



Recovery procedures

*Statistical data applicable to reference year
2018*

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INTRODUCTION

In a cross-border situation, there is a risk that social security contributions are not paid for mobile persons to the public authority in the competent Member State. The competent Member State will normally be the Member State where the mobile person works. However, in some specific situations, other criteria apply. Such situations include, *inter alia*, posted workers and persons employed in two or more Member States. In addition, there is also a risk that benefits are unduly paid to mobile persons due to fraud or error. Chapter III of Title IV of the Implementing Regulation¹ defines the procedures and rules on mutual assistance for the recovery of such claims. These provisions are very important seeing that an effective recovery considerably helps to tackle the risk of fraud and error.

According to Article 76 of the Implementing Regulation, a Member State (*the applicant party*) may request another Member State (*the requested party*) to provide any information which would be useful in the recovery of its claims relating to contributions or to benefits paid or provided unduly. Furthermore, a request by the *applicant party* for the collection of contributions and the recovery of unduly paid benefits can be submitted to the *requested party* (Article 84 of the Basic Regulation² and Articles 78 to 85 of the Implementing Regulation).

The statistical data provide more information on the number of requests for information and recovery of outstanding contributions and unduly paid benefits for the reference year 2018. The outcome of these requests (being refused, successful, unsuccessful or still pending) is reported as well. A distinction in reporting has been made between the number of requests for information submitted/received (*section 1.1*), the number of requests for recovery of outstanding contributions submitted/received (*section 1.2*), and finally the number of requests for recovery of unduly paid benefits submitted/received (*section 1.3*).

In total, 24 Member States were able to provide statistical information about the recovery procedures.³ However, the response rate differs across the questions. Moreover, the response rate of the competent public authorities sometimes varies over the years. Consequently, the figures reported by Member States may show strong fluctuations. This is the main reason why evolutions over the years are not included in this report.

¹ Regulation (EC) No 987/2009 of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems.

² Regulation (EC) No 883/2004 of 29 April 2004 on the coordination of social security systems.

³ No data was reported by Greece, France, Cyprus, Slovenia, Iceland, Liechtenstein, Norway and Switzerland.

1.1. Requests for information

Table 1 depicts the number of requests for information submitted and received, as well as the percentage of these requests that were refused. A high number of requests for information (more than 1,500) were submitted by Germany, Slovakia and Poland. Furthermore, Lithuania, Italy and Austria submitted more than 100 requests for information. This is in contrast to the Czech Republic, Spain, Luxembourg, Hungary, Malta, the Netherlands, Romania, Finland, Sweden and the United Kingdom. These Member States submitted (almost) no requests. For almost all reporting Member States, all requests for information are accepted. The only exception is Austria, which had 21% of its requests for information refused, and to a lesser extent Italy, which had 6% of its requests refused.

The right hand side of Table 1 shows the number of requests for information from the perspective of the receiving Member State. Especially Slovakia received a high number of requests for information, namely more than 14,000. In addition, Romania, Germany, Poland, and the United Kingdom received more than 1,000 requests for information. Most Member States accepted all requests for information. Only Spain, and the United Kingdom to a lesser extent, rejected a substantial percentage of incoming requests for information in 2018, namely 38% and 17% respectively.

The Member States were also able to specify the main reason for which information was requested, both when requests are submitted and received. Nineteen out of the twenty-one reporting Member States were able to provide this information. Almost all of them mentioned a request for address. Furthermore, information about the income and assets for recovery were the main reasons for requests.

