



# Recovery procedures

*Statistical data applicable to reference year  
2019*

Frederic De Wispelaere, Lynn De Smedt & Jozef Pacolet – HIVA-KU Leuven

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## Network Statistics FMSSFE

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## GLOSSARY

**Basic Regulation:** Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems.

**Implementing Regulation:** Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems.

**Competent Member State:** The Member State in which the institution with which the person concerned is insured or from which the person is entitled to benefits is situated.

**EU-28:** Belgium (BE), Bulgaria (BG), the Czech Republic (CZ), Denmark (DK), Germany (DE), Estonia (EE), Ireland (IE), Greece (EL), Spain (ES), France (FR), Croatia (HR), Italy (IT), Cyprus (CY), Latvia (LV), Lithuania (LT), Luxembourg (LU), Hungary (HU), Malta (MT), the Netherlands (NL), Austria (AT), Poland (PL), Portugal (PT), Romania (RO), Slovenia (SI), Slovakia (SK), Finland (FI), Sweden (SE) and the United Kingdom (UK).

**EU-27:** Belgium (BE), Bulgaria (BG), the Czech Republic (CZ), Denmark (DK), Germany (DE), Estonia (EE), Ireland (IE), Greece (EL), Spain (ES), France (FR), Croatia (HR), Italy (IT), Cyprus (CY), Latvia (LV), Lithuania (LT), Luxembourg (LU), Hungary (HU), Malta (MT), the Netherlands (NL), Austria (AT), Poland (PL), Portugal (PT), Romania (RO), Slovenia (SI), Slovakia (SK), Finland (FI) and Sweden (SE).

**EU-15:** Belgium (BE), Denmark (DK), Germany (DE), Ireland (IE), Greece (EL), Spain (ES), France (FR), Italy (IT), Luxembourg (LU), the Netherlands (NL), Austria (AT), Portugal (PT), Finland (FI), Sweden (SE) and the United Kingdom (UK).

**EU-13:** Bulgaria (BG), the Czech Republic (CZ), Estonia (EE), Croatia (HR), Cyprus (CY), Latvia (LV), Lithuania (LT), Hungary (HU), Malta (MT), Poland (PL), Romania (RO), Slovenia (SI) and Slovakia (SK).

**EFTA countries:** Iceland (IS), Liechtenstein (LI), Norway (NO) and Switzerland (CH).

## INTRODUCTION

In a cross-border situation, at least two Member States are involved. In such situations, there is a risk that social security contributions are not paid for/ by mobile persons to the public authority in the competent Member State. Furthermore, there is a risk that benefits are unduly paid to mobile persons due to fraud or error. Chapter III of Title IV of the Implementing Regulation defines the procedures and rules on mutual assistance for the recovery of such claims. These provisions are very important, because an effective recovery considerably helps to tackle the risk of fraud and error.

The Basic Regulation provides that, in accordance with the principle of good administration, the institutions of the Member States have a duty of *mutual information and cooperation* to ensure the correct implementation of this Regulation.<sup>1</sup>

According to 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.<sup>2</sup> 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*.<sup>3</sup>

Statistical data on the recovery procedures offer a valuable insight into the practical functioning of the social security coordination in the EU/EFTA and into the mutual administrative cooperation between the Member States. The statistical data in this report provide more information on the number of requests for information and recovery of outstanding contributions and unduly paid benefits for the reference year 2019. The outcome of these requests (being refused, successful, unsuccessful or still pending) is described 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, 26 Member States provided statistical information for reference year 2019. However, the response rate strongly differs across the questions. Moreover, the response rate of the competent public authorities in the Member State concerned sometimes varies over the years. Consequently, the figures reported by Member States may show strong fluctuations. This is the main reason why figures on the evolution of requests for recovery of unduly paid benefits are not included in the report.

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<sup>1</sup> Article 76 (4) of the Basic Regulation.

<sup>2</sup> Article 76 of the Implementing Regulation.

<sup>3</sup> Article 84 of the Basic Regulation and Articles 78 to 85 of the Implementing Regulation.



