



# Easing legal and administrative obstacles in EU border regions

Case Study No. 10

## **Social security**

Difficult access to social security for  
frontier workers

(Germany – Luxembourg – France – Belgium)



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Annex  
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## Abstract

### **The challenge of cross-border working: access to social security for frontier workers**

This case study analyses administrative obstacle, the access to social security services for frontier workers<sup>1</sup> (also known as cross-border workers in everyday EU terminology<sup>2</sup>). This issue affects both workers contemplating cross-border work as well as workers who are already employed and working across the border.<sup>3</sup>

Two European Union (EU) directives are particularly relevant: Directive 2004/38/EC on the EU freedom of movement and residence and Directive 883/2004 on the coordination of social security. The EU does not have competence to regulate social security systems; these are set by Member States. Social Security portfolios and their build up can therefore differ European citizens.

To help coordinate social security for cross-border work, the EU defines "frontier workers" as: "any person pursuing an activity as an employed or self-employed person in a Member State and who resides in another Member State to which he/she returns as a rule daily or at least once a week"<sup>4</sup>. Frontier workers can face a significant amount of administrative complexity in receiving access to social security services. This is related to their being officially registered as residents in one country, while working and contributing to certain social security services in a different country. Common causes here are insufficient language capability and expertise amongst authorities to address the issue of cross-border workers' social security. Additionally, while individuals often inform themselves before going to work abroad, some obstacles only appear once a person is working in another country; these obstacles arise primarily due to inefficient administrative systems. This case study explores how this particular obstacle has manifested and been addressed in the Greater Region in Luxembourg, parts of France, Belgium and Germany.

Evidence points to a number of good practices and potential solutions to this issue. These include: quicker, more efficient administrative processes through shared, digital information systems; creating some form of regularly updated organisational protocol or schematic of the different relevant authorities and administrative levels, along with who is in charge of the different departments. Involving the full range of useful and relevant actors and a centralised body was considered good practice in the case of the Greater Region, as was a European framework for conducting bilateral negotiations and agreements between countries with cross-border workers.

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<sup>1</sup> Official Journal of the European Union (2004), Regulation, (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, June 2004, [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0883R\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0883R(01)&from=EN) (accessed in November 2016)

<sup>2</sup> European Commission (2016), Cross-border workers, 2 November 2016 [http://ec.europa.eu/taxation\\_customs/taxation/personal\\_tax/crossborder\\_workers/index\\_en.html](http://ec.europa.eu/taxation_customs/taxation/personal_tax/crossborder_workers/index_en.html) (accessed in November 2016)

<sup>3</sup> These administrative issues were raised in two reports by organisations based in the Greater Region: the LCGB (Confédération Luxembourgeoise des Syndicats Chrétiens) 2010 report on working and travelling in the Greater Region and the 2011 report by the EURES (European jobs network) of Lorraine on barriers to the mobility of cross-border workers in the Lorraine area in France.

<sup>4</sup> Official Journal of the European Union (2004), Regulation, (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, June 2004, [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0883R\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0883R(01)&from=EN) (accessed in November 2016)

## **1 Outline of the obstacle (legal and administrative) and the policy context**

### **1.1 Nature of the obstacle**

This case study reviews the administrative obstacle on access to social security systems for frontier workers, using the Greater Region between France, Germany, Luxembourg and Belgium as the illustrative example. This example specifically concerns the eligibility for and the transfer of social security services for frontier workers in the Greater Region. This administrative issue affects both workers contemplating cross-border work as well as workers who are already employed and working across the border.

In this context, frontier workers are defined as those employed in one Member State, but living in another. The EU refers to these workers as "frontier workers"<sup>5</sup> in its Regulation on the coordination of social security systems<sup>6</sup>. This creates some complexity concerning frontier workers' access to social security services which can act as an obstacle for cross-border work. These administrative issues were signalled in two reports by organisations based in the Greater Region as will be explained in the chapter 2 of this case study.

This case study first outlines the nature of the problem, starting with some key definitions to outline the scope of this particular problem. The second section focuses on how this administrative obstacle is manifested in the Greater Region. The third and fourth sections discuss the impacts of the issue of social security for frontier workers as well as possible solutions and good practices to remedy these issues.

#### **1.1.1 Social security services**

Social security services are cornerstones of the welfare state model. The goal, broadly speaking, is to mitigate risks and disadvantages which individuals may incur throughout the course of their lives. What constitutes social security services and the extent of social security coverage can vary across countries. In EU regulations, the following areas are covered when considered social security:

- a) sickness benefits;
- b) maternity and equivalent paternity benefits;
- c) invalidity benefits;
- d) old-age benefits;
- e) survivors' benefits;
- f) benefits in respect of accidents at work and occupational diseases;
- g) death grants;
- h) unemployment benefits;
- i) pre-retirement benefits;
- j) family benefits.<sup>7</sup>

Social security services thus play an important role in protecting individuals from unforeseen circumstances in various areas of life. Some social security services are built up throughout the course of a person's life through work. In most cases, the employee, the employer, and the state all pay a portion of social security

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<sup>5</sup> Official Journal of the European Union (2004), Regulation, (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, June 2004, [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0883R\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0883R(01)&from=EN) (accessed in November 2016).

<sup>6</sup> Official Journal of the European Union (2004), Regulation, (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, June 2004, [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0883R\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0883R(01)&from=EN) (accessed in November 2016).

<sup>7</sup> Official Journal of the European Union (2004), Regulation, (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, June 2004, [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0883R\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0883R(01)&from=EN) (accessed in November 2016).



contributions. The level of contributions from each of these parties and the way in which the contributions are made varies depending on the social security service in question and on the country.

Without going into too much detail, it is important to note that national systems can differ in terms of the social security portfolios they offer and how these are built up. Building up social security services and eligibility criteria for these services can be different across countries. For instance, in some countries, being a resident who has worked for a given number of years is enough to ensure access to most social security services; for instance, this is the case in Scandinavian countries. However, for some services, a given number of years must have been worked before a person becomes eligible for certain services. This is often the case for unemployment benefits. Different criteria apply in different Member States which determine what level of contributions an individual must pay, and which and what level of social security services they are entitled to.

