ADMINISTRATIVE COMMISSION
FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS

Summary of the minutes of the
367th meeting of the Administrative Commission
16-17 June 2021

A. Agenda

The agenda was approved.

B. Approval of Minutes

The Administrative Commission approved the minutes of the 364th meeting of the Administrative Commission on 20-21 October 2020.

C. Communications and Questions

The Presidency provided information on state of play of the revision of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 and relations with the European Labour Authority. The Secretariat informed the delegations of recent staff changes. The Secretariat provided an update on the state of play of the publication of Decision No H11 and Decision No S11. The delegations were reminded of the deadline of 30 June 2021 to upload the replies to the statistical questionnaires and of the procedure of Article 9 declarations for the year ending 31 December 2020, with the deadline of 31 July 2021. The Secretariat provided an update on the ESSPass project and the evaluation of Directive 2011/24/EU (Cross-Border Healthcare Directive).

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 (AC 016/21REV); Nomination of the 7th Conciliation Board (AC 145/21, Ms. Emma Holm from Sweden included); Change Requests referring to business aspects (BUCs and SEDs) (AC 134/21); Average costs 2018 (AC 120/21); Notifications on the maximum amount under Article 70 of Regulation (EC) No 987/2009 (AC 006/21, AC 060/21, AC 095/21, AC 106/21, AC 107/21, AC 128/21, AC 150/21); Nomination for membership to the Steering Committee for the Platform on Fraud and Error (AC 056/21REV).
II. Report on the outcome of the Working Party of the Administrative Commission of 1 June 2021

The Administrative Commission took note of the outcome of the Working Party meeting of 1 June 2021 relating to the AC and ELA cooperation and on the next steps to be taken in that regard. The Secretariat reminded that it remained of support to the AC only and is not in the position to take up the management of the cooperation between the two bodies. The leading delegations will start drafting the cooperation agreement between AC and ELA based on the WP discussions and with note being taken of the position of the Secretariat.

III. Judgement of the Court of Justice of the European Union in Case C-473/18 – Decision H3

The Administrative Commission could not agree on the draft text of the new decision H3 as presented by the Czech leading delegation jointly with the Secretariat and took note of the discussions regarding the review of the Decision H3. Considering diverse views and different practises the draft will be presented for vote/(-es) at the next AC meeting.

IV. Planned medical treatment for mass casualty disasters

The Administrative Commission agreed that Article 20 of the basic Regulation should be the legal base for the provision of health care treatment in case of mass casualty disasters, including emergency situations where patients must be transferred to a hospital in another Member State, and expressed the view that a new Decision of the Administrative Commission would be useful to ensure that all national competent institutions follow a common approach to this issue. The delegations were invited to send their notes and express their willingness to take the lead of works on the new decision.

V. COVID-19 pandemic: the extension of the time window of application of the Guidance note - non-exhaustive list of identified issues as a result of the COVID-19 pandemic and possible solutions

The Administrative Commission extended the application of Note AC 074/20 for another period of 6 months, until 31/12/2021 (AC 074/20REV). The Secretariat and leading delegations will discuss the desirability of codification of the guidance on the determination of the applicable legislation during the Covid-19 pandemic. The Secretariat draw the attention to the issue of the introduction of increased telework which might remain a common practice after the pandemic and might have consequences on applicable legislation. The Administrative Commission expressed interest in discussing this issue in the near future.

VI. Enhancing the data collection in the field of social security coordination - report from the Audit Board

The Administrative Commission took note of the note on enhancing the data collection in the field of social security coordination presented by the Chair of the Audit Board and took note of the preferences expressed by the members of the Audit Board to refer this matter back to the Administrative Commission. The Administrative Commission did not propose at present any changes to the way statistical reporting is carried out and to the thematic questionnaires.
VII. Voluntary requests of exemption of insured persons from the Swiss Social Security benefits

The Administrative Commission took note of the Italian note explaining their standpoint and practice of other delegations as regards the voluntary requests of exemption of insured persons from the Swiss social security benefits. Interested delegations were invited to submit notes presenting their position and their practice as regards this issue.