Table 1 Number of requests for information submitted and received, 2018

	Requests for information submitted		Requests for information received	
	Number	% refused	Number	% refused
BE				
BG			670	0%
CZ	9	0%	189	8%
DK			98	0%
DE	5,820	0%	1,994	1%
EE			12	0%
IE			76	0%
EL				
ES	0		287	38%
FR				
HR				
IT	631	6%	344	3%
CY				
LV				
LT	745	0%	78	0%
LU	0		14	0%
HU	9	0%	699	0%
MT	0		4	0%
NL	4	0%	360	0%
AT	131	21%	568	8%
PL	1,858	0%	1,604	4%
PT			88	1%
RO	10	0%	4,772	0%
SI				
SK	4,444	0%	14,181	0%
FI	0		3	0%
SE	4	0%	141	0%
UK	0		1,440	17%
IS				
LI				
NO				
CH				

Source Questionnaire on recovery procedures 2019

1.2. Recovery of outstanding contributions

1.2.1 Number of requests for recovery of outstanding contributions

An overview of the number of requests for recovery of outstanding contributions submitted and received in 2018 is presented in *Table 2*.

Most of the requests for recovery were submitted by Austria (7,476 requests) and Germany (1,084 requests), and to a lesser extent by Lithuania, Poland and Portugal. Most of the other reporting Member States submitted only a very limited number of requests. Estonia, Ireland, Spain, Italy, Malta and the United Kingdom did not even report a single request for recovery of outstanding contributions.⁴

From the opposite perspective, Germany (1,282 requests), Slovakia (718), Hungary (678 requests), Poland (498 requests), Romania (397 requests) and Austria (298 requests) received a high number of requests for recovery of outstanding contributions. Together, these six Member States account for 75% of the total number of requests for recovery of outstanding contributions received. On the other hand, Finland (10 requests), Lithuania (8 requests), Estonia (2 requests) and Malta (0 requests) received a low number of requests for recovery of outstanding contributions.

Table 2 Number of requests for recovery of outstanding contributions *submitted and received, 2018*

	Requests for recovery of outstanding contributions <i>submitted</i>	Requests for recovery of outstanding contributions <i>received</i>
BE		
BG		250
CZ	39	91
DK		22
DE	1,084	1,282
EE	0	2
IE	0	29
EL		
ES	0	63
FR		
HR		
IT	0	28
CY		
LV		39
LT	370	8
LU	88	23
HU	9	678
MT	0	0
NL		
AT	7,476	298
PL	168	498
PT	129	137
RO	99	397
SI		
SK	16	718
FI	3	10
SE	7	33
UK	0	141
IS		
LI		
NO		
CH		

Source Questionnaire on recovery procedures 2019

⁴ The number of requests for recovery will depend on a number of factors such as the extent of cross-border mobility as well as the national procedures of Member States.

1.2.2. Outcome of the requests for recovery of outstanding contributions

Member States were also asked to indicate the outcome of the requests for recovery of outstanding contributions submitted or received. This outcome gives us an idea about the number of refusals. Overall, however, *Table 3* shows that most of the requests for recovery of outstanding contributions submitted or received in 2018 are currently still pending. This does not come as a surprise as processing these requests is a time-consuming exercise. Furthermore, the share of cases received which are still pending is notably higher than the share of cases submitted which are still pending.

For most reporting Member States, the majority of requests submitted in 2018 is still pending. The exceptions are the Czech Republic, Luxembourg, and Finland where most cases were unsuccessful, and Sweden, where a majority of cases was refused. From the receiving point of view, Member States where most of the cases are not still pending anymore are Lithuania, Luxembourg, Austria, Finland and Sweden.

Nonetheless, these figures also indicate that a substantial number of requests for recovery are refused by the receiving Member States. This is certainly the case for the requests submitted by Hungary and Sweden, and for the requests received by Austria, Poland, Denmark, and Spain. Finally, only Lithuania and Finland have already successfully settled the majority of cases it received in 2018.

Some requests might also be settled unsuccessfully. In relative terms, from a sending perspective, especially Hungary (78%) and Finland (67%) had a high share of requests which were settled unsuccessfully. The same goes for requests received by Bulgaria (45%) and Austria (36%), albeit to a lesser extent.

