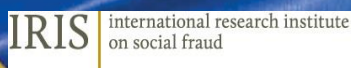




# Recovery procedures

Statistical data applicable to reference year 2022

Frederic De Wispelaere, Lynn De Smedt & Jozef Pacolet – HIVA-KU Leuven  
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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-27:** Belgium (BE), Bulgaria (BG), Czechia (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-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), Czechia (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).



## Introduction

In a cross-border situation, a minimum of two Member States are involved. In such situations, the risk exists 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.<sup>1</sup>

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.<sup>2</sup> 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*.<sup>3</sup>

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 2022. 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*), the number of requests for recovery of outstanding contributions submitted/received (*section 2*), and the number of requests for recovery of unduly paid benefits submitted/received (*section 3*).

In total, 28 Member States<sup>4</sup> provided a response to the questionnaire for reference year 2022. 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.<sup>5</sup>

As of 1 February 2020, the United Kingdom is no longer part of the European Union. Since last year, the EU-28 aggregate is replaced by an EU-27 aggregate (excluding the UK) in all thematic statistical reports. There are two Agreements now governing the relations between the EU and UK in terms of social security coordination. First, the **Withdrawal Agreement**<sup>6</sup> entered into force on 1 February 2020 with a transitional period until 31 December 2020. It provides for *full coordination* to all those persons (including their family members/survivors)

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<sup>1</sup> Article 76 (4) of the Basic Regulation.

<sup>2</sup> Article 76 of the Implementing Regulation.

<sup>3</sup> Article 84 of the Basic Regulation and Articles 78 to 85 of the Implementing Regulation.

<sup>4</sup> No response was received from CY, LT, SI, and IS.

<sup>5</sup> In contrast to other thematic statistical reports for reference year 2022.

<sup>6</sup> Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community 2019/C 384 I/01. See <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1580206007232&uri=CELEX%3A12019W/TXT%2802%29>

who have continuously been in a cross-border situation involving the EU and the UK since before the end of the transition period. This means that the complete social security coordination *acquis*<sup>7</sup> applies to these persons. Furthermore, *partial coordination* applies to persons who are not covered by Art. 30 (full coordination) but have been subject to both UK/EU social security legislation before the end of the transition period. This includes among others EU rules concerning the aggregation of periods, rights and obligations deriving from such periods. Provisions of the Withdrawal Agreement can be extended to protect the rights of person who were in triangular situation involving the UK, EU and EEA/Switzerland at the end /before the end of transition period. The **Trade and Cooperation Agreement**<sup>8</sup> was signed on 30 December 2020, was applied provisionally as of 1 January 2021, and entered into force on 1 May 2021. In this Agreement there is a **Protocol on Social Security Coordination** which covers all persons who 1) are or have been covered by the social security legislation of an EU Member State or of the UK; 2) are residing in an EU Member State or the UK; 3) are or have been in a cross-border situation between an EU Member State and the UK as from 1 January 2021. This Protocol fully coordinates all branches of social security coordination that are currently coordinated under the Basic Regulation except for family benefits, long-term care, special non-contributory cash benefits, and assisted reproduction services. Additionally, there is a partial coordination for invalidity benefits and unemployment benefits. However, this Protocol does not apply to situations involving a UK national moving between two or more Member States, without a cross-border element with the UK as such.<sup>9</sup> Furthermore, it does not apply to the EEA and Switzerland.

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<sup>7</sup> Basic Regulation and Implementing Regulation

<sup>8</sup> Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part. See [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC)

<sup>9</sup> See Regulation (EU) 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.

## 1. Requests for information

*Table 1* shows the number of requests for information submitted and received, as well as the percentage of these requests that were refused in 2022. A high number of requests for information were **submitted** by Germany, Austria, Poland, and Slovakia, and to a lesser extent by France, the Netherlands, and Romania. The other reporting Member States submitted (almost) no requests. For almost all reporting Member States, all requests for information were accepted. The only exceptions are Czechia where 50 % of requests were refused (although it concerns less than five requests), and Finland where 66 % of the 61 requests were refused.

The right-hand side of *Table 1* shows the number of requests for information from the perspective of the **receiving** Member State. Germany, Poland, Romania, and Slovakia each received more than 1 000 requests for information in 2022. Additionally, Bulgaria (593), France (755), Portugal (501), and Switzerland (547) received over 500 requests for information. Most Member States accepted the majority of requests for information. Only Ireland (40 %) and Spain (58 %) rejected a substantial percentage of incoming requests for information in 2022. 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, the assets for recovery, the identity of a person, and the employment or activity of a person were other often-mentioned reasons.