### 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 were submitted by Austria, Poland, Germany, Lithuania and Slovakia. The other reporting Member States submitted (almost) no requests. For almost all reporting Member States, all requests for information were accepted. The only exceptions are Italy, Lithuania and Slovenia.

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. In addition, Romania and the United Kingdom received more than 1,000 requests for information. Most Member States accepted all requests for information. Only Italy and Spain rejected a substantial percentage of incoming requests for information in 2019.

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, 2019

	Requests for information submitted		Requests for information received	
	Number	% refused	Number	% refused
BE			<5	0%
BG			434	0%
CZ	<5	0%	152	7%
DK			75	0%
DE	1,939	0%	464	0%
EE	0		12	0%
IE				
EL				
ES	0		193	73%
FR				
HR				
IT	<5	25%	248	20%
CY				
LV				
LT	764	13%	102	3%
LU	0		32	0%
HU	0		434	0%
MT	0		11	27%
NL	20	0%	319	0%
AT	1,359	0%	589	4%
PL	1,758	0%	999	0%
PT	57	0%	301	0%
RO	11	0%	3,169	0%
SI	9	11%	72	1%
SK	10,815	0%	16,609	0%
FI	0		27	0%
SE	<5	0%	82	0%
UK	0		1,441	11%
IS				
LI	0		0	
NO				
CH				

Source Questionnaire on recovery procedures 2020

## 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 2019 is presented in *Table 2*. The number of requests for recovery depends on a number of factors such as the extent of cross-border mobility as well as the national procedures of Member States.

Most of the requests for recovery were submitted by Austria (6,621 requests), and to a lesser extent by Germany, Lithuania, Poland, Portugal and Slovenia. Most of the other reporting Member States submitted only a very limited number of requests. Hungary, Malta, Spain and the United Kingdom did not even submit a single request for recovery of outstanding contributions. From the opposite perspective, Germany (1,745 requests), and to a lesser extent Austria, Hungary, Poland, Portugal, Romania and Slovakia received a high number of requests for recovery of outstanding contributions. On the other hand, Liechtenstein (8), Finland (7), Estonia (5) and Malta (0 requests) received a low number of requests for recovery of outstanding contributions. The Czech Republic, Germany, Estonia, Finland, Hungary, the Netherlands, Poland, Portugal, Romania, Slovakia, Spain and the United Kingdom received more questions for recovery of outstanding contributions than they sent to other Member States. This is in contrast to Austria, Liechtenstein, Lithuania, Luxembourg, Slovenia, Sweden, which have sent more requests in net terms.

**Table 2** Number of requests for recovery of outstanding contributions *submitted and received, 2019*

	Requests for recovery of outstanding contributions <i>submitted</i>				Requests for recovery of outstanding contributions <i>received</i>				Net ( <i>submitted – received</i> )
	2019	2018	Change In numbers %		2019	2018	Change In numbers %		
BE									
BG					120	250			
CZ	57	39	18	46%	91	91	0	0%	-34
DK					16	22	-6	-27%	
DE	526	1,084	-558	-51%	1,745	1,282	463	36%	-1,219
EE	<5	0	<5		5	<5	<5	150%	<-5
IE		0				29			
EL									
ES	0	0	0		66	63	3	5%	-66
FR									
HR									
IT		0			210	28	182	650%	
CY									
LV						39			
LT	304	370	-66	-18%	22	8	14	175%	282
LU	71	88	-17	-19%	17	23	-6	-26%	54
HU	0	9	-9	-100%	411	678	-267	-39%	-411
MT	0	0	0		0	0			0
NL	151				168				-17
AT	6,621	7,476	-855	-11%	521	298	223	75%	6,100
PL	247	168	79	47%	386	498	-112	-22%	-139
PT	57	129	-72	-56%	301	137	164	120%	-244
RO	100	99	1	1%	539	397	142	36%	-439
SI	521				75				446
SK	31	16	15	94%	346	718	-372	-52%	-315
FI	<5	<5	<-5	-67%	7	10	-3	-30%	-6
SE	39	7	32	457%	30	33	-3	-9%	9
UK	0	0	0		202	141	61	43%	-202
IS									
LI	15				8				7
NO									
CH									