Table 3 The outcome today of the requests for recovery of outstanding contributions, 2018

	Number of outstanding contribution cases <i>submitted</i>					Number of outstanding contribution cases <i>received</i>				
	<i>Total*</i>	<i>Refused</i>	<i>Successful**</i>	<i>Unsuccessful</i>	<i>Still pending</i>	<i>Total*</i>	<i>Refused</i>	<i>Successful**</i>	<i>Unsuccessful</i>	<i>Still pending</i>
BE										
BG***						250	0.0%	6.8%	44.8%	48.4%
CZ	39	0.0%	12.8%	48.7%	38.5%	91	5.5%	34.1%	24.2%	36.3%
DK						22	22.7%	0.0%	0.0%	77.3%
DE****	94	10.6%	9.6%	14.9%	64.9%	55	5.5%	1.8%	16.4%	76.4%
EE	0					2	0.0%	0.0%	0.0%	100.0%
IE	0					29	0.0%	0.0%	0.0%	100.0%
EL										
ES	0					63	19.0%	0.0%	17.5%	63.5%
FR										
HR										
IT	0					28	3.6%	10.7%	14.3%	71.4%
CY										
LV						39				
LT	370	0.0%	30.0%	11.6%	58.4%	8	0.0%	75.0%	0.0%	25.0%
LU	88	0.0%	14.8%	44.3%	40.9%	23	0.0%	39.1%	30.4%	30.4%
HU	9	22.2%	0.0%	77.8%	0.0%	678	9.0%	34.1%	6.2%	50.7%
MT	0					0				
NL										
AT	7,476	0.9%	36.5%	19.6%	43.0%	298	24.5%	17.8%	35.6%	22.1%
PL	168	8.3%	6.5%	16.1%	69.0%	498	24.9%	5.4%	11.6%	58.0%
PT	129	0.0%	0.0%	0.0%	100.0%	137	3.6%	13.9%	22.6%	59.9%
RO	99	0.0%	19.2%	0.0%	80.8%	397	0.0%	21.9%	0.0%	78.1%
SI										
SK	16	0.0%	6.3%	0.0%	93.8%	720	0.6%	13.6%	1.1%	84.7%
FI	3	0.0%	0.0%	66.7%	33.3%	10	0.0%	50.0%	10.0%	40.0%
SE	7	57.1%	0.0%	0.0%	42.9%	33	3.0%	42.4%	12.1%	42.4%
UK	0					141	0.0%	21.3%	22.7%	56.0%

	Number of outstanding contribution cases submitted					Number of outstanding contribution cases received				
	Total*	Refused	Successful**	Unsuccessful	Still pending	Total*	Refused	Successful**	Unsuccessful	Still pending
IS										
LI										
NO										
CH										
Weighted average	8,498	1.1%	34.1%	19.1%	45.7%	3,522 *****	8.4%	18.1%	12.7%	69.5%
Unweighted average		8.3%	11.3%	25.0%	55.5%		6.4%	20.4%	14.2%	68.1%

* The total in *Table 3* might differ from the total reported in *Table 2*. The total in *Table 3* concerns the sum of the breakdown by outcome of the cases, whereas the total in *Table 2* represented the total reported by the Member States.

** The requests for recovery can be regarded as 'successful' when the claim was recovered in full or partially.

*** BG: The information provided includes both claims for reimbursement of contributions and claims for reimbursement of unduly paid benefits. It is not possible to separate the claims for reimbursement according to the type of claim.

**** DE: The breakdown provided is incomplete. They reported a total of 1,084 cases submitted, whereas only 94 were broken down by outcome, and 1,282 cases received, whereas only 55 were broken down by outcome (see *Table 2*).

***** To calculate the weighted average of the outcome of outstanding contribution cases received, the data reported by Latvia was not included, as they were unable to provide a breakdown by outcome. Therefore, the total used in the calculation is 3,483 and not the reported sum of all totals of 3,522.

Source Questionnaire on recovery procedures 2019

1.3. Recovery of unduly paid benefits

Finally, the number of requests for recovery of unduly paid benefits and the outcome of these requests was analysed. In addition, a more detailed analysis by branch of social security was made and the share of requests for recovery of unduly paid benefits in the total number of paid benefits (i.e. persons entitled) was calculated for the export of family benefits.