**Table 1 – Number of requests for information *submitted* and *received*, 2022**

|    | Requests for information <i>submitted</i> |           | Requests for information <i>received</i> |           |
|----|-------------------------------------------|-----------|------------------------------------------|-----------|
|    | Number                                    | % refused | Number                                   | % refused |
| BE | 132                                       | 5 %       | 163                                      | 6 %       |
| BG | 0                                         |           | 593                                      | 0 %       |
| CZ | <5                                        | 50 %      | 129                                      | 6 %       |
| DK |                                           |           | 104                                      |           |
| DE | 5 154                                     |           | 1 120                                    |           |
| EE | <5                                        |           | 13                                       |           |
| IE |                                           |           | 105                                      | 40 %      |
| EL |                                           |           | 45                                       | 18 %      |
| ES | 0                                         |           | 267                                      | 58 %      |
| FR | 257                                       | 0 %       | 755                                      | 0 %       |
| HR |                                           |           |                                          |           |
| IT | 17                                        | 35 %      | 282                                      | 2 %       |
| CY |                                           |           |                                          |           |
| LV | 0                                         |           | 21                                       | 0 %       |
| LT |                                           |           |                                          |           |
| LU | 13                                        | 0 %       | 35                                       | 0 %       |
| HU |                                           |           | 39                                       | 8 %       |
| MT |                                           |           |                                          |           |
| NL | 514                                       | 0 %       | 307                                      | 0 %       |
| AT | 3 470                                     | 0 %       | 315                                      | 11 %      |
| PL | 1 822                                     | 0 %       | 1 833                                    | 4 %       |
| PT | 0                                         |           | 501                                      | 1 %       |
| RO | 296                                       | 0 %       | 3 521                                    | 0 %       |
| SI |                                           |           |                                          |           |
| SK | 9 515                                     | 1 %       | 3 380                                    | 2 %       |
| FI | 61                                        | 66 %      | 18                                       | 0 %       |
| SE | <5                                        |           | 130                                      |           |
| IS |                                           |           |                                          |           |
| LI |                                           |           | <5                                       | 0 %       |
| NO | 17                                        | 0 %       | 178                                      | 15 %      |
| CH |                                           |           | 547                                      | 0 %       |
| UK |                                           |           |                                          |           |

Source: Questionnaire on recovery procedures 2023

## 2. Recovery of outstanding contributions

### 2.1 Number of requests for recovery of outstanding contributions

An overview of the number of requests for recovery of outstanding contributions submitted and received in 2022 is presented in *Table 2*. The number of requests for recovery depends on several 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 (1 870 requests) and Germany (1 434 requests). Most of the other reporting Member States submitted a more limited number of requests, namely less than 300 requests. Spain, Portugal, and Norway did not even submit a single request for the recovery of outstanding contributions. The evolution from 2021 to 2022 is remarkable in France (+308 %), the Netherlands (+1 150 %), Romania (+179 %), Slovakia (+631 %), and Liechtenstein (+156 %), as the number of requests more than doubled in each of these Member States. However, in the Netherlands and Liechtenstein, the number of requests submitted in 2021 amounted to less than 10. In France, the evolution can be explained by the improved data reporting. For 2021, only data from AcoSS were provided, while for 2022, data from both AcoSS and CCMSA were provided.

Member States which **received** the highest number of requests for recovery of outstanding contributions are Germany (1 749), France (1 173), and Romania (1 384). Furthermore, Bulgaria, Italy, the Netherlands, Austria, Poland, Slovakia, and Switzerland each received more than 150 requests. On the contrary, Estonia (6), Ireland (5), Italy (5), Finland (<5) and Liechtenstein (7) received a low number of requests for recovery of outstanding contributions. From the receiving perspective, the evolutions in Italy (+ 3 022 %), France (+ 1 576 %), the Netherlands (+88 %), and Slovakia (+91 %) stand out. In Italy, however, this can be explained by the increased availability of data for reference year 2022 compared to 2021. While for reference year 2021, only data regarding accidents at work and occupational diseases were available, for reference year 2022 data on family benefits, unemployment, sickness, maternity benefits in cash, pensions, and contributions, are available as well. In France as well, this high increase can be once more explained by the improved data availability.

Belgium, Bulgaria, Czechia, Germany, Spain, France, Italy, Hungary, the Netherlands, Poland, Portugal, Romania, Slovakia, Sweden, and Norway received more questions for recovery of outstanding contributions than they sent to other Member States. This contrasts with Estonia, Luxembourg, Austria, and Liechtenstein which have sent more requests in net terms.