### **1.1.2 Frontier workers**

Within the heterogeneous group of workers working abroad, the EU defines frontier workers specifically as "any person pursuing an activity as an employed or self-employed person in a Member State and who resides in another Member State to which he/she returns as a rule daily or at least once a week"<sup>8</sup>, (see Article 1(7) of EU Regulation 883/2004). This group of workers was defined so as to help determine in which country a person is entitled to specific social benefits (where the exact eligibility requirements differ per Member State).<sup>9</sup>

There are different implications for frontier workers regarding the social security services to which they are entitled depending on where they work and live. As Member States establish their own social security and taxation rules, these rules have different implications depending on where a frontier worker goes to work. [Removed bit on mixed-careers given title change of case].

### **1.1.3 The administrative obstacle**

The administrative barrier which has been identified here is that frontier workers can face a significant amount of administrative complexity when trying to access social security services. This complexity arises as they are officially registered as a resident in one country, while working and building up other social security services through their employment in a different country. Determining which social security services one is eligible for, the level of contribution to be paid (and by whom) and the level of entitlements and benefits to be received is a complex matter. The complexity can affect people considering working abroad, deterring them from doing so, while affecting individuals already working across the border, as they encounter inefficient and complex administrative procedures surrounding social security services once in the country. Receiving social security benefits can be slow, leaving a frontier worker financially vulnerable while waiting for the benefits to be paid out.

This can lead to confusion and insecurity for frontier workers and their families, as well as leading to financial surprises when social security service coverage is not as high or comprehensive as anticipated. More detailed analysis of this issue, the underlying causes and consequences are outlined in the next section.

The longer-term impacts of this administrative barrier are the deterrence of EU citizens to actually work in another Member State. According to interviewees, in a

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<sup>8</sup> Official Journal of the European Union (2004), Regulation, (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, June 2004, [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0883R\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0883R(01)&from=EN) (accessed in November 2016)

<sup>9</sup> European Commission (2016), Cross-border workers, 2 November 2016 [http://ec.europa.eu/taxation\\_customs/taxation/personal\\_tax/crossborder\\_workers/index\\_en.html](http://ec.europa.eu/taxation_customs/taxation/personal_tax/crossborder_workers/index_en.html) (accessed in November 2016)

broader, longer term sense, the perceived complexity surrounding social security benefits and payments for frontier workers can also deter businesses and trade in cross-border regions. As it is not clear or seems complicated or potentially more expensive for an enterprise to employ frontier workers, this can act as a deterrent to trade and business as well. This in turn can culminate in broader impacts where businesses and investment are less inclined to establish themselves and grow in cross-border regions given the complexity of employing workers.

*Box 1. Obstacle N126 – Access to social security for Frontier workers*

This case study analyses administrative obstacle on the access to social security services for frontier workers<sup>10</sup>. Frontier workers are individuals who live in one Member State and work in another, and return daily if not weekly to their country of residence.

Frontier workers can face significant administrative complexity in accessing to social security services. This is related to being officially registered as residents in one country, while working and contributing to certain social security services in a different country. Social security portfolios are Member State competences and their build up can therefore differ for European citizens.

The perceived complexity of cross-border social security can act as a deterrent to cross-border work, and despite individuals informing themselves before working across the border, some obstacles only appear once a person is working in another country; these obstacles arise primarily due to inefficient administrative systems.

## **1.2 The policy context**

In the context of this administrative barrier, two EU directives are particularly relevant: Directive 2004/38/EC on the EU freedom of movement and residence and Regulation 883/2004 on the coordination of social security. The EU does not have competence to regulate social security systems, these are organised at the national level. However, EU legislation does provide for equal access to social security systems for EU workers and residents who go to work in another EU Member State. The EU only provides common rules for workers moving within the EU. Beyond these directives, the EU has undertaken other policy initiatives to support and promote worker mobility within the EU.

The Lisbon Strategy was revised in 2005 with a view to focus more on the need to promote the European labour market. In addition, 2006 was designated as the European Year of Mobility for Workers. The European Commission stated its goal to propose legislation to remove obstacles to labour mobility, with a particular focus on obstacles resulting from occupational pension schemes<sup>11</sup>.

It should also be noted that the European Commission is making efforts to improve digital information sharing generally via its Single Digital Gateway; public consultations have been launched amongst Member States to help the development of this instrument and these came to a close in November 2016. The instrument aims "to provide easy online access to Single Market information, procedures, assistance and advice for citizens and businesses".<sup>12</sup> Additionally, regarding social security in the EU specifically, the Commission is developing the Electronic Exchange of Social Security Information (EESSI). This has the aim of helping both the public and administrations

<sup>10</sup> Official Journal of the European Union (2004), Regulation, (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, June 2004, [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0883R\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0883R(01)&from=EN) (accessed in November 2016)

<sup>11</sup> Kalogeropoulou, K. (2007), European Governance after Lisbon and Portability of Supplementary Pensions Rights, *Journal of Contemporary European Research* 2(1), <http://www.jcer.net/index.php/jcer/article/view/25/27> (accessed in November 2016)

<sup>12</sup> European Commission, DG GROW, (November 24th 2016), Public consultation on the Single Digital Gateway, [online], available at: [http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item\\_id=8896](http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8896) [accessed December 6th 2016].

by having all communication between national bodies regarding cross-border social security information take place using [structured electronic documents](#), harmonised and shared via the EESSI. This instrument is still in development.<sup>13</sup>

Different obstacles can occur at the EU, national, or administrative level. According to the interviewee, obstacles are not caused so much by the EU legislative and regulatory framework but instead most obstacles or difficulties arise from national factors and their administrative systems.

Frontier workers in the EU are subject to national laws regarding social security. As national laws on social security build-up and eligibility can differ, this can lead to a feeling of unfair treatment amongst frontier workers. They may for example, have to pay higher social contributions or taxes compared to people in their home region or residence, while the level of benefits may be lower. The solution for such cases is, according to the interviewees, to better inform oneself before becoming a cross-border worker. However, this is not always easy: complexity of another country's social security system, the special status of a cross-border worker, and particularly for a frontier worker, make it more difficult to fully appreciate in advance how social security rules apply to an individual. An added obstacle here is that once a frontier worker is already working in a different EU Member State, the administration surrounding the payment of social benefits can be slow, leaving the frontier worker financially vulnerable.

