

MoveS seminar Poland

Free movement and social protection of third-country nationals in the aftermath of mass influx of war refugees from Ukraine

Warsaw, 23 February 2023

Language: English/Polish

Międzynarodowe seminarium

Swoboda przepływu i ochrona socjalna obywateli państw trzecich w UE

w kontekście masowego napływu wysiedleńców z Ukrainy

Warszawa, 23 lutego 2023 r.

MoveS seminar Poland

Free movement and social protection

*of third-country nationals in the aftermath of mass influx
of war refugees from Ukraine*

Warsaw, 23 February 2023

Powitanie i otwarcie seminarium

Welcome statement and opening of the seminar

prof. dr hab. GERTRUDA UŚCIŃSKA

***Ekspert krajowy MoveS
Zakład Ubezpieczeń Społecznych***

***MoveS National Expert
Chairman of the Social Insurance Institution***

Wprowadzenie do projektu MoveS

Overview of the MoveS network

prof. dr hab. GERTRUDA UŚCIŃSKA

***Ekspert krajowy MoveS
Zakład Ubezpieczeń Społecznych***

***MoveS National Expert
Chairman of the Social Insurance Institution***

MoveS

project presentation

MoveS

EU-wide network
of independent legal experts
in the fields of
free **movement** of workers (FMW)
social security coordination (SSC)
& Posting

- Funded by the European Commission (DG EMPL units E1 'FMW' and E2 'SSC')
- 32 countries covered (EU/EEA/CH/UK)
- Implemented by Eftheia, Deloitte Advisory & Consulting, University of Ljubljana, University of Poitiers
- Four-year project (2022-2025)

Objectives:

(1) To provide legal expertise in the areas of FMW, SSC and Posting

- **Legal Reports**
- Bimonthly **Monitoring Reports**
- **Ad hoc requests** and **comparative assessments**

MoveS Legal Reports

- 2022 *'Social security and tax law in cross-border cases'*
- 2020 *'The legal status and rights of the family members of EU mobile workers'*
- 2019 *'The application of the social security coordination rules on modern forms of family'*
- 2019 *'The application of free movement of workers and social security coordination rules by national courts' (2020)*
- 2018 *'Social security coordination and non-standard forms of employment and self-employment: Interrelations, challenges and prospects'*
- 2018 *'Consequences and possible solutions in case of lump sum payment of pensions, reimbursement of contributions and waiver of pensions in cross-border situations'*

Objectives:

(2) Disseminate expertise and increase experts' and practitioners' knowledge by means of:

- **National seminars**
- **Webinars**
- **Information tools & communication**
- **Training for EC staff**

Seminars & webinars

- 8 one-day seminars a year
- 3 webinars
- Audience: Representatives of competent authorities and institutions, social partners, NGOs, judges, lawyers and academics

	Date (2023)	Country (City)
1.	23/02	Poland (Warsaw)
2.	April	Italy (Turin)
3.	May	Switzerland (Lausanne)
4.	June	Estonia (Tallin)
5.	June	Austria (Salzburg)
6.	September	United Kingdom (Nottingham)
7.	October	Romania (Bucharest)
8.	October	Bulgaria (Sofia)

Information tools & Communication

- [A-Z on social security coordination](#)
- [Social Security Coordination Regulations database](#)

A-Z Information tool

Moving & working in Europe

Working in another EU country

EU social security coordination

Network of legal experts (MoveS)

Case law

A-Z on social security coordination (FAQs)

Social Security Coordination Regulations database

Network of experts on statistics

A-Z on social security coordination (FAQs)

The '**A-Z of social security coordination (FAQs)**' is a facility setting out the basic principles and frequently raised issues in field of social security coordination.

You are invited to first read the [introduction](#) into the theory of social security coordination and the coordination instruments of the European Union.

You will then find more in-depth information structured in 70 keywords. Each keyword provides answers to specific questions and includes plenty of practical examples and links to further information sources to guide you through this complex topic.

Some keywords provide you with specific definitions (e.g. self-employed person, frontier worker), while others explain the legislative aspects of certain procedures (e.g. cross-border medical care, posting of workers).

You can use this tool to expand your own knowledge or to find the answer to practical questions. All you have to do is click on the relevant keywords below in order to see more detailed information.

A

[Access to social assistance and other benefits not covered by the material scope of Regulation 863/2004](#)

H

[Harmonisation of social security](#)

P

[Paternity benefits](#)

[Pensions](#)

[Personal scope](#)

Social Security Coordination Regulations database

(EC) Regulation No 883/2004	(EC) Regulation No 987/2009	(EC) Regulation No 1408/71	(EC) Regulation No 574/72												
<p>(EC) Regulation 883/2004</p> <p>TITLE 1: GENERAL PROVISIONS</p> <p>Art. 1: Definitions</p> <p>Art. 2: Persons covered</p> <p>Art. 3: Matters covered</p> <p>Art. 4: Equality of treatment</p> <p>Art. 5: Equal treatment of benefits, income, facts or events</p> <p>Art. 6: Aggregation of periods</p> <p>Art. 7: Waiving of residence rules</p> <p>Art. 8: Relations between this Regulation and other coordination instruments</p> <p>Art. 9: Declarations by the Member States on the scope of this Regulation</p> <p>Art. 10: Prevention of overlapping of benefits</p> <p>TITLE 2: DETERMINATION OF THE LEGISLATION APPLICABLE</p>	<p>(EC) Regulation 883/2004: Art. 1</p> <p>For the purposes of this Regulation:</p> <ol style="list-style-type: none"> 'activity as an employed person' means any activity or equivalent situation treated as such for the purposes of the social security legislation of the Member State in which such activity or equivalent situation exists; 'activity as a self-employed person' means any activity or equivalent situation treated as such for the purposes of the social security legislation of the Member State in which such activity or equivalent situation exists; 'insured person', in relation to the social security branches covered by Title III, Chapters 1 and 3, means any person satisfying the conditions required under the legislation of the Member State competent under Title II to have the right to 	<table border="1"> <thead> <tr> <th data-bbox="956 1043 993 1118">Implementing Articles of Reg. 987/2009</th> <th data-bbox="993 1043 1234 1118">Corresponding Articles of Reg. 1408/71</th> <th data-bbox="1234 1043 1476 1118">Administrative Commission Decisions</th> <th data-bbox="1476 1043 1705 1118">Corresponding CJEU Case Law</th> </tr> </thead> <tbody> <tr> <td colspan="4" data-bbox="956 1143 1705 1168">Implementing articles (EC) Regulation 987/2009 Articles</td> </tr> <tr> <td colspan="4" data-bbox="956 1200 1705 1220">Art. 1</td> </tr> </tbody> </table>	Implementing Articles of Reg. 987/2009	Corresponding Articles of Reg. 1408/71	Administrative Commission Decisions	Corresponding CJEU Case Law	Implementing articles (EC) Regulation 987/2009 Articles				Art. 1				
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Implementing articles (EC) Regulation 987/2009 Articles															
Art. 1															

Cooperation and networking

- **MoveS webpage (EUROPA)**

<https://ec.europa.eu/social/main.jsp?catId=1098&langId=en>

MoveS LinkedIn group:


MoveS – free movement and social security coordination

<https://www.linkedin.com/groups/4291726>



Search for posts in this group



 MoveS - free movement and social security coordination

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-  MoveS - free movement and s...
-  ESPN-MISSOC
-  European Social Observatory (...)

Groups

-  MoveS - free movement and s...
-  ESPN-MISSOC
-  European Social Observatory (...)

See all

Events



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Martin Andresen • 2nd

6mo • Edited

I have a question regarding the relationship between FMW and SSC for Third Country nationals (TCN), more specific unemployment benefits. As we know, TCN are covered by Regulation 883/2004 in most member states. This includes unemployment benefits. However, the Directive on union citizenship and also Regulation 492/2011 seems to apply only to EU / EEA citizens and thei ...see more



1

1 comment



Like

Comment



Add a comment...



Most recent ▾



Filip Van Overmeiren • 1st

Director Global Employer Services / Professor UGent & VUB

5mo

Hi **Martin Andresen**, pertinent question and happy to discuss! Feel free to send me a message.

Like



1

Reply



Filip Van Overmeiren • 1st

Director Global Employer Services / Professor UGent & VUB

2mo

New CJEU case on unemployment benefits

[#socialsecuritycoordination](#) [#socialsecurity](#) [#unemployment](#) [#residence](#)

Thank you for your attention!

Contact us at:

MoveS@eftheia.eu

Powitanie i otwarcie seminarium

Welcome statement and opening of the seminar

MARLENA MALAĞ

Minister Rodziny i Polityki Społecznej

Minister of Family and Social Policy in Poland

SESJA PIERWSZA

Tymczasowa ochrona w Polsce *wysiedlonych obywateli państw trzecich*

FIRST SESSION

Temporary protection of displaced third-country *nationals in Poland*

Zarządzanie masowym napływem wysiedleńców z Ukrainy w Polsce

Managing mass influx of displaced persons from Ukraine in Poland

PAWEŁ SZEFERNAKER

***Sekretarz Stanu w Ministerstwie Spraw Wewnętrznych
i Administracji, pełnomocnik rządu ds. uchodźców wojennych
z Ukrainy***

***Secretary of State, Ministry of the Interior
and Administration in Poland, the Government Plenipotentiary
for war refugees from Ukraine***

Makroekonomiczne aspekty napływu uchodźców do Polski

Macroeconomic aspects of mass influx of refugees to Poland

dr PIOTR ARAK

Dyrektor Polskiego Instytutu Ekonomicznego

Director of the Polish Economic Institute



Makroekonomiczne aspekty napływu uchodźców do Polski

23 lutego 2023 r.



Deloitte.



Funded by the



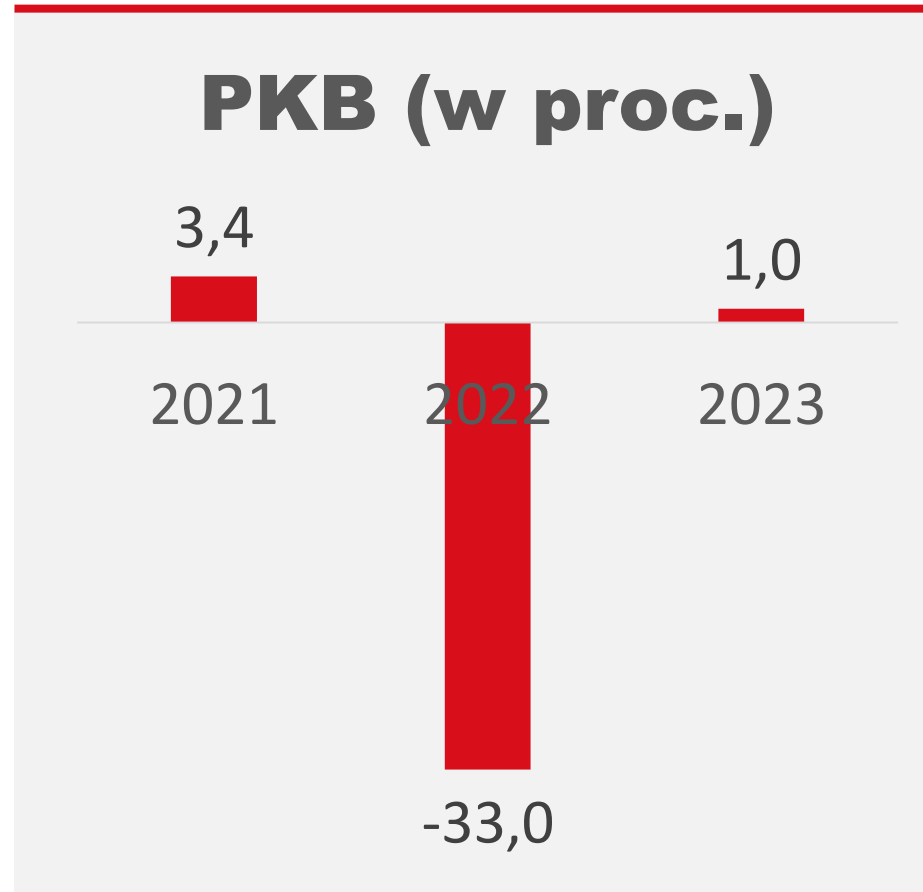
Gwałtowny spadek PKB Ukrainy w 2022 r.