**Table 2 – Number of requests for recovery of outstanding contributions *submitted* and *received*, 2021 and 2022**

|    | Requests for recovery of outstanding contributions <i>submitted</i> |       |                  |         | Requests for recovery of outstanding contributions <i>received</i> |       |                  |         | Net 2022<br>( <i>submitted</i> –<br><i>received</i> ) |
|----|---------------------------------------------------------------------|-------|------------------|---------|--------------------------------------------------------------------|-------|------------------|---------|-------------------------------------------------------|
|    | 2021                                                                | 2022  | Change<br>Number | %       | 2021                                                               | 2022  | Change<br>Number | %       |                                                       |
| BE | 32                                                                  | 38    | 6                | 19 %    | 55                                                                 | 74    | 19               | 35 %    | -36                                                   |
| BG |                                                                     | <5    |                  |         |                                                                    | 186   |                  |         | -185                                                  |
| CZ | 15                                                                  | 24    | 9                | 60 %    | 98                                                                 | 91    | -7               | -7 %    | -67                                                   |
| DK |                                                                     |       |                  |         | 10                                                                 | 15    | 5                | 50 %    |                                                       |
| DE | 1 168                                                               | 1 434 | 266              | 23 %    | 1 964                                                              | 1 749 | -215             | -11 %   | -315                                                  |
| EE | 6                                                                   | 9     | 3                | 50 %    | 7                                                                  | 6     | -1               | -14 %   | 3                                                     |
| IE |                                                                     |       |                  |         | <5                                                                 | 5     | 2                | 67 %    |                                                       |
| EL |                                                                     |       |                  |         |                                                                    |       |                  |         |                                                       |
| ES | 0                                                                   | 0     | 0                |         | 26                                                                 | 12    | -14              | -54 %   | -12                                                   |
| FR | 26                                                                  | 106   | 80               | 308 %   | 70                                                                 | 1 173 | 1 103            | 1 576 % | -1 067                                                |
| HR |                                                                     |       | 0                |         |                                                                    |       |                  |         |                                                       |
| IT |                                                                     | 13    |                  |         | 9                                                                  | 281   | 272              | 3 022 % | -268                                                  |
| CY |                                                                     |       |                  |         |                                                                    |       |                  |         |                                                       |
| LV | <5                                                                  |       |                  |         | 23                                                                 |       |                  |         |                                                       |
| LT | 119                                                                 |       |                  |         | 23                                                                 |       |                  |         |                                                       |
| LU | 46                                                                  | 61    | 15               | 33 %    | 11                                                                 | 12    | 1                | 9 %     | 49                                                    |
| HU | 6                                                                   | 2     | -4               | -67 %   | 553                                                                | 132   | -421             | -76 %   | -130                                                  |
| MT |                                                                     |       |                  |         |                                                                    |       |                  |         |                                                       |
| NL | <5                                                                  | 25    | 23               | 1 150 % | 81                                                                 | 152   | 71               | 88 %    | -127                                                  |
| AT | 3 801                                                               | 1 870 | -1 931           | -51 %   | 358                                                                | 392   | 34               | 9 %     | 1 478                                                 |
| PL | 166                                                                 | 249   | 83               | 50 %    | 398                                                                | 544   | 146              | 37 %    | -295                                                  |
| PT | 0                                                                   | 0     |                  |         | 17                                                                 | 16    | -1               | -6 %    | -16                                                   |
| RO | 66                                                                  | 184   | 118              | 179 %   | 779                                                                | 1 384 | 605              | 78 %    | -1 200                                                |
| SI |                                                                     |       |                  |         |                                                                    |       |                  |         |                                                       |
| SK | 39                                                                  | 285   | 246              | 631 %   | 282                                                                | 540   | 258              | 91 %    | -255                                                  |
| FI | 9                                                                   | <5    | -7               | -78 %   | 6                                                                  | <5    | -4               | -67 %   | 0                                                     |
| SE | 8                                                                   | 14    | 6                | 75 %    | 26                                                                 | 22    | -4               | -15 %   | -8                                                    |
| IS |                                                                     |       |                  |         |                                                                    |       |                  |         |                                                       |
| LI | 9                                                                   | 23    | 14               | 156 %   | 7                                                                  | 7     | 0                | 0 %     | 16                                                    |
| NO |                                                                     | 0     |                  |         | 39                                                                 | 38    | -1               | -3 %    | -38                                                   |
| CH |                                                                     |       |                  |         | 191                                                                | 230   | 39               | 20 %    |                                                       |
| UK |                                                                     |       |                  |         |                                                                    |       |                  |         |                                                       |

Source: Questionnaire on recovery procedures 2022 and 2023

## 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 2022. On average, most of the requests submitted/received in 2022 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. For instance, most of the requests received by Spain (83 %) and Portugal (69 %) are refused. Furthermore, more than one in five requests received by Belgium, Estonia, Austria, and Poland are refused.

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 is the case from a sending perspective in Belgium, Bulgaria, Italy, Luxembourg, the Netherlands, Romania, and Finland. From a receiving perspective the share of unsuccessfully closed claims surpasses the number of successfully closed claims in Belgium, Czechia, Estonia, Spain, Hungary, Austria, Slovakia, Finland, Sweden, and Norway. 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, 2022**

