

Recovery procedures

Statistical data applicable to reference year 2020

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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-14: 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), and Sweden (SE).

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).

1. 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.¹

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.² 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.³

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 2020. 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, 24 Member States provided statistical information for reference year 2020. 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.

¹ Article 76 (4) of the Basic Regulation.

² Article 76 of the Implementing Regulation.

³ 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 Germany, Austria, Poland and Slovakia, and to a lesser extent by the Netherlands. The other reporting Member States submitted (almost) no requests. For almost all reporting Member States, all requests for information were accepted.

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, Poland and Austria received more than 500 requests for information. Most Member States accepted all requests for information. Only Spain (40%), Malta (25%), Portugal (17%), the Czech Republic (13%) and Ireland (11%) rejected a substantial percentage of incoming requests for information in 2020. Member States were also asked to specify the main reason for which information was requested, both when requests are submitted and received. Almost all Member States mentioned a request for an address as main reason. Requests for information about the income and assets for recovery were other reasons.

Table 1 - Number of requests for information submitted and received, 2020

	Requests for info	mation submitted	Requests for info	ormation received
	Number	% refused	Number	% refused
BE	0		<5	0%
BG				
CZ	6	0%	87	13%
DK			47	0%
DE	1,864		485	
EE	0		7	0%
IE			82	11%
EL			73	0%
ES	0		42	40%
FR				
HR				
IT				
CY				
LV	0		18	0%
LT				
LU				
HU	<5	0%	424	0%
MT	<5	0%	8	25%
NL	213	0%	181	0%
AT	1,224	0%	588	2%
PL	966	1%	758	4%
PT	0		139	17%
RO	33	0%	1,709	0%
SI	<5	0%	113	0%
SK	9,544	1%	16,825	0%
FI	20	0%	6	0%
SE	<5	0%	44	0%
UK	0		245	0%
IS				
LI				
NO				
СН			460	0%

Source: Questionnaire on recovery procedures 2021

1.2. Recovery of outstanding contributions

Number of requests for recovery of outstanding contributions

An overview of the number of requests for recovery of outstanding contributions submitted and received in 2020 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 (2,323 requests) and Slovenia (1,167 requests). Most of the other reporting Member States submitted only a very limited number of requests. Spain, Malta and the United Kingdom did not even submit a single request for recovery of outstanding contributions. From the opposite perspective, Germany, Austria, Hungary, Poland, Romania, Slovakia, the Netherlands, the United Kingdom and Switzerland all received more than 100 requests for recovery of outstanding contributions. On the other hand, Denmark (9), Finland (9), Estonia (4), Liechtenstein (3), Malta (0) received a low number of requests for recovery of outstanding contributions. The Czech Republic, Germany, Spain, Hungary, the Netherlands, Poland, Portugal, Romania, Slovakia, Finland, Sweden and the United Kingdom received more guestions for recovery of outstanding contributions than they sent to other Member States. This is in contrast to Austria, Slovenia, and Liechtenstein, which have sent more requests in net terms. Most of the reporting Member States submitted and/or received less requests for recovery in 2020 compared to 2019. For instance, Austria (-4,298) shows a significant decrease in the number of requests for recovery submitted in 2020. However, Slovenia submitted a much higher number for recovery in 2020 compared to 2019

Table 2 - Number of requests for recovery of outstanding contributions submitted and received, 2020 and 2019

