

<b>AC 024/23</b>
<b>Summary of the minutes of the 374<sup>th</sup> meeting of the Administrative Commission</b>
<b>SECRETARIAT – 22.01.2024</b>

Orig. EN

**ADMINISTRATIVE COMMISSION  
FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS**

**Summary of the minutes of the  
374<sup>th</sup> meeting of the Administrative Commission 29-30 March 2023**

**A. Agenda**

The agenda was approved.

**B. Approval of Minutes**

The Administrative Commission approved the minutes of the 371st meeting of the Administrative Commission on 13-14 June 2022 (AC 113/22) and the minutes of the Working Party of the Administrative Commission on 5 October 2022 (AC 191/22).

**C. Communications and Questions**

The Presidency provided information on state of play of the revision of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009, highlighting their efforts to bring positions closer, by putting forward new proposals that will be discussed during a Social Question Working Party.

The delegations were informed that the Secretariat has launched the yearly update of the country-specific information regarding the EHIC on the website of DG EMPL (AC 073/23). The delegations were asked to send their replies by 28 April 2023.

The Secretariat announced that an infringement procedure against Italy was launched in February 2023. The Commission takes the view that the residence condition in the Italian legislation regarding the single and universal family benefit is incompatible with the law of the EU in the field of social security coordination and free movement of workers.

The Secretariat informed on the activities of the legal network of experts, MoveS.

The Secretariat informed the delegations that the 2022 exercise regarding Article 9 declarations for the reference year ending 31 December 2021 was almost finalised and the declarations will be published on the Europa website shortly. For the new exercise for Article 9 declarations for the year ending 31 December 2022, delegations were reminded to make sure that the declaration includes the schemes for the public sectors workers, in particular the pension schemes.

The Chair informed that the Polish note on refusals of SED S072 registration was withdrawn following a requested from the Polish delegation.

The delegations were updated on cooperation with ELA, in particular regarding the joint initiatives.

The Secretariat informed that the Slovak, Austrian, Finnish, French, Dutch and Romanian delegations expressed their willingness to volunteer for the role as members of the future working group for the revision of Practical Guide. The Slovak delegation offered to fulfil the role as leading delegation. Member States were invited to express their will to create this working group.

The delegations were updated on the work of the Ad-hoc Group on the Digitalisation of the EHIC. The Secretariat confirmed that under the Single Digital Gateway Regulation, the Member States are required to enable citizens to apply for EHIC online and to receive it in an electronic format by 12 December 2023. Several delegations did not agree with this interpretation.

## **I. Approval/notice without discussion**

The Administrative Commission approved without discussion the following items:

- a) Nominations for membership to the Ad-Hoc Groups established for the definition of data to be exchanged electronically
- b) Change Requests referring to EESSI business aspects and change management procedure
- c) Specific Identification Parameters submitted to date by the Participating Countries
- d) 2023 Work Programme for the Steering Committee on combating fraud and error
- e) Nominations for membership to the Steering Committee for the Platform on Fraud and Error, updated with information sent by the German delegation.
- f) National Contact Points nominated pursuant to Decision H5 of the Administrative Commission, updated with information sent by the Spanish delegation.

## **II. Report on the outcome of the Working Party of the Administrative Commission of 8 March 2023**

The Administrative Commission took note of the outcome and agreed to continue discussing digital initiatives in the social security coordination field.

## **III. Ad-hoc group on telework – final report**

The Administrative Commission took note of the final report and agreed to prolong the mandate of the Ad-hoc group until 31 December 2024 to continue its work on the remaining objectives under the mandate.

The Administrative Commission invited the delegations to present their nominations for the rapporteur of the Ad-hoc group on telework, as the current one stepped down having delivered on the final report, and for additional nominations or adjustments of membership in the group.

The Administrative Commission also decided to revise, the Guidance note on telework to reflect the conclusions of the report of the Ad-hoc group on telework. The leading delegations would draft a new version of the guidance note to be presented at the next AC meeting.

Delegations also agreed to inform all the other delegations about their intention to become a party of the multilateral Framework Agreement on the application of Article 16(1) of Regulation (EC) No 883/2004 in cases of habitual cross-border telework.

The Administrative Commission acknowledged the importance of designation of depository Member State for management of the multilateral Framework Agreement and invited the delegations to express their willingness to become a depository state under the agreement.

## **IV. Guidance Note on Telework (125/22REV3): extension of transition period**

The Administrative Commission agreed not to extend the transition period beyond 30 June 2023.

#### **V. Guidance Note on Telework (125/REV3): the transitional measures**

The Administrative Commission agreed on the interpretation of the transitional measures under the Guidance note on telework (note AC 125/22REV3) in a way that the transitional period is applicable both to cases existing before 1 July 2022 as to cases arising after that date given that no distinction should be made between old and new cases.