Spadek PKB:

- Gwałtowne zmniejszeniem produkcji i konsumpcji:
- **75 proc.** firm nie funkcjonowało w marcu.
- We wrześniu było to **11 proc.**

Prognoza na 2023 r.:

- Słaby I kw.
- Poprawa w II połowie roku.
- Naprawy i odbudowa infrastruktury i budynków.



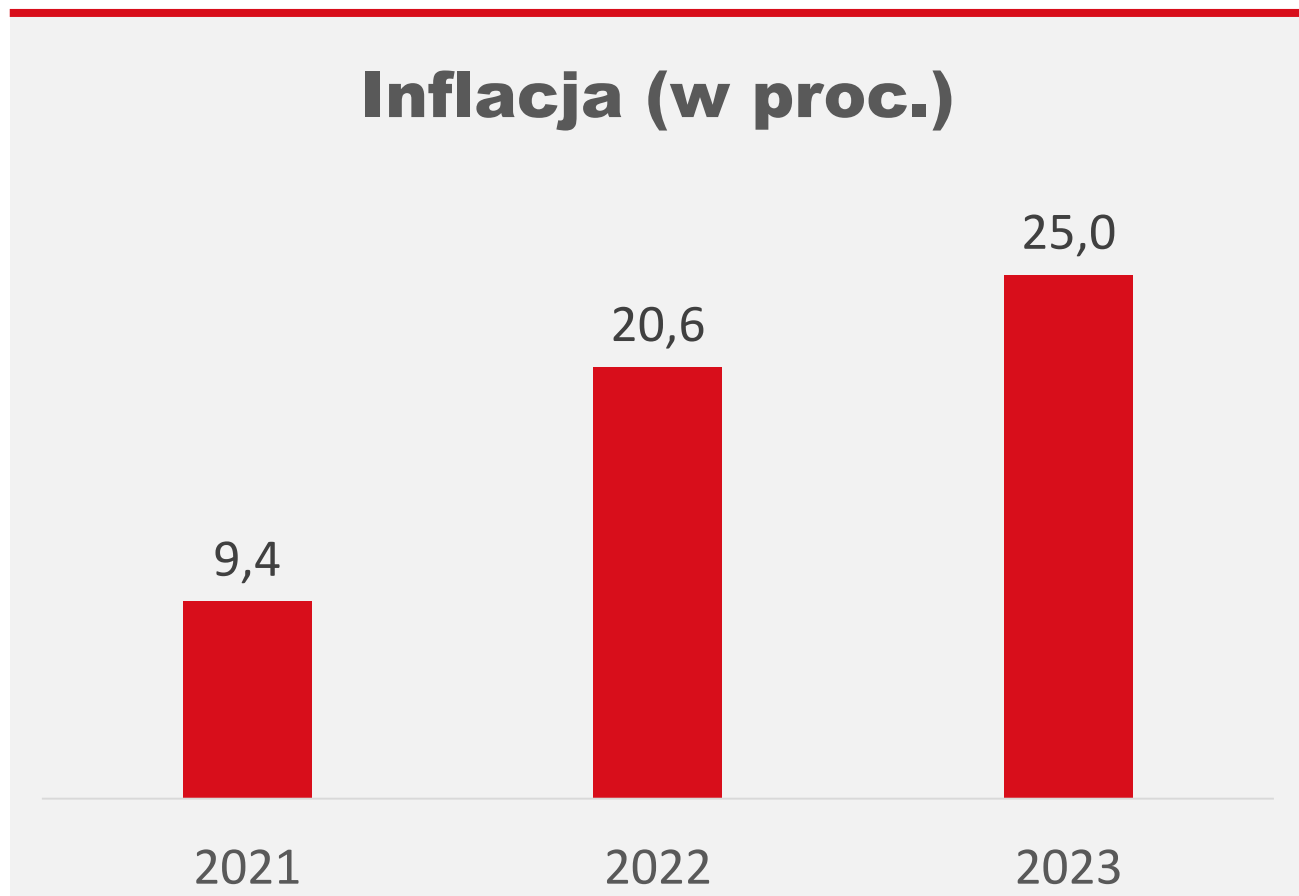
źródło: opracowanie własne na podstawie danych IMF.

Wysoki poziom inflacji w Ukrainie

2,5 proc.

wyniósł średni
miesięczny wzrost cen
w 2022 r.

Przyczyną były czynniki
po stronie podażowej
spowodowane wojną
oraz skutki lipcowej
dewaluacji hrywny.



źródło: opracowanie własne na podstawie danych IMF.

Znaczny wzrost bezrobocia w Ukrainie

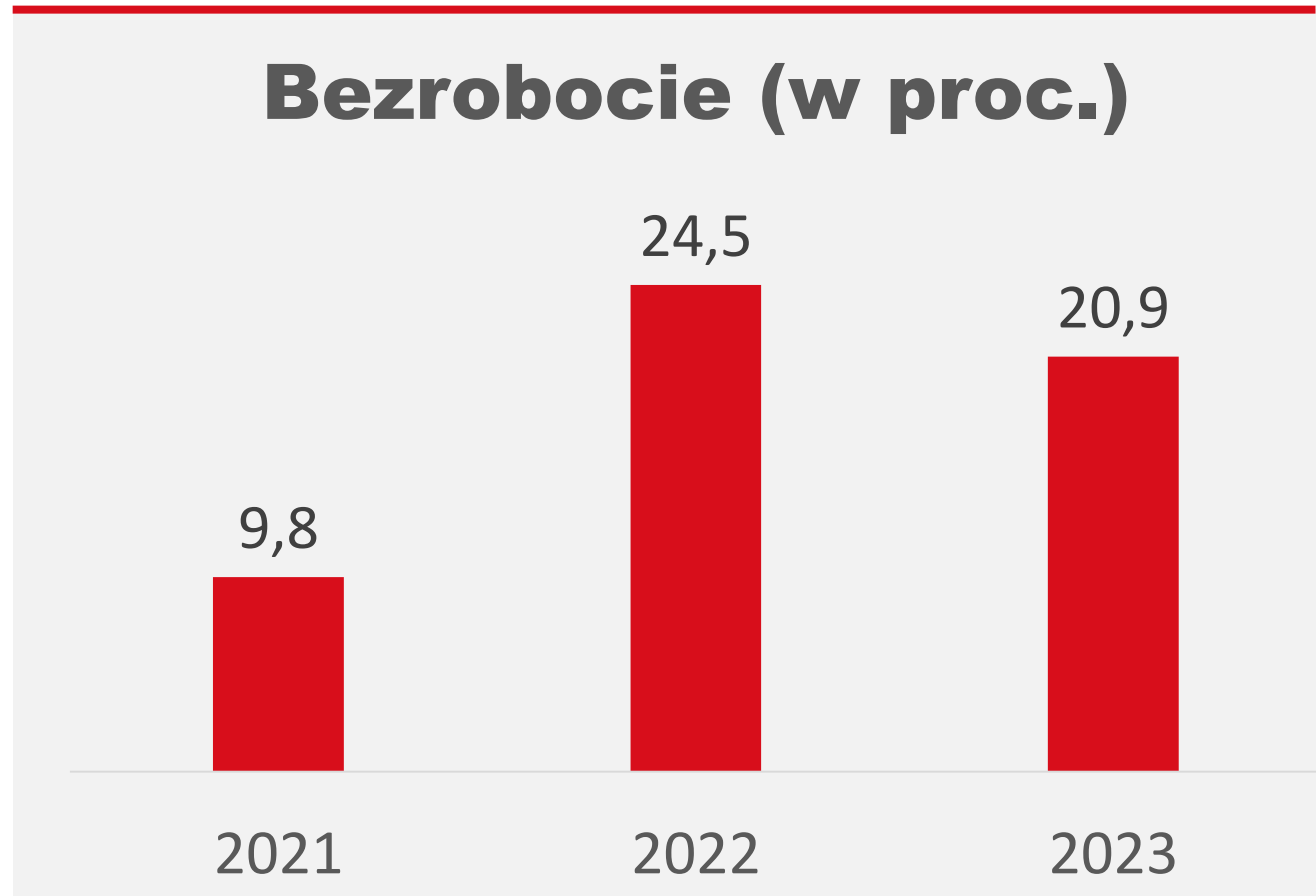
2,4 mln

miejsc pracy zostało utraconych (ILO).

z 5,5 proc. do

25 proc.

wzrosła skala ubóstwa w Ukrainie (6,85 USD dziennie (PPP z 2017 r.) - BŚ.



źródło: opracowanie własne na podstawie danych ILO.

Straty wojenne poniesione przez Ukrainę

137,8 mld EUR

straty w majątku trwałym

Szacunek Instytutu KSE na koniec 2022 r. Ta wartość zawiera zniszczone mieszkania i budynki, infrastrukturę publiczną i majątek prywatny

20 proc. ziemi rolnej nie mogło być uprawiane w 2022 r.

Rolnictwo zatrudniało 2,7 mln osób w Ukrainie w 2021 r.

13 mld EUR

Wartość utraconych aktywów przedsiębiorstw w 2022 r.

37,5

PMI ukraińskich firm w styczniu 2023 r.

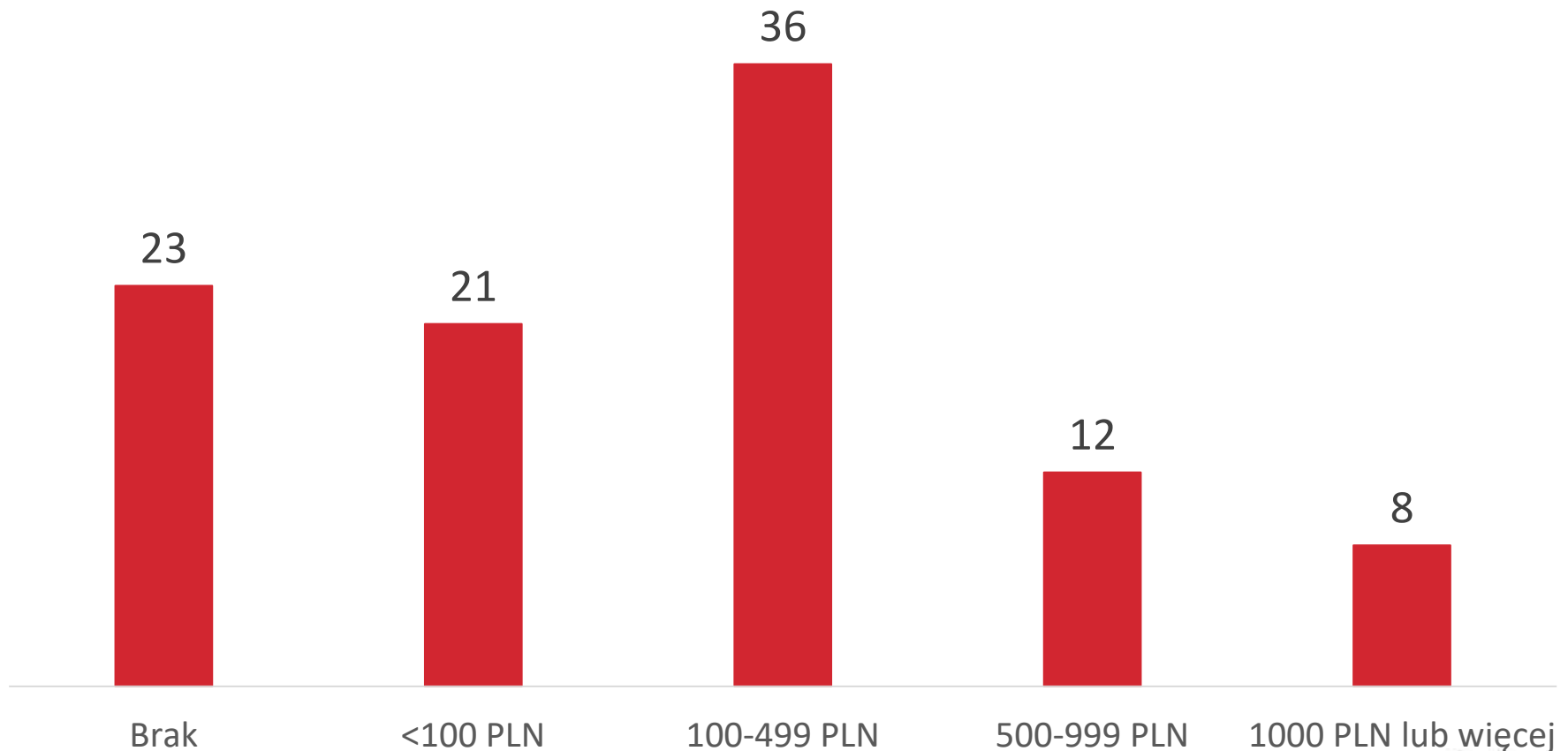
Jest to najniższy wynik od początku wojny. Respondenci wskazywali na przerwy w dostawie prądu, zniszczenie infrastruktury, niski popyt wewnętrzny i wysokie koszty

