b) National pensions granted on the basis of invalidity according to the State Pension Insurance Act.

(c) Invalidity pensions granted according to the Defence Forces Service Act, Police Service Act, Prosecutor's Office Act, Status of Judges Act, Members of the Riigikogu Salaries, Pensions and Other Social Guarantees Act and President of the Republic Official Benefits Act.”.

2. The headings “A. GREECE” and “B. IRELAND” are reordered with their respective entries and become “C. IRELAND” and “D. GREECE”.

3. After the entry under the heading “D. GREECE” the following entry is inserted:

“E. LATVIA

Invalidity pensions (third group) under Article 16(1)(2) of the Law on State Pensions of 1 January 1996.”.

4. The headings “C. FINLAND”, “D. SWEDEN” and “E. UNITED KINGDOM” are reordered with their respective entries and become “F. FINLAND”, “G. SWEDEN” and “H. UNITED KINGDOM”.

(6) Annex VII to Regulation (EC) No 883/2004 is amended as follows:

1. In the tables headed “BELGIUM” and “FRANCE”, the rows relating to Luxembourg are deleted.
2. The table headed “LUXEMBOURG” is deleted.

(7) Part 2 of Annex VIII to Regulation (EC) No 883/2004 is amended as follows:

1. At the beginning of Part 2 the following entry is added:

“N. BULGARIA

Old age pensions from the Supplementary Compulsory Pension Insurance, under Part II, Title II, of the Social Insurance Code.”.

2. The headings “N. FRANCE”, “O. LATVIA”, “P. HUNGARY”, “Q. AUSTRIA” and “R. POLAND” are reordered with their respective entries and become “O. FRANCE”, “P. LATVIA”, “Q. HUNGARY”, “R. AUSTRIA” and “S. POLAND”.

3. After the entry under the heading “S. POLAND” the following entry is inserted:

“T. ROMANIA

Schemes in which pensions are calculated on the basis of pension points.”.

4. The headings “S. SLOVENIA”, “T. SLOVAKIA”, “U. SWEDEN” and “V. UNITED KINGDOM” are reordered with their respective entries and become “U. SLOVENIA”, “V. SLOVAKIA”, “W. SWEDEN” and “X. UNITED KINGDOM”.

(8) Annex IX to Regulation (EC) No 883/2004 is amended as follows:

1. In Part I:

(a) After the entry under the heading “F. IRELAND ” the following entry is inserted:

“G. LATVIA

Invalidity pensions (third group) under Article 16(1)(2) of the Law on State Pensions of 1 January 1996.”;

(b) The heading “G. NETHERLANDS” is renumbered “H. NETHERLANDS” and in the entry under this heading the following is added:

“The law of 10 November 2005 on work and income according to labour capacity (WIA).”;

(c) The headings “H. FINLAND” and “I. SWEDEN” are reordered with their respective entries and become “I. FINLAND” and “J. SWEDEN”;

(d) The entry under the heading “J. SWEDEN” is replaced by the following:

“Swedish income-related sickness compensation and activity compensation (Act 1962:381).

Swedish guarantee pension and guaranteed compensation which replaced the full Swedish state pensions provided under the legislation on the state pension which applied before 1 January 1993, and the full state pension awarded under the transitional rules of the legislation applying from that date.”.

2. In Part II:

(a) After the entry under the heading “C. ITALY” the following entries are inserted:

“D. LATVIA

Survivors’ pension calculated on the basis of assumed insurance periods (Article 23(8) of the Law on State Pensions of 1 January 1996).

E. LITHUANIA

(a) State social insurance incapacity for work pensions, paid under the Law on State Social Insurance Pensions.

(b) State social insurance survivors’ and orphans’ pensions, calculated on the basis of the incapacity for work pension of the deceased under the Law on State Social Insurance Pensions.”.

(b) The heading “D. LUXEMBOURG” is renumbered “F. LUXEMBOURG”;

(c) After the entry under the heading “F. LUXEMBOURG” the following entry is inserted:

“G. SLOVAKIA

(a) Slovak invalidity pension and survivors’ pension derived therefrom;

(b) Invalidity pension for a person who became invalid as a dependent child and who is always deemed to have fulfilled the required period of insurance (Article 70(2), Article 72(3) and Article 73(3) and (4) of Act No 461/2003 on social insurance, as amended).”;

(d) The headings “E. FINLAND” and “F. SWEDEN” are reordered with their respective entries and become “H. FINLAND” and “I. SWEDEN”.

3. In Part III, the entry “Nordic Convention of 15 June 1992 on social security” is replaced by the following:

“Nordic Convention on social security of 18 August 2003.”.

- (9) Annex X to Regulation (EC) No 883/2004 is replaced by the following:

“ANNEX X

SPECIAL NON-CONTRIBUTORY CASH BENEFITS

(Article 70(2)(c))

A. BELGIUM

- (a) Income replacement allowance (Law of 27 February 1987);
- (b) Guaranteed income for elderly persons (Law of 22 March 2001).

