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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 **(first reading)** - Adoption of the legislative act = Statements

Belgium has requested that the following statement be entered in the Council minutes

The free movement of workers is a key principle of the EU single market and requires robust EU coordination of national social security systems.

Improving the coordination of social security systems in the European Union and modernising the rules are important: Social security coordination needs to be regularly assessed and also aligned with an evolving labour market to ensure fair and effective mobility of the workforce.

The modernisation of European social security coordination rules requires taking into account new forms of work, in particular the growing demand for remote working, the emergence of digital nomads, and the increase in the number of people working in several countries at the same time, such as seasonal workers, whose employers must in some cases be registered with one or more foreign social security institutions. In this context, we call for strengthening administrative cooperation and enforceability of the applicable rules.

On many aspects, the proposed revision makes a significant contribution to clarifying the rules, strengthening legal certainty and improving coordination between Member States. This is the case, in particular, regarding family benefits, the fight against fraud, long-term care, the prior notification system in the case of postings and the exchange of data between competent institutions, including via bulk data exchange.

However, in the chapter on unemployment benefits, some challenges remain and will need to be further addressed. The impact of the rule on the aggregation period set at one month, the transfer of competence to the Member State of employment after a 22-week affiliation period, and the extension of the export period from 3 to 6 months still give rise to some concerns as provisions to facilitate reintegration to work and for monitoring, activation and control are insufficient.

Belgium welcomes Commission’s statement underlining the importance of control, activation or job placement measures and announcing further actions to modernise and simplify social security coordination rules.

Today’s Belgian support to the provisional agreement is conditional to Commission’s commitments on **additional measures relating to activation and control**. It is crucial that persons exporting their unemployment benefit fully comply with all control, activation or job placement measures in place in the receiving Member State, under the same conditions as unemployed persons receiving benefits from that Member State. **In the short term**, actions to strengthen the principle of sincere cooperation, which is fundamental to the successful implementation of the regulations. In addition, the enhancement of data exchanges is key for control and monitoring of the activities of the unemployed persons exporting their benefits. In this regard, we also call on all Member States to support these changes for a rapid implementation into the existing EESSI-system.

In the medium term: investing in robust data exchange between public administrations is essential, with a view to strengthening administrative cooperation and improving efficiency and trust. To this end, we call the Commission to ensure, in the framework of the upcoming Fair mobility package and a forthcoming revision of social security coordination regulations, that those extended rights to unemployment benefits be secured by improved administrative cooperation on the control, monitoring, and activation to facilitate rapid reintegration to work and the possibility for the competent institutions to apply sanctions, if necessary.

Luxembourg has requested that the following statement be entered in the Council minutes

Luxembourg remains fully committed to the free movement of persons and the free provision of services. Luxembourg's commitment to those principles materializes in the engagement for a strong and robust legal framework that emphasizes simplicity, clarity and the right balance between rights and obligations for citizens, employers and public institutions.

Luxembourg has a unique labour market, where frontier workers represent nearly 47% of the workforce.

Hence, its undertakings operate in an integrated cross-border region and depend strongly on the smooth functioning of the internal market. Luxembourg's unique situation was acknowledged in the revision of the Regulations on the coordination of social security systems with a specific additional transition period.

Regarding the overall revision itself, Luxembourg welcomes the positive developments particularly the creation of a clear and much-needed framework for the coordination of long-term care benefits.

However, from the outset of the negotiations, Luxembourg has consistently expressed serious concerns regarding the chapters on unemployment benefits and applicable legislation.

The changes made in the unemployment chapter notably the extension of the initial export period from three to six months, call for a robust and legally binding framework, allowing efficient control and activation of unemployed persons as well as an equivalent reinforcement of administrative cooperation.

Luxembourg regrets that those requirements are not fully accounted for in the actual revision of the Regulations.

For instance, the agreed framework does not mandate an automated mass data exchange to verify work resumption, receipt of income and compliance with activation measures in the receiving State. This jeopardizes paying institutions' ability to adequately verify the use and purpose of exported benefits.

Nonetheless, Luxembourg welcomes the Commission's statement and counts on the latter to honour its firm commitments particularly in terms of activation, control and reinforced data exchange in the short-term, as well as in the forthcoming round of legislative proposals in this area.

The chapter on the applicable legislation is equally of utmost importance for Luxembourg's open economy and the functioning of the internal market.

Hence, Luxembourg regrets that the revised regulation introduces a prior notification obligation for undertakings providing cross-border services, as well as a sector-specific approach for the construction sector facing stricter rules than other sectors. Fragmenting social security coordination by sector goes fundamentally against the spirit of successive revisions of the Regulations, which have consistently aimed to simplify the legal framework and deepen the internal market.

Additionally, the introduction of insufficiently defined sanctions on undertakings failing to comply with the mandatory prior notification will generate administrative complexity and legal uncertainty, ultimately hindering the freedom to provide cross-border services. This is not coherent with the high-level political calls for fostering European competitiveness.

Considering the significant administrative and financial impact of this revision on its social security system, as well as the fact that the above-mentioned systemic flaws outweigh the positive developments, Luxembourg is not in a position to support the revision of the Regulations.

The Netherlands has requested that the following statement be entered in the Council minutes

The free movement of workers is a fundamental principle of the EU single market, which requires coordination of national social security systems. Modernising the EU's social security coordination legislation is essential. The road towards revising this legislation has been long. Although we recognise the extensive work carried out in these past years, the revision does not bring the modernisation and simplification we need. The provisions on unemployment are not balanced: the possibilities for exporting unemployment benefits will be extended, while this extension is not accompanied by the necessary safeguards for better control and activation. For these reasons, the Netherlands is not able to support the revision.

The Netherlands will continue to strive for rules that modernise and simplify the coordination of social security systems. A modern system of social security coordination requires that all unemployed persons under its scope are subject to proper rules on control, activation and job placement measures. Also, simplification of rules and procedures is needed to relieve the growing burden on implementing organisations.

We encourage the Commission to come forward with ambitious tools for effective activation and job placement, as well as monitoring and control measures covering all unemployed persons, including cross-border workers. For example, structural automatic data exchange between institutions – especially data on work and income – is needed to be able to verify the information required for assessing entitlement to unemployment benefits. These data exchanges should not only apply to individual cases, but should also allow for the comparison of data on multiple persons simultaneously.

In this regard, the Netherlands welcomes the ambitions set out in the Fair Labour Mobility Package, notably the announcement to publish in 2027 proposals for simplification and modernisation of EU rules on the coordination of social security systems. We stand ready to work with the Commission and other stakeholders to align these proposals with our requirements.