



Brussels,
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Opinion

**Title: DG EMPL - Impact assessment on the revision of Regulation (EC) 883/2004 on the coordination of social security systems and its implementing Regulation (EC) 987/2009
(draft version of version of 18 December 2015)***

(A) Context

The EU provisions on social security coordination laid down in Regulations (EC) No 883/2004 and (EC) No 987/2009 aim to promote labour mobility by ensuring that the social security rights of persons moving across borders within the EU are protected. After the first period of application of these Regulations, the Commission is considering revising them in order to address areas where challenges have emerged. This impact assessment analyses how to facilitate the granting of mobile EU citizens' rights regarding social security while ensuring legal clarity, a fair and equitable distribution of financial burden among the Member States involved, as well as greater administrative simplicity and enforceability of the rules.

(B) Overall opinion: POSITIVE

The recommendations in the Board's opinion have mostly been integrated into the revised report.

While the structure of the report has been significantly improved, enhancing the readability of the text and clarifying further the links between the different sections, the Board notes that this has made the text even longer. Moreover, the reorganisation of the different sections has resulted in a number of inconsistencies that must be addressed in the final report.

The Board also recommends that the IA report be further improved by clarifying in the problem section what is supported by evidence and what stems from (erroneous) public perception, by outlining in more concrete terms the content of Option 1 and by more clearly explaining the methodology, including the criteria and scoring used to compare the options.

(C) Main recommendations for improvements

- While the report acknowledges the blurred lines between perceptions and facts on sensitive social security issues, the report should further distinguish the elements

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted

of the problem that are substantiated by evidence from those that are based on perceptions (e.g. to support or dismiss claims of abuse of social benefits and increasing financial burdens arising from the mobility of EU citizens).

- The report reviews and clarifies the problem addressed regarding economically inactive mobile citizens, i.e. a lack of clarity and transparency regarding benefits entitlement. However, it should explain in more concrete terms the content of Option 1 and its sub-options, as well as the limitations envisaged in relation to Directive 2004/38/EC (e.g. legal residence requirements).
- For each option, the assessment criteria now cover clarification, simplification potential and fair burden sharing between Member States. While the options are assessed in terms of their effectiveness and efficiency, further details should be provided to explain what these criteria mean and how the scoring was performed. Scores should also be checked for consistency across tables throughout the report.
- Finally, the methodology section should explain in more detail how some of the main figures were calculated, while better highlighting the underlying assumptions and limitations. To ensure comparability, the same assumptions should be used consistently throughout the report.

(D) Procedure and presentation

The major restructuring of the report has significantly enhanced its clarity but resulted in some inconsistencies that should be checked throughout the document (especially concerning quantitative estimates and ranges of impacts of different options). The problem tree should be placed in the introductory part of the report (e.g. section 2) rather than in the conclusion. Finally, the whole report should be edited and annexes should be updated in line with the revised report.

(E) RSB scrutiny process

Reference number	2015/EMPL/004
External expertise used	No
Date of RSB meeting	Written procedure (an earlier version of this report was submitted to the Board on 15 October 2015, for which the Board issued an opinion on 13 November 2015).