źródła: Instytut KSE (2023), Djankov, Blinov (2022), NBU Monthly Business Outlook Survey (styczeń 2023)

Polacy hojnie wsparli uchodźców z Ukrainy



Wsparcie finansowe dla uchodźców z Ukrainy przekazane przez Polaków



Deloitte



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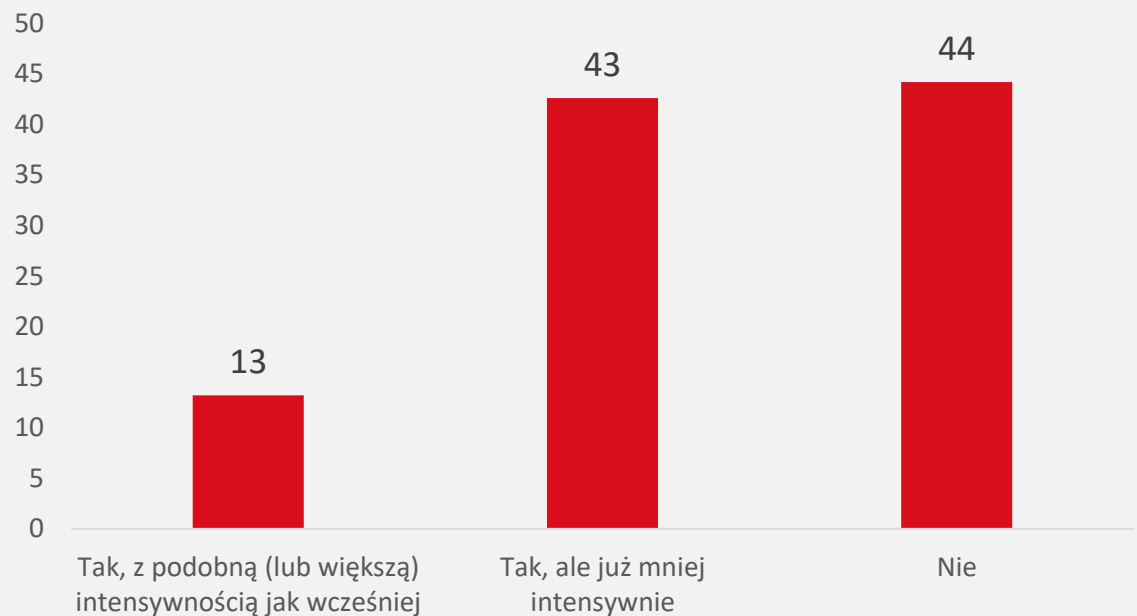


Wsparcie dla uchodźców dalej jest znaczne

W pierwszych trzech miesiącach po inwazji **77 proc.** Polaków udzielało wsparcia uchodźcom z Ukrainy.

Choć skala pomocy zmniejszała się z czasem, to po kolejnym pół roku ponad połowa osób kontynuowała swoje zaangażowanie.

**Zaangażowanie w pomoc uchodźcom w listopadzie 2022 r.
– wśród osób, które wcześniej udzielały pomocy (proc.)**



źródło: opracowanie własne na podstawie przeprowadzonego badania CATI.

Polski Instytut Ekonomiczny

Funded by the



Jednoosobowe działalności gospodarcze (JDG) zakładane przez Ukraińców w 2022 r.

8,5 proc.

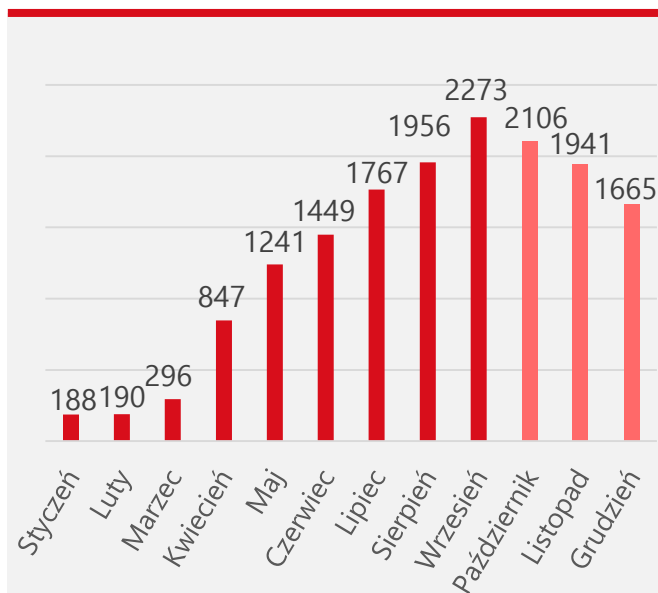
wszystkich zarejestrowanych JDG we wrześniu i

9,2 proc. w

grudniu stanowiły działalności prowadzone przez Ukraińców

24 proc.

JDG założonych przez Ukraińców w 2022 r. powstało w województwie mazowieckim

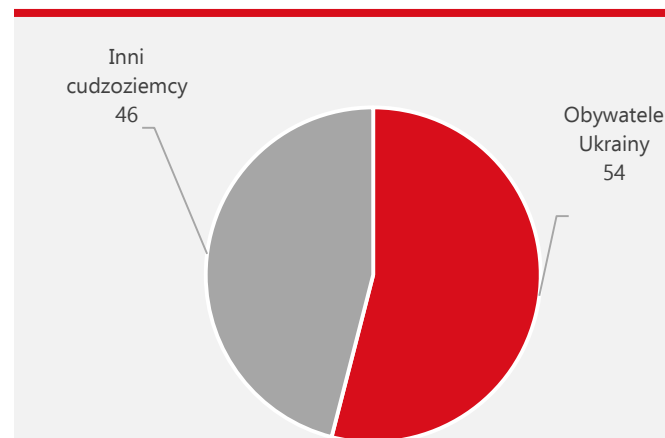


10,2 tys.

JDG powstało w 2022 r. (styczeń-wrzesień)

15,9 tys.

JDG powstało w 2022 r.



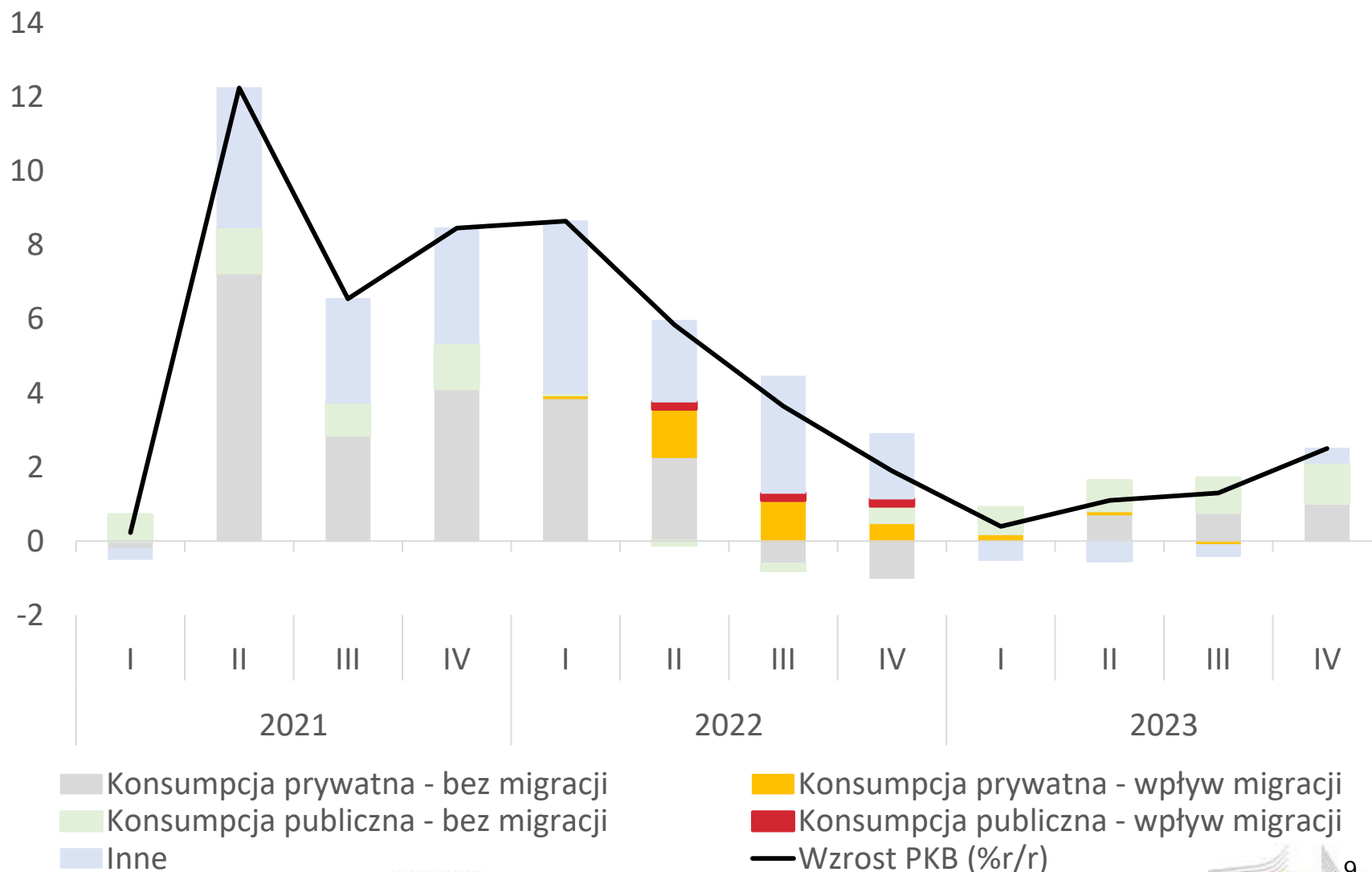
54 proc.

JDG założonych w 2022 r. przez cudzoziemców założyli Ukraińcy

źródło: opracowanie własne na podstawie danych CEIDG.