|                    | Number of outstanding contribution cases submitted |         |              |              |               | Number of outstanding contribution cases received |         |              |              |               |
|--------------------|----------------------------------------------------|---------|--------------|--------------|---------------|---------------------------------------------------|---------|--------------|--------------|---------------|
|                    | Total*                                             | Refused | Successful** | Unsuccessful | Still pending | Total*                                            | Refused | Successful** | Unsuccessful | Still pending |
| BE                 | 38                                                 | 0.0 %   | 10.5 %       | 13.2 %       | 76.3 %        | 74                                                | 24.3 %  | 24.3 %       | 9.5 %        | 41.9 %        |
| BG                 | <5                                                 | 0.0 %   | 0.0 %        | 50.0 %       | 50.0 %        | 276                                               | 0.7 %   | 15.6 %       | 51.1 %       | 32.6 %        |
| CZ                 | 24                                                 | 0.0 %   | 20.8 %       | 16.7 %       | 62.5 %        | 99                                                | 11.1 %  | 29.3 %       | 11.1 %       | 48.5 %        |
| DK                 |                                                    |         |              |              |               | 15                                                | 0.0 %   | 0.0 %        | 0.0 %        | 100.0 %       |
| DE                 |                                                    |         |              |              |               |                                                   |         |              |              |               |
| EE                 | 9                                                  | 66.7 %  | 11.1 %       | 11.1 %       | 11.1 %        | 6                                                 | 33.3 %  | 50.0 %       | 16.7 %       | 0.0 %         |
| IE                 |                                                    |         |              |              |               | 5                                                 | 0.0 %   | 0.0 %        | 20.0 %       | 80.0 %        |
| EL                 |                                                    |         |              |              |               |                                                   |         |              |              |               |
| ES                 | 0                                                  |         |              |              |               | 12                                                | 83.3 %  | 16.7 %       | 0.0 %        | 0.0 %         |
| FR                 | 70                                                 | 8.6 %   | 0.0 %        | 0.0 %        | 91.4 %        | 1 119                                             | 0.0 %   | 0.0 %        | 0.0 %        | 100.0 %       |
| HR                 |                                                    |         |              |              |               |                                                   |         |              |              |               |
| IT                 | 13                                                 | 7.7 %   | 15.4 %       | 38.5 %       | 38.5 %        | 280                                               | 3.6 %   | 2.9 %        | 11.1 %       | 82.5 %        |
| CY                 |                                                    |         |              |              |               |                                                   |         |              |              |               |
| LV                 |                                                    |         |              |              |               |                                                   |         |              |              |               |
| LT                 |                                                    |         |              |              |               |                                                   |         |              |              |               |
| LU                 | 61                                                 | 0.0 %   | 11.5 %       | 50.8 %       | 37.7 %        | 13                                                | 0.0 %   | 23.1 %       | 69.2 %       | 7.7 %         |
| HU                 | <5                                                 | 0.0 %   | 0.0 %        | 0.0 %        | 100.0 %       | 132                                               | 34.8 %  | 31.1 %       | 9.1 %        | 25.0 %        |
| MT                 |                                                    |         |              |              |               |                                                   |         |              |              |               |
| NL                 | 25                                                 | 0.0 %   | 0.0 %        | 4.0 %        | 96.0 %        | 152                                               | 10.5 %  | 11.2 %       | 24.3 %       | 53.9 %        |
| AT                 | 1 870                                              | 5.7 %   | 16.6 %       | 7.2 %        | 70.5 %        | 392                                               | 33.7 %  | 25.5 %       | 13.5 %       | 27.3 %        |
| PL                 | 249                                                | 26.1 %  | 18.1 %       | 10.8 %       | 45.0 %        | 544                                               | 39.0 %  | 9.4 %        | 13.2 %       | 38.4 %        |
| PT                 | 0                                                  |         |              |              |               | 16                                                | 68.8 %  | 6.3 %        | 6.3 %        | 18.8 %        |
| RO                 | 184                                                | 0.0 %   | 13.0 %       | 29.3 %       | 57.6 %        | 1 384                                             | 2.0 %   | 8.1 %        | 14.7 %       | 75.3 %        |
| SI                 |                                                    |         |              |              |               |                                                   |         |              |              |               |
| SK                 | 210                                                | 0.0 %   | 0.0 %        | 0.0 %        | 100.0 %       | 209                                               | 9.6 %   | 33.5 %       | 8.1 %        | 48.8 %        |
| FI                 | <5                                                 | 0.0 %   | 0.0 %        | 100.0 %      | 0.0 %         | <5                                                | 0.0 %   | 50.0 %       | 0.0 %        | 50.0 %        |
| SE                 | 14                                                 | 14.3 %  | 7.1 %        | 0.0 %        | 78.6 %        | 22                                                | 4.5 %   | 59.1 %       | 4.5 %        | 31.8 %        |
| IS                 |                                                    |         |              |              |               |                                                   |         |              |              |               |
| LI                 | 23                                                 | 0.0 %   | 17.4 %       | 8.7 %        | 73.9 %        | 7                                                 | 0.0 %   | 28.6 %       | 42.9 %       | 28.6 %        |
| NO                 | 0                                                  |         |              |              |               | 38                                                | 18.4 %  | 47.4 %       | 5.3 %        | 28.9 %        |
| CH                 |                                                    |         |              |              |               | 129                                               | 0.0 %   | 0.0 %        | 0.0 %        | 100.0 %       |
| UK                 |                                                    |         |              |              |               |                                                   |         |              |              |               |
| Weighted average   | 2 796                                              | 6.7 %   | 14.4 %       | 9.6 %        | 69.3 %        | 4 926                                             | 10.7 %  | 10.8 %       | 12.2 %       | 66.3 %        |
| Unweighted average |                                                    | 8.1 %   | 8.8 %        | 21.3 %       | 61.8 %        |                                                   | 17.2 %  | 21.4 %       | 15.0 %       | 46.4 %        |

\* 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.

\*\* The requests for recovery can be regarded as 'successful' when the claim was recovered in full or partially.

Source: Questionnaire on recovery procedures 2023

### 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.

#### 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. 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 (4 143 requests), Norway

(1 920), and Romania (1 887) **submitted** a high number of requests. For Luxembourg and Romania, all their requests for recovery concern unduly paid family benefits, as can be seen in *Figure 1*. Furthermore, more than 900 requests were submitted by Belgium, Ireland, and Slovakia.

Most requests for recovery of unduly paid benefits were **received** by Poland (2 530) and Belgium (2 286 requests). On the contrary, Luxembourg, the Netherlands, and Austria received ten requests or less for the recovery of unduly paid benefits.

Belgium, Czechia, Estonia, Spain, Italy, Latvia, Malta, Poland, Portugal, and Sweden received more requests for recovery of unduly paid benefits than they sent to other Member States. This contrasts with Germany, Ireland, France, Luxembourg, Hungary, the Netherlands, Austria, Romania, Slovakia, Finland, and Norway which have sent more requests in net terms in 2022.