National social security rules have not been developed with frontier workers in mind. Border regions tend to be further away from the political areas which develop social security rules and the specific case of cross-border workers are often not considered thoroughly when developing the legislative and regulatory framework.

### **1.3 Social security services and cross-border workers: issues, causes and consequences**

The causes and consequences of this administrative barrier have been examined based on the information collected and interviews with experts on the Greater Region. These are summarised and explained in the following paragraphs. Matching services across borders is the most common issue for frontier workers when accessing social security services. Specifically, as stated by interviewees, there are three main obstacles:

1. The country of origin's portfolio of social security services can vary from the portfolio provided by the country of work or new country.
2. Matching the work history of a frontier worker from one country to another is often problematic. This is because knowing which regulations and rules apply when translating a work history in one country, to the social security entitlements of a second country is often difficult.
3. Calculating pensions is an especially problematic area.

Social security systems are not always straightforward, even when one lives and works in the same country. However, in the case of frontier workers, social security coverage becomes even more complex. This is because establishing which social services one is eligible for usually depends on a set of criteria; some of these criteria are related to employment, income levels, or family composition. Establishing which services a frontier worker can make use of in which country can be difficult.

The complexity of using two social security systems is exacerbated in many cases by language barriers; finding information on social security systems in the right language can be problematic. Additionally, administrative services and authorities are often not

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<sup>13</sup> European Commission, DG EMPL, (no date), Electronic Exchange of Social Security Information (EESSI), [online], available at: <http://ec.europa.eu/social/main.jsp?langId=en&catId=869> [accessed December 6th, 2016].

fully aware of how the social security systems of two different countries can be combined in the case of frontier workers. There is thus a language barrier and in many cases, not enough expertise amongst administrative bodies, authorities, or relevant social partners to support frontier workers.

When frontier workers are confronted with slow or complex administrative issues relating to social security services, which are usually complex in themselves, they often also have difficulty finding someone to provide them with advice. Looking at the national level, the problem is mainly that national social security rules have not been made with cross-border or frontier workers in mind. There is less awareness of cross-border regions and the types of workers employed there, or how to best design social security rules that take these types of workers into consideration. Cross-border regions tend to be physically and conceptually further removed from the decision-making centres in Member States.

*Box 2. Snap shot: Pensions*

Different countries have different build-up systems for pensions and different private pensions or funds, as well as different ages for retirement. Adding to this, matching the social security and taxation registers between countries is difficult. Taxation of pensions is also an issue as the level of taxation differs across countries. For instance, if a worker builds up pension in their country of work and they go back to their country of residence, they may find that their country of residence will also tax the pension built up abroad. This is the case in Spain's border regions, and in the Oresund region on the Danish-Swedish border.

Tax pressure has increased on pensions since the financial crisis of 2008. At the national level authorities have introduced new regulations relating to income taxes.

Another aspect is that most social security service related issues for frontier workers arise when they have already been at work in a different country. According to regionalexperts interviewed, the benefits or eligibility for certain social security services and difficulties relating to this become apparent when frontier workers have been working in a new country for a while. It should be mentioned that people do inform themselves before going to work abroad, but some obstacles still only appear once a person is working in another country (often related to slow administrative procedures in receiving benefits). An example of this is family benefits. There have been cases where even if an individual has researched and examined the eligibility requirements for their new country of work, the processing of the request and actual provision of family benefits can take months before the support comes through. This can put a worker and their family in a difficult position.

Another example concerns unemployment. In cases where a frontier worker becomes unemployed, they have usually been paying social security contributions in their country of work. However, once they become unemployed, the social security rules from their country of origin are applicable instead. The level of unemployment benefits received can be lower to those provided in their country of work and an individual can feel disadvantaged for receiving comparatively lower benefits despite having paid higher contributions. Such instances would seem unfair but they are also a result of different national legal systems; the EU has no competence to govern national social security systems. The EU's role in national social security systems extends only to ensuring that all EU citizens have access to appropriate coverage within the EU.

Regarding cross-border regions and the easing of administrative barriers, a number of general administrative challenges have been identified. Cross-border experts cited the following issues which are relevant to all cross-border work, including the area of social security for frontier workers. These issues should also be considered when trying to improve systems for frontier workers generally. Though these more general issues have been well-documented in policy and academic literature, they were cited by interviewees as administrative barriers to cross-border work. As these issues

appear to be still relevant to reducing administrative burdens they have been included in this case study and are presented below.

When it comes to cross-border work as a whole, the issue of languages is often cited as an important administrative barrier. Officials and public authorities working on cross-border issues must speak a number of languages; they must be able to understand their own national system and be able to understand and communicate with their colleagues in different regions. The Greater Region is an especially complex case in this regard given that there are five different regions with their own languages and regulatory systems to consider.

Another important observation regarding cross-border regions is the culture and administration with regards to cross-border work. In many cases, social security services and employment services are organised nationally and provided at regional and local levels. However, cross-border regions specifically do not tend to receive as much focus and attention as they tend to be physically and therefore conceptually further removed, from the central decision-and policy-makers. Therefore, implementing tailored rules and providing services for these areas is usually not a top priority for authorities.

Related to the issue of political will and commitment amongst people within public authorities is the issue of financing. As cross-border regions and promoting mobility for citizens are usually not a political priority for national or local administrations, locating funding for initiatives in cross-border regions is difficult. For this reason, other sources of financing, such as from the EU are particularly beneficial for promoting cross-border mobility. The INTERREG programme for instance financed 50% of initiatives while social partners financed the other 50%.

Another key issue for policy-making and service provision in cross-border regions is that different regions have different levels of administration which provide different public services to citizens. Finding the correct level of administration for a given sector or issue is therefore a particular concern for cross-border regions. In the case of the Greater Region with social security systems for four different nations to consider, this general obstacle becomes more pressing in this particular case context.

If contacts in a given region or organisation leave their job there, it takes time to build up a working relationship once more with representatives from the other relevant regions. If the individuals who believe in the cause of cross-border mobility leave their jobs, they can take their political will and commitment with them. Within public authorities and administrations, individuals with different political priorities who replace previous contacts, can act as a barrier to further cross-border collaboration and progress.