Source Questionnaire on recovery procedures 2020

### 1.2.2. Outcome of the requests for recovery of outstanding contributions

Member States were asked to indicate the outcome of the requests for recovery of outstanding contributions submitted or received in 2019. On average, most of the requests submitted/received in 2019 are still pending. This does not come as a surprise as processing these requests is a time-consuming exercise. Below figures also indicate that a substantial number of requests for recovery are refused by the receiving Member States. This is especially the case for the requests submitted by Sweden, and for the requests received by Austria, Estonia, Poland, Denmark, and Spain. In several Member States, the number of unsuccessfully closed claims exceeds the number of successfully (i.e., the claim was not recovered in full or partially) closed claims. This reflects how challenging it is for competent authorities to recover outstanding contributions.

**Table 3 The outcome today of the requests for recovery of outstanding contributions, 2019**

	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						216	0.0%	14.4%	41.2%	44.4%
CZ	61	0.0%	16.4%	29.5%	54.1%	97	4.1%	30.9%	25.8%	39.2%
DK						14	7.1%	0.0%	0.0%	92.9%
DE										
EE	<5	50.0%	0.0%	50.0%	0.0%	5	100.0%	0.0%	0.0%	0.0%
IE										
EL										
ES						66	56.1%	3.0%	15.2%	25.8%
FR										
HR										
IT						210	21.0%	1.9%	4.8%	72.4%
CY										
LV										
LT	304	0.0%	30.6%	11.8%	57.6%	22	0.0%	22.7%	22.7%	54.5%
LU	71	0.0%	0.0%	40.8%	59.2%	17	0.0%	29.4%	41.2%	29.4%
HU						411	3.6%	37.5%	8.8%	50.1%
MT										
NL	151	4.6%	29.1%	19.9%	46.4%	168	8.3%	16.7%	36.3%	38.7%
AT	6,621	1.2%	47.2%	18.8%	32.7%	521	25.5%	19.2%	18.6%	36.7%
PL	247	3.2%	5.7%	25.1%	66.0%	386	24.4%	7.0%	12.4%	56.2%
PT	57	0.0%	1.8%	0.0%	98.2%	301	11.6%	33.6%	18.3%	36.5%
RO	100	0.0%	4.0%	10.0%	86.0%	539	0.2%	9.8%	19.3%	70.7%
SI	479	8.1%	3.3%	0.0%	88.5%	83	18.1%	19.3%	0.0%	62.7%
SK										
FI	<5	0.0%	100.0%	0.0%	0.0%	7	14.3%	14.3%	28.6%	42.9%
SE	39	15.4%	28.2%	0.0%	56.4%	30	0.0%	13.3%	6.7%	80.0%
UK						202	0.0%	21.3%	15.8%	62.9%
IS										
LI	15	0.0%	26.7%	13.3%	60.0%	8	12.5%	37.5%	37.5%	12.5%
NO										
CH										
<b>Weighted average</b>		1.8%	40.8%	17.6%	39.9%		12.1%	18.4%	17.7%	51.8%
<b>Unweighted average</b>		6.9%	24.3%	18.3%	50.6%		16.1%	17.5%	18.6%	47.8%

\* 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.

Source Questionnaire on recovery procedures 2020

### 1.3. Recovery of unduly paid benefits

In this section, figures on the number of requests for recovery of unduly paid benefits and the outcome of these requests are reported. In addition, a more detailed analysis by branch of social security is made and the share of requests for recovery of unduly

paid benefits in the total number of paid benefits (i.e. persons entitled) is calculated for the export of family benefits.