	Requests for	outstanding co	ontributions	Requests for recovery of outstanding contributions received				Net (submitted – received)	
	2020	2019	Chan	ge	2020	2019	Change		
			Number	%			Number	%	
BE									
BG						120			
CZ	35	57	-22	-39%	63	91	-28	-31%	-28
DK					9	16	-7	-44%	
DE	338	526	-188	-36%	1,815	1,745	70	4%	-1,477
EE	<5	<5	<5	100%	<5	5	-1	-20%	0
IE									
EL									
ES	0	0	0		19	66	-47	-71%	-19
FR									
HR									
IT						210			
CY									
LV									
LT		304				22			
LU		71				17			
HU	11	0	11		395	411	-16	-4%	-384
MT	0	0	0		0	0	0		0
NL	49	151	-102	-68%	119	168	-49	-29%	-70
AT	2,323	6,621	-4,298	-65%	663	521	142	27%	1,660
PL	174	247	-73	-30%	348	386	-38	-10%	-174
PT	0	57	-57	-100%	31	301	-270	-90%	-31
RO	96	100	-4	-4%	209	539	-330	-61%	-113
SI	1,167	521	646	124%	23	75	-52	-69%	1,144
SK	61	31	30	97%	159	346	-187	-54%	-98
FI	6	<5	5	500%	9	7	2	29%	-3
SE	11	39	-28	-72%	29	30	-1	-3%	-18
UK	0	0	0		237	202	35	17%	-237
IS									
LI	7	15	-8	-53%	<5	8	-5	-63%	4
NO									
СН	Ouastia			d O	135				

Source: Questionnaire on recovery procedures 2021

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 2020. On average, most of the requests submitted/received in 2020 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. Finally, 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, 2020

	Numb	er of outst	anding contribu	ution cases sub	Number of outstanding contribution cases received					
	Total*	Refused	Successful**	Unsuccessful	Still pending	Total*	Refused	Successful**	Unsuccessful	Still pending
BE										
BG										
CZ	35	0.0%	11.4%	14.3%	74.3%	63	15.9%	22.2%	22.2%	44.4%
DK						9	33.3%	0.0%	0.0%	66.7%
DE										
EE	<5	50.0%	25.0%	0.0%	25.0%	<5	75.0%	25.0%	0.0%	0.0%
IE										
EL										
ES						19	15.8%	0.0%	10.5%	73.7%
FR										
HR										
IT										
CY										
LV										
LT										
LU										
HU	11	0.0%	9.1%	18.2%	72.7%	395	4.6%	18.5%	7.6%	69.4%
MT										
NL	50	0.0%	20.0%	16.0%	64.0%	116	15.5%	10.3%	14.7%	59.5%
AT	2,323	2.3%	40.0%	15.7%	42.0%	663	17.0%	9.0%	33.6%	40.3%
PL	174	4.0%	6.9%	36.2%	52.9%	348	28.2%	6.3%	10.3%	55.2%
PT						31	0.0%	0.0%	0.0%	100%
RO	96	0.0%	7.3%	0.0%	92.7%	209	0.0%	15.3%	0.0%	84.7%
SI	1,222	4.6%	2.6%	10.0%	82.8%	38	0.0%	52.6%	10.5%	36.8%
SK	104	2.9%	14.4%	0.0%	82.7%	1,093	0.2%	0.9%	7.5%	91.4%
FI	6	0.0%	33.3%	66.7%	0.0%	9	0.0%	33.3%	55.6%	11.1%
SE	11	0.0%	9.1%	0.0%	90.9%	29	0.0%	34.5%	10.3%	55.2%
UK						237	20.3%	3.4%	0.0%	76.4%
IS										
LI	16	0.0%	6.3%	12.5%	81.3%	<5	0.0%	66.7%	33.3%	0.0%
NO										
CH										
Weighted average	4,052	3.0%	25.0%	14.1%	57.9%	3,266	9.7%	8.2%	12.8%	69.5%
Unweighted		5.3%	15.5%	15.8%	63.4%		14.1%	18.6%	13.5%	54.0%
average										

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.

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 requests for recovery of unduly paid benefits, both as a submitting and receiving Member State. Especially Luxembourg (5,531 requests), Slovenia

^{**} The requests for recovery can be regarded as 'successful' when the claim was recovered in full or partially. Source: Questionnaire on recovery procedures 2021

(4,392 requests), Romania (1,200 requests), Belgium (928 requests), Slovakia (926 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 (2,106 requests). On the contrary, Greece, Luxembourg, Malta, Austria and Finland all received less than 10 requests for the recovery of unduly paid benefits. Belgium, the Czech Republic, Estonia, Spain, Latvia, Hungary, Malta, Poland, Portugal, and Sweden received more questions for recovery of unduly paid benefits than they sent to other Member States. This is in contrast to Germany, Ireland, Luxembourg, Austria, Romania, Slovenia, Slovakia and Finland which have sent more requests in net terms.

