

AC 193/22
Summary of the minutes of the 372nd meeting of the Administrative Commission
SECRETARIAT – 30.01.2022.

Orig. EN

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

**Summary of the minutes of the
372nd meeting of the Administrative Commission 18-19 October 2022**

A. Agenda

The agenda was approved with a unanimous addition of an item on extending the transitional period set in the Guidance note on telework for discussion and approval.

B. Approval of Minutes

The Administrative Commission approved the minutes of the Working Party of the Administrative Commission on 14 December 2021 and the minutes of the 369th meeting of the Administrative Commission on 15-16 December 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. The Secretariat informed the delegations of recent staff changes. The Secretariat pointed out missing replies to the questionnaires for the reports on Fraud and Error, Maternity benefits and Recovery. The delegations were invited to update the contact details of their members and reminded that new nominations should be communicated to the Secretariat via respective Permanent Representation to the EU. The delegations were informed of an update of accesses to CIRCA BC. The Secretariat informed about the publication of Decision H13 of 30 March 2022 concerning the composition and working methods of the Audit Board of the Administrative Commission for the Coordination of Social Security Systems in the Official Journal (OJ C 305, 10/08/2022, p. 4–7). The Secretariat provided an update to the delegations about Article 9 declarations. The Commission provided brief information on the survey on EESSI resources. Updates were provided regarding the works of the Ad-hoc Group on the Digitalisation of the EHIC, the Ad-hoc Group on telework, the Ad-hoc Group on the Legislation Applicable and on the cooperation with ELA.

I. Approval/notice without discussion

The Administrative Commission approved without discussion the following items: Nominations for membership to the Ad-Hoc Groups established for the definition of data to be exchanged electronically; Nominations for membership to the Ad-Hoc Group on telework; Nomination for membership to the Ad-Hoc Group on the digitalisation of the European Health Insurance Card.

II. Report on the outcome of the Working Party of 5 October 2022

The Czech leading delegation presented the outcome of the Working Party of 5 October 2022 on EESSI data processing. The European Commission stressed the need to continue working on reducing the response time in EESSI, for instance by introducing time thresholds in service level agreements.

III. Statistical reporting on the coordination of social security schemes

The Administrative Commission approved the presented reports, taking into account the notified changes.

IV. Family benefits: application of priority rules for the payment of family benefits

The Administrative Commission discussed the application of priority rules for the payment of family benefits and agreed that:

- the definition of a member of the family in the Regulation refers in the first instance to the national legislation;
- the national legislation of the Member States that is paying the family benefits, determines which parent is receiving the family benefits provided under its legislation.
- where a claim for family benefits/or parental leave benefits/ is introduced by both – separated – parents, the national legislation of the Member State that is paying the family benefits shall determine which parent is entitled to claim family benefits. However, if that person is not exercising that right, a claim introduced by the other parent shall be taken into account.
- the above mentioned applies irrespective of the type of family benefit in question.

V. Sickness benefits: Prioritising of the right to benefits in kind under Article 32 of the Regulation (EC) No 883/2004

The Administrative Commission agreed that in case of overlapping of derived rights to benefits in kind on the basis of employment, Article 32 of Regulation (EC) No 883/2004 should be interpreted in the way that the Member State of employment in which the concerned family member also resides should take priority. There should be no freedom of choice regarding such cases. The Administrative Commission agreed that this interpretation will apply to the future. No solution was found regarding the past (open) cases.

VI. Sickness benefits: Healthcare benefits for prisoners

The Administrative Commission discussed how the healthcare provision for prisoners is organised in the Member States and invited the delegations to submit notes for further discussion on the topic.

VII. Sickness benefits: Non-compliance of the models of the European Health Insurance Card with the specification laid down in Decision No S2

The Administrative Commission urged the delegations to comply with Decision S2 and use the valid formats of the EHIC.

VIII. EESSI

The Administrative took note of the Technical Commission activities.

The Administrative Commission took note of the operational issues in production and urged those Member states to remedy the situations and provide guidance on how to manage the pending cases with the impacted institutions. The Administrative Commission took note of the status of EESSI and urged countries non-complaint with E7 Decision to accelerate their effort to be compliant as soon as possible. It also and urged the pending countries to finalize their upgrade activities for RINA and for the Access Points.

The Administrative Commission took note about the updates regarding the centralized and decentralized scenarios and expressed concerns about delays in publication of the joint call for tender for the centralized scenario.

The Administrative Commission took note of the Business Process Improvement programme and invited the Commission and the delegations to reassess the priorities and the timelines of the plans as well as the governance.

The Administrative Commission took note of the ongoing activities linked to Institution repository and competence lifecycle improvement and welcomed the work to improve the quality of the data in the IR. The Administrative Commission was made aware of the need to update some procedures linked to the introduction of changes in the IR and to the lifecycle of institutions and competences, as contained for instance in Decision E2.

The Administrative Commission took note of the on-going work on data protection and the need for Member States to clarify with their relevant data protection authorities their possible role as controller or joint controller.

The Administrative Commission took note of the importance to consult the European Data Protection Supervisory and the European Data Protection Board in case of disagreement-in order to obtain a final opinion on this question.

The Administrative Commission approved the revised version of the EESSI Terms of Collaboration, except the part on Data protection requiring more clarification.

IX. Applicable Legislation: Cooperation between MS of residence and other MS in the determination of registered office

The Administrative Commission took note of the discussions on this topic and invited the delegations send their notes.

X. Codification/publication of COVID-19 guidance

The Administrative Commission discussed the publication of the Guidance note on COVID-19 and the related interpretative note. The Secretariat will make the notes public on the Commission's website and will consider the feasibility of an AC decision on this subject.

XI. Applicable Legislation: Review and update of the practical guide on the applicable legislation

The Administrative Commission took note of the discussions and invited the delegations interested in the role of leading delegations and in joining the works on this topic are invited to send their nominations and proposals.

XII. Telework – extension of transition period

The Administrative Commission discussed this topic and agreed to launch a written procedure regarding the extension of the transition period set out in the Guidance note on telework until 30 June 2023.

XIII. Changes in Member States legislation

The Administrative Commission took note of the changes in the Estonian and Finnish legislation.

XIV. Draft agendas of the meetings of the Administrative Commission in the second half of 2022 and calendar of the meetings 2023

The Administrative Commission took note of the draft agenda of the 373rd meeting of the Administrative Commission and calendar of the meetings for 2023. The Secretariat was invited to consider organising the Audit Board meeting in a hybrid mode and changing the Advisory Committee meeting date.