### 1.3.1 Number of requests for recovery of unduly paid benefits

As 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 (see, for instance, Germany). 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 Luxembourg (5,615 requests), Slovenia (1,782 requests), Romania (1,243 requests), Slovakia (972 requests) and Belgium (671 requests) submitted a high number of requests. All their requests for recovery, with the exception of Slovenia, concern unduly paid family benefits, as can be seen in Figure 1. Most requests for recovery of unduly paid benefits were received by Belgium (1,418 requests). On the contrary, Bulgaria, Finland, Luxembourg and Malta 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*, 2019

	Requests for recovery of unduly paid benefits <i>submitted</i>	Requests for recovery of unduly paid benefits <i>received</i>	Net (submitted – received)
BE	671	1,418	-747
BG		<5	
CZ	7		
DK		59	
DE	10	11	-1
EE	16	52	-36
IE			
EL			
ES	<5	102	-101
FR			
HR			
IT	<5	42	-38
CY			
LV	234	36	198
LT		31	
LU	5,615	<5	5,611
HU	7	33	-26
MT	0	5	-5
NL	34	0	34
AT	59	11	48
PL	142	305	-163
PT	57	301	-244
RO	1,243	51	1,192
SI	1,782	62	1,720
SK	972	102	870
FI	0	<5	<-5
SE	<5	246	-245
UK	0	56	-56
IS			
LI			
NO			
CH			

Source Questionnaire on recovery procedures 2020

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. Certain Member States were unable to provide data on all

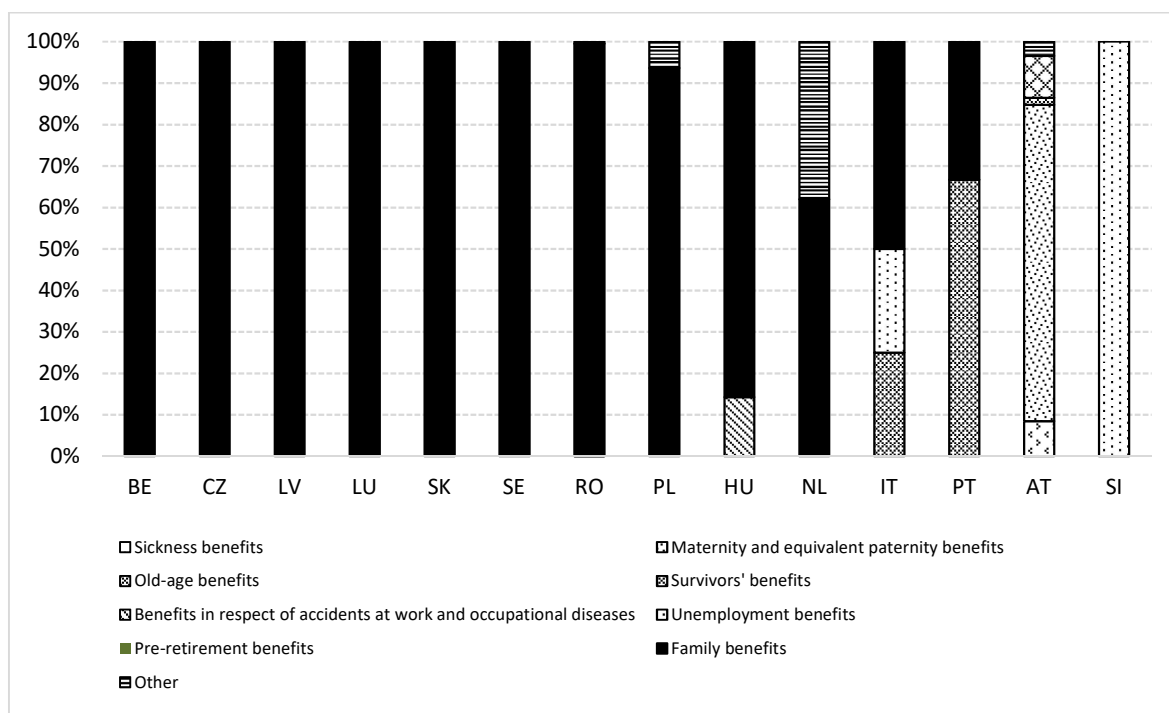
branches of social security. For instance, several Member States only provided information on the number of requests for recovery of unduly paid family benefits, causing the figures below to show 100%-columns. This might give a skewed image of the true breakdown by branch of social security. Nevertheless, certain Member States did provide information concerning the different branches of social security, which gives us an initial idea about the 'real' breakdown.