**Table 4 – Number of requests for recovery of unduly paid benefits *submitted* and *received*, 2022**

|    | Requests for recovery of unduly paid benefits <i>submitted</i> | Requests for recovery of unduly paid benefits <i>received</i> | Net (submitted – received) |
|----|----------------------------------------------------------------|---------------------------------------------------------------|----------------------------|
| BE | 981                                                            | 2 286                                                         | -1 305                     |
| BG |                                                                | 220                                                           |                            |
| CZ | 15                                                             | 84                                                            | -69                        |
| DK |                                                                | 86                                                            |                            |
| DE | 17                                                             | 12                                                            | 5                          |
| EE | 8                                                              | 119                                                           | -111                       |
| IE | 992                                                            | 139                                                           | 853                        |
| EL |                                                                | 45                                                            |                            |
| ES | <5                                                             | 136                                                           | -134                       |
| FR | 39                                                             | 15                                                            | 24                         |
| HR |                                                                |                                                               |                            |
| IT | 9                                                              | 748                                                           | -739                       |
| CY |                                                                |                                                               |                            |
| LV | <5                                                             | 68                                                            | -67                        |
| LT |                                                                |                                                               |                            |
| LU | 4 143                                                          | 10                                                            | 4 133                      |
| HU | 241                                                            | 148                                                           | 93                         |
| MT | 0                                                              | 18                                                            | -18                        |
| NL | 259                                                            | <5                                                            | 256                        |
| AT | 74                                                             | 8                                                             | 66                         |
| PL | 277                                                            | 2 530                                                         | -2 253                     |
| PT | 59                                                             | 754                                                           | -695                       |
| RO | 1 887                                                          | 533                                                           | 1 354                      |
| SI |                                                                |                                                               |                            |
| SK | 916                                                            | 97                                                            | 819                        |
| FI | 230                                                            | 35                                                            | 195                        |
| SE | 5                                                              | 174                                                           | -169                       |
| IS |                                                                |                                                               |                            |
| LI |                                                                |                                                               |                            |
| NO | 1 920                                                          | 22                                                            | 1 898                      |
| CH |                                                                | 86                                                            |                            |
| UK |                                                                |                                                               |                            |

Source: Questionnaire on recovery procedures 2023

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, most of the requests for recovery concern unduly paid family benefits. For instance, all or most of the requests for recovery submitted by Estonia,

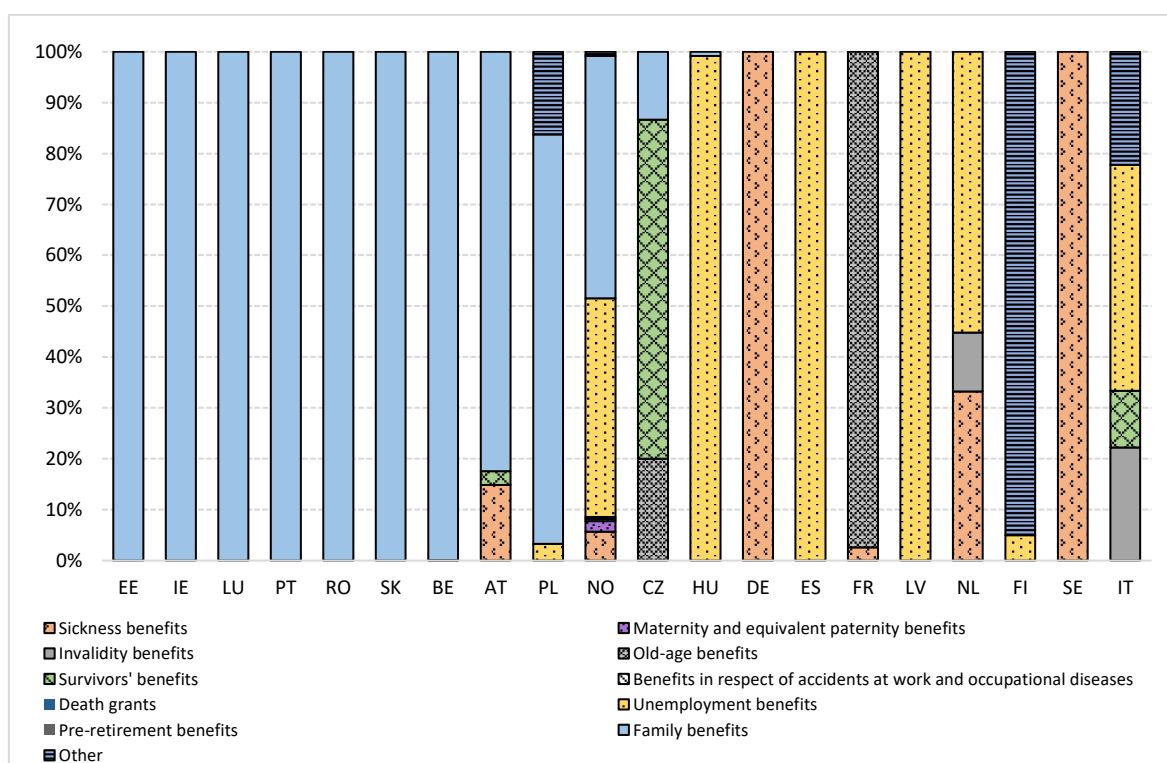
Ireland, Luxembourg, Portugal, Romania, Slovakia, Belgium, Austria, Poland, and Norway concern unduly paid family benefits (*Figure 1*). The same holds true for all or most of the requests for recovery received by Greece, Belgium, Czechia, Slovakia, Romania, Ireland, Poland, Bulgaria, Latvia, Estonia, Norway, Switzerland, Denmark, and Hungary (*Figure 2*).

The requests submitted by Hungary, Spain, Latvia, the Netherlands, and Italy mainly concern unemployment benefits, while in Germany and Sweden all submitted requests concern sickness benefits (*Figure 1*). In France 97 % of requests were submitted for old-age benefits, in Finland 95 % for other benefits<sup>10</sup>, and in Czechia 67 % for survivors' benefits.

From a receiving perspective, in the Netherlands, Portugal, and Germany most requests were received for sickness benefits, while in Spain, Italy, and Finland<sup>11</sup> it mainly concerns other benefits (*Figure 2*). In Austria it primarily concerns old-age benefits, in Luxembourg benefits in respect of accidents at work and occupational diseases, and in Sweden unemployment benefits. Finally, in Malta it is equally divided between sickness and unemployment benefits, and in France between sickness and family benefits.