#### **VI. Codification/Publication of the COVID-19 guidance**

The Administrative Commission took note of the comments of the delegations on the text of the draft AC decision and the Secretariat would prepare new version of the draft decision for discussion and possible approval at the next AC meeting.

#### **VII. Accidents at work and occupational diseases: Reimbursement of costs for all benefits in kind provided for under the legislation of the assisting state.**

The Administrative Commission took note of delegations' and the Secretariat's views concerning the classification of the German benefits "motor vehicle assistance" and "housing assistance" provided for by Book VII of the German Social Code. The majority of delegations and the Secretariat supported the German view that such benefits fall under the definition of benefits in kind in respect of accidents at work and occupational diseases.

#### **VIII. Applicable Legislation: posting vs multistate activities**

The Administrative Commission took note of the discussion regarding the distinction between Article 12 and 13 of Regulation (EC) No 883/2004, which could be taken into account when reviewing and amending the Practical Guide on the applicable legislation.

#### **IX. Applicable Legislation: atypical cases**

The Administrative Commission discussed the cases submitted by the Czech delegation and considered taking them into account in the possible future works of the revision of Practical Guide. The interested delegations were also invited to send in notes expressing their views on presented cases.

#### **X. EESSI**

The Administrative Commission took note of the report from the Technical Commission Chair on the last meeting of the Technical Commission.

The Administrative Commission concluded that there were diverging opinions within the Commission and the Member States on the proposal to create a new operational body. The Administrative Commission took note of the EC position (not to participate) and requested the Technical Commission to evaluate the situation and the possibility of creating such a group.

The Administrative Commission took note of the status of EESSI and progress in the BUCs implementation. The Administrative Commission urged the two countries (IE, CH) currently breaching E7 decision to accelerate their implementation and encouraged all remaining countries to finalise the deployment of EESSI as soon as possible, EESSI being now expected to be in full production by June 2024 due to a limited number of countries still very late in their implementation. The Administrative Commission took note of the operational issues in production and in particular the long downtime in one institution in Italy impacting negatively several participating countries. The Administrative Commission took note of the status of EESSI releases, inviting the last remaining countries to speed up the upgrade to the latest AP2021 release.

The Administrative Commission took note of the state of play of the joint call for tender and on the potential negative impact for the Common Data Model (CDM 4.3.) which has to be dealt within the Technical Commission.

The Administrative Commission took note of the latest developments regarding the Institution Repository activities and the process to declare substantial changes in the IR. The Administrative Commission noted that the European Commission was currently working with countries on the review of this process based on the feedback collected during the workshop and that the result would be presented to the AC and reflected in a proposed review of Decision E2.

As for the release management, the Administrative Commission asked the delegations to prepare the position for the upcoming meeting of the TC and asked the European Commission to prepare documents in advance for items that need to be discussed and decided at the AC.

The Administrative Commission took note of the situation in the conformance and interoperability testing and would ask the TC to further analyze the topic and come up with a recommendation for the next Administrative Commission meeting.

#### **XI. Sickness benefits: Prioritising of the right to benefits in kind under Article 32 of the Regulation (EC) No 883/2004**

The Administrative Commission took note of the delegations' views about how the past and existing cases in the context of Article 32 of Regulation 883/2004 should be solved. Most delegations that expressed their views believed there should be no retroactive changes and that the interpretation as agreed at the 372<sup>nd</sup> meeting of the Administrative Commission shall only apply to future cases. The delegations that still have open cases for reimbursement in this regard were encouraged to work together to find solutions.

#### **XII. Sickness benefits: emergency care**

The Administrative Commission took note of the agreement concluded between Croatia and Slovenia regarding cross-border cooperation in the provision of emergency healthcare in the border area.

#### **XIII. Changes in Member States legislation**

The Administrative Commission took note of the changes to social security legislation in Croatia, France, Belgium, Sweden, Germany and Portugal.

The Administrative Commission discussed the nature of the Croatian benefit and took note of the Secretariat's position regarding its coordination as a family benefit.

#### **XIV. Miscellaneous amendments**

The Administrative Commission took note of the requests for miscellaneous amendments from Belgium and France as regards Annex 1 to Regulation (EC) No 987/2009 and from Germany as regards Annex X to Regulation (EC) No 883/2004 (noting that the German request is already part of the revision procedure).

#### **XV. Draft agendas of the meetings of the Administrative Commission in the first half of 2023**

The Administrative Commission took note of the draft agenda of the 375th meeting of the Administrative Commission.

#### **XVI. Other Business**

The Chair confirmed that there was no other business to discuss and closed the meeting.

The meeting was chaired by *Ms Christina Janzon*, representative of Sweden, the Member State holding the Presidency at the Council of the European Union from 1 January to 30 June 2023.