VIII. Electronic Version of the European Health Insurance Card: Ad – hoc group mandate

The Administrative Commission approved the mandate for the ad hoc group on the digitalisation of EHIC as presented by the Secretariat (AC 148/21). Interested delegations were invited to send their nominations.

IX. COVID 19 vaccination coverage

The Administrative Commission took note of the joint Italian and Belgian note that included the questionnaire on Covid-19 vaccination coverage. The delegations were invited to reply to the questionnaire. The replies will be transferred to the Belgian delegation for preparation of a consolidated version of the note on Covid-19 vaccination coverage.

X. Recovery under Articles 75 ff. of Regulation (EC) No 987/2009

The Administrative Commission took note of the discussions concerning Recovery under Articles 75 ff. of Regulation (EC) No 987/2009. Interested delegations were invited to submit notes presenting their position and their practice as regards this issue.

XI. Withdrawal agreement - Permitted absences for those relying on Article 30(3) for social security coordination under Title III of the Withdrawal Agreement

The Administrative Commission took note of the UK position on permitted absences for those relying on Article 30(3) of the Withdrawal Agreement an d the position of the Secretariat that this issue is a matter of interpretation of Article 10 WA and thus should be discussed in the Specialised Committee under Withdrawal Agreement which deals with horizontal issues. The United Kingdom note was forwarded to the competent services of the Commission for this purpose.

XII. EESSI

The Administrative Commission welcomed the updates on the overall status of EESSI and the national implementation status based on monitoring dashboards submitted by countries and data on real message exchange. The Administration Commission took note that, in accordance with Decision E7 and note AC 319/2019, 9 new BUCs have reached the 80% threshold on 7th June gate (61 in total) and that LA_BUC_01 is now deployed by all countries. Regarding the compliance with Decision E7, the Administrative Commission took note of the explanations provided by the countries (DK, EL, IE, NL, PT, RO, LI and CH) for the July 2021 gate, while noting that the risk remains to miss this deadline and future ones for some of those countries. The Administrative Commission took note of the status of deployment of the EESSI 2020 release. The Administrative Commission took note of the start of the rollout of RINA 2020 Full Stack on 31 May up to 20 June 2021 following the Go decision on 21 May 2021. The Administrative Commission took note of the concerns expressed by many Delegations
regarding the timeline foreseen for the end of enhanced support for the deployment of RINA 2020. The European Commission confirmed that normal support will continue after June 2021 with a focus on completing the RINA 2020 installations and data migrations. The Administrative Commission took note of the status of the workstream 2 follow-up and was informed about the continuation of the work on administrative processes and about the approach to be followed for the rejected strategic change request EESSI-8074, as discussed and endorsed by the Technical Commission. The Administrative Commission took note of the latest development in the work of the Ad Hoc Group on RINA Handover, as reported by its Co-Rapporteurs and about the progress in the preparation of the joint procurement. The interested countries were encouraged to pursue their work and to sign the agreement by end of June, as agreed by the group, in order to have the necessary resources in place and in operation before the end of the support period by end of 2021. The Commission will also monitor the preparation of the handover in the countries following a decentralised approach and organise a second round of bilateral calls. The Administrative Commission was informed about the scope of the Release 2021, about the next steps for presentation of the Release 2021 Calendar and about the state of play and content of the different change requests. The Administrative Commission was informed about the review process of the Terms of Collaboration (ToCs) and will be invited to approve the ToCs after their validation by the Technical Commission.

XIII. Changes in Member States legislation

The Administrative Commission took note of the changes in the Czech (note AC 086/21), Austrian (note AC 098/21), Swedish (note AC 129/21) and Slovak (note AC 130/21) legislation.

XIV. Miscellaneous amendments – Council and European Parliament Regulation

The Administrative Commission took note of the requests from the Czech and Austrian delegations.

XV. Draft agendas of the meetings of the Administrative Commission in the second half of 2021

The Administrative Commission took note of the Slovenian Presidency priorities and of the draft agendas in the second half of 2021.