Polski Instytut Ekonomiczny

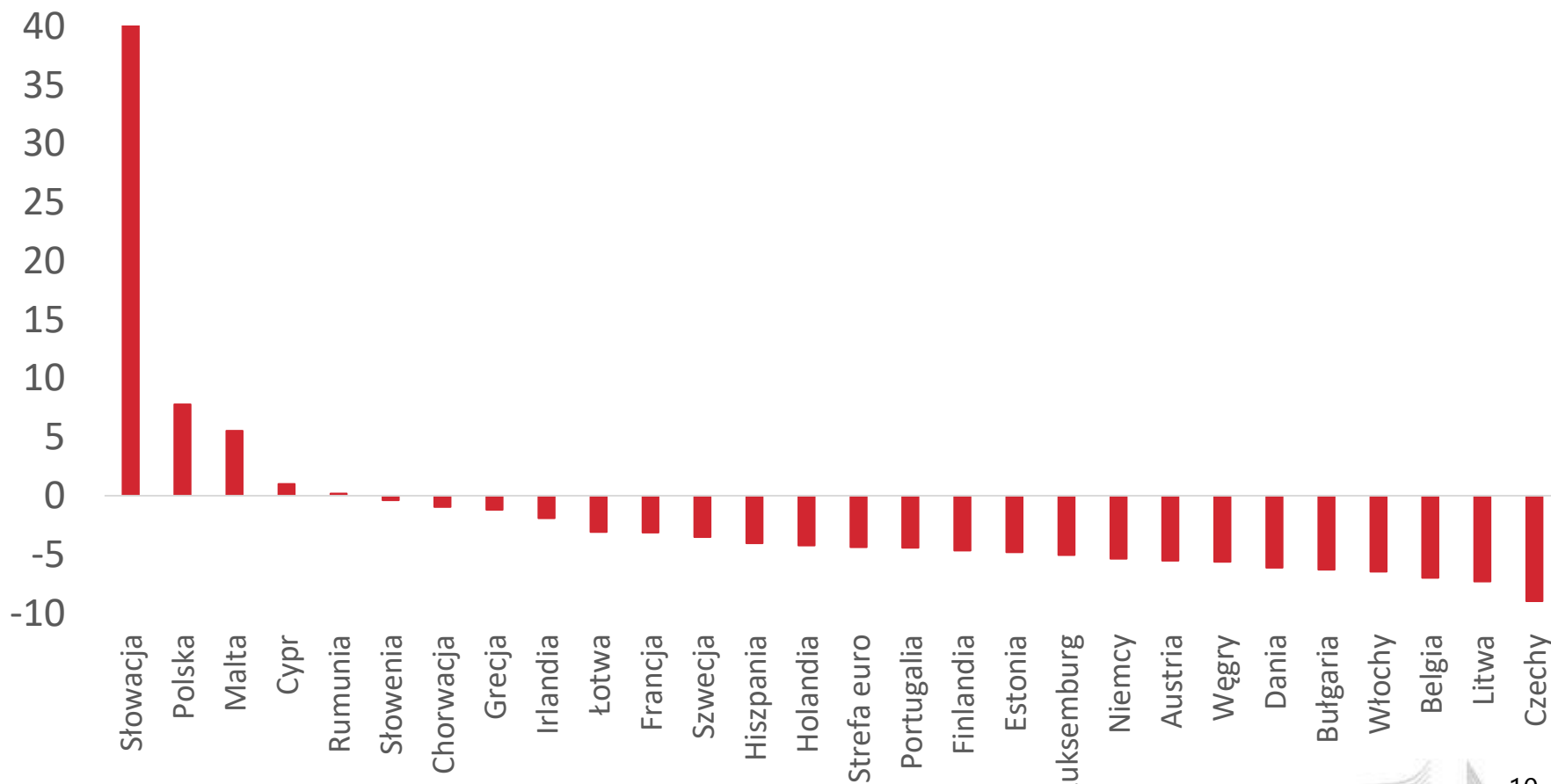
Szacowany wpływ migracji na PKB



Wydatki migrantów powiększały aktywność gospodarczą Polski na tle państw UE w 2022 r.



Sprzedż detaliczna żywności w listopadzie 2022 r. (%r/r)



Deloitte



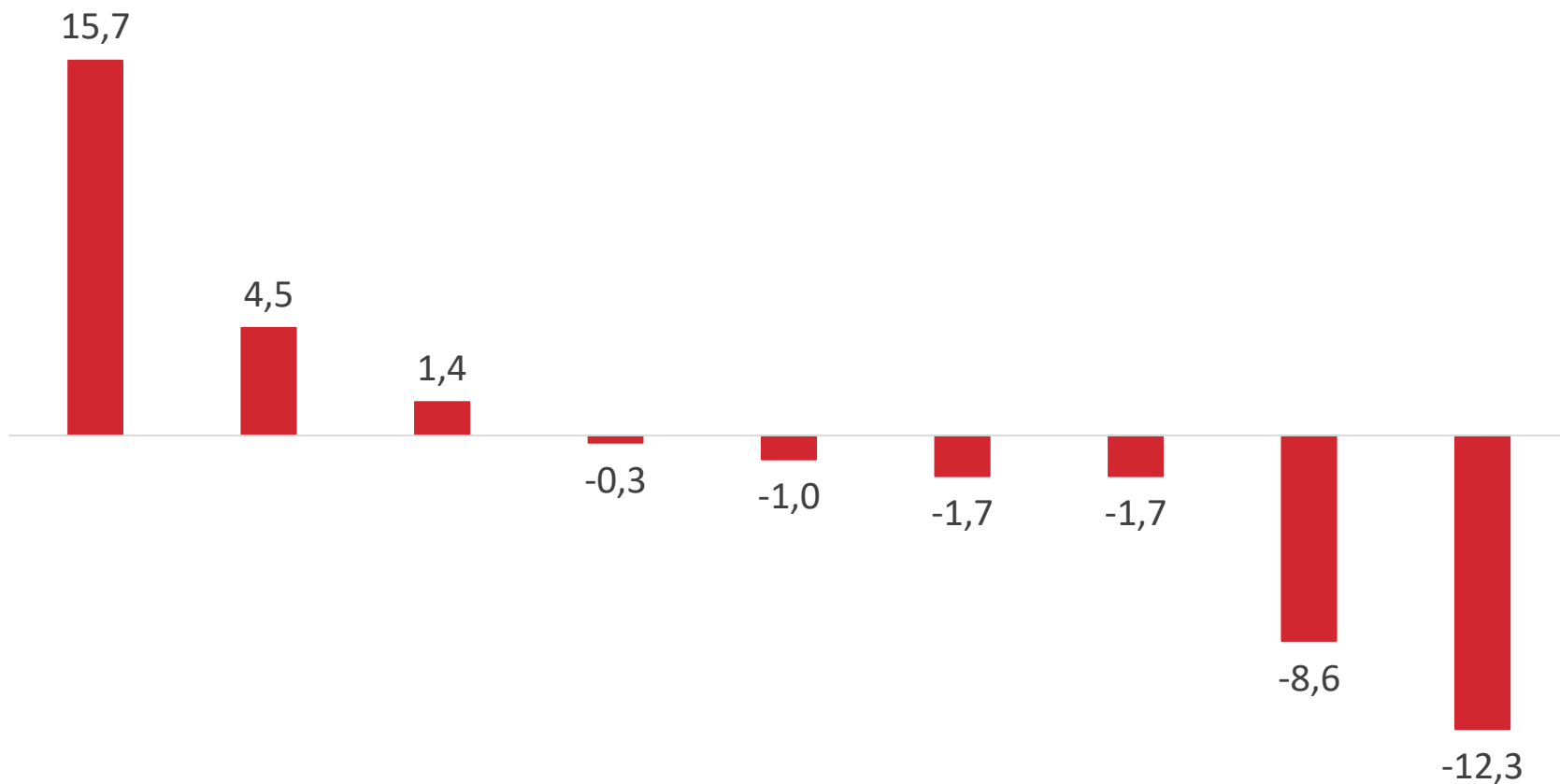
Funded by the



Struktura sprzedaży wciąż zdominowana zakupami bieżącymi.



Sprzedaż detaliczna w styczniu (%r/r)