Table 4 - Number of requests for recovery of unduly paid benefits *submitted* and *received*, 2020

	Requests for recovery of	Requests for recovery of	Net
	unduly paid benefits submitted	unduly paid benefits received	(submitted – received)
BE	928	2,106	-1,178
BG			
CZ	<5	24	-21
DK		13	
DE	318	50	268
EE	<5	21	-18
IE	596	305	291
EL		7	
ES	0	17	-17
FR			
HR			
IT			
CY			
LV	17	18	-1
LT			
LU	5,531	0	5,531
HU	11	69	-58
MT	0	9	-9
NL	50		
AT	60	9	51
PL	121	986	-865
PT	72	511	-439
RO	1,200	98	1,102
SI	4,392	316	4,076
SK	926	113	813
FI	97	<5	96
SE	6	59	-53
UK		52	
IS			
LI			
NO			
CH		32	

Source: Questionnaire on recovery procedures 2021

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, Estonia, Ireland, Latvia, Luxembourg, Slovakia, Romania, Poland, and Portugal concern unduly paid family benefits (*Figure 1*). The same holds true

for all or most of the requests for recovery received by Belgium, Greece, Slovakia, the United Kingdom, Estonia, Ireland, Latvia, Romania, Poland, Hungary, the Czech Republic, and Switzerland (*Figure 2*).

The requests submitted by Slovenia mainly concern unemployment benefits (*Figure 1*). Germany submitted mostly requests for the recovery of old-age and survivors' benefits. For both Finland and Sweden, the requests submitted mainly concern other benefits. Finally, both the Netherlands and Hungary mainly submitted requests for the recovery of unduly paid sickness benefits.

To sum up, about three out of four requests submitted or received by the reporting Member States apply to the recovery of unduly paid family benefits. In addition, a relatively high number of requests to recover unduly paid old-age pensions and unemployment benefits are received/submitted.

100% 90% 80% 70% 60% 50% 40% 30% 20% 10% 0% BE CZ ΙE LV LU SK RO ΑT SI NL HU SE DE ☐ Sickness benefits ■ Maternity and equivalent paternity benefits ☑ Old-age benefits □ Survivors' benefits $\ensuremath{\square}$ Benefits in respect of accidents at work and occupational diseases ■ Unemployment benefits ■ Pre-retirement benefits ■ Family benefits ■Other

Figure 1 - Requests for recovery of unduly paid benefits submitted, breakdown by branch of social security, 2020

Source: Questionnaire on recovery procedures 2021

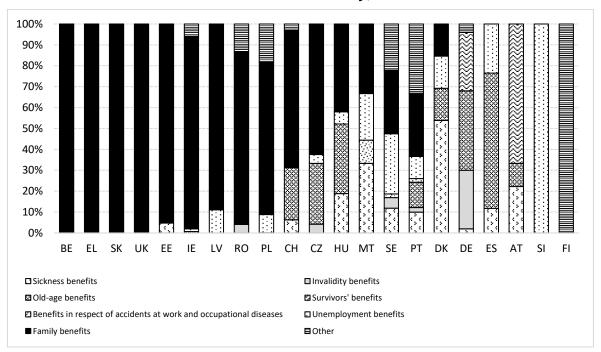


Figure 2 - Requests for recovery of unduly paid benefits received, breakdown by branch of social security, 2020

Source: Questionnaire on recovery procedures 2021

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

In most of the cases, requests for recovery of unduly paid benefits submitted/received in 2020 have already been settled successfully or are still pending. Indeed, for 11 out of 16 reporting 'submitting' Member States and for 7 out of 19 reporting 'recipient' Member States, the majority of the requests for recovery are still pending. Nonetheless, in general, 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 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.

The outcome of the request might also differ depending on the type of benefit. Let us take the example of Hungary, Sweden and Portugal, all Member States that received and reported requests for various types of benefits (see also *Figure 2*). However, on the basis of their reported data, no conclusive statement can be made.