1.3.1 Number of requests for recovery of unduly paid benefits

As was already mentioned in the introduction, it is important to keep in mind that the data provided by the reporting Member States are sometimes incomplete given that the competent institutions were unable to provide data for all branches of social security. This might result in a very fragmented picture for some reporting Member States.

Table 4 shows the total number of request for recovery of unduly paid benefits, both as a submitting and receiving Member State. Especially Belgium (1,647 requests), Romania (1,299 requests), and Slovakia (1,050 requests) submitted a high amount of requests, making up almost 70% of the total submitted requests reported by the Member States. For all three Member States (almost) all of these requests concern unduly paid family benefits, as can be seen *Figure 1*. Furthermore, Ireland, Germany, Poland, the Netherlands and Austria submitted a high number of requests for recovery of unduly paid benefits, namely more than 100.

Most requests for recovery of unduly paid benefits were received by Belgium (1,163 requests), Ireland (586 requests), Slovakia (510 requests) and Poland (383 requests). On the contrary, Estonia, Latvia, Lithuania, Luxembourg, Malta, Austria and Finland each received less than 10 requests for the recovery of unduly paid benefits.

Table 4 Number of requests for recovery of unduly paid benefits *submitted* and *received*, 2018

	Requests for recovery of unduly paid benefits <i>submitted</i>	Requests for recovery of unduly paid benefits <i>received</i>
BE	1,647	1,163
BG*		250
CZ	19	16
DK		17
DE	641	63
EE	6	9
IE	674	586
EL		
ES	0	92
FR		
HR		
IT	6	27
CY		
LV	29	2
LT		8
LU	0	5
HU	9	28
MT	0	1
NL	113	170
AT	109	6
PL	117	383
PT	86	152
RO	1,299	39
SI		
SK	1,050	510
FI	0	1
SE	1	89
UK	0	23
IS		
LI		
NO		
CH		

* BG: The information provided includes both claims for reimbursement of contributions and claims for reimbursement of unduly paid benefits. It is not possible to separate the claims for reimbursement according to the type of claim.

Source Questionnaire on recovery procedures 2019

The Member States were asked to provide a breakdown of the requests for unduly paid benefits by type of benefit. *Figure 1* shows this breakdown from the point of view of the submitting Member State, whereas *Figure 2* does the same from the point of view of the receiving Member State.

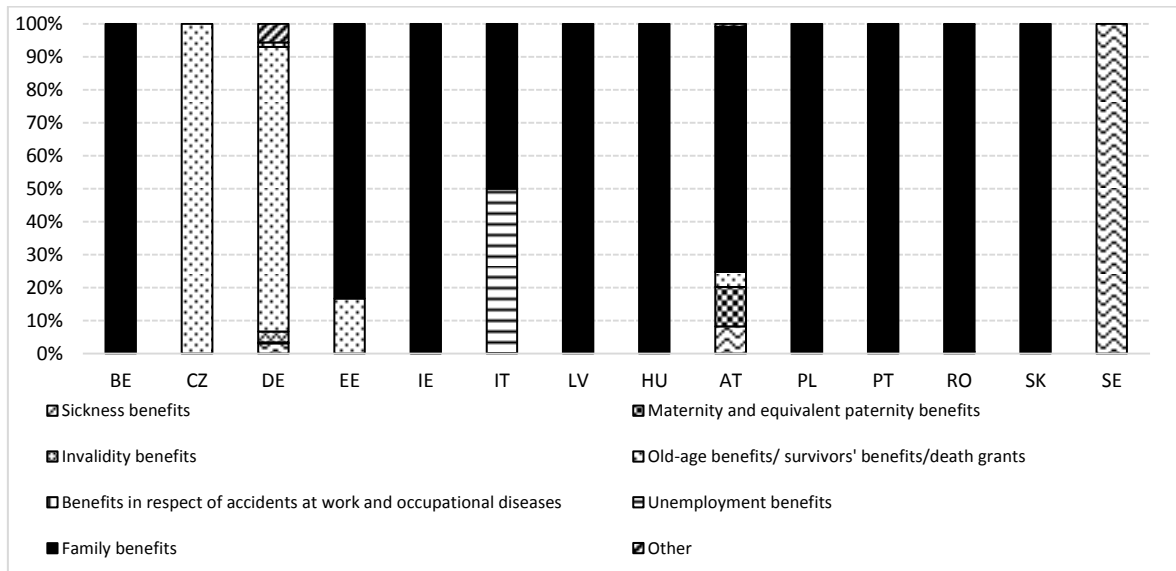
Both figures show that in general, the majority of the requests for recovery concern unduly paid family benefits. For instance, all or most of the requests for recovery submitted by Belgium, Estonia, Ireland, Latvia, Hungary, Austria, Poland, Portugal, Romania and Slovakia concern unduly paid family benefits (*Figure 1*). The same holds true for all or most of the requests for recovery received by Belgium, the Czech Republic, Estonia, Ireland, Lithuania, Hungary, Malta, Poland, Romania, Slovakia, and the United Kingdom (*Figure 2*).