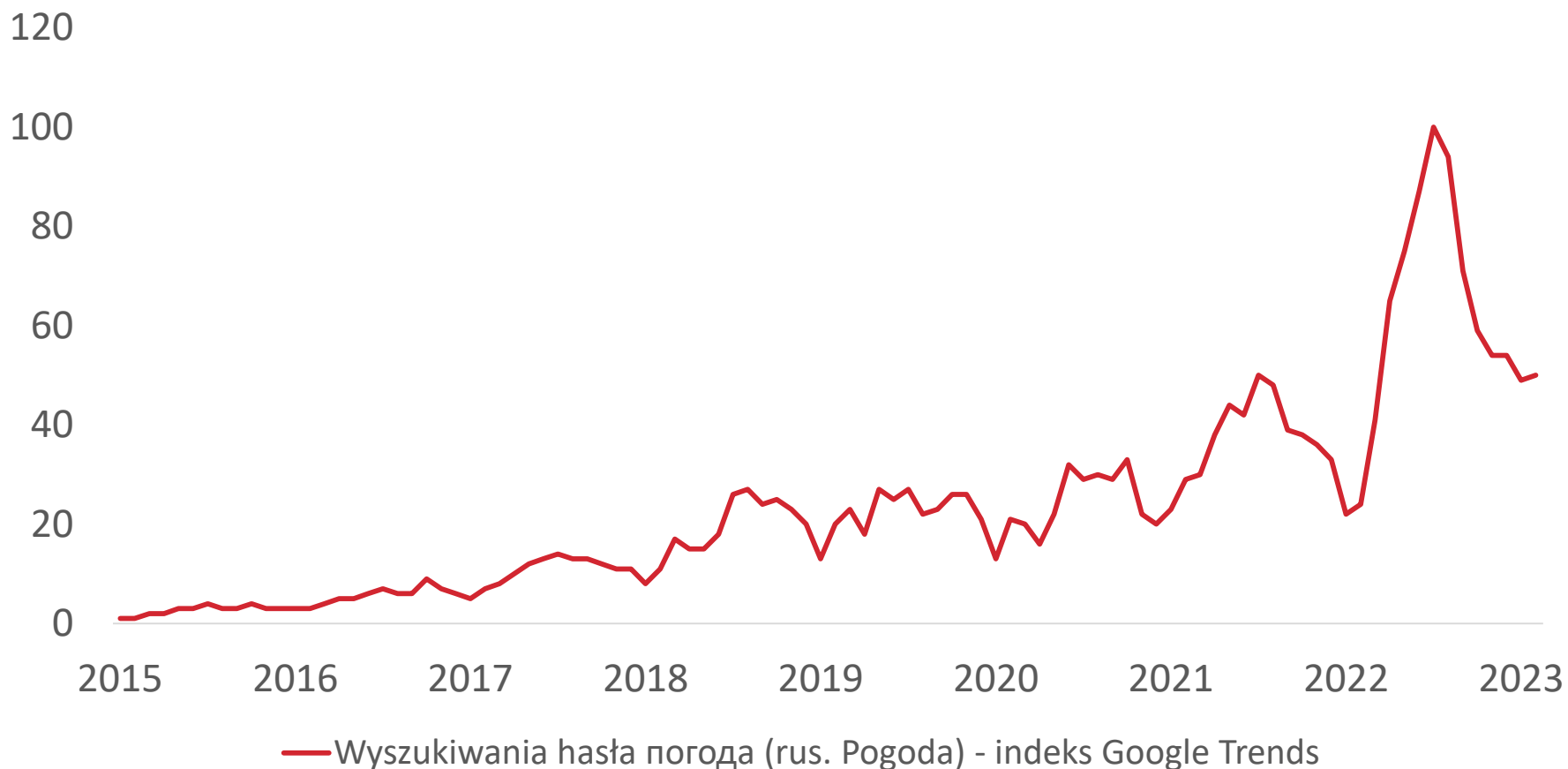
Funded by the



Spadek liczby migrantów w 2023 będzie ciężył na PKB

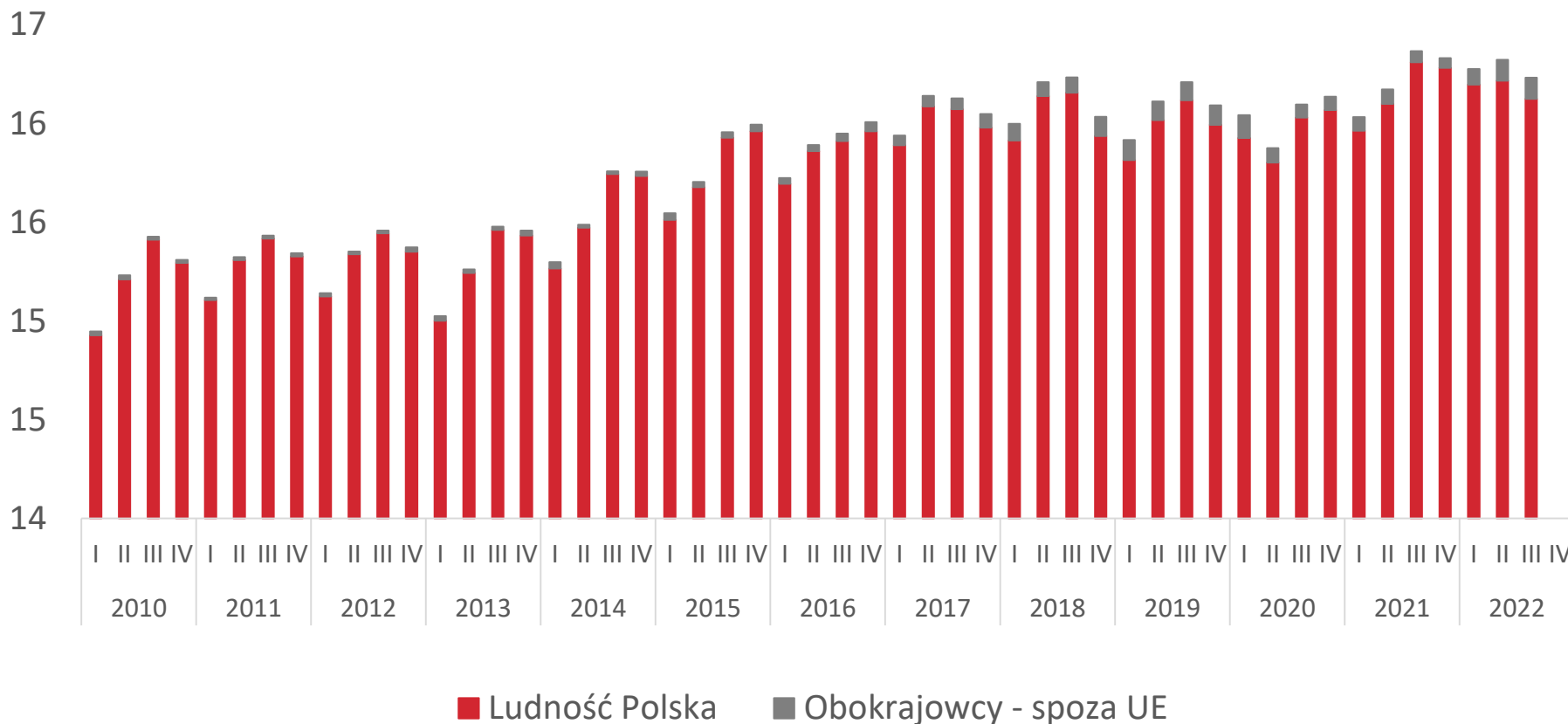


Liczba migrantów z Ukrainy w Polsce spadła w I kwartale



Migranci powiększają zatrudnienie, ale aktywność jest słabo raportowana przez GUS.

Zatrudnienie według BAEL (mln osób)



SESJA PIERWSZA

Pytania i dyskusja

FIRST SESSION

Questions and discussion

SESJA DRUGA

*Swoboda przepływu pracowników
i koordynacja systemów zabezpieczenia społecznego
wysiedlonych obywateli państw trzecich
w Unii Europejskiej*

SECOND SESSION

*Free movement and social security coordination
of displaced third-country nationals
in the European Union*

Swoboda przepływu pracowników i koordynacja systemów zabezpieczenia społecznego dotyczące obywateli państw trzecich

Free movement and social security coordination of third-country nationals

JOANNA KACZANOWSKA

***Wydział ds. Koordynacji Zabezpieczenia Społecznego,
Dyrekcja Generalna ds. Zatrudnienia, Spraw Społecznych
i Włączenia Społecznego, Komisja Europejska***

***Social Security Coordination Unit, Directorate-General for Employment,
Social Affairs and Inclusion, European Commission***



Free movement, social security coordination and migration aspects of third-country nationals

Joanna Kaczanowska
European Commission, DG EMPL
Unit E2 – social security coordination



Overview- Coordination of Social Security for TCN

1. Regulation 883/2004
2. Regulation 1231/2010
3. International Forum on Social Security
Coordination



Regulation 883/2004

"This Regulation shall apply to nationals of a Member State, stateless persons and refugees residing in a Member State who are or have been subject to the legislation of one or more Member States, as well as to the members of their families and to their survivors." (Art. 2)

=> Reg. 883 applies to:

- EU citizens
- stateless persons and refugees

Residing in EU MS

Subject to the
legislation of one or
more Member States

- family member who is TCN

=> Territorial scope:

EU Member States + EEA (Iceland, Lichtenstein, Norway)
+ Switzerland



Regulation (EU) No 1231/2010

"Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 shall apply to nationals of third countries who are not already covered by those Regulations solely on the ground of their nationality, as well as to members of their families and to their survivors, provided that they are legally resident in the territory of a Member State and are in a situation which is not confined in all respects within a single Member State." (Art. 1)

Reg .1231 applies to:

- TCN
- family members
- Survivals

Legally resident

"In cross border situation"
not covered by Reg. 883

Territorial scope: **EU Member states without Denmark**

!!!excluded: EEA (Iceland, Lichtenstein, Norway) + Switzerland)



International Forum on Social Security Coordination

- Established in Communication from the Commission on the external Dimension of EU Social Security Coordination
- Organised on yearly basis, gathers representees of EU Member States
- Forum is a platform for discussion between the Member States on the external dimension of EU social security coordination and, if necessary, to identify the areas where cooperation could be reinforced and/or where common action could be taken.



X Forum on International Dimension of Social Security Coordination

Ukraine crisis and the relations in the field of social security with the countries involved in the conflict

Exchange of experiences with particular regard to :

- Cooperation and exchange of information between MS and UA in areas covered by bilateral agreements
- Problems with payment of pensions to countries involved in the conflict
- Ukrainian nationals with disabilities – assessment of health condition for access to insurance and benefits in MS.



EMPL-E2-UNIT@ec.europa.eu

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SESJA DRUGA

Pytania i dyskusja

SECOND SESSION

Questions and discussion



Przerwa kawowa

Coffee break

SESJA TRZECIA

DEBATA. Swoboda przepływu i ochrona socjalna obywateli państw trzecich:

- Dobre praktyki wypracowane w państwach członkowskich UE***
- Wpływ specjalnych ustaw i porozumień na status tych osób***
- Problemy i przeszkody w stosowaniu przepisów FMW i SSC***
- Wyzwania dla efektywnej współpracy, wymiany informacji***

THIRD SESSION

DEBATE. Free movement and social protection of third-country nationals:

- Good practices developed in the EU Member States***
- Impact of special national law and agreements***
- Problems or obstacles in applying the provisions***
- Challenges for effective cooperation***

Tymczasowa ochrona wysiedleńców z Ukrainy w Unii Europejskiej: analiza porównawcza

**Temporary protection for displaced persons
from Ukraine within the EU: a comparative analysis**

prof. dr ELIAS FELTEN

Uniwersytet w Salzburgu

University of Salzburg

Temporary protection for displaced persons from Ukraine within the EU: a comparative analysis

Elias Felten

University of Salzburg (Austria)

Elias.Felten@plus.ac.at

Outline

- Which legal instruments are used by the MS to support displaced persons from Ukraine?
- Which topics the MS addressed most
- Are there any best practice models which could give guideline for the future?
- What kind of shortcomings can be detected?

Outline

- Map of national measures offered to displaced persons in the EU in the field of access to employment and social security
- Compiled under a mandate of the European Labour Authority (ELA) to prevent labour exploitation and to tackle undeclared work
- <https://www.ela.europa.eu/en/support-people-fleeing-ukraine>

Legal Instruments

- Art 1 of the Temporary Protection Directive (TPD)

“The purpose of this Directive is to establish minimum standards for giving temporary protection in the event of a mass influx of displaced persons from third countries who are unable to return to their country of origin and to promote a balance of effort between Member States in receiving and bearing the consequences of receiving such persons”

Legal Instruments

- Set of minimum standards is crucial
- Amount of protection has direct impacts on the choice of the displaced person where to apply for temporary protection
- Risk of a “race to the bottom”, considering that migration in general is a problematic political topic in most of the Member States
- More pressure on those MS, who are direct neighbors

Legal Instruments

- Minimum standards are introduced by a Directive concretized by a Council Decision
- Standards are not directly applicable for the MS but need to be implemented by national measures
- gives a substantial margin of discretion, which is in fact used by the MS, as a comparative analysis shows

Personal Scope

- Art 2 TPD
 - 1) Ukrainian nationals
 - 2) their family members and
 - 3) all those who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022
- Third country nationals just legally residing in the Ukraine before 24 February 2022
 - MS can choose to directly apply the Council Decision or provide any other “adequate protection”

Personal Scope

- Significant group of Member States do not directly apply the Council Decision
 - AT, DE, GRE, HU: adequate protection
- Direct application to all third country nationals
 - BUL, GER, EST, ESP, FIN, FR, IT, POL, RO
- Differentiation between third country national with a permanent resident permit and those who are legally but only temporarily residing in Ukraine
 - BEL, CEZ, CYP, CRO, NED

Employment

- Art 12 TPD

“Member States shall authorize persons enjoying temporary protection, for a period not exceeding that of temporary protection, to engage in employed or self-employed activities as well as in activities such as educational opportunities for adults, vocational training and practical workplace experience”

Employment

- Automatic access by issuing a working permit
 - AT, GER, BEL, SWE
 - In AT the working permit is limited to a specific employer and a specific work place
 - In GER or BEL free access to the whole labour market is given
- No need for a formal authorisation
 - BUL, DE, CRO, HU, POL
 - CEZ: employers have just to inform the labour authorities

Employment

- Recognition of qualification/diplomas
 - RO: beneficiaries of temporary protection are allowed to work based on a declaration on their own responsibility
 - POL: special rules were introduced to assist Ukrainian nationals to get integrated into the national labour market
 - IT/HU: introduced laws containing a derogation from the rules on the recognition of health professional qualifications for Ukrainian medical practitioners
 - Other countries like AT, GER, CRO or FR do not provide any specific schemes facilitating the recognition of diplomas in comparison to normal third country nationals

Social Protection

- Art 12 TPD

"...the general law in force in the Member States applicable to remuneration, access to social security systems relating to employed or self-employed activities and other conditions of employment shall apply to displaced persons as well."

- The possibility to be employed is linked in most of the MS to the inclusion into the national social security systems

Social Protection

- Art 13

„Member States shall ensure that persons enjoying temporary protection have access to suitable accommodation, receive necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources, as well as for medical care.“

Social Protection

- Access to health care
 - Member States like AT, BEL, BUL, RO or POL include displaced persons into the health insurance system normally provided for employed or self employed by administrative order or law although the person concerned is not employed
 - Health insurance contributions are paid out of the global budget

Social Protection

- Access to means of subsistence and suitable housing
 - AT, IT, DE is providing social protection on regional or even municipal level = many different systems
 - MS like AT, GER, DE apply social assistance systems which were originally intended to support persons seeking for asylum
 - systems intended for asylum seekers normally do not pursue the goal to integrate the persons concerned into society and the national labour market
 - income deriving from employment results in a (partial) withdrawal of benefits

Conclusions

- Although the TPD provides minimum standards...
- ...the measures in practice differ from MS to MS
- Access to information for displaced persons is difficult but crucial
- Unfair distribution of burden between MS
- Harmonization of minimum standards

Ochrona socjalna obywateli państw trzecich, uchodźców z Ukrainy w praktyce

Social protection of third-country nationals, refugees from Ukraine in practice

JUDr JITKA KONOPÁSKOVÁ

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***Head of EU Coordination and International Relations
Department, Czech Social Security Administration***



Jitka Konopásková, Czech Social Security Administration:
„Social protection of 3rd country nationals, refugees from Ukraine - in practice“
23.02.2023

- **Statistics**
- **Legal background**
- **Lex Ukraina**
- **Social Security**
- **New benefits**
- **Information**



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Foreigners in the Czech Republic:

2004

255 917 all / 78 263 UE / **1,9 %** share of CS population +12 months res.