Table 5 - The outcome today of the requests for recovery of unduly paid benefits, 2020

	N	umber of	requests for re	covery submit	ted	Number of requests for recovery received					
	Total*	Refused	Successful**	Unsuccessful	Still pending	Total*	Refused	Successful**	Unsuccessful	Still pending	
BE	928	0%	78%	4%	19%	2,106	0%	98%	2%	0%	
BG											
CZ	<5	0%	0%	0%	100%	25	16%	32%	4%	48%	
DK						13	23%	0%	0%	77%	
DE	318	1%	25%	19%	55%	50	14%	36%	20%	30%	
EE	<5	0%	33%	33%	33%	21	5%	19%	5%	71%	
IE	596	0%	3%	32%	65%	305	0%	52%	29%	19%	
EL						7	14%	14%	43%	29%	
ES						17	53%	0%	18%	29%	
FR											
HR											
IT											
CY											
LV	17	0%	100%	0%	0%	18	28%	22%	0%	50%	
LT											
LU	5,531	0%	91%	0%	9%						
HU	11	0%	9%	18%	73%	69	26%	12%	13%	49%	
MT						9	0%	0%	0%	100%	
NL	53	0%	17%	17%	66%						
AT	60	0%	0%	3%	97%	9	0%	22%	0%	78%	
PL	121	13%	24%	6%	57%	986	15%	45%	5%	35%	
PT	72	25%	8%	0%	67%	511	0%	41%	0%	59%	
RO	1,200	16%	37%	39%	8%	98	43%	37%	7%	13%	
SI	3,193	0%	2%	0%	98%	316	0%	96%	4%	0%	
SK	747	3%	18%	0%	79%	132	17%	59%	0%	24%	
FI											
SE	6	0%	0%	17%	83%	59	3%	20%	7%	69%	
UK						52	19%	2%	0%	79%	
IS											
LI											
NO											
СН											
Weighted average	12,859	2%	51%	6%	41%	4,803	6%	70%	5%	20%	
Unweighted average		4%	28%	12%	57%		15%	32%	8%	45%	

^{*} 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.

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 2020 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), Ireland, Romania, Slovakia, Poland, Luxembourg and Belgium asked to recover a relatively high percentage of exported family benefits as well. This appears to be less the case for the Czech Republic, Portugal, Latvia, Estonia, the Netherlands, Austria and Sweden.

^{**} The requests for recovery can be regarded as 'successful' when the claim was recovered in full or partially. Source: Questionnaire on recovery procedures 2021

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.

10% Share of requests in total number of persons entitled 9% 8,1% 7,5% 8% 7% 6% 4,8% 5% 4,4% 4% 3.3% 3% 1,6% 2% 1% 0,5% 0,3% 0,3% 0,0% 0,0% 0,0% 0% ΙE RO SK PL LU ΒE CZ РΤ LV ΕE NLSE ΑT

Figure 3 - Requests for recovery of unduly paid family benefits submitted compared to the total number of family benefits exported abroad, 2020

Source: Questionnaire on recovery procedures and Questionnaire on the export of family benefits 2021

Annex I Questionnaire

Total

			Requests for	information							
	Requests for info	rmation submitted		Ī	ormation <u>received in</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 outstanding contributions										
	Request	s for recovery <u>su</u>	· · · · · · · · · · · · · · · · · · ·			<u>_</u>	eceived in referen	ce vear			
	Number of		e of requests as o		neques		e of requests as o				
	outstanding contribution cases submitted	Refused	Successful**	Still pending	Number of outstanding contribution cases received	Refused	Successful**	Still pending			
Total											
			Reque	sts for recovery	of <i>unduly paid be</i>	enefits					
	Request	s for recovery <u>sui</u>	bmitted in refere	nce year	Reques	ts for recovery <u>re</u>	eceived in referen	ce year			
By branches of	Number of	Outcom	e of requests as c	of today	Number of	Outcom	e of requests as o	of today			
social security and/or total	unduly paid benefit cases submitted	Refused	Successful**	Still pending	unduly paid benefit cases received	Refused	Successful**	Still pending			
Sickness benefits											
Maternity and equivalent paternity benefits											
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											

^{*} 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

GETTING IN TOUCH WITH THE EU

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EU law and related documents

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