

AC 284/21

Summary of the minutes of the  
368th meeting of the  
Administrative Commission

SECRETARIAT – 30.06.2022.

Orig. EN

**ADMINISTRATIVE COMMISSION  
FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS**

**Summary of the minutes of the  
369<sup>th</sup> meeting of the Administrative Commission**

**15-16 December 2021**

**A. Agenda**

The agenda was approved.

**B. Approval of Minutes**

The Administrative Commission approved the Minutes of the IX International Forum of the Administrative Commission on 6 October 2021 (AC 202/21).

**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 also informed the evaluation of the Cross-Border Healthcare Directive. The European Commission provided an update on the ESSPass project and informed about the changes in the mandate of the sectoral Ad-Hoc Groups, in particular as regards the roles of the rapporteurs and co-rapporteurs.

**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 016/21REV5); Average costs 2019 and 2020 (AC 299/21); Statement of annual accounts as at 31 December 2020 (AC 249/21); Change Requests referring to business aspects (BUCs and SEDs) (AC 233/21) and Nomination for membership to the Ad-Hoc Group on the digitalisation of the European Health Insurance Card (AC 148/21REV2).

**II. Report on the outcome of the Working Party of the Administrative Commission 6 October 2021**

The Administrative Commission took note of the report on Working Party on 14 December 2021 relating to the digitalisation of the social security coordination. The Working Party

focused on the digital transformation of public administrations, in particular on the implementation of the Single Digital Gateway Regulation and on the European funding instruments, and on the use of digital tools to prevent and fight fraud.

### **III. Statistical reporting on the coordination of social security schemes**

The Administrative Commission approved the following reports subject to corrections that were sent to the Secretariat:

- Statistical report on maternity and equivalent paternity benefits (AC 300/21),
- Report on recovery (AC 301/21) and
- Statistical report 2021 (AC 302/21).

### **IV. Annual discussion on Fraud and Error**

The Administrative Commission approved, subject to incorporation of changes, the statistical report on fraud and error (AC 304/21). The Administrative Commission took note of the report of the Steering Committee on Fraud and Error (AC 314/21).

### **V. Cooperation between the Administrative Commission and the European Labour Authority**

The Administrative Commission approved the proposal of the Cooperation Agreement between the Administrative Commission and the European Labour Authority as attached to the note AC 315/21 and authorised the Chair to conclude and sign the agreement on behalf of the Administrative Commission.

The Administrative Commission welcomed the proposed approach to revise the mandate of the existing Conciliation Board and invited leading delegations to draft its new mandate for discussion during next AC meeting. Interested delegations were invited to express their interest in joining current leading delegations in this task.

### **VI. Recovery under Articles 75 ff. of Regulation (EC) No 987/2009**

The Administrative Commission took note of the Slovenian note and the discussion regarding cross-border element in recovery proceedings and invited the interested delegations to submit their notes in order to share their views and practices.

### **VII. COVID-19 pandemic: Assessment of quarantine payments under Regulation 883/04**

The Administrative Commission took note of the Romanian view and invited the interested delegations to submit their notes in order to share their views regarding the payments linked to a preventive compulsory quarantine imposed by a Member State other than the competent Member State.

### **VIII. Applicable legislation - Illegal residency of a TCN in the MS of employment**

The Administrative Commission took note of the discussion concerning the illegal residency of third country nationals in the MS of employment as well as third country

national mariners and interested delegations were invited to submit notes presenting their position and their practice as regards, in particular, mariners.

#### **IX. 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 074/20REV3 for 6 months - until 30 June 2022.

#### **X. Telework and the possible impact on the determination of the applicable legislation**

The Administrative Commission took note of the discussions concerning telework in a non-pandemic COVID-19 context and its possible impact on the determination of the applicable legislation and invites the delegations to submit their notes on the subject as well as express their interest in creating a working group and participating in its work on this issue.

#### **XI. Submissions to and decisions of the Conciliation Board (CB)**

The Administrative Commission approved the request from the United Kingdom and Belgian delegations for the Administrative Commission to intervene pursuant to Decision A1 in a dispute over the competent state for cash sickness benefits. This became case CB 1/21. CB opinion shall be presented in time for the June meeting of the Administrative Commission. The delegations were invited to send the notes expressing their views on this issue which will be forwarded to the CB as a support for their works.

