

AC 024/22

Summary of the minutes of the
370th meeting of the Administrative
Commission

SECRETARIAT – 05.08.2022.

Orig. EN

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

**Summary of the minutes of the
370th meeting of the Administrative Commission 30-31 March 2022**

A. Agenda

The agenda was approved.

B. Approval of Minutes

The Administrative Commission approved the following items:

- Minutes of the 366th meeting of the Administrative Commission on 24-25 March 2021;
- Minutes of the Working Party of the Administrative Commission on 1 June 2021;
- Minutes of the 367th meeting of the Administrative Commission on 16-17 June 2021.

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, where no new progress has been made on the file.

The Presidency provided information on the cooperation with the European Labour Authority, notably on signing the agreement on behalf of the Administrative Commission on 22 December 2021. The delegations were informed about a vacancy for a post as a legal officer in the social security coordination unit EMPL E2 from August 2022. The delegations were informed about the publication of a revised version of the calendar for meetings in 2022.

The Secretariat provided information about the publication of Decision No H12 of 19 October 2021 concerning the date to be taken into consideration for determining the rates of conversion referred to in Article 90 of Regulation (EC) No 987/2009 of the European Parliament and of the Council in the Official Journal on 28 February 2022 - [EUR-Lex - 32022D0228\(01\) - EN - EUR-Lex \(europa.eu\)](#). The decision applies from the date of publication.

The Secretariat informed that all statistical reports were officially published on the Commissions website on 9 March 2022.

The Secretariat informed that a new four-year contract was signed between the Commission and MoveS.

The Secretariat informed the delegations that Article 9 declarations for the reference year ending 31 December 2019 were published on the Europa website.

The co-rapporteurs of the Ad-hoc Group on the Digitalisation of the EHIC reported on the state of play of the works.

The Secretariat informed about the developments concerning planned medical treatment for mass casualty disasters.

I. Approval/notice without discussion

The Administrative Commission approved without discussion the following items:

- a) Nominations for membership to the Ad-Hoc Groups established for the definition of data to be exchanged electronically
- b) Nomination for membership to the Ad-Hoc Group on the digitalisation of the European Health Insurance Card
- c) 2022 Work Programme for the Steering Committee on combating fraud and error

The Administrative Commission took note of the National Contact Points and French delegation comments.

II. Mandate of the Cooperation and Conciliation Board – CCB

The Austrian leading delegation gave a short overview of the new mandate explaining main differences as compared to the old mandate of the Conciliation Board.

The Administrative Commission approved the new mandate of the Cooperation and Conciliation Board unanimously and invited the delegations to nominate members for the new Board.

III. Proposal for an amendment of Decision No H4 concerning the composition and working methods of the Audit Board

The Administrative Commission discussed and approved the adoption of the revised Decision H4 unanimously.

IV. Ukrainian nationals - social security coordination coverage

The Administrative Commission discussed social security coordination coverage of the Ukrainian citizens, in particular the Regulation (EU) No 1231/2010, and invited the delegations to submit notes regarding the social security coordination problems which might be relevant in the context of the migration crisis.

V. Report on the outcome of the Working Party of the Administrative Commission of 9 March 2022.

The Chair reported on the Working Party Meeting taking place on 9 March 2022. An informal Working Group composed of core leading delegations: France, Austria and Portugal supported by the Secretariat to draft as a short-term solution a guidance note on telework was established.

VI. Telework and the possible impact on the determination of the applicable legislation

The Administrative Commission invited the informal Working Group on telework to consider all the necessary aspects while preparing the draft document on telework.

VII. 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 discussed the possibility of extension of application of the Guidance note - non-exhaustive list of identified issues as a result of the COVID-19 pandemic and invited the interested delegations to send notes to the Secretariat.

VIII. COVID-19 pandemic: Assessment of quarantine payments under Regulation 883/04

The Administrative Commission took note of the German view on the qualification of quarantine payments and invited 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.

IX. EESSI

The Administrative Commission took note of the reports from the 68th and 69th meetings of the EESSI Executive Board and from the 94th and 95th meetings of the Technical Commission.

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

The Administrative Commission was informed about the state of play of the work following the RINA Handover and encouraged countries in the centralised scenario to publish the call for tender as soon as possible and welcomed the progress made by the countries following a decentralised approach.

The Administrative Commission acknowledged the deployment status of the RINA 2020 and EESSI 2021 release and that the Administrative Commission was informed about the selected activation date for CDM 4.3 (1 October 2023) and about the concerns of the European Commission on this late date.

The Administrative Commission was updated about the ongoing activities regarding the Institution Repository and competence lifecycle; the up-coming workshop and on-going activities to address the data quality and problems with the selection of the correct participant in the IR and understood the importance of IR data quality, as key factor for EESSI interoperability and future automation.

The Administrative Commission approved the updated mandate of SEDAPEG and its rapporteur for data protection and took note of the on-going activities of both security and data protection streams of SEDAPEG and urged delegations to comply with data protection standards at national and institutional level and to start preparing joint-controllership agreement as soon as possible.

The Administrative Commission approved three new members of the Change Advisory Board (CAB) as proposed by the evaluation committee and updates in the procedure for nominations to CAB.

X. Applicable legislation - Illegal residency of a TCN in the MS of employment

The Administrative Commission exchanged views on the notion of habitual residency according to the Regulation (EC) No 883/2004 and legal residency according to the Regulation (EU) No 1231/2010 and discussed the issue of the illegal residency of the third country nationals in the Member State of employment as well as the lack of residency permits for third country national mariners.

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

The Administrative Commission took note that there is a specific approach in the Regulation as regards civil servants and they have to remain insured in the Member State where they are acknowledged to be civil servants.

XII. Mandatory/facultative nature of posting under Art. 12 of Regulation 883/2004

The Administrative Commission took note of the mandatory nature of Article 12 of Regulation (EC) No 883/2004, which applies when the conditions laid down therein are fulfilled, irrespective of the will of the persons concerned or their employer.

XIII. Possibility of issuing EHIC on paper

The Administrative Commission took note of the provisional practice in Spain to issue the Provisional Replacement Certificate, instead of the European Health Insurance Card, to a certain group of insured persons.

XIV. Changes in Member States legislation

The Administrative Commission took note of Polish, French, Portuguese, Dutch, Belgian, Danish and Swiss delegations' changes to their national social security legislation.

XV. Miscellaneous amendments – Council and European Parliament Regulation

The Administrative Commission took note of the request from the Portuguese delegation for entry in Annex X of Regulation (EC) No 883/2004.

XVI. Draft agendas of the meetings of the Administrative Commission in the first half of 2022

The Administrative Commission took note of the draft agenda of the 371st meeting of the Administrative Commission.