The outliers from the point of view of the submitting Member State are the Czech Republic, Germany, Italy and Sweden (*Figure 1*). Both the Czech Republic (100%) and Germany (86%) submitted a majority of requests for old-age benefits, survivors' benefits and death grants. In Italy, the requests submitted are evenly divided between unemployment benefits and family benefits. The requests submitted by Sweden on the other hand all concern sickness benefits.

From the point of view of the receiving Member State (*Figure 2*), Spain, Luxembourg, Austria and Finland did not receive a majority of requests concerning family benefits, but from one other type of benefit. Spain, Austria and Finland receive a high share of request for old-age benefits, survivors' benefits and death grants, whereas most of the requests received by Luxembourg concern unemployment benefits. Finally, the requests received by Germany, Denmark, Italy, Latvia, Portugal and Sweden are distributed over several branches of social security.

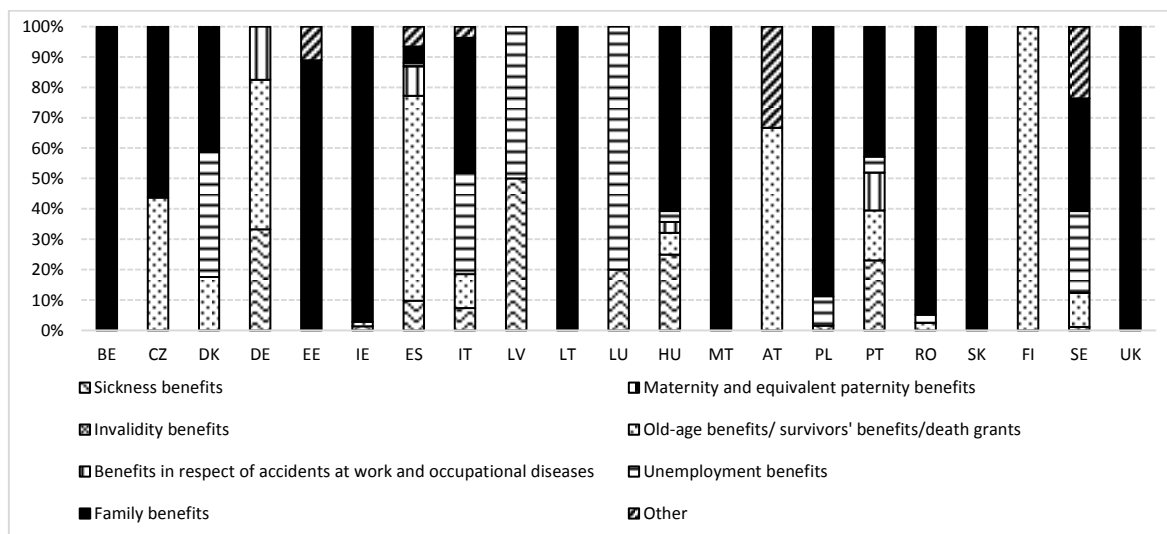
As was mentioned at the beginning of this section, certain Member States were unable to provide data on all branches of social security. For instance, Belgium, Lithuania and the United Kingdom only provided information on the number of requests for recovery of unduly paid family benefits, causing the figures below to show 100%-columns. This might give a skewed image of the true breakdown by branch of social security. Nevertheless, certain Member States did provide information concerning the different branches of social security, which gives us an initial idea about the 'true' breakdown.