2021

660 848 all / 196 875 UE , 106 099 temporary, 90 776 permanent / **6,2 %** share of CS pop. +12 months residence

2022

1 116 154 all / 632 282 UE (452 657 March) / near to **6,9 %** share of CS population +12 months, **9,6 %** of all population

UA 31.12.2022

Men 228 282 temporary / 47 867 permanent

Women 314 455 temporary / 45 678 permanent

Most of temporary stays: EU 's temporary protection

(EU Temporary Protection Directive)

UA refugees composition (July 2022):

44% women

36% children

$\frac{3}{4}$ adults under 45 years with 28% adults under 30 years old

Usual household 1 woman + 1 child

43% of households having children under 5 years

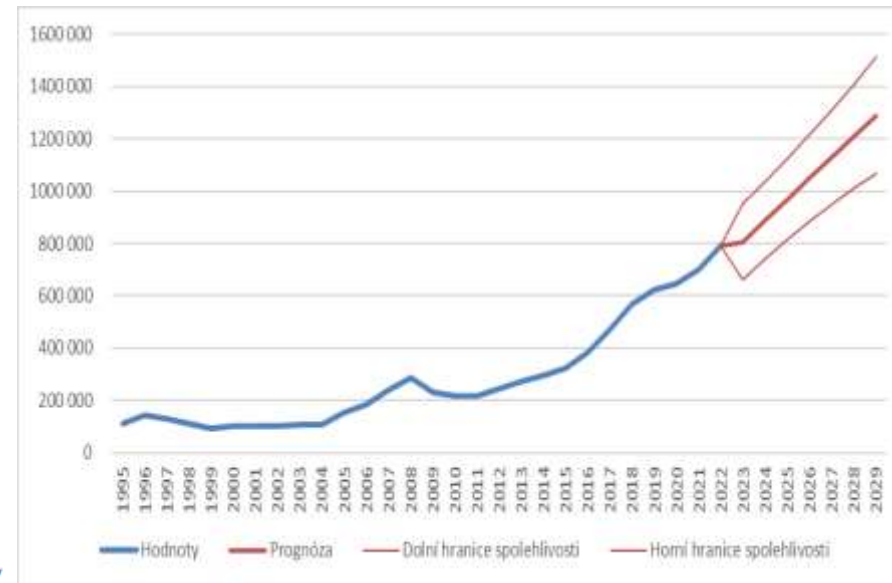
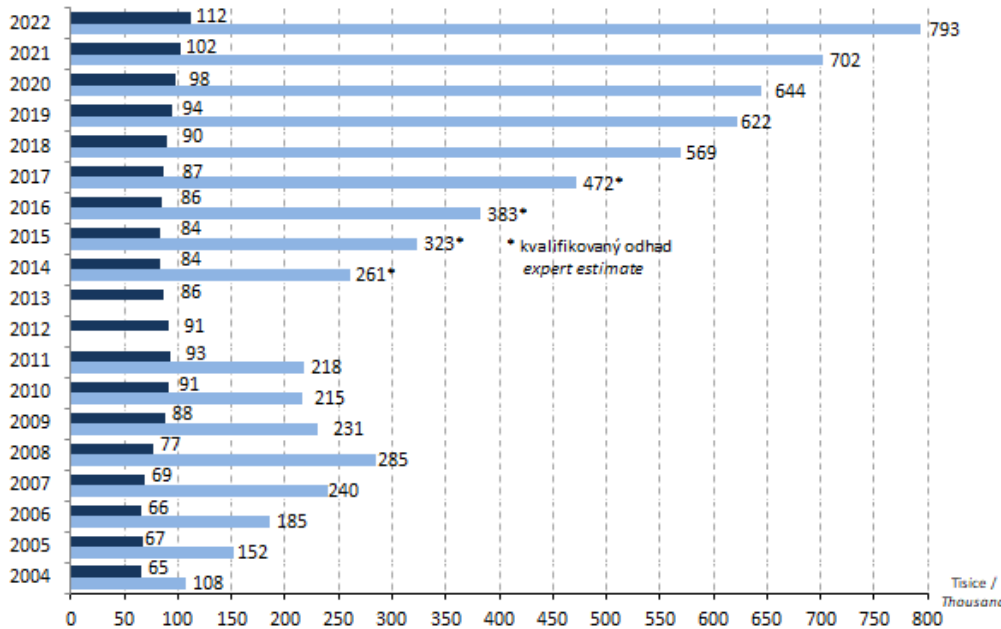
Employment of UA refugees with EU´s temporary protection:

22.08.2022 77 976 (in total 78 451 with other countries)

18.10.2022 92 626

Jan. 2023 94 400 ...

ZAMĚSTNANOST CIZINCŮ PODLE POSTAVENÍ V ZAMĚSTNÁNÍ
EMPLOYMENT OF FOREIGNERS BY STATUS IN EMPLOYMENT
2004 - 2022



2022	793 290	793 290	793 290	793 290
2023		805 448	660 119	950 777
2024		886 288	738 110	1 034 466
2025		967 128	812 750	1 121 505
2026		1 047 968	883 161	1 212 774
2027		1 128 807	948 927	1 308 688
2028		1 209 647	1 010 062	1 409 232
2029		1 290 487	1 066 866	1 514 109

Legal background in the Czech Rep.:

Standard national legislation on social security, employment, public health insurance, social services ... legislation on temporary protection was in place



New special legislation very fast introduced (Lex Ukraine I, II, III, IV and currently in leg. process Lex Ukraine V)

- benefits for refugees
- allowances for subjects providing accommodation
- education
- obligations and processes for public institutions
- obligations to réfugiées etc.

(Act No 65/2022 Coll., on certain measures in connection with the armed conflict ... in effect from 21 March, 2022)

Social Security - pensions

- no big legal issues regarding pensions as CR has a bilateral agreement UA (in effect from 1. April 2003)
- problems in communication, information exchanges between institutions as the first months post did not deliver: applicant received advance pension payments, liaison bodies communicated, also CZ Consulate was involved shortly, some information was exchanged via encrypted email, from summer no big issues more
- Russian Federation, Belarus and Moldova (CR has bilateral agreements): problems with information exchanges as post did not deliver (similar as with UA) plus payments of pensions
- Sberbank and other Russian banks penalized: impact on Czech and 3rd countries nationals (measures taken by CSSA)
- Softer régime for verification of life certificates (CR has only directly paid out pensions acc. to bilateral agreements)

Social Security – health assessment, evidence of employées with special protection

- Health assessment: special approaches needed in case of refugées who do not fall within the bilateral agreement scope
 - Lex Ukraine: CSSA ensures health assessment upon request of person for purposes of special disability benefits
- + new provisions proposed by Lex Ukraine V
- (foreigner with a temporary protection applies for health assessment electronically at the CSSA – persons with disability who could obtain disability benefits as CZ citizens from labour offices)
- employers are obliged to notify employées to the CSSA
 - CSSA keeps evidence of employées with special protection

Ministry of Labour and Social Affairs with the Ministry of Health were solving a few special cases (pendlers, child of a biological father from UE in family with a Czech father working in DE and mother from UA – status of family member..).

Health insurance

- Réfugiés with temporary protection covered as Czech citizens
- Lex Ukraine covers situations when national legislation is not sufficient

Applicable legislation

- Posted workers
- Problems with people who migrated without letting the state of temporary protection know (lack of evidence on EU level)

Soldiers (self-employed, employées) got temporary „pardon“ from certain obligations

Employment – mitigated limits to labour market, introduced measures to protect people with temporary protection

New social benefits introduced in the Czech Republic:

- **Humanitarian benefit** (near to 5 000,- CZK/pers. for max. 6 months)
- **Immediate assistance allowance** (same conditions as for Czech citizens)
- **Solidarity allowance** to the households (currently up to 15 000 CZK at max. in case 5 pers. accommodated)

With the Ministry of Education

- Education in Czech language
- Requalification courses

All benefits/allowances are provided by the Labour Office, application on-line, or in person. Simple verification, fast assessed and paid out. Czech banks collaborated closely and established accounts to refugees in meeting places.

<https://www.cssz.cz/web/cz/-/dopomoga-gromadanam-ukraini-ta-ihnim-rodin-1>

<https://www.mpsv.cz/pomoc-ukrajine>

Information on social security may be obtained also on websites in Czech and Ukrainian language – each public institution with a special website dedicated to UA from March 2022

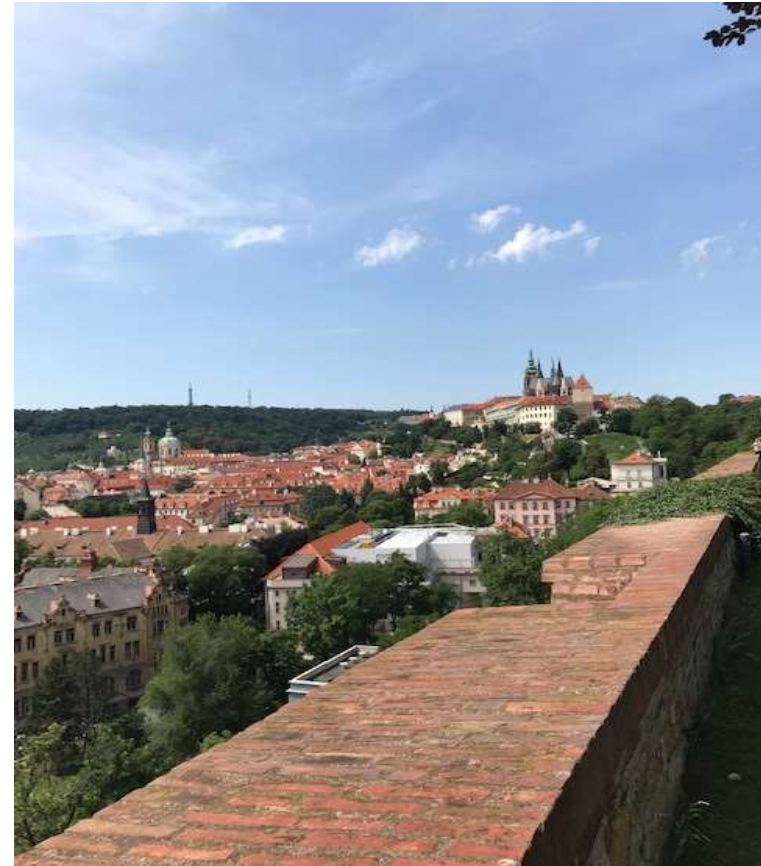
Issues regarding UA (and all 3rd countries nationals) are monitored in a standard way on different levels, also at cross-sectorial Committee (established by Ministry of Labour and Social Affairs), regular reports to the Minister etc...

Special attention paid to

- protection at labour market as refugees are mostly working at positions not adequate to their education (language barrier and acknowledgement of diploma f.i. of medical doctors).
- children – quata for kindergardens and basic and secondary schools
- accommodation, access to health services (psychiatric, logopedic care...)

Thank you for your attention.

Best regards from Prague!