B. BULGARIA

Social Pension for old age (Article 89 of the Social Security Code).

C. CZECH REPUBLIC

Social allowance (State Social Support Act No 117/1995 Sb.).

D. DENMARK

Accommodation expenses for pensioners (Law on individual accommodation assistance, consolidated by Law No 204 of 29 March 1995).

E. GERMANY

Basic subsistence income for the elderly and for persons with reduced earning capacity under Chapter 4 of Book XII of the Social Code.

Benefits to cover subsistence costs under the basic provision for jobseekers unless, with respect to these benefits, the eligibility requirements for a temporary supplement following receipt of unemployment benefit (Article 24 (1) of Book II of the Social Code) are fulfilled.

F. ESTONIA

- (a) Disabled adult allowance (Social Benefits for Disabled Persons Act of 27 January 1999);
- (b) State unemployment allowance (Labour Market Services and Support Act of 29 September 2005).

G. IRELAND

- (a) Jobseekers' Allowance (Social Welfare Consolidation Act 2005, Part III, Chapter 2);
- (b) State Pension (non-contributory) (Social Welfare Consolidation Act 2005, Part III, Chapter 4);

(c) Widow's (non-contributory) pension and widower's (non-contributory) pension (Social Welfare Consolidation Act 2005, Part III, Chapter 6);

(d) Disability allowance (Social Welfare Consolidation Act 2005, Part III, Chapter 10);

(e) Mobility allowance (Health Act 1970, Section 61);

(f) Blind pension (Social Welfare Consolidation Act 2005, Part III, Chapter 5).

H. GREECE

Special benefits for the elderly (Law 1296/82).

I. SPAIN

(a) Minimum income guarantee (Law No 13/82 of 7 April 1982);

(b) Cash benefits to assist the elderly and invalids unable to work (Royal Decree No 2620/81 of 24 July 1981);

(c) Non-contributory invalidity and retirement pensions as provided for in

Article 38(1) of the Consolidated Text of the General Law on Social Security, approved by Royal Legislative Decree No 1/1994 of 20 June 1994;

(d) Allowances to promote mobility and to compensate for transport costs (Law No 13/1982 of 7 April 1982).

J. FRANCE

(a) Supplementary allowances of the Special Invalidity Fund and the Old Age Solidarity Fund (Law of 30 June 1956, codified in Book VIII of the Social Security Code);

(b) Disabled adults' allowance (Law of 30 June 1975, codified in Book VIII of the Social Security Code);

(c) Special allowance (Law of 10 July 1952, codified in Book VIII of the Social Security Code).

K. ITALY

(a) Social pensions for persons without means (Law No 153 of 30 April 1969);

(b) Pensions and allowances for the civilian disabled or invalids (Laws No 118 of 30 March 1974, No 18 of 11 February 1980 and No 508 of 23 November 1988);

(c) Pensions and allowances for the deaf and dumb (Laws No 381 of 26 May 1970 and No 508 of 23 November 1988);

(d) Pensions and allowances for the civilian blind (Laws No 382 of 27 May 1970 and No 508 of 23 November 1988);

(e) Benefits supplementing the minimum pensions (Laws No 218 of 4 April 1952, No 638 of 11 November 1983 and No 407 of 29 December 1990);

(f) Benefits supplementing disability allowances (Law No 222 of 12 June 1984);

(g) Social allowance (Law No 335 of 8 August 1995);

(h) Social increase (Article 1(1) and (12) of Law No 544 of 29 December 1988 and successive amendments).

L. CYPRUS

(a) Social Pension (Social Pension Law of 1995 (Law 25(I)/95), as amended);

(b) Severe motor disability allowance (Council of Ministers' Decisions Nos 38210 of 16 October 1992, 41370 of 1 August 1994, 46183 of 11 June 1997 and 53675 of 16 May 2001);

(c) Special grant to blind persons (Special Grants Law of 1996 (Law 77(I)/96), as amended).

M. LATVIA

(a) State Social Security Benefit (Law on State Social Benefits of 1 January 2003);

(b) Allowance for the compensation of transportation expenses for disabled persons with restricted mobility (Law on State Social Benefits of 1 January 2003).

N. LITHUANIA

(a) Social assistance pension (Law of 2005 on State Social Allowances, Article 5);

(b) Special relief compensation (Law of 2005 on State Social Allowances, Article 15);

(c) Transport compensation for the disabled who have mobility problems (Law of 2000 on Transport Compensation, Article 7).

O. LUXEMBOURG

Income for the seriously disabled (Article 1(2), Law of 12 September 2003), with the exception of persons recognised as being disabled workers and employed on the mainstream labour market or in a sheltered environment.