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, the Czech Republic, Hungary, Italy, the Netherlands, Latvia, Poland, Luxembourg, Romania, Slovakia and Sweden concern unduly paid family benefits (Figure 1). The same holds true for all or most of the requests for recovery received by Belgium, Latvia, Poland, Romania, Slovakia and the United Kingdom (Figure 2).

The outliers from the point of view of the submitting Member State are Austria, Portugal and Slovenia (Figure 1). Portugal submitted a majority of requests for old-age benefits, survivors' benefits. In Austria, the requests submitted mainly concern maternity and equivalent paternity benefits. Finally, the requests submitted by Slovenia all concern unemployment benefits. From the point of view of the receiving Member State (Figure 2), Spain receive a high share of request for old-age benefits, survivors' benefits and death grants, whereas most of the requests received by Bulgaria, Denmark, Italy, Luxembourg, Malta, Slovenia and Sweden, concern unemployment benefits.

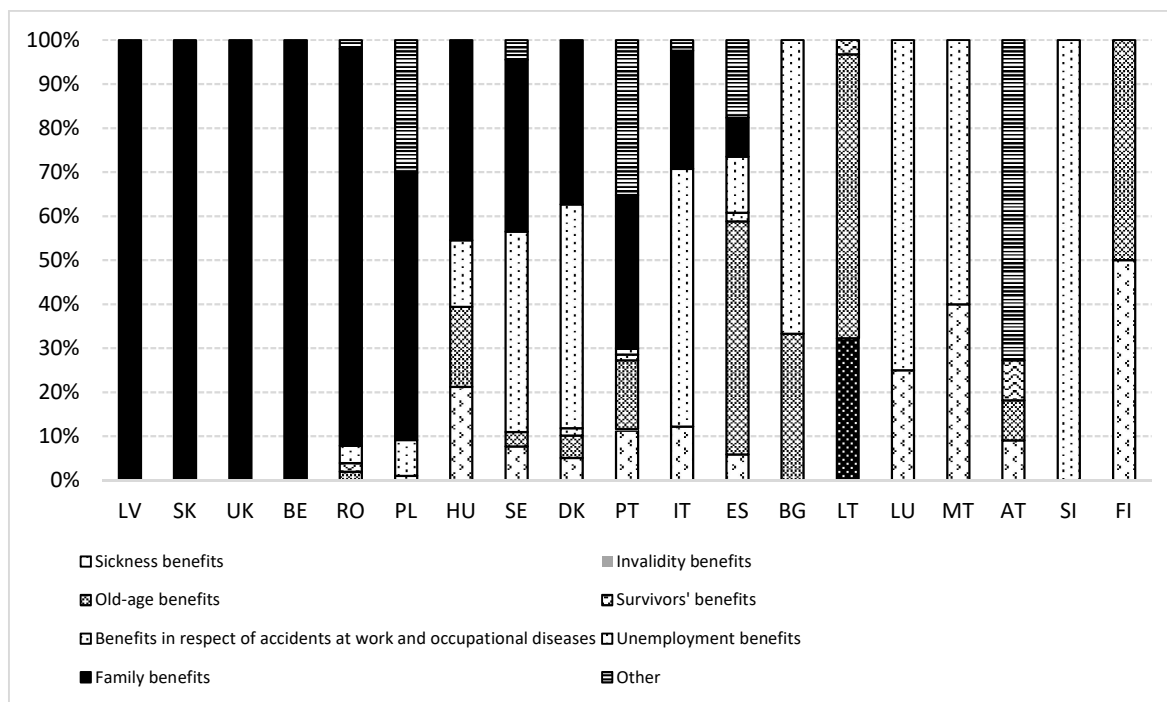
In previous years, it was found that Member States mainly submitted/received requests for the recovery of unduly paid family benefits and old-age pensions. However, based on this year's figures, it appears that they also receive a large number of requests for the recovery of unduly paid unemployment benefits.