## 2 Case Study Context

The Greater Region (or Grande Région) is an area that comprises the German Länder of Saarland and Rhineland-Palatinate, the French region of Lorraine, the country of Luxembourg and the Belgian Federal State of Wallonia. It represents 11.2 million inhabitants, equal to 3% of the total population of Europe and contributes the same proportion of EU GDP. The region is characterised by a large flux of cross-border workers (as well as consumers): about 200,000 frontier workers cross the border on a day-to-day basis, including 160,000 coming into Luxembourg alone<sup>14</sup>. Looking at the economy, the manufacturing industry plays an important role in the Greater Region, performing better than the European average. The construction sector has a secondary role and it performs less well than the European average<sup>15</sup>.

The Luxembourg Confederation of Christian Trade Unions<sup>16</sup> (LCGB) 2010 report on working and travelling in the Greater Region<sup>17</sup> and the 2011 report by the European Jobs Network (EURES) of Lorraine on barriers to the mobility of frontier workers in the Lorraine area in France<sup>18</sup>. Both reports refer briefly to the issue of social security services for frontier workers; these references formed the starting point for this case study.

Figure 1 presents the flux of cross-border workers in the region. The Greater Region is in a special situation as it consists of 5 different regions with 5 different regulatory systems. This means there are lots of social partners involved when setting up bilateral administrative agreements; for different policy issues (vocational education and training, (VET) for instance), an agreement must be set up between the two national regulatory systems in question. For the Greater Region, this involves setting up bilateral agreements amongst several regulatory systems, which is relatively complex.

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<sup>14</sup> Gross/Grand Region (2015), La Grande Région, February 2015, <http://www.granderegion.net/fr/grande-region/index.html> (accessed in November 2016)

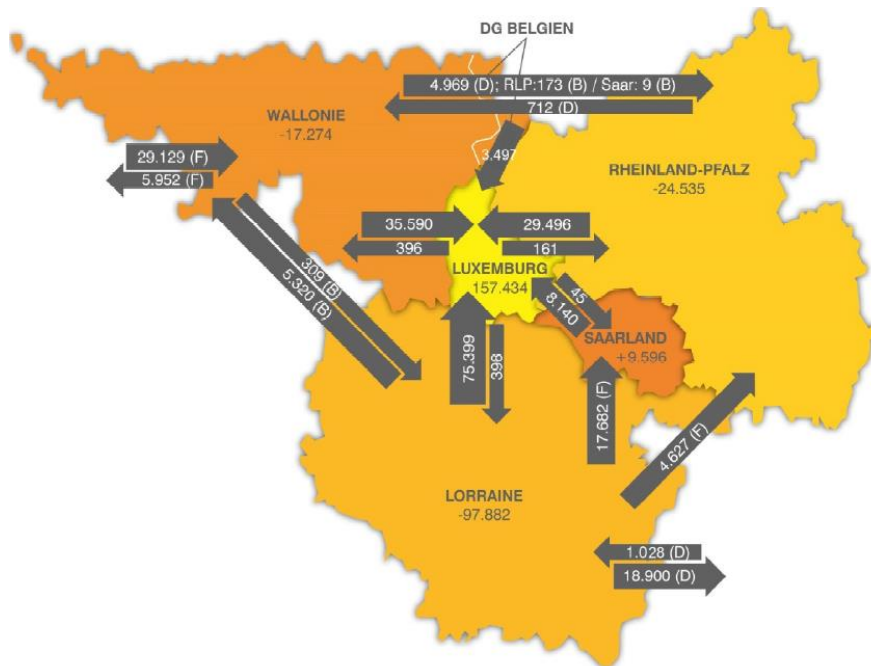
<sup>15</sup> Confédération Luxembourgeoise des Syndicats Chrétiens, (2010), Confédération Luxembourgeoise des Syndicats Chrétiens Conseil synodical 16 octobre 2010: Vivre et travailler dans la Grande Région, October 2010, <http://lcgb.lu/wp-content/uploads/import/wysiwyg/Brochure%20Vivre%20et%20travailler%20dans%20la%20Grande%20Région.pdf> (accessed in November 2016)

<sup>16</sup> Confédération Luxembourgeoise des Syndicats Chrétiens, (2010), Confédération Luxembourgeoise des Syndicats Chrétiens Conseil synodical 16 octobre 2010: Vivre et travailler dans la Grande Région, October 2010, <http://lcgb.lu/wp-content/uploads/import/wysiwyg/Brochure%20Vivre%20et%20travailler%20dans%20la%20Grande%20Région.pdf> (accessed in November 2016)

<sup>17</sup> *ibid*

<sup>18</sup> CRD Eures Lorraine (2011), Freins à la mobilité des travailleurs dans l'espace Lorraine/Luxembourg/Rhénanie-Platinat/ Sarre, April 2011, [http://www.frontalierslorraine.eu/uploads/publications/Livret\\_Freins\\_mobilite\\_2011.pdf](http://www.frontalierslorraine.eu/uploads/publications/Livret_Freins_mobilite_2011.pdf) (accessed in November 2016)

Figure 1. Movement of frontier workers in the Greater Region in 2013



Source: Observatoire Interrégional du marché d'emploi (2014), Situation du marché de l'emploi dans la Grande Région, November 2014, [http://www.iba-oie.eu/fileadmin/user\\_upload/Berichte/9\\_IBA-Bericht\\_2014\\_/141118\\_Grenzgaenger\\_FR.pdf](http://www.iba-oie.eu/fileadmin/user_upload/Berichte/9_IBA-Bericht_2014_/141118_Grenzgaenger_FR.pdf) (accessed November 2016)

Within the Greater Region, there are several organisations involved in cross-border mobility in general, as well as more specifically on the obstacle under scrutiny. To reiterate, the administrative obstacle here regards social security for frontier workers which has two key aspects: 1) the complexity of understanding and thus organising social security for a frontier worker can act as a deterrent to cross-border work and 2) once a frontier worker starts employment in another Member State, there can be delays due to administrative issues in actually receiving social security benefits. This section aims to provide an overview of the relevant stakeholders.

The main organisation in the region is the Summit of the Greater Region<sup>19</sup>. This supports cross-border cooperation among the authorities in the Greater Region at the highest political level. The Committee of the Regions, the representative for the cities and regions within the EU set up the Summit. The partners of the Summit have committed themselves to strengthening the Greater Region as a territory and set up a Secretariat to centralise the activities of the various regional partners and their working groups.