P. HUNGARY

(a) Invalidity annuity (Decree No 83/1987 (XII 27) of the Council of Ministers on Invalidity Annuity);

(b) Non-contributory old age allowance (Act III of 1993 on Social Administration and Social Benefits);

(c) Transport allowance (Government Decree No 164/1995 (XII 27) on Transport Allowances for Persons with Severe Physical Handicap).

Q. MALTA

(a) Supplementary allowance (Section 73 of the Social Security Act (Cap. 318) 1987);

(b) Age pension (Social Security Act (Cap. 318) 1987).

R. NETHERLANDS

(a) Disablement Assistance Act for Handicapped Young Persons, of 24 April 1997 (Wajong);

(b) Supplementary Benefits Act of 6 November 1986 (TW).

S. AUSTRIA

Compensatory supplement (Federal Act of 9 September 1955 on General Social Insurance — ASVG, Federal Act of 11 October 1978 on Social insurance for persons engaged in trade and commerce — GSVG and Federal Act of 11 October 1978 on Social insurance for farmers — BSVG).

T. POLAND

Social pension (Act of 27 June 2003 on social pensions).

U. PORTUGAL

(a) Non-contributory State old-age and invalidity pension (Decree-Law No 464/80 of 13 October 1980);

(b) Non-contributory widowhood pension (Regulatory Decree No 52/81 of 11 November 1981).

V. ROMANIA

Monthly allowance for persons with disabilities (Emergency Ordinance No 102/1999 concerning special protection and employment of persons with disabilities, approved by Law No 519/2002).

W. SLOVENIA

(a) State pension (Pension and Disability Insurance Act of 23 December 1999);

(b) Income support for pensioners (Pension and Disability Insurance Act of 23 December 1999);

(c) Maintenance allowance (Pension and Disability Insurance Act of 23 December 1999).

X. SLOVAKIA

(a) Adjustment awarded before 1 January 2004 to pensions constituting the sole source of income;

(b) Social pension which has been awarded before 1 January 2004.

Y. FINLAND

(a) Disability allowance (Disability Allowance Act, 124/88);

(b) Housing allowance for pensioners (Act concerning the Housing allowance for pensioners, 591/78);

(c) Labour market support (Act on Unemployment Benefits 1290/2002);

(d) Special assistance for immigrants (Act on Special Assistance for Immigrants, 1192/2002).

Z. SWEDEN

(a) Housing supplements for persons receiving a pension (Law 2001: 761);

(b) Financial support for the elderly (Law 2001: 853).

AA. UNITED KINGDOM

(a) State Pension credit (State Pension Credit Act 2002 and State Pension Credit Act (Northern Ireland) 2002);

(b) Income-based allowances for jobseekers (Jobseekers Act 1995 and Jobseekers (Northern Ireland) Order 1995);

(c) Income Support (Social Security Contributions and Benefits Act 1992 and Social Security Contributions and Benefits (Northern Ireland) Act 1992);

(d) Disability Living Allowance mobility component (Social Security Contributions and Benefits Act 1992 and Social Security Contributions and Benefits (Northern Ireland) Act 1992).”.

(10) Annex XI to Regulation (EC) No 883/2004 is amended as follows:

1. After the entry under the heading “A. BELGIUM” the following entry is inserted:

“B. BULGARIA

Article 33 of the Bulgarian Health Insurance Act shall apply to all persons for whom Bulgaria is the competent Member State under Chapter 1 of Title III of this Regulation.”.

2. The headings “B. CZECH REPUBLIC”, “C. DENMARK”, “D. GERMANY”, “E. ESTONIA”, “F. GREECE”, “G. SPAIN”, “H. FRANCE”, “I. IRELAND”, “J. ITALY”, “K. CYPRUS”, “L. LATVIA”, “M. LITHUANIA”, “N. LUXEMBOURG”, “O. HUNGARY”, “P. MALTA”, “Q. NETHERLANDS”, “R. AUSTRIA”, “S. POLAND”, “T. PORTUGAL”, “U. SLOVENIA”, “V. SLOVAKIA”, “W. FINLAND”, “X. SWEDEN” and “Y. UNITED KINGDOM” are reordered with their respective entries and become “C. CZECH REPUBLIC”, “D. DENMARK”, “E. GERMANY”, “F. ESTONIA”, “G. IRELAND”, “H. GREECE”, “I. SPAIN”, “J. FRANCE”, “K. ITALY”, “L. CYPRUS”, “M. LATVIA”, “N. LITHUANIA”, “O. LUXEMBOURG”, “P. HUNGARY”, “Q. MALTA”, “R. NETHERLANDS”, “S. AUSTRIA”, “T. POLAND”, “U. PORTUGAL”, “W. SLOVENIA”, “X. SLOVAKIA”, “Y. FINLAND”, “Z. SWEDEN” and “AA. UNITED KINGDOM”.

3. After the entry under the heading “U. PORTUGAL” the following entry is inserted:

“V. ROMANIA

None.”.