

Online consultation on EU Social security coordination: your rights when moving in Europe

The outcome of this consultation will contribute to the wider preparatory work for a possible revision of the EU rules on social security coordination. This initiative forms part of the 'Labour Mobility Package' as announced in the Commission Work Programme 2015 (http://ec.europa.eu/priorities/work-programme/index_en.htm).

LET US KNOW WHAT YOU THINK

This public consultation by the European Commission is open to all individuals and organisations.

WHAT IS IT ABOUT?

As an EU citizen, you have the right to work in any EU country and to reside there for that purpose¹.

The so-called "EU social security coordination" provides rules to protect the rights of people moving within the EU, to ensure they do not lose their social security protection when moving to another EU country². If you move to work or reside in another EU country, most likely you will also be covered by another social security system. Every social security system is different, for example as regards the benefits that shall be provided, the conditions of eligibility, how these benefits are calculated and how much contributions should be paid. EU law, in particular Regulation (EC) No 883/2004, establishes common rules and principles aimed at coordinating social security rights acquired in different countries. For instance, the rules ensure that you can only be insured in one country at any one time, that your insurance periods can be added up to insurance periods fulfilled in another country and that your benefits can be paid in another EU country.

The first EU social security coordination rules were adopted in 1958. Since then, they have been updated many times and their scope has been enlarged to include more social security benefits and more groups of mobile persons, including family members of workers and inactive persons.

The Commission is considering another update to ensure that the social security coordination rules respond to social, economic and political developments in the EU countries. Two types of benefits are especially being looked at, namely family benefits and unemployment benefits. Moreover, the Commission is interested in your opinion on the rules on the posting of employed and self-employed persons in the social security coordination rules.

AND WHAT SPECIFICALLY ARE THE RULES WE ARE TALKING ABOUT?

Family benefits

Family benefits are all benefits in kind or in cash intended to meet family expenses under the social security legislation of a Member State. The concept of family benefits is a broad one. Family benefits encompass child-raising allowances or parental benefits, intended to enable a parent to devote himself or herself to the raising of a young child and to meet the other costs of caring for and raising a child, or to mitigate the financial disadvantages entailed in giving up income from an occupational activity. Child care allowances, benefits paid to working parents for the care of their child(ren), are also family benefits under the social security coordination rules.

Family benefits vary from one country to another. The country responsible for providing the benefits depends on the family's situation. If for example a parent works in another country than where his/her family lives,

¹ By EU countries, we mean Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Slovakia and the United Kingdom. These rules also apply to Iceland, Liechtenstein, Norway and Switzerland (and their citizens).

² The social security coordination rules apply to all EU countries, plus Iceland, Lichtenstein, Norway and Switzerland.

he/she is normally entitled to family benefits from the country of work. In essence, the family members are treated as if they resided with the parent in the country of work. The coordination regulation effectively overrules any residency requirement in national legislation regarding family benefits.

If the family members do not live in the country where (one of) the working parent(s) is insured, the family could be entitled to benefits in more than one country, for example because the other parent is living or working in the country where he/she resides with the children. The family will however not receive benefits twice: "priority rules" decide which country is responsible for providing them. An explanation of the priority rules can be found at: <http://ec.europa.eu/social/main.jsp?langId=en&catId=863> .

Unemployment benefits

When dealing with a **claim for unemployment benefits**, institutions must take into account periods of insurance completed in other EU countries, if this is necessary for the entitlement to the benefits. This is also the case if a person has been employed for a very short period in the country of last activity.

The current rules are as follows. If a worker becomes unemployed and has not acquired sufficient periods to fulfil the qualifying period for unemployment benefits in the country where he/she claims the unemployment benefit, the institution of that country is obliged to take account of periods of insurance or periods of (self-) employment completed under the legislation of any other EU-country. This adding-up of periods is called "aggregation".

The country in which the claim is made is only required to aggregate periods of insurance, employment and self-employment completed in another Member State for the purpose of acquiring a right to unemployment benefits, if the person concerned has most recently completed such periods in the accordance with the legislation under which the benefits are claimed. The current rules do not specify the length of the period of insurance required before the principle of aggregation applies.

Please note that, whereas the principle of aggregation of periods can be used to establish entitlement to a benefit, it cannot be used, once this entitlement is established, to calculate the amount of the benefit. It hence does not guarantee a higher amount of benefit.

Posting

If you are sent by your employer to work in another country, you will remain insured under the legislation of your country of origin if you fulfil the conditions which apply to posted workers. This means that you can work there for up to a maximum of 24 months on behalf of your employer who is based in the sending country. This solution aims at avoiding frequent changes in the country in which you are insured in the case of short periods of work abroad. The same provisions apply to self-employed persons who temporarily perform the same or a similar occupational activity in another country.

WE WANT TO HEAR FROM YOU!

Your contribution to the evaluation of the current rules is paramount. Maybe you have been in a cross-border situation yourself, meaning that you have worked or lived in a country other than your country of origin, or would like to express your views on the rules that apply in these cases.

You can send us your views from 15 July 2015 to 7 October 2015. The Commission will prepare a consolidated and anonymous summary of all responses to the questionnaire and publish it online.

HOW TO TAKE PART

Answering **this questionnaire** (in any official EU language) should take you about 20 minutes.

MORE INFORMATION ON EU RULES ON FAMILY BENEFITS

<http://ec.europa.eu/social/main.jsp?catId=863&langId=en>

MORE INFORMATION ON EU RULES ON UNEMPLOYMENT BENEFITS

<http://ec.europa.eu/social/main.jsp?langId=en&catId=862>

Questions about this consultation?

Email us at

EMPL-CONSULTATION-SOCIAL-SECURITY@EC.EUROPA.EU

Disclaimer

Please note that this consultation document commits only the European Commission departments involved in its preparation, is prepared for comment and does not prejudge the final form of any decision to be taken by the European Commission.

Please read the [privacy statement](#) for information on how your personal data and contribution will be dealt with.

Thank you for responding to this public consultation and... please spread the word to others!
Let's get started...