**Figure 1 Requests for recovery of unduly paid benefits submitted, breakdown by branch of social security, 2019**



Source Questionnaire on recovery procedures 2020

**Figure 2** Requests for recovery of unduly paid benefits received, breakdown by branch of social security, 2019



Source Questionnaire on recovery procedures 2020

### 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 2019 have already been settled (weighted average in *Table 5*).<sup>4</sup> 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*). For certain Member States, a high share of request are refused. This is the case for 27% of the requests submitted by Latvia.

For several Member States a majority of requests have already been settled successfully. The reported figures indicate that this is the case for most of the requests submitted by Austria, Belgium, the Czech Republic and Luxembourg. As a receiving Member State, Belgium, Slovenia 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.

The figures reported in *Tables 3* and *5* also seem to indicate that the likelihood of a successful recovery of unduly paid benefits is higher than that of a successful recovery of outstanding contributions.

<sup>4</sup> The large difference between the unweighted and weighted average regarding successful requests can be explained by the high absolute number of requests submitted by Luxembourg, and received by Belgium.

**Table 5 The outcome today of the requests for recovery of unduly paid benefits, 2019**

	Number of requests for recovery submitted					Number of requests for recovery received				
	Total*	Refused	Successful**	Unsuccessful	Still pending	Total*	Refused	Successful**	Unsuccessful	Still pending
BE	671	0.0%	72.0%	5.7%	22.4%	1,418	0.0%	94.4%	2.5%	3.1%
BG						<5	0.0%	0.0%	0.0%	100.0%
CZ	7	0.0%	100.0%	0.0%	0.0%					
DK	0					59	22.0%	0.0%	0.0%	78.0%
DE	0									
EE	16	18.8%	31.3%	0.0%	50.0%	52	0.0%	13.5%	13.5%	73.1%
IE										
EL										
ES						94	47.9%	3.2%	8.5%	40.4%
FR										
HR										
IT	5	0.0%	20.0%	0.0%	80.0%	42	0.0%	16.7%	38.1%	45.2%
CY										
LV	234	26.5%	0.0%	0.0%	73.5%					
LT						31	64.5%	9.7%	0.0%	25.8%
LU	5,615	0.0%	92.6%	0.0%	7.4%	<5	75.0%	25.0%	0.0%	0.0%
HU	7	0.0%	14.3%	14.3%	71.4%	33	0.0%	15.2%	0.0%	84.8%
MT	0					5	0.0%	40.0%	0.0%	60.0%
NL	34	14.7%	17.6%	14.7%	52.9%					
AT	59	13.6%	47.5%	5.1%	33.9%	11	0.0%	45.5%	9.1%	45.5%
PL	142	5.6%	26.8%	12.0%	55.6%	305	12.5%	20.0%	16.4%	51.1%
PT	57	0.0%	3.5%	0.0%	96.5%	301	11.6%	33.6%	18.3%	36.5%
RO	1,243	7.1%	44.9%	47.9%	0.2%	51	25.5%	35.3%	19.6%	19.6%
SI	1,782	0.1%	29.0%	0.0%	70.9%	62	12.9%	87.1%	0.0%	0.0%
SK	775	3.4%	20.9%	0.0%	75.7%	131	14.5%	64.1%	0.0%	21.4%
FI	0					<5	100.0%	0.0%	0.0%	0.0%
SE	<5	0.0%	0.0%	0.0%	100.0%	246	0.0%	19.1%	0.0%	80.9%
UK	0					56	0.0%	10.7%	17.9%	71.4%
IS										
LI										
NO										
CH										
Weighted average		1.9%	65.8%	6.2%	26.1%	2,906	6.7%	60.0%	6.6%	26.7%
Unweighted average		5.8%	37.1%	6.5%	50.6%		21.5%	28.7%	5.9%	44.0%

\* 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.

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

Source Questionnaire on recovery procedures 2020

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 the EU rules on social security coordination. The latter number can be found in the thematic questionnaire on the export of family benefits.