The Administrative Commission approved the request from the Czech and Slovak delegations for the Administrative Commission to intervene pursuant to Decision A1 in a dispute over the legislation applicable to specific categories of persons. This became case CB 2/21. CB opinion shall be presented in time for the June meeting of the Administrative Commission. The delegations were invited to send the notes expressing their views on this issue which will be forwarded to the CB as a support for their works.

#### **XII. EESSI**

##### **1. Report from the 65<sup>th</sup> and 66<sup>th</sup> meeting of the EESSI Executive Board and from the 93<sup>rd</sup> meeting of the Technical Commission**

The Administrative Commission took note of the reports from the 65<sup>th</sup> and 66<sup>th</sup> meetings of the EESSI Executive Board and from the 93<sup>rd</sup> meeting of the Technical Commission.

##### **2. Status of EESSI**

The Administrative Commission took note of the state of play of the EESSI implementation status in the participating countries.

The Administrative Commission was made aware of the issue of non-compliance with Decision E7 and of the report provided by the concerned delegations. The Administrative Commission urged countries to comply with the six-month deadline contained in this Decision E7 to be able to exchange with their counterparts and avoid parallel processes (digital and paper).

### **3. RINA Handover**

The Administrative Commission took note of the progress in the RINA handover ad hoc group, as reported by the co-rapporteurs. The Administrative Commission welcomed the temporary extension of the limited support for RINA from the central team in case of blocking or critical incidents, as announced in the letter from Joost Korte to Deputy Permanent Representatives.

### **4. EESSI Releases**

The Administrative Commission was informed about the deployment status of the RINA 2020 release and stressed the high risks linked to the late deployment planning for some of them. The Administrative Commission took note of the measures proposed by the Commission to facilitate CDM 4.3 integration by the participating countries. The Administrative Commission took note of the fact that a new version of the calendar for RINA 2021 release will be provided aiming to have an approval of the calendar at the 94th TC meeting in February 2022.

### **5. Terms of collaboration**

The Administrative Commission was informed about the revised version of the EESSI Terms of Collaboration and about the fact that – following the comments from the Finnish delegation on data protection - the Commission was going to propose a reviewed version.

### **6. Security / Data protection**

The Administrative Commission was informed and approved the proposed updates to the SEF mandate including an incorporation of the existing working group specialised in data protection, as endorsed by the Technical Commission during its 93rd meeting. The Administrative Commission was also informed about potential future changes, including the name of the group itself in order to better reflect both equally important streams of activities: security and data protection.

## **XIII. Possibility of issuing EHIC on paper**

The Administrative Commission took note of the Spanish note regarding their practice of issuing the EHIC in a paper format to the group of inactive persons resident in Spain, of the relating discussion and of the intention of the Spanish delegation to submit an additional note on the subject.

## **XIV. Applicable legislation - Article 13(4) of EU Regulation 883/2004 – Civil servant**

The Administrative Commission took note of the discussions concerning the applicable legislation in relation to civil servants and the fact that there was a specific approach in the Regulation as regards civil servants and that many delegations were of the opinion that they have to remain insured in the Member State where they are acknowledged to be civil servants. The Administrative Commission invited the interested delegations to submit their notes on the subject.

## **XV. Changes in Member States legislation**

The Administrative Commission took note of the changes in the Portuguese (note AC 296/20REV), Polish (note AC 312/21) and German (note AC 316/21) legislations.

## **XVI. Miscellaneous amendments – Council and European Parliament Regulation**

The Administrative Commission took note of the Portuguese request and invited the Portuguese delegation for additional note on including the benefit on the Annex X to the Regulation 883/2004.

## **XVII. Draft agendas of the meetings of the Administrative Commission in the first half of 2022 and the calendar of the meetings 2022**

The Administrative Commission took note of the French Presidency priorities and the agendas of the meetings of the Administrative Commission in the first half of 2022.

The Administrative Commission re-discussed the pattern of meetings for the year 2022 planned by the Commission. Depending on the availability/possibility that all AC meetings could take place in presence/hybrid mode (taking into account restrictions on physical presence which might be limited to 1-2 Members per delegation) and all Working Party meetings could be organised on-line.