

AC 008/19

**Main conclusions of the 358th
meeting of the Administrative
Commission****SECRETARIAT – 18.09.2019**

Orig. EN

**ADMINISTRATIVE COMMISSION
FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS****Main conclusions of the
358th meeting of the Administrative Commission****27-28 March 2019****A. Agenda**

The agenda was approved.

B. Approval of Minutes

The minutes of the 353rd meeting of the Administrative Commission on 13-14 December 2017 minutes of the 354th meeting of the Administrative Commission on 21-22 March 2018 and minutes of the 6th meeting of the International Dimension of Social Security Coordination of 4 October 2018 have been approved.

C. Communications and Questions**a) Presidency**

The Presidency provided information on state of play of the revision of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009, the proposal concerning the European Labour Authority, the proposal for a Council Recommendation on access to social protection for workers and the self-employed and the proposal for a Brexit contingency Regulation.

b) Secretariat/Commission

The Secretariat informed the delegations of recent staff changes affecting EMPL/D2, Article 9 Declarations procedure for 2017 and the main deliverables envisaged under the MoveS network's Work Programme for 2019 and reminded the delegations to send in their contributions as regards the update of country-specific EHC information so that website can be updated before the summer holidays.

I. Approval/notice without discussion

The Administrative Commission approved without discussion the following items: Nominations for membership to the Ad-Hoc Groups established for the definition of data to be exchanged electronically; Nomination for membership of Steering Committee of the Fraud

and Error Platform; Work Programme for the Steering Committee for the Fraud and Error Platform.

The Administrative Commission took note of the following item: Nomination of the 6th Conciliation Board.

II. Report of the outcome of the Working Party of the Administrative Commission of 5 March 2019

A summary of the discussions on cross-border healthcare during the Working Party of 5 March was presented.

III. Determination of applicable legislation in the situations of the nationals of third countries

The Administrative Commission took note of the main conclusions of the judgement in case *Balandin*. Delegations were invited to send additional questions to the Secretariat.

IV. Follow up to the discussion on the Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer ("ICT-Directive")

The Administrative Commission took note of the opinion of the Commission on the interpretative issues of Directive 2014/66/EU ("ICT-Directive") relating to social security requirements set out by this Directive. Delegations were invited to send additional questions to the Secretariat.

V. Follow up to the report of the Ad hoc Group on Family Benefits - draft proposals for a Decision revising Decision F1 and Decision of series A on the determination of applicable legislation during periods of unpaid leave

The Administrative Commission will consider how to further proceed with the work on revision of Decision F1 based on the proposal of the Secretariat and invited the delegations to submit their comments on the draft proposal.

VI. Changes in Member States Legislation

The delegations took note of the changes in the Austrian, Croatian, Polish and German legislation as well as of the position of the Commission.

VII. Miscellaneous amendments – Council and European Parliament Regulation

The delegations were encouraged to submit to the scrutiny of the Administrative Commission any further requests, which may be needed in order to change the annexes to the social security coordination Regulations.

VIII. EESSI

a) EESSI governance and progress update

The Administrative Commission was informed of the updates on the progress of the EESSI project and the national implementation based on monitoring dashboards and in particular the updates from the BUC dashboard submitted by countries in February 2019 and appropriate follow-up measures.

The Administrative Commission took note of the updates on the work of the Technical Commission and the Executive Board and agreed that, in line with article 95 of Regulation 987/2009 and also Decision E4 of 13 March 2014, the EESSI transitional period will end in July 2, 2019.

However, the Administrative Commission noted that there is a need for a legal framework to temporarily allow the parallel current exchanges with EESSI electronic exchanges.

b) Change management

The Administrative Commission approved the change requests as per recommendations following the 3rd and 4th meetings of the Change Advisory Board and as recommended by the Technical Commission in its 82nd meeting. The delegations were invited to inform the Secretariat of their position regarding Change Request EESSI-3666.

IX. Preventing abuse of social security: home visits in other States

The delegations took note of the position of the Secretariat, that the home visits carried out by the Dutch Socialeverzekeringsbank (SVB) could not be regarded as a form of direct communication within the meaning of Article 76(3) of Regulation No 883/2004.

X. Planned medical treatment for mass casualty disasters

Interested delegations were invited to send notes on their experiences in planned treatment of victims of mass burn casualty disasters.

XI. Follow up to the Working Party on the consequences and possible solutions in cases of lump sum payment of pensions, reimbursement of contributions and waiver of pensions

The delegations took note of the position of the Secretariat, that the difficulties raised in the report do not affect a high number of insured persons and that, on the basis of sincere cooperation among Member States, problems should be solved on a case-by-case approach.

XII. Draft agendas of the meetings of the Administrative Commission in the first half of 2019

The draft agendas for the second half of 2018 were presented.

XIII. Other Business

There was no other business to discuss.