Figure 1 Requests for recovery of unduly paid benefits *submitted*, breakdown by branch of social security, 2018



Source Questionnaire on recovery procedures 2019

Figure 2 Requests for recovery of unduly paid benefits received, breakdown by branch of social security, 2018



Source Questionnaire on recovery procedures 2019

The ratio between the number of requests for recovery of outstanding contributions (Table 2) and the number of requests for recovery of unduly paid benefits (Table 4) strongly differs among the reporting Member States. The Czech Republic, Denmark, Germany, Italy, Latvia, Luxembourg, Hungary, Austria, Poland, Romania, Slovakia, Finland and the United Kingdom received more requests for recovery of outstanding contributions. By contrast, Estonia, Ireland, Spain, Malta, Portugal and Sweden received more request for recovery of unduly paid benefits. Finally, Lithuania received an equal amount of requests for recovery of outstanding contributions as requests for recovery of unduly paid benefits.

1.3.2. Outcome of the requests for recovery of unduly paid benefits

Most of the requests for recovery of unduly paid benefits submitted or received in 2018 have already been settled (unweighted average in Table 5). As a result, a lower percentage of pending claims of unduly paid benefits can be observed compared to the claims of outstanding contributions (Tables 5 versus Table 3). The large difference between the unweighted and weighted average regarding successful requests can be explained by the high absolute number of requests submitted by Belgium, Slovakia and Romania, and received by Belgium, Ireland, Slovakia and Poland.

For certain Member States, a high share of request are refused. This is the case for 56% of the requests submitted by Latvia, and 100% and 49% of the requests received by Finland and Spain respectively. Furthermore, in some Member States, the majority of requests for recovery were settled unsuccessfully, meaning that the claim could not be recovered. This was the case for 53% of the cases submitted by Ireland, 80% of the cases received by Luxembourg, and 50% of the cases received by Austria.

Finally, a majority of claims have already been settled successfully. The reported figures indicate that this is the case for most of the requests submitted by Belgium, Romania and Slovakia. As a receiving Member State, Belgium, the Czech Republic, Ireland, Lithuania, Portugal and Slovakia have already settled a majority of requests successfully. Moreover, the percentage of requests settled may also differ according to the social security branches involved.

Table 5 The outcome today of the requests for recovery of unduly paid benefits, 2018

	Requests for recovery submitted in 2018	Requests for recovery received in 2018
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Recovery procedures