ČESKÁ SPRÁVA
SOCIÁLNÍHO ZABEZPEČENÍ

jitka.konopaskova@cssz.cz

Wykorzystanie specjalnego prawa krajowego
i umowy o zabezpieczeniu społecznym w ochronie
rodzin oraz pracowników zmuszonych do ucieczki
z Ukrainy z powodu wojny

**Application of special national law and social security
agreement to protect families and workers forced to flee
Ukraine because of the war**

dr ANDRZEJ SZYBKIE

***Dyrektor Departamentu Rent Zagranicznych,
Zakład Ubezpieczeń Społecznych***

***Director of Foreign Pensions Department,
Social Insurance Institution in Poland***



MoveS seminar Poland

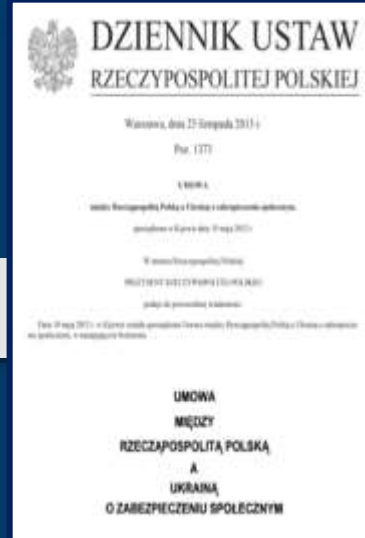
Free movement and social protection of third-country nationals in the aftermath of mass influx of war refugees from Ukraine

Warsaw, 23 February 2023



Application of special national law and social security agreement to protect families and workers forced to flee Ukraine because of the war

Polish experience and the use of administrative measures and software to automate processes



dr. Andrzej Szybkie

Director of the Foreign Pensions Department in ZUS





ZAKŁAD
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ZUS is an institution in Poland that provides numerous services to the society in the field of broadly understood social security

ZUS' TASKS

- administration of social security programs, all population except farmers and military services
- legal person different from Ministries but overseen by Government
- collects **social insurance contributions** for workers and self-employed in Poland (about 16 million)
- pays out social security benefits**, like old age pensions, invalidity benefits, survivors pensions, sickness and maternity allowances, benefits for accident at work, etc.
- the number of beneficiaries receiving pensions paid by ZUS is about 7.8 million (pensioners).
- applies EU law on coordination of social security systems** (applicable legislation, pensions, allowances)
- provides benefits from 4 Programs for Families (since 2021 and 2022)**
- applies Social Security Agreements** – (Social Security Agreement between Poland and Ukraine in force since 01.01.2014)
- provides other financial support and services for society (e.g. for enterprises in Covid time)

24 of February 2022 – beginig of war in Ukraine



- Refugees from Ukraine and necessity of protection
- Problems with payments of benefits under Social Security Agreement between Poland and Ukraine
- Claim processing under Social Security Agreement between Poland and Ukraine and possible obstacles in cooperation with Pension Fund of Ukraine
- Benefits for families from Ukraine and quick response to necessity of delivery benefits for thousands of refugees and children from Ukraine
- Social insurance of third country nationals undertaking work in Poland
- Posting of third country nationals under EU Regulations on coordination of social security

Social Security Agreement between Poland and Ukraine of 18.05.2012

in force since 1.01.2014

operational aspects

Principles

- Equal treatment in social insurance
- One applicable legislation and *lex loci laboris* principle
- Posting of workers
- Aggregation of periods for benefit entitlement
- Pro rata calculation* if benefit based on periods
- Export of benefits
- Cross border claim processing of ZUS and PFU

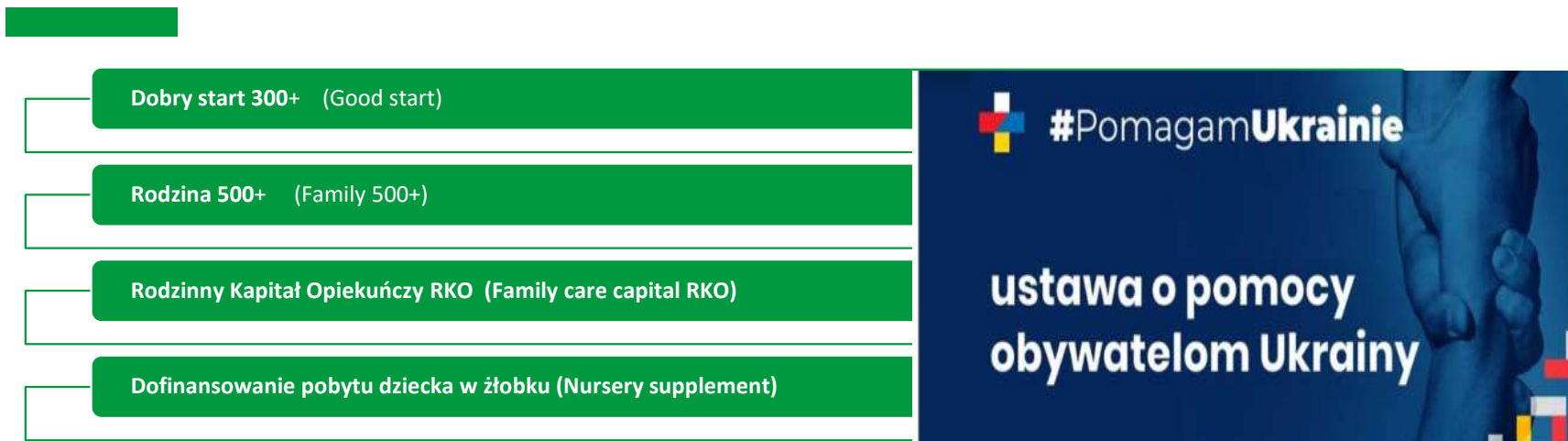
First experience with the Agreement

- 1.1.2014 – the effective date of the Agreement
- 2014 – first problems because of war in Ukraine: Crimea and Donieck and first operational measures to procedural obstacles

Challenges and risks

- Limited contact to PFU
- Temporary special measures implemented by ZUS in pension procedures
- Special claim form in ZUS for exporting Ukrainian pensions to Poland
- Customer service for Ukrainian clients
- Decrease of bilateral postings of workers
- Pension claims for the Polish pensions from Ukraine
- Pension claims submitted in Poland via ZUS to PFU for Ukrainian pensions
- Special law of 12 March 2022 concerning special measures for investigations of social insurance claims, pensions, allowances and other social insurance matters in situation of *force majeure*
- Pension payments and current cooperation with PFU

SPECIAL ACT of 12 th March 2022 – protection of refugees from Ukraine



- ❑ **POLAND GIVES THE SAME RIGHTS TO BENEFITS FOR THE FAMILIES OF REFUGEES FROM UKRAINE AS TO POLISH CITIZENS**
- ❑ The above-mentioned benefits from ZUS are granted to refugees for children on the terms provided for in the acts, provided that they live with their children in Poland, but with the exception of the condition of having a residence card with the annotation "access to the labor market" (this condition does not have to be met thanks to the fast, statutory legalization procedure of registration in **PESEL UKR** register).



ZUS programs' framework

- ❑ Special software of ZUS that allows for automatic granting of benefits without human intervention
- ❑ As a rule awarding benefits is made by software without human intervention
- ❑ According to GDPR every claimant has a right to human intervention upon request
- ❑ All the claims are submitted electronically, online
- ❑ Whole process of awarding of family benefits (Big 4) are in electronic world (from the electronic claim to electronic decision made by ZUS, automatically transmitted on ZUS Electronic Platform on profile of claimant)
- ❑ All the payments are made on bank account of beneficiary (if necessary claimant may get in banks so called „basic bank account, with no fees for running it)
- ❑ In case of dispute concerning child care ZUS clerk manually runs investigations with claimants, public institutions and municipal offices (centres for families, who may provide info on actual family situation)
- ❑ 2 types of procedures: automatic decision awarding/refusing and manual (clerk) decision awarding/refusing

Why special electronic claim for benefits is so important



Automatic ZUS' service software granting benefits are based on following principles:

- public registers, such as the PESEL register, Border Guard Register, Register of minors from Ukraine, Central Register of ZUS beneficiaries, Central Base of beneficiaries of Ministry of Family and Social Policy, PESEL UKR register, Health Insurance register, EKSMOON register of child disability certificates,
- data entered into the application online e-form with the support of the application wizard,
- field validations in e-form,
- cross-checking of data from the application form
- statements submitted on the application under the threat of criminal liability
- attachments are provided as scans of documents
- signing up of e-form with electronic signature, or so called secured profile or special ZUS profile
- information about granting the benefit is transmitted automatically as electronic document to Electronic Platform of ZUS, on individual profile of customer but also the person who received the benefit is briefly informed about it additionally to the e-mail address provided in the application
- no need to sign ZUS decision with personal signature or electronic signature and no stamp on decision (just name and surname of clerk on decision)
- electronic and automatic verification of several information concerning legal stay and residence

ZUS statistics on benefits for families and refugees

- ❑ Till now total number of children for whom benefits were granted is 15 mln child payments (of all types and family programs) since January 2022 (including refugees)
- ❑ Total amount of spendings for all types of family benefits paid by ZUS since January 2022 from all programs for families is **PLN 37.7 billion** PLN (EUR 7.8 bln)



- ❑ Till now total number of children for whom benefits for families were granted under special law for Ukraine is 1,2 mln child payments (of all types ZUS family programs) since the beginig of the war
- ❑ Since the beginig of the war total ZUS expenditure on benefits from programs for families for children of Ukrainian refugees amounted to PLN 2 billion (EUR 416 mln).
- ❑ UNICEF donated about PLN 100 million for the payment of benefits 500+ for Ukrainian children
- ❑ in 2022 automatic software of ZUS PL awarded over 95% of benefits of all types without human processing

- ❑ in 2022 automatic software of ZUS in PL awarded over 95% of benefits of all types without human processing

Social insurance of third country nationals and posting within EU

- Social insurance coverage in Poland of third country (non-EU) nationals
- Social insurance of third country nationals undertaking work in Poland
- Special act and access to labour market in Poland
- The role of EU Regulation No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality: „provided that they are **legally resident in the territory of a Member State and are in a situation which is not confined in all respects within a single Member State.**”
- Posting of third country nationals under EU Regulations on coordination of social security – practical issues and challenges

Contact

the Foreign Pensions Department
Departament Rent Zagranicznych
(international pensions, applicable legislation, national family programs)

drz@zus.pl

Address

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Departament Rent Zagranicznych
Szamocka 3/5
01-748 Warszawa
Poland PL

www.zus.pl

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Thank you

Dziękuję za uwagę



ZAKŁAD
UBEZPIECZEŃ
SPOŁECZNYCH

Swoboda przepływu i ochrona socjalna obywateli państw trzecich: przykład Rumunii

**Free movement and social protection of third-country
nationals: the case of Romania**

MAGDA ŞOTROPA

Ekspert MoveS (Rumunia)

MoveS visiting expert (Romania)

Free movement and social protection of third-country nationals in Romania

MoveS seminar Warsaw

23 February 2023

Magda Şotropa

Romanian MoveS expert

Topics

- Third country national (TCN) workers in Romania
- Ukrainians citizens in Romania

EU Legislation



TCN

- Directive 2009/50/EC (EU Blue Card; highly skilled workers), Directive (EU) 2021/1883
- Directive 2014/36/EU (Seasonal workers),
- Directive (EU) 2016/801 (Research, studies, training, voluntary service, pupil-exchange schemes or educational projects and au pairing)
- Directive 2014/66/EU (Intra-corporate transfers)
- Directive 2003/109/EC (Long-term residents)
- Directive 2003/86/EC (Family reunification)

Ukrainians citizens

- Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof
- Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection

Romanian legislation

TCN

- Government Emergency Ordinance no. 194/2002 on the legal status of foreign citizens in Romania;
- Government Ordinance no. 25/2014 on the employment and posting of foreign workers in Romania and on the amendment and supplementation of laws governing the legal status of aliens, approved through Law no. 14/2016.

Ukrainian citizens

- Government Emergency Ordinance No. 15/27 February 2022 regarding the mechanisms of support and humanitarian assistance by the Romanian state to foreign citizens or stateless persons in special situations, coming from Ukraine.
- Government Ordinance No. 20/7 March 2022 regarding the support and humanitarian assistance to children, adults, people with disabilities, and all Ukrainians who come to Romania.
- Government Decision No. 367/2022 establishes the conditions under which the temporary protection of all persons who were forced to leave Ukraine due to the armed conflict is ensured, as well as the source of financing the necessary expenses.
- Government Decision no. 337/2022 on the granting of gratuities and facilities for the transport of foreign nationals or stateless persons in special situations from the area of armed conflict in Ukraine.
- Government Decision no. 336/2022 for establishing the mechanism by which natural persons, who host Ukrainian refugees, benefit from the reimbursement of food expenses.
- Government Decision No. 315/2022 for the accommodation of Ukrainian citizens and for providing the necessary funds to support them during their stay on the national territory.