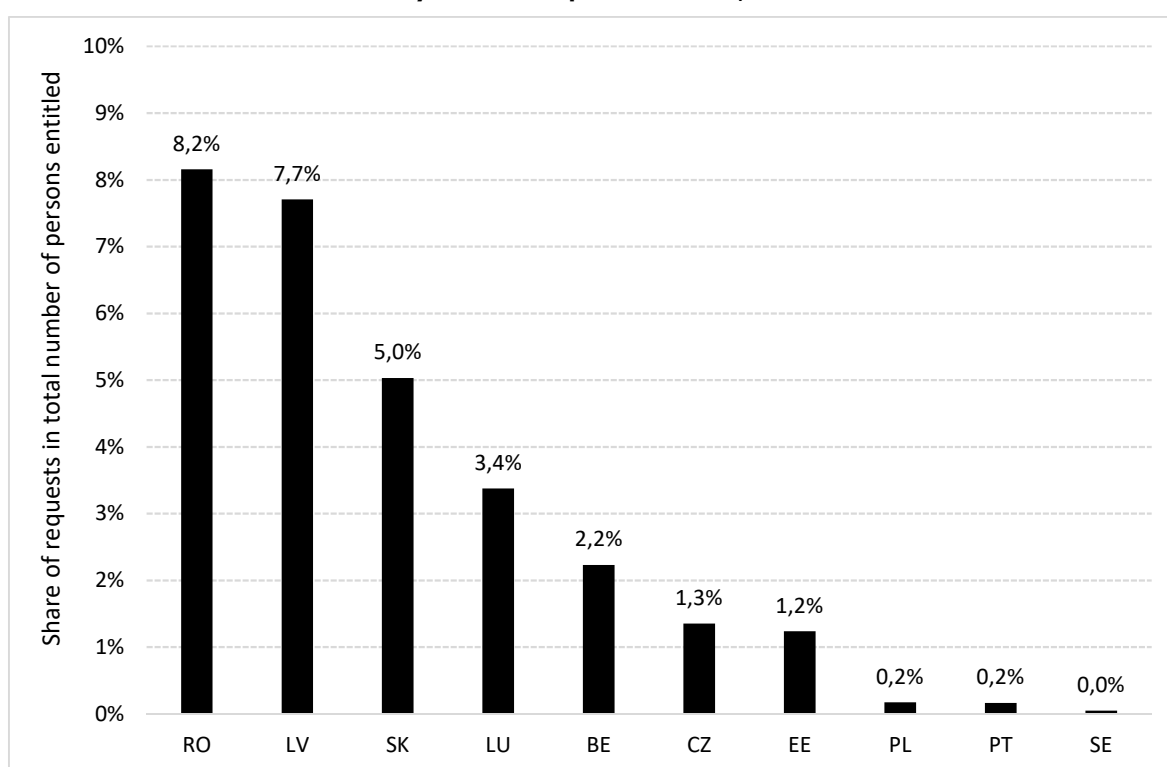
In *Figure 3*, data collected by the questionnaire on recovery are compared to data collected by the questionnaire on the export of family benefits. More specifically, the number of requests of recovery submitted in 2019 are divided by the total number of entitled persons for the export of family benefits. 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), Romania, Latvia, Slovakia, Luxembourg and Belgium asked to recover a

relatively high percentage of exported family benefits as well. This appears to be less the case for Poland, Portugal<sup>5</sup> and Sweden.

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, 2019



**Source** Questionnaire on recovery procedures 2018 and Questionnaire on the export of family benefits 2020

<sup>5</sup> Whereas for reference year 2018 a very high percentage was calculated.



## ANNEX I QUESTIONNAIRE

Requests for information								
	Requests for information <i>submitted in reference year</i>			Requests for information <i>received in reference year</i>				
	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 <i>outstanding contributions</i>								
	Requests for recovery <i>submitted in reference year</i>				Requests for recovery <i>received in reference year</i>			
	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**	Still pending
Total								
Requests for recovery of <i>unduly paid benefits</i>								
By branches of social security and/or total	Requests for recovery <i>submitted in reference year</i>				Requests for recovery <i>received in reference year</i>			
	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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