	<i>Total*</i>	<i>Refused</i>	<i>Successful**</i>	<i>Unsuccessful</i>	<i>Still pending</i>	<i>Total*</i>	<i>Refused</i>	<i>Successful**</i>	<i>Unsuccessful</i>	<i>Still pending</i>
BE	1,647	0.4%	83.9%	1.6%	14.1%	1,163	0.6%	90.0%	4.7%	4.6%
BG	0					250	0.0%	6.8%	44.8%	48.4%
CZ	17	0.0%	11.8%	35.3%	52.9%	7	0.0%	71.4%	0.0%	28.6%
DK	0					17	11.8%	0.0%	0.0%	88.2%
DE	621	1.4%	30.4%	21.4%	46.7%	42	2.4%	35.7%	4.8%	57.1%
EE	6	16.7%	33.3%	0.0%	50.0%	9	22.2%	33.3%	0.0%	44.4%
IE	674	0.0%	5.2%	52.7%	42.1%	586	0.2%	70.6%	21.5%	7.7%
EL										
ES	0					92	48.9%	3.3%	7.6%	40.2%
FR										
HR	0					0				
IT	6	0.0%	33.3%	0.0%	66.7%	27	18.5%	29.6%	14.8%	37.0%
CY										
LV	16	56.3%	43.8%	0.0%	0.0%	0				
LT	0					8	0.0%	75.0%	0.0%	25.0%
LU	0					5	0.0%	20.0%	80.0%	0.0%
HU	9	22.2%	0.0%	0.0%	77.8%	28	7.1%	21.4%	3.6%	67.9%
MT	0					1	0.0%	0.0%	0.0%	100.0%
NL	113	0.0%	31.0%	23.9%	45.1%	170	5.9%	10.0%	32.9%	51.2%
AT	109	0.0%	13.8%	37.6%	48.6%	6	0.0%	16.7%	50.0%	33.3%
PL	117	12.8%	23.1%	16.2%	47.9%	383	19.6%	14.9%	13.8%	51.7%
PT	86	0.0%	2.3%	0.0%	97.7%	152	3.3%	57.2%	9.9%	29.6%
RO	1,299	6.2%	50.2%	43.5%	0.2%	39	38.5%	23.1%	2.6%	35.9%
SI										
SK	925	6.5%	93.5%	0.0%	0.0%	380	2.9%	97.1%	0.0%	0.0%
FI	0					1	100.0%	0.0%	0.0%	0.0%
SE	1	0.0%	0.0%	0.0%	100.0%	89	3.4%	10.1%	0.0%	86.5%
UK	0					23	0.0%	0.0%	0.0%	100.0%
IS										
LI										
NO										
CH										
Unweighted average	5,646	3.2%	56.9%	20.8%	19.1%	3,478	5.3%	59.6%	12.6%	22.4%
Weighted average		8.2%	30.4%	15.5%	46.0%		13.0%	31.2%	13.2%	42.6%

* The total in *Table 5* might differ from the total reported in *Table 4*. The total in *Table 5* concerns the sum of the breakdown by outcome of the cases, whereas the total in *Table 4* represents the total reported by the Member States. A difference occurs for CZ, DE, LV and SK. For DE it was mentioned in the reported answer that 20 submitted cases and 21 received cases could not be broken down by outcome, thus explaining the different total. However, for the other Member States with a different total, it is not clear whether it concerns a calculation error or the inability to provide a breakdown for certain cases.

** The requests for recovery can be regarded as 'successful' when the claim was recovered in full or partially.

Source Questionnaire on recovery procedures 2019

Since it became obvious from *Figure 1* and *Figure 2* that family benefits are an important branch of social security regarding the requests for recovery of unduly paid benefits, they will be looked at in more detail below. The number of requests for recovery of unduly paid benefits can be compared to the total number of benefits paid within the context of the application of Regulations (EC) No 883/2004 and (EC) No 987/2009. The latter number can be found in the thematic questionnaire launched within the framework of the Administrative Commission for the Coordination of Social Security Systems.

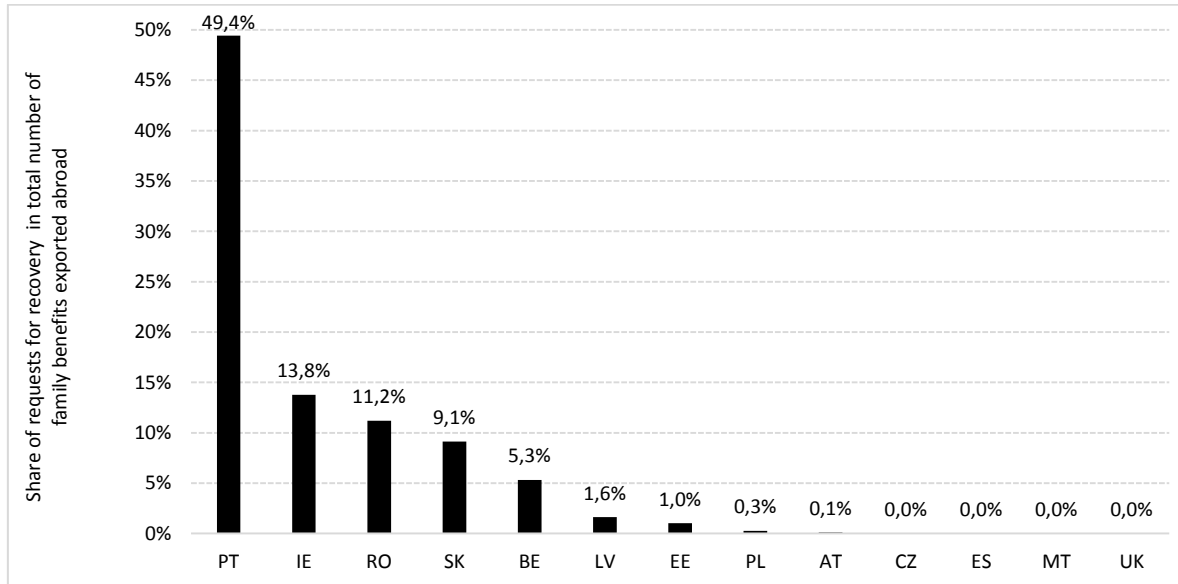
In *Figure 3*, data collected by the questionnaire on recovery are compared to data collected by the questionnaire on the export of family benefits. More specifically, the number of requests of recovery submitted in 2018 is divided by the total number of entitled persons for the export of family benefits. However, this indicator is calculated only for a limited number of Member States, for which data were available.