ACCESS TO WORK

TCN

- Yearly quota of TCN (2022, 2023-100,000)
- TCN may perform working activities in Romania, as a local employee or a posted person, only if a work authorization for employment or posting is obtained in advance. A work permit is issued after the work authorization.
- Any type of work authorization is issued by the competent Romanian immigration authorities, based on the official request of the Romanian company, either as employer or beneficiary of the service.
- The work authorization for employment is issued for several categories of workers: permanent workers, highly skilled employees, seasonal workers, trainee workers, cross-border workers, and au pair workers.
- The issuance of the work authorisation is conditioned by the fulfilment of certain general conditions (required for all types of work authorisations), as well as specific conditions applicable to each category of worker

Ukrainian citizens

- **no employment permit for citizens of Ukraine (+ Republic of Moldova and the Republic of Serbia)** employed on the territory of Romania with a full-time individual employment contract, **for a maximum period of 9 months in a calendar year** (legislation adopted in 2020)

2022

- Ukrainian citizens can work in Romania on the basis of a full-time individual work agreement **without the need for a work permit and without observing the nine-month period in a year limit for an employment agreement,**
- Free services offered by the employment offices to Ukrainian citizens registered to ENA

TCN

- The Romanian employer is conducting a selection process and no Romanian, EU/EEA/Swiss national, or non-EU national holder of a Romanian permanent residency permit is available to occupy the vacant position.
- The candidate fulfils all the conditions provided by the legislation in force for occupying the vacant position, including but not limited to the education, professional qualifications condition and work experience required for the job

Ukrainians citizens

- Ukrainian citizens from the armed conflict zone of Ukraine who do not have documents proving their professional qualifications or work experience required for a job may be hired for a period of 12 months with the possibility of extending by six-month periods for up to one year, on the basis of an affidavit/declaration stating that
 - (i) they meet the conditions of professional qualifications and work experience required for the job they are to be hired for and
 - (ii) they do not have a criminal record incompatible with the activity they intend to carry out in Romania.
- The affidavit/declaration is not applicable to some professions, such as doctors, dentists, pharmacists, general medical assistants, midwives, veterinary surgeons, architects, etc.

RIGHTS OF JOBSEEKERS AND ACCESS TO ASSISTANCE FROM THE NATIONAL EMPLOYMENT SERVICES

TCN

- Foreigners **holding a right of temporary residence, employed, registered unemployed or researchers**, benefit from equal treatment with the Romanian citizens regarding access to the labour market, including employment

Ukrainian citizens

- Free services offered by the employment offices to Ukrainian citizens registered to employment services

EQUAL TREATMENT



Equal treatment with nationals of the host Member States for what concerns social security benefits

Foreigners, **holders of the right of long-term residence**, benefit from equal treatment with Romanian citizens in terms of:

- a) access to the labour market, including regarding employment and work conditions,
- b) access to all forms and levels of education and professional training, including the granting of scholarships;
- c) the equivalence of studies and the recognition of diplomas, certificates, certificates of competence and professional qualifications, in accordance with the regulations in force;
- d) social security, assistance and social protection;
- e) public health assistance;
- f) global income tax deductions and tax exemptions;
- g) access to public goods and services, including obtaining housing;
- h) freedom of association, affiliation and membership in a trade union or professional organization.



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EQUAL TREATMENT



Foreigners holding a **right of temporary residence, employed, registered unemployed or researchers**, benefit from equal treatment with Romanian citizens in terms of:

- a) working conditions, including with regard to remuneration and protection measures against dismissal or other unfavorable treatment by the employer, outstanding payments to be made by employers, regarding any outstanding remuneration, as well as the requirements in terms of health and safety at Work;
- b) access to all forms and levels of education and professional training, including the granting of scholarships;
- c) the equivalence of studies and the recognition of diplomas, certificates, certificates of competence and professional qualifications, in accordance with the regulations in force;
- d) social security;
- e) assistance and social protection;
- f) public health assistance;
- g) global income tax deductions and tax exemptions;
- h) access to public goods and services, including obtaining housing; i) freedom of association, affiliation and membership in a trade union or professional organization, including with regard to the rights and advantages conferred by such organizations;
- j) services offered by employment agencies.



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ACCESS TO SOCIAL SECURITY

TCN

Equal treatment as Romanians regarding the

- social security, assistance and social protection;
- public health assistance;

Foreigners who have been employed on the territory of Romania or their descendants benefit from the right to a pension for old age, disability or death, even if they no longer live in Romania, under the same conditions as Romanian citizens or their descendants who no longer live in Romania.

Ukrainian citizens

- The right to receive free medical assistance and appropriate treatment, through the national system of emergency medical assistance, benefits in kind provided by the health insurance system
- the right to be included in national public health programs
- The right to medical services in specialized ambulatory medical assistance for the clinical specialties included in the basic service package are granted without the need to present the referral ticket.
- The right to receive social services
- Access to services for unemployed persons (counselling, mediation, training)

RIGHTS AFTER THE END OF EMPLOYMENT

TCN

- Unless they are family members of EU citizens, they cannot claim a right to remain in the territory of a Member State, after employment.
- The TCN employed on the basis of the employment permit, except for seasonal workers, can take up a new job, at the same employer or at another employer, at any time **during the period of validity of the single permit or the EU Blue Card**. The TCN is employed in the new job based on a new employment permit obtained by the employer.

Ukrainian citizens

- Right to stay/remain in Romania
- Right to social security benefits

Application of the social security coordination regime to TCNs

TCN

RO bilateral social security agreements:

- Albania
- Macedonia
- Republic of Moldova
- Serbia
- Turkey
- Canada
- Quebec
- Israel
- South Korea

Ukrainian citizens

- No Romania Ukraine social security agreement

Wages in Romania for TCN

Law 247/2018 for the modification and completion of normative acts regarding the regime of foreigners in Romania

- Law 247/2018 aimed at simplifying the procedures for third-country nationals obtaining the right to work and stay on Romanian territory
- Decrease in the salary threshold to the **national gross minimum salary** (from national gross average salary)
- Decrease in the minimum salary requirement for highly-qualified workers from four gross national average salaries to **two gross national average salaries** (EU Blue Card, highly-educated workers).

Statistics



TCN

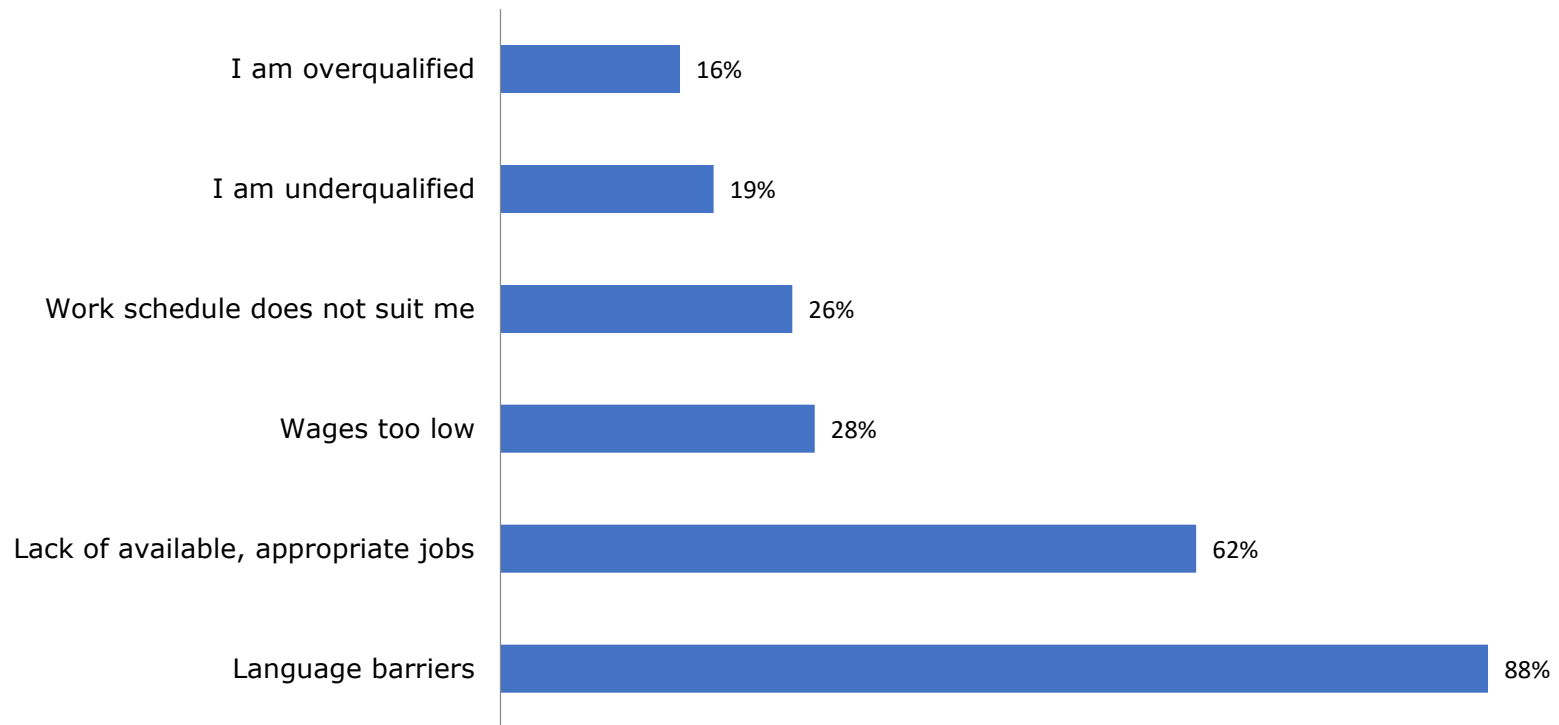
- in 2019 – 32, 629 TCN employed (Vietnam – 6,282, Nepal – 4,324, India – 4,100, Turkey – 3,448, Republic of Moldova – 3,389, Sri Lanka – 3,156)
- in 2020- 27,453 TCN employed (Turkey-4,076, Nepal-3,809, Sri Lanka-3,772, India-3,392)
- !In 2020 5 times TCN employed than in 2016
- In 2021 49,962 TCN employed (Nepal -over 10,000, Bangladesh -over 8,600, Sri Lanka -6,800, Turkey -7,100, Pakistan -5,700)
- In 2022- **51,606 TCN employed** (Turkey, Nepal, Sri Lanka, Bangladesh)

Ukrainians citizens – end of 2022

- 3,242,209 Ukrainian arrivals at the border
- 107,241 Ukrainian refugees in-country
- 47,851 Ukrainian children in-country
- 103,773 Ukrainian refugees with Temporary Protection
- 4,397 Ukrainian Asylum Seekers
- **5,007 Ukrainian citizens employed**

Ukrainian citizens

Difficulties in finding jobs



Sources of information

- <https://igi.mai.gov.ro/category/rapoarte-si-studii/>
- <https://protectieucrainera.gov.ro/1/wp-content/uploads/2023/01/ANNUAL-STATUS-REPORT-ROMANIA-DEC-2022-FINAL.pdf>
- UKRAINE RESPONSE: Evolution of Refugees Needs Report
<https://romania.iom.int/news/ukraine-response-evolution-refugees-needs-report>
- Analytical situation on the legal situation of TCN in EU
<https://ec.europa.eu/social/BlobServlet?docId=20576&langId=en>

SESJA TRZECIA

Pytania i dyskusja

THIRD SESSION

Questions and discussion

Podsumowanie i zakończenie seminarium

Summary and conclusion of the seminar

prof. dr hab. GERTRUDA UŚCIŃSKA

***Ekspert krajowy MoveS
Zakład Ubezpieczeń Społecznych***

***MoveS National Expert
Chairman of the Social Insurance Institution***

Dziękujemy za uwagę

Prosimy o wypełnienie ankiety ewaluacyjnej

Thank you very much for your attention

Please fill in the anonymous survey



Zapraszamy na obiad

Lunch