To sum up, more than three quarters of 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 unemployment benefits and sickness benefits are received/submitted.

**Figure 1 – Requests for recovery of unduly paid benefits submitted, breakdown by branch of social security, 2022**



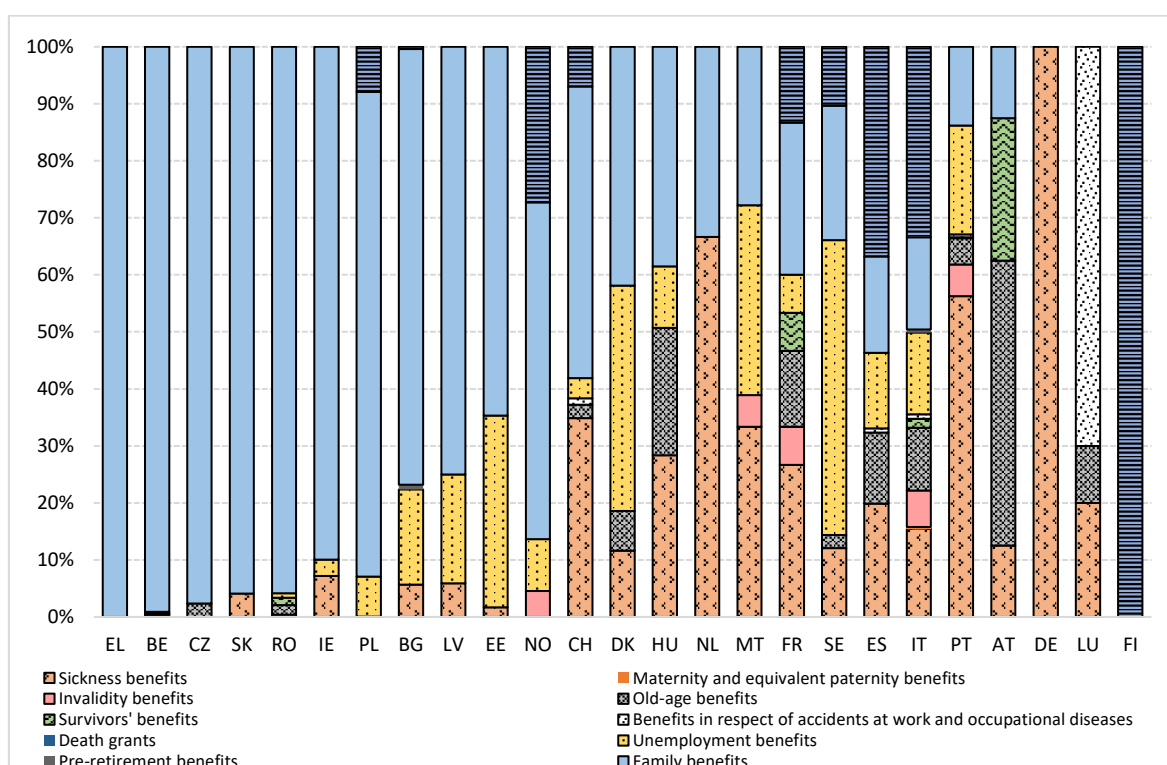
Source: Questionnaire on recovery procedures 2023

<sup>10</sup> However, Finland has remarked the following: Since it is not possible to get precise numeral information concerning benefits where recovery procedures have been carried out, the Centre of Pensions reports the amounts under 'Other' even if in reality the biggest amount of recovery procedures concerns family benefits. Thus, also in Finland, it can be assumed that most requests for recovery of unduly paid benefits concern family benefits.

<sup>11</sup> See previous footnote.



**Figure 2 – Requests for recovery of unduly paid benefits received, breakdown by branch of social security, 2022**



Source: Questionnaire on recovery procedures 2023

### 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 2022 have already been settled successfully or are still pending. For 11 out of 18 reporting 'submitting' Member States and for 12 out of 24 reporting 'recipient' Member States, most 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.