In relative terms (as a percentage of the total number of persons entitled to a family benefit), particularly Portugal makes use of the recovery of family benefits; the Portuguese authorities submitted a request for recovery for almost 1 in 2 family

benefits. Ireland, Romania, Slovakia and Belgium asked to recover a relatively high percentage of exported family benefits as well. This appears to be less the case for Latvia, Estonia, Poland and Austria. The Czech Republic, Spain, Malta and the United Kingdom did not even submit a single request for recovery in 2018.

However, the reported figures should be considered as an overestimation as typically an eligible person is entitled to more than one family benefit per year (probably 12 if the family benefit is paid on a monthly basis). On the other hand, the request for recovery may also relate to several months. Some caution is therefore required when drawing conclusions. Nonetheless, these figures, together with the observation that most of the requests for recovery of unduly paid benefits concern this branch of social security, show that the EU provisions on the coordination of family benefits might be the most sensitive to fraud and error.

Figure 3 Requests for recovery of unduly paid family benefits *submitted* compared to the total number of family benefits exported abroad, 2018



Source Questionnaire on recovery procedures 2018 and Questionnaire on the export of family benefits 2019

ANNEX I QUESTIONNAIRE

Requests for information						
	Requests for information <u>submitted in reference year</u>			Requests for information <u>received in reference year</u>		
	Number of requests for information submitted	Main areas for which information is requested*	Number refused	Number of requests for information received	Main areas for which information is requested*	Number refused
Total						

Requests for recovery of <u>outstanding contributions</u>							
	Requests for recovery <u>submitted in reference year</u>				Requests for recovery <u>received in reference year</u>		
	Number of outstanding contribution cases submitted	Outcome of requests as of today			Number of outstanding contribution cases received	Outcome of requests as of today	
		Refused	Successful**	Still pending		Refused	Successful**
Total							

Requests for recovery of <u>unduly paid benefits</u>								
By branches of social security and/or total	Requests for recovery <u>submitted in reference year</u>				Requests for recovery <u>received in reference year</u>			
	Number of unduly paid benefit cases submitted	Outcome of requests as of today			Number of unduly paid benefit cases received	Outcome of requests as of today		
		Refused	Successful**	Still pending		Refused	Successful**	Still pending
Sickness benefits								
Maternity and equivalent paternity benefits								
Invalidity benefits								
Old-age benefits								
Survivors' benefits								
Benefits in respect of accidents at work and occupational diseases								
Death grants								
Unemployment benefits								
Pre-retirement benefits								
Family benefits								
Other								
Total								

* E.g. identity of the person concerned, address, income, benefits received, assets for recovery, ... If main areas could be qualified please add additional rows by area
 ** Request for recovery can be regarded as 'successful' when claim was recovered in full or partially

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