Two organisations provide advice to the Summit:

- The Comité Economique et Social de la Grande Région, or the Economic and Social Committee of the Greater Region (CESGR): an advisory body to the Executive Secretariat of the Summit of the Greater Region. The CESGR represents social partners (economic, political and professional organisations) in the areas of cooperation. This body considers and suggests new ways of approaching the challenges in economic, social and cultural policy in the area of the Greater Region.
- The Conseil Parlementaire Interrégional (CPI), or Inter-Parliamentary Council: a consultative parliamentary assembly for the Greater Region composed of

<sup>19</sup> Gross/Grand Region (2015), Grande Region – Dossier de press, 3 February 2015, [http://www.granderegion.net/fr/grande-region/DOSSIER-DE-PRESSE-GR\\_FR.pdf](http://www.granderegion.net/fr/grande-region/DOSSIER-DE-PRESSE-GR_FR.pdf) (accessed in November 2016)

members from the Saar, Rhineland-Palatine, Belgium (Walloon Parliament, German speaking community, and the Federation Wallonia-Brussels), Luxembourg and members of the Regional Council of Lorraine. These members act as representatives of the citizens of the Greater Region and make recommendations to the Summit.<sup>20</sup>

These two organisations support the Summit of the Greater Region, together with three main thematic working groups. These thematic working groups work alongside the Summit and focus on: energy and the environment; youth, education and development; and employment and transport. Several other organisations work alongside the Summit and provide input to its activities:

- Observatoire Interregional du marché du emploi
- Task Force Frontaliers de la Grande Region
- INTERREG (Secretariat and programme partners)
- EURES transfrontalier Saar-Lor-Lux-Rheinland-Pfalz

EURES (The European Job Mobility Portal), is an EU programme launched by the Commission to support cross-border work, specifically frontier workers. There are two main branches, EURES Transnational and EURES Transfrontaliers. These organisations consist of networks of national and regional partners that focus on issues of cross-border work. In the case of the Greater Region a specific EURES network has been set up and covers a population of some 11.2 million inhabitants.<sup>21</sup>

The Greater Region is characterised by a number of cross-border initiatives and organisations, some of which are supported by the EU. Some of these key actors are presented here to illustrate the institutional context in the Greater Region in relation to frontier workers. The EURES network in the Greater Region aims to help link supply and demand of workers in the region, promote transparency regarding employment opportunities, support employers in recruiting workers from other countries and to provide information and advice regarding salary and working condition changes within the European internal market.

Another programme, the European Territorial Cooperation, or INTERREG, focuses on territorial development and coordination in areas across Europe. For the Greater Region, the INTERREG IV programme was set up to work on three core areas: enhancing and promoting economic competitiveness in the interregional economy; improving quality of life and the attractiveness of individual areas within the region, while protecting the environment; and supporting the acquisition and dissemination of knowledge using cultural resources and strengthening cohesion<sup>22</sup>. For the current programme period (2014- 2020), INTERREG V is being implemented which has a budget of € 233,004,409.

The objectives of INTERREG V in the Greater Region are to:

- Pursue the development of an integrated labour market which supports education, development and facilitates physical mobility;
- Ensure an environmentally friendly development and living environment;
- Improve living conditions;
- Reinforce the competitiveness and attractiveness of the Greater Region.<sup>23</sup>

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<sup>20</sup> *ibid*

<sup>21</sup> EURES (2016), EURES et ses réseaux en régions frontalières, 2016, <http://www.eures-granderegion.eu/fr/a-propos-d-eures/qui-est-eures-grande-region> (accessed in November 2016)

<sup>22</sup> INTERREG IV – A Grande Region, (accessed November 2016) at: <http://www.interreg-4agr.eu/en/page.php?pageId=338>.

<sup>23</sup> Le Gouvernement de Grande-Duche de Luxembourg (2016), Interreg Greater Region, July 2016 <http://www.fonds-europeens.public.lu/fr/programmes/interreg/interreg-gr-2014-2020/index.html> (accessed in November 2016)



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Originally an INTERREG IV project, another key actor is the Taskforce Transfrontaliers de la Grande Region, founded in 2011 by the Summit. The Taskforce is currently an independent organisation and its aim is to develop and propose administrative solutions for frontier workers. The organisation acts as a connector between labour market actors, as well (these include unemployment agencies for instance, health insurers and EURES councillors). The Taskforce also delves into the various administrative and legal issues surrounding cross-border work and tries to find solutions to these problems. It is for this reason that it was decided that the Taskforce will be continued. The decision-makers involved, the social partners and actors all appreciate and approve of the Taskforce and its work.

The Taskforce is now based in the Ministry of Economy, Labour, Energy and Transport of Saarland. The fact that the Taskforce is located at the level of a Ministry is helpful, as many of the partners involved are also working at ministry level. This means that access to decision-makers and interested individuals is easier as well.

### 3 Impact analysis

It should be noted at this stage that estimating the impact of this administrative barrier is difficult. This is a relatively specific area for which no studies are currently available and there are no quantitative effects and impacts are monitored. With a few exceptions<sup>24</sup>, the area of social security service transfer for frontier workers is a relatively understudied area in academia. As such, there is very little to no empirical evidence of this barrier or its impact<sup>25</sup>, much less so for the case of the Greater Region specifically. Furthermore, interviewed experts also confirm that the issue of social security related difficulties for frontier workers in the Greater Region is not something which is monitored and evaluated; as such there is little policy evidence regarding this barrier and its impact.

Therefore, as indicated by interviewed experts, the main impacts can only be described in a qualitative manner. Furthermore, the experts interviewed for this case were not convinced that social security issues could be considered as a barrier to cross-border work in the Greater Region given the high levels of frontier workers in this area. Indeed, at the European level, programmes such as EURES and INTERREG do not have specific programmes in place for tackling this barrier. This suggests that at the EU policy level, the impact of this barrier is not considered a top policy priority. Furthermore, speaking to individuals at the regional and national levels, indicates that the Greater Region has comparatively good cross-border work systems in place. An issue which remains is the complexity and efficiency of these systems.

The main consequences and impacts of this obstacle on social security issues are presented below.

Given that the Greater Region area has the highest level of frontier workers in all of Europe, the problem of social security rules not considering frontier workers is much less of an issue. For instance, Luxembourg, has the highest concentration of frontier workers in Europe and many frontier workers in particular (over 200,000). These individuals are therefore considered more in policy-making than in other areas with frontier workers; their needs are taken into account when designing legislation, including social security rules in the Greater Region.