**Table 5 – The outcome today of the requests for recovery of unduly paid benefits, 2022**

|                    | Number of requests for recovery <i>submitted</i> |         |               |               |               | Number of requests for recovery <i>received</i> |         |               |               |               |
|--------------------|--------------------------------------------------|---------|---------------|---------------|---------------|-------------------------------------------------|---------|---------------|---------------|---------------|
|                    | Total*                                           | Refused | Success-ful** | Unsuccess-ful | Still pending | Total*                                          | Refused | Success-ful** | Unsuccess-ful | Still pending |
| BE                 | 1 012                                            | 0 %     | 79 %          | 8 %           | 13 %          | 2 272                                           | 1 %     | 94 %          | 2 %           | 3 %           |
| BG                 |                                                  |         |               |               |               | 246                                             | 0 %     | 2 %           | 41 %          | 57 %          |
| CZ                 | 15                                               | 0 %     | 27 %          | 20 %          | 53 %          | 84                                              | 1 %     | 38 %          | 30 %          | 31 %          |
| DK                 |                                                  |         |               |               |               | 85                                              | 0 %     | 0 %           | 0 %           | 100 %         |
| DE                 | 17                                               |         |               |               |               | 12                                              |         |               |               |               |
| EE                 | 8                                                | 0 %     | 25 %          | 0 %           | 75 %          | 118                                             | 6 %     | 21 %          | 19 %          | 53 %          |
| IE                 | 992                                              | 0 %     | 6 %           | 47 %          | 47 %          | 139                                             | 1 %     | 63 %          | 16 %          | 20 %          |
| EL                 |                                                  |         |               |               |               | 45                                              | 13 %    | 7 %           | 64 %          | 16 %          |
| ES                 | <5                                               | 0 %     | 0 %           | 0 %           | 100 %         | 136                                             | 54 %    | 0 %           | 0 %           | 46 %          |
| FR                 | 39                                               | 3 %     | 0 %           | 0 %           | 97 %          | 13                                              | 0 %     | 0 %           | 0 %           | 100 %         |
| HR                 |                                                  |         |               |               |               |                                                 |         |               |               |               |
| IT                 | 9                                                | 0 %     | 11 %          | 56 %          | 33 %          | 748                                             | 24 %    | 1 %           | 19 %          | 58 %          |
| CY                 |                                                  |         |               |               |               |                                                 |         |               |               |               |
| LV                 | <5                                               | 0 %     | 0 %           | 0 %           | 100 %         | 68                                              | 18 %    | 15 %          | 0 %           | 68 %          |
| LT                 |                                                  |         |               |               |               |                                                 |         |               |               |               |
| LU                 | 4 143                                            | 0 %     | 65 %          | 0 %           | 35 %          | 6                                               | 0 %     | 17 %          | 83 %          | 0 %           |
| HU                 | 154                                              | 0 %     | 84 %          | 6 %           | 10 %          | 150                                             | 35 %    | 34 %          | 9 %           | 23 %          |
| MT                 | 0                                                |         |               |               |               | 18                                              | 0 %     | 6 %           | 0 %           | 94 %          |
| NL                 |                                                  |         |               |               |               | <5                                              | 0 %     | 0 %           | 33 %          | 67 %          |
| AT                 | 74                                               | 1 %     | 14 %          | 16 %          | 69 %          | 8                                               | 25 %    | 13 %          | 13 %          | 50 %          |
| PL                 | 277                                              | 4 %     | 35 %          | 14 %          | 47 %          | 2 530                                           | 15 %    | 16 %          | 19 %          | 50 %          |
| PT                 | 59                                               | 0 %     | 8 %           | 0 %           | 92 %          | 754                                             | 73 %    | 6 %           | 1 %           | 20 %          |
| RO                 | 1 887                                            | 15 %    | 51 %          | 34 %          | 0 %           | 533                                             | 36 %    | 29 %          | 12 %          | 23 %          |
| SI                 |                                                  |         |               |               |               |                                                 |         |               |               |               |
| SK                 | 762                                              | 3 %     | 20 %          | 0 %           | 78 %          | 97                                              | 10 %    | 57 %          | 7 %           | 26 %          |
| FI                 | 220                                              | 0 %     | 49 %          | 50 %          | 1 %           | 35                                              | 9 %     | 31 %          | 60 %          | 0 %           |
| SE                 | 5                                                | 40 %    | 0 %           | 0 %           | 60 %          | 174                                             | 0 %     | 36 %          | 0 %           | 64 %          |
| IS                 |                                                  |         |               |               |               |                                                 |         |               |               |               |
| LI                 |                                                  |         |               |               |               |                                                 |         |               |               |               |
| NO                 | 1 919                                            | 34 %    | 22 %          | 13 %          | 31 %          | 22                                              | 18 %    | 59 %          | 5 %           | 18 %          |
| CH                 |                                                  |         |               |               |               | 52                                              | 0 %     | 0 %           | 0 %           | 100 %         |
| UK                 |                                                  |         |               |               |               |                                                 |         |               |               |               |
| Weighted average   | 11 595                                           | 8 %     | 47 %          | 14 %          | 31 %          | 8 348                                           | 18 %    | 37 %          | 12 %          | 33 %          |
| Unweighted average |                                                  | 6 %     | 28 %          | 15 %          | 52 %          |                                                 | 14 %    | 23 %          | 18 %          | 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.

\*\* The requests for recovery can be regarded as 'successful' when the claim was recovered in full or partially.

Source: Questionnaire on recovery procedures 2023

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 are 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.

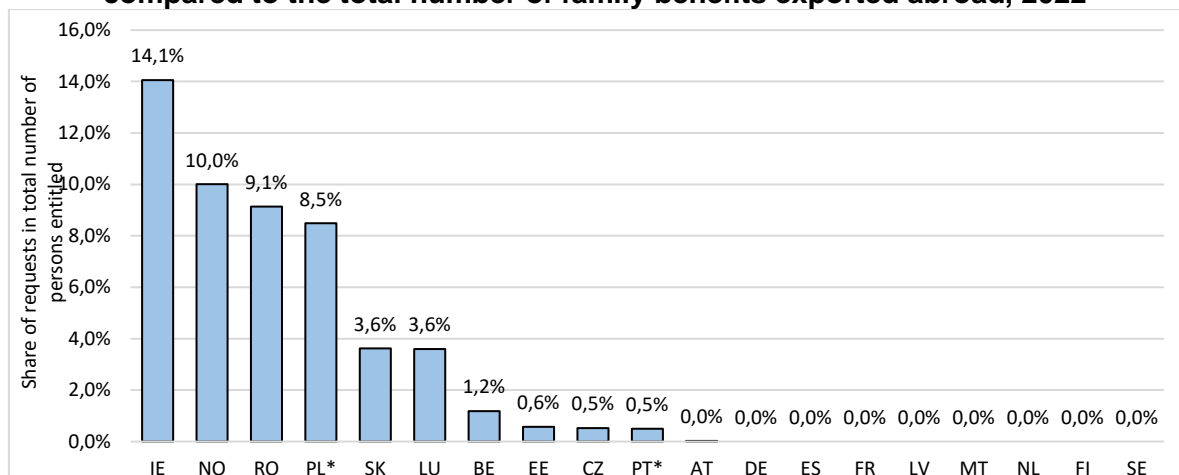
In *Figure 3*, data collected by the questionnaire on recovery are compared to data collected by the questionnaire on the export of family benefits. More specifically, the number of requests of recovery submitted in 2022 are divided by the total number of entitled persons for the export of family benefits. 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, Norway, Romania, Poland, Slovakia, Luxembourg, and Belgium asked to recover a relatively high percentage of exported family benefits, namely over 1 % of benefits. This appears to be less the case for Estonia, Czechia, Portugal, Austria, Germany, Spain, France, Latvia, Malta, the Netherlands, Finland, and Sweden.