There are also cross-border and regional institutions discussing and considering how best to promote efficient cross-border work in the Greater Region. Interviewed experts indicate that institutions specifically focused on cross-border issues, which involve relevant policy-makers and sectoral representatives in designing rules, are useful and important to reducing administrative complexity for cross-border issues. The impact of social security rules as an administrative barrier for frontier workers is considered to be much lower by interviewed experts in the case of Greater Region compared to other cross-border regions.

Stakeholders indicate that while administrative procedures are an obstacle to efficient social security provision to frontier workers, this is apparently comparatively less of an issue in the Greater Region. Due to its high number of frontier workers the systems and bilateral processes in place are better than in most European cross-border regions and as such the administrative obstacle is not considered such a big problem by interviewed experts. Having said that, these are qualitative estimations. As was stated at the beginning of this section on the impact of this barrier, the impacts of this barrier are not monitored and measured; as such the size and impact of the obstacle is not known in empirical terms.

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<sup>24</sup> See for instance: Burlacu, I. and O'Donoghue, C. (2014), "The impact of differential social security systems and taxation on the welfare of frontier workers in the EU", *Journal on Free Movement of Workers* (7), Social Europe, European Commission

<sup>25</sup> Holzmann, R. and Werding, M., (2015) Portability of Social Benefits: Research on a Critical Topic in Globalization, *CESifo Economic Studies*, 1–11, doi: 10.1093/cesifo/ifv009

## **4 Solutions and good practice**

All in all, there are administrative issues surrounding the eligibility for and provision of social security services to frontier workers. The exact effects of these issues are difficult to quantify, but the issue is one which can act as a deterrent to workers considering cross-border work and to individuals who already work across the border. Although the Greater Region is an exceptional case regarding this issue, with bilateral agreements and systems in place to help coordinate cross-border social security services, the issue of perceived complexity and inefficient procedures remains.

What is evident however is that the understanding of an access to social security benefits from frontier workers is seen as a complex issue which can act as a deterrent to cross-border work in the first place, and can lead to delayed receipt of social security payments for frontier workers who make the decision to work in another EU Member State. This complexity in turn has broader consequences for businesses and trade in the cross-border regions as well.

At the same time, a lack of information for trade, businesses and workers is seen as a major obstacle and if this continues EU cross-border regions will suffer. Cross-border workers who consider working abroad will start to leave the cross-border region, leading to a brain drain effect in the peripheries of EU Member States. These regions tend to be less urbanised to begin with as they are at the outer rims of a country. Given the location of the Greater Region this geographically related issue is less acute, but still remains a risk according to interviewed experts.

At the individual level, frontier workers, who are not always wealthy, may return to their country of residence and then receive less than expected. This can have long-term consequences for the individual.

This obstacle also acts as a disincentive for cross-border work. The complexity of social security services transfer between countries acts as a deterrent for potential frontier workers. For instance, young people considering the choice whether to work abroad can be especially discouraged. However, if the obstacles are shown to be resolvable, the situation will change. Border regions will cease being considered as peripheral and become more central in the perception of workers. If EU interventions in cross-border regions are shown to work, this would bring cross-border regions into the centrefold.

### **Solutions and good practice**

The Greater Region is well-equipped with systems for coordinating cross-border issues given the high concentration of frontier workers, specifically frontier workers. As such whilst social security issues are not seen as a major barrier to cross-border work there are administrative issues which result from social security service provision for frontier workers which could be addressed, along with certain general cross-border issues. For the specific case of the Greater Region, one of the main issues surrounding the administration of social security services for frontier workers is the speed and efficiency of the cross-border systems in place. The following paragraphs describe the various possible solutions, and the good practices identified in the Greater Region.

#### **More efficient shared information systems**

Quicker, more efficient administrative processes through shared, digital information systems. In some cases, social security issues arise for frontier workers because of the speed and efficiency of the administrative systems in place. The systems of coordination between countries do exist for cross-border workers, but accessing correct forms, receiving timely support and information, and actually receiving social security services can take a long time for frontier workers. Steps are being taken in this area; in January of 2015 for instance, the Benelux Union (Belgium, Luxembourg and the Netherlands), established a digital portal for exchanging and sharing the

relevant details for frontier workers specifically<sup>26</sup>. The aim here is to improve the efficiency of cross-border work; such initiatives could be expanded to cover the Greater Region.

Hence, discussions are being held on how to improve the efficiency of the administrative systems in place. This could take the form of a centralised digital platform where information and work history for frontier workers are maintained. Different authorities from regions could access this and this could speed up administration surrounding social security services. Indeed, looking at the organisations in place already which work on administrative issues for frontier workers in the Greater Region, this seems to be quite a viable recommendation.

### **Mapping relevant departments and contact points**

Knowing how to contact the right people for different national or local administrative bodies makes picking up the phone and getting in touch with a colleague in another country easier. Especially given the fact that different regions provide social security services through different administrative levels, knowing who to address for which specific issue can be challenging. This holds for both individuals working for public services and authorities as well as for frontier workers themselves. Creating some form of regularly updated organisational protocol or schematic of the different relevant authorities and administrative levels, along with who is in charge of the different departments could be a useful measure. Having such an overview could help both frontier workers as well as people working within the public authorities.

### **Work exchanges**

Work exchanges between officials of different administrative bodies are a relatively straightforward measure, where colleagues from one region come to work in another neighbouring region to help exchange knowledge. This means that a public authority in country A has someone placed internally for a temporary time who knows both the regulatory system and language of country B. Such a case was cited for a Polish region by a regional expert, who indicated that such a straightforward solution could be very helpful. Understanding the complexity of social security issues and especially for frontier workers can be exacerbated by language barriers between regions; an exchange of some kind could therefore be helpful in mitigating these issues which act as barriers to information.

### **Develop and maintain networks of relevant actors**

Involving the full range of useful and relevant actors from the relevant regions helps achieve a full analysis of the challenging areas of delivering social security services to frontier workers in an efficient manner. For instance, in the Greater Region within the Taskforce, all relevant labour market actors as well as social security service providers are involved in discussing the issue of administrative burdens connected to frontier workers. This comprehensive approach is said to be an important aspect for how systems are set up, according to experts interviewed for this case study. While this may be a difficult practice to implement, the Taskforce manages to do so; as such a more central, coordinating body could be considered as an important step in achieving the involvement of all relevant actors for a given administrative issue.

### **Cross-border governance**

A centralised (permanent) body is good practice for the Greater Region and its cross-border issues. Given its geographical location and its high level of frontier workers, the Greater Region pays close attention to cross-border issues. This is also reflected in the number of cross-regional organisations in place to resolve cross-border issues. For instance, in 2014, the Summit for the Greater Region set up a permanent Secretariat,

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<sup>26</sup> Benelux Union, (2015), HOOGTEPUNTEN VAN DE BENELUX-SAMENWERKING IN 2015, [online], available at: <http://www.benelux.int/files/1214/5381/6752/FICHE-NL-DRUK.pdf> [accessed December 13th 2016].

to provide support to organisations working on different cross-border issues. It provides a permanent forum for organisations to come together to discuss and resolve cross-border issues for the Greater Region. The Secretariat has a biennial presidency so that each of the countries of the Greater Region shares the responsibility of the Summit and its Secretariat. The Secretariat is a permanent organisation, with the new Belgian Presidency of the Summit wanting to keep it in place due to its usefulness. As mentioned in earlier sections, the Secretariat is a centralised body with an overall view of the different cross-border working groups and their activities. This also means that for related policy areas, such as the labour market and education, synergies can be made and appropriate initiatives can be discussed.

### **EU programme support**

EU support has been shown to be useful in the past. Programmes such as those made possible through EURES Transfrontaliers and INTERREG IV have reported positive, lasting effects. Such programmes could be implemented once more to support the further development of good and efficient administrative systems for social security service provision for frontier workers.

The Taskforce Frontalier and INTERREG programmes are considered very useful cross-border bodies. The Taskforce was put in place under an INTERREG project. It was put in place for the entire Grande Region, not just for a specific country. The Taskforce also goes deep into the various administrative and legal issues surrounding cross-border work and tries to find options for solutions to these problems. This is why the Taskforce will be continued as well for this reason. The decision makers involved, the social partners and actors all appreciate and approve of the Taskforce. The Taskforce also works with EURES councillors. The aim of the Taskforce is to develop and propose administrative solutions for frontier workers. The organisation acts as a connector between labour market actors as well (these include unemployment agencies for instance, health insurers and EURES councillors).

Such transnational bodies or taskforces are said to be useful practices and EU support can help establish them to begin with. As is the case with this Taskforce Frontalier, it proved its worth and efficiency in coordinating bilateral agreements for the Greater Region and will be continued as a result. Such EU supported programmes can therefore be good practices for reducing administrative barriers for cross-border regions.

### **A European Framework for frontier workers**

A general European framework could be set up to resolve some of the causes of this administrative obstacle of access to social security systems for frontier workers. This does not need to be in the form of a formal regulation or anything too prescriptive for the Member States. However, a framework for bilateral negotiations and agreements between countries with frontier workers would be useful. The national authorities could come together in a bilateral setting and arrive at arrangements for social security services.

An important note here is that in some countries social security providers and taxation authorities are organised in a centralised manner at the national level, while in other countries this is organised regionally. This can lead to asymmetry in how social services are organised and provided to workers. It also makes it difficult to get the right authorities to come together for discussions on cross-border social security services. How to transfer the registration, organisation and provision of social security services becomes more problematic when different countries follow centralised or decentralised approaches.

National authorities should be involved, but also regional authorities, given the point regarding asymmetry. Local authorities could also be involved. Trade unions, providers of services for workers (both private and public providers of social security services),

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employer organisations, representations of workers from both countries; and all relevant organisations should be included. The labour dialogue should include all actors besides only the authorities. Administrative asymmetry between countries can be considered as an opportunity in many sectors. However, for providing public services asymmetry is not convenient. It creates a lot of complexity, especially in regards to health care. This is an area which the EU has not yet been able to resolve.

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## Annex 2: List of interviews

This administrative burden was signalled in two reports by organisations based in the Greater Region. The Luxembourg Confederation of Christian Trade Unions<sup>27</sup> (LCGB) 2010 report on working and travelling in the Greater Region<sup>28</sup> and the 2011 report by the European Jobs Network (EURES) of Lorraine on barriers to the mobility of frontier workers in the Lorraine area in France<sup>29</sup>. Both reports refer briefly to the issue of social security services for frontier workers; these references formed the starting point for this case study.

An internet search was carried out to find more relevant information. This involved European, national and regional websites (such as governments, cross-border organisations, trade unions, etc.) The desk research was followed by interviews by phone with experts.

Relevant persons were approached, by e-mail explaining the objectives of the case study and the main questions. These individuals were then followed up by phone.

The conducted interviews were the main input for establishing the impact analysis and solutions. An important objective of the method was to collect information and views from different angles to achieve balanced results. Therefore, interviews were carried out among representatives of several organisations, such as: researchers, representatives of regional (cross-border) organisations and representatives of the European Commission. The following persons were interviewed:

\*Note that in keeping with Panteia ISO certificates, these names should not be used or mentioned in public reports. To do so, the interviewees must provide their permission first.

### Interviewed experts:

- Martin Guillermo-Ramírez, Association of European Border Regions (AEBR) – Interviewed: 26.04.2016.
- Esther Trapp-Harlow, Task Force Transfrontalier Grande Région - Interviewed: 03.05.2016.
- Anelisa Cotone, Directorate-General for Employment, Social Affairs and Inclusion Unit D2 – Social Security Coordination – Interviewed: 26.04.2016.
- Jörg Tagger, Directorate-General for Employment, Social Affairs and Inclusion Unit D2 – Social Security Coordination – Interviewed: 26.04.2016.
- Ralf Escher, Ministerium Für Soziales, Arbeit, Gesundheit und Demografie Rheinland-Pfalz – Interviewed: 29.04.2016.
- Christiane Fortuin, INTERREG IV A programme in the Greater Region programme partners Ministère du Développement durable et des Infrastructures, Département de l'aménagement du territoire – Interviewed: 09.05.2016.