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 monthly). 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.

**Figure 3 – Requests for recovery of unduly paid family benefits submitted compared to the total number of family benefits exported abroad, 2022**



\* Data on total number of family benefits exported abroad concern 2020 for PL and 2021 for PT.

Source: Questionnaire on recovery procedures and Questionnaire on the export of family benefits 2023

## 4. Error

The final question in the questionnaire asked Member States whether they are aware of cases of error with regard to the application of the recovery procedures. Of the 28 responding Member States, 22 left this question blank or did not have any information available, while Finland and Malta mentioned no cases of error were found in 2022. Only Greece, France, Poland, and Sweden indicated cases of error were found and were able to quantify the number of cases (*Table 6*).

Most cases are reported by France, namely 155 cases for EUR 781 101, of which 153 concern the absence of the known right. The other Member States reported less than 50 cases. Greece reported 32 cases of which 30 involved cases in which the cases were sent to Greece by mistake as it was not the competent institution. Poland only reported less than 5 cases of error for EUR 12 703, and Sweden 20 cases including 10 where the payment reference is missing.

**Table 6 – Cases of error regarding the application of recovery procedures, 2022**

|    | Cases      | Amount involved (in €) | Reasons                                                          |
|----|------------|------------------------|------------------------------------------------------------------|
| EL | 30         |                        | Greece is not the competent institution.                         |
|    | <5         |                        | Debtor of unduly received unemployment benefits was 5 years old. |
|    | <5         |                        | The debtor of unduly received family benefits was 90 years old   |
|    | <b>32</b>  |                        | <b>Total</b>                                                     |
| FR | 152        | 773 937                | Absence of known right                                           |
|    | <5         | 7 163                  | Non-compliant rights form                                        |
|    | <b>155</b> | <b>781 101</b>         | <b>Total</b>                                                     |
| PL | <5         | 9 163                  | Incorrect format of form used                                    |
|    | <5         | 3 540                  | Incorrect conversion of the amount due                           |
|    | <5         | <b>12 703</b>          | <b>Total</b>                                                     |
| SE | 5          |                        | Incorrect exchange rate                                          |
|    | 10         |                        | Payment reference missing                                        |
|    | 5          |                        | Execution title missing                                          |
|    | <b>20</b>  |                        | <b>Total</b>                                                     |

Source: Questionnaire on recovery procedures 2023

## Annex I Questionnaire

| Requests for information                                           |                                                             |                                                |                |                                                            |                                                         |                                 |              |               |
|--------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------|----------------|------------------------------------------------------------|---------------------------------------------------------|---------------------------------|--------------|---------------|
|                                                                    | Requests for information <i>submitted in reference year</i> |                                                |                | Requests for information <i>received in reference year</i> |                                                         |                                 |              |               |
|                                                                    | 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 <i>outstanding contributions</i>          |                                                             |                                                |                |                                                            |                                                         |                                 |              |               |
|                                                                    | Requests for recovery <i>submitted in reference year</i>    |                                                |                |                                                            | Requests for recovery <i>received in reference year</i> |                                 |              |               |
|                                                                    | Number of outstanding contribution cases submitted          | Outcome of requests as of today                |                |                                                            | Number of outstanding contribution cases received       | Outcome of requests as of today |              |               |
|                                                                    |                                                             | Refused                                        | Successful**   | Still pending                                              |                                                         | Refused                         | Successful** | Still pending |
| Total                                                              |                                                             |                                                |                |                                                            |                                                         |                                 |              |               |
| Requests for recovery of <i>unduly paid benefits</i>               |                                                             |                                                |                |                                                            |                                                         |                                 |              |               |
| By branches of social security and/or total                        | Requests for recovery <i>submitted in reference year</i>    |                                                |                |                                                            | Requests for recovery <i>received in reference year</i> |                                 |              |               |
|                                                                    | Number of unduly paid benefit cases submitted               | Outcome of requests as of today                |                |                                                            | Number of unduly paid benefit cases received            | Outcome of requests as of today |              |               |
|                                                                    |                                                             | Refused                                        | Successful**   | Still pending                                              |                                                         | Refused                         | Successful** | Still pending |
| Sickness benefits                                                  |                                                             |                                                |                |                                                            |                                                         |                                 |              |               |
| Maternity and equivalent paternity benefits                        |                                                             |                                                |                |                                                            |                                                         |                                 |              |               |
| Invalidity 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                                                              |                                                             |                                                |                |                                                            |                                                         |                                 |              |               |
| Total                                                              |                                                             |                                                |                |                                                            |                                                         |                                 |              |               |

\* 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

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