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<sup>28</sup> ibid

<sup>29</sup> CRD Eures Lorraine (2011), Freins à la mobilité des travailleurs dans l'espace Lorraine/Luxembourg/Rhénanie-Platinat/ Sarre, April 2011, [http://www.frontalierslorraine.eu/uploads/publications/Livret\\_Freins\\_mobilite\\_2011.pdf](http://www.frontalierslorraine.eu/uploads/publications/Livret_Freins_mobilite_2011.pdf) (accessed in November 2016)

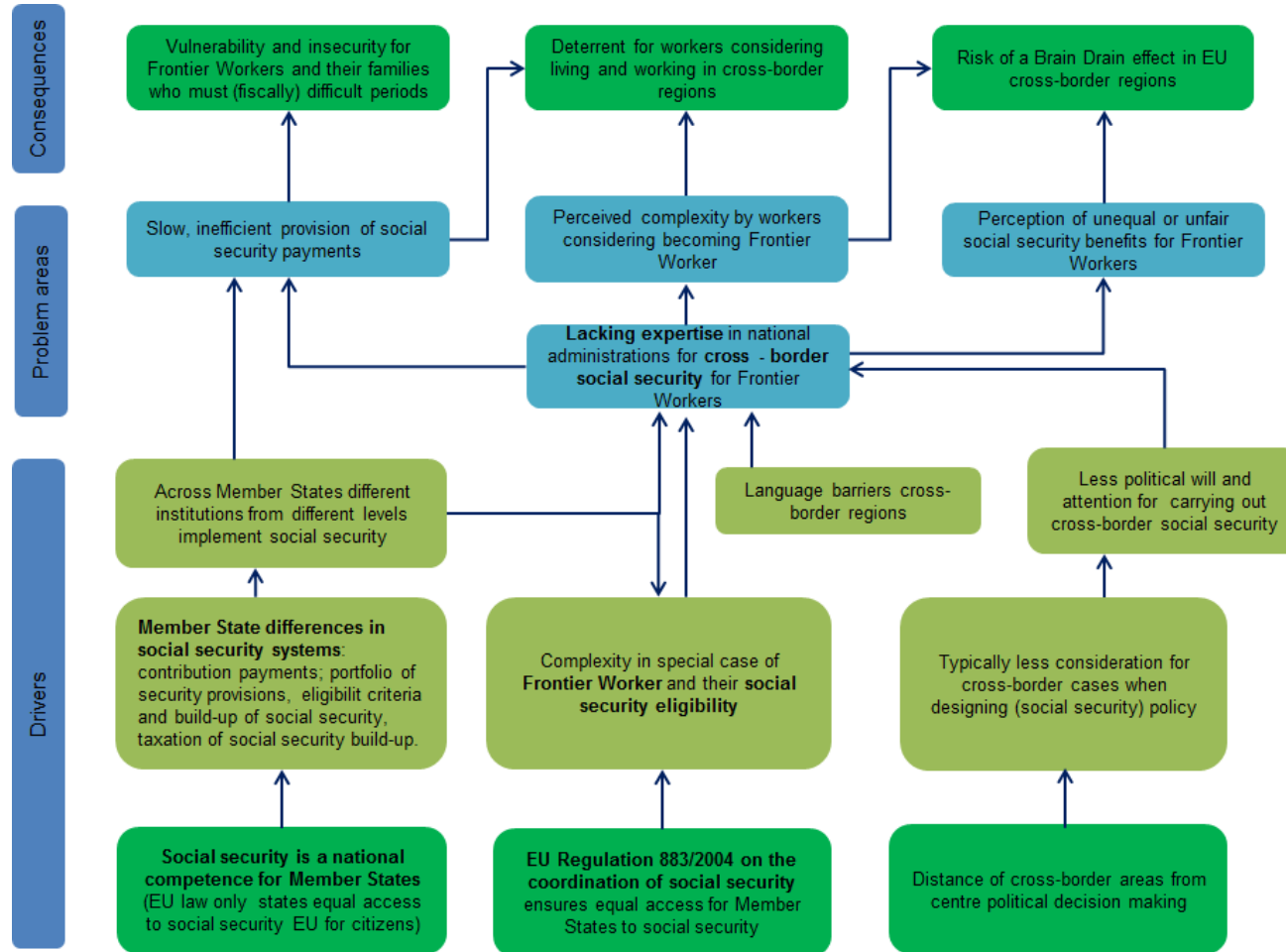
**Experts and stakeholders contacted:**

These individuals were also approached for an interview but were not available or declined to participate. These individuals were first approached by e-mail, which was followed up by a phone call to discuss setting up an interview.

- Christina Oswald and Sophie Valette, Préfet de la Région Alsace-Champagne-Ardenne-Lorraine within the INTERREG programme for the Grande Region. Email communication.
- Eléonore Raube, Secrétariat technique conjoint (STC) Secrétariat technique conjoint Interreg IV A Grande Région within the INTERREG programme. Email communication.
- Esther Ehlen, Antenne régionale Grande Région within the Joint Technical Secretariat and Regional advisory centres for the INTERREG programme for the Grande Region. Email communication.
- Coordination de l'antenne régionale „Wallonie-Lorraine-Luxembourg within the Joint Technical Secretariat and Regional advisory centres for the INTERREG programme for the Grande Region. Email communication.
- Stephanie Dupuis, Coordination de l'antenne régionale „Wallonie-Lorraine-Luxembourg within the Joint Technical Secretariat and Regional advisory centres for the INTERREG programme for the Grande Region. Email communication.
- Frederique Seidel, Antenne régionale „Saarland-Moselle-LorraineWestpfalz within the Joint Technical Secretariat and Regional advisory centres for the INTERREG programme for the Grande Region. Email communication.
- Isabelle Rodrique and Pierre Mertz, Conseil Départemental de la Meuse as programme partners of the cross-border Greater Region INTERREG programme. Email communication.
- Thomas Beck, Conseil Départemental de la Moselle as programme partners of the cross-border Greater Region INTERREG programme. Email communication.
- Florence Jacquy, Secrétariat du Sommet de la Grande Région. Email communication.
- Achim Duerschmid, EURES-Berater Beratung für Grenzgänger, SaarLorLux und Europa. Email communication.
- Nicolas Brizard, Pôle emploi Lorraine, Coordination EURES Grande Région
- Laurence Ball, EuRegio SaarLorLux. Email communication.

### Annex 3

Figure 2. Problem tree



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