Amendment 209
Li Andersson
on behalf of the Committee on Employment and Social Affairs

Report **A8-0386/2018**
Gabriele Bischoff
Coordination of social security systems
(COM(2016)0815 – C8-0521/2016 – 2016/0397(COD))

Proposal for a regulation
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AMENDMENTS BY THE EUROPEAN PARLIAMENT*

to the Commission proposal

REGULATION (EU) 2026/…
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of…

amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004

(Text with relevance for the EEA and Switzerland)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 48 thereof,

Having regard to the proposal from the European Commission,

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* Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ▌.

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure[3],

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1 ***OJ C 345, 13.10.2017, p. 85.***

2 ***OJ C 342, 12.10.17, p. 65.***

3 Position of the European Parliament of ... (not yet published in the Official Journal) and decision of the Council of …

Whereas:

(1) A modernised system of social security coordination started to apply from 1 May 2010, on the basis of Regulations (EC) No 883/2004[4] and (EC) No 987/2009[5] of the European Parliament and of the Council.

(2) Regulations (EC) No 883/2004 and (EC) No 987/2009 were amended by Regulation (EU) No 465/2012 of the European Parliament and of the Council[6], in particular in the field of the determination of the applicable legislation and unemployment benefits, and to make technical adaptations to the references to national legislation in the Annexes to Regulation (EC) No 883/2004.

(3) It has emerged from evaluations and discussions within the Administrative Commission for the Coordination of Social Security Systems (the 'Administrative Commission') that in the areas of long-term care benefits, unemployment benefits and family benefits, the modernisation process should continue ***in order to make the rules relating to those benefits fairer, clearer and easier to apply, by means of exchanges of experience and exchanges of best administrative practices***. ***To facilitate such exchanges, the use of new technologies should also be promoted.***

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4 Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1, ELI: http://data.europa.eu/eli/reg/2004/883/oj).

5 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 (OJ L 284, 30.10.2009, p. 1, ELI: http://data.europa.eu/eli/reg/2009/987/oj).

6 Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012 amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 (OJ L 149, 8.6.2012, p. 4, ELI: http://data.europa.eu/eli/reg/2012/465/oj).

(4) It remains essential that the coordination rules keep pace with the evolving legal and societal context in which they operate, by further facilitating the exercise of citizens' rights while ensuring legal clarity, a fair and equitable distribution of the financial burden among the institutions of the Member States involved***,*** administrative simplicity and enforceability of the rules.

▌

(5) Long-term care benefits have so far not been included explicitly within the material scope of Regulation (EC) No 883/2004 but have, ***in principle, been*** coordinated ***in line with the rules applicable to*** sickness benefits, leading to legal uncertainty both for institutions and persons claiming long-term care benefits. There is a need to develop a stable legal framework appropriate to long-term care benefits within that Regulation, ***continuing coordination as sickness benefits as a general rule and*** including a clear definition ***and a list*** of such benefits.

▌

(6) In the area of unemployment benefits, the rules on the aggregation of periods of insurance should be applied uniformly by all Member States. ▌

(7) In order to ensure a real link between the unemployed person and the labour market of the Member State providing unemployment benefits, the rules on the aggregation of periods for the purpose of conferring an entitlement to unemployment benefits should, with the exception of wholly unemployed cross-border workers as referred to in Article 65(2), (3) and (5) of Regulation (EC) No 883/2004, be subject to the condition that the insured person has most recently completed an uninterrupted period of at least one month of insurance, employment or self-employment in that Member State, and has thereby contributed to the financing of the unemployment benefit scheme of that Member State over a predefined period. Where no such period has been completed in the Member State of most recent insurance, employment or self-employment, the previous Member State in which that person completed a period of insurance, employment or self-employment should become competent, provided that the person completed an uninterrupted period of at least one month in that Member State. Registration with the employment services of the Member State of most recent insurance should have the same effect as registration with the employment services of the Member State in which the unemployed person had been previously insured. Where the person did not complete the required period in either of those Member States, the Member State of most recent insurance, employment or self-employment should become competent.

(8)

▌In order to improve the opportunities for unemployed persons moving to another Member State to ***, Member States should be able to decide to exercise the possibility to extend the period of export of unemployment benefits until the end of the person's entitlement to benefits***.

(9) Unemployed persons who during their most recent activity resided in a Member State other than the competent Member State and who continue to reside in that other Member State or return there should receive benefits in accordance with the legislation of the competent Member State, provided that they have, in the Member State of their most recent activity, completed uninterrupted periods of insurance, employment or self-employment of at least 22 weeks ('affiliation period'). Only uninterrupted periods of insurance, employment or self-employment completed under the legislation of the competent Member State should be taken into account for the purpose of calculating the affiliation period. Subject to completion of the affiliation period, it is for the competent Member State to assess whether the person meets the conditions for entitlement to unemployment benefits laid down in its national legislation, as if the person were residing in that Member State. The person should comply with the obligations laid down in the applicable legislation of the competent Member State. If the person decides to make him or herself available to the employment services of another Member State in order to seek work there, he or she should comply with the conditions laid down in the legislation of, and be subject to the control procedure organised in, that other Member State. The institution in the Member State to which the unemployed person has gone should provide the competent Member State, on a monthly basis, with relevant information concerning the follow-up to the unemployed person's situation, in particular whether he or she is still registered with the employment services and is complying with organised checking, and activation or job placement procedures.

(10) Within the framework of the implementation of Regulations (EC) No 883/2004 and (EC) No 987/2009, and in accordance with the duty of mutual information and cooperation, Member States' institutions should, inter alia, exchange data necessary to detect changes in circumstances relevant for the rights and obligations of the persons concerned under Regulation (EC) No 883/2004. Member States could decide to make further use of electronic means to enhance the fulfilment of the duty of mutual information and cooperation.

(11) The labour market in Luxembourg is characterised by a number of specific features. Frontier workers make up a very significant proportion of the total working population in Luxembourg, which greatly exceeds the proportion of frontier workers in the working population of other Member States. The introduction of the new rules relating to frontier and cross-border workers is expected to place a very high administrative burden on the Luxembourg public employment authority, due to a significant increase in the number of frontier workers for whom it would become the competent institution. It is therefore appropriate to grant Luxembourg an additional phasing-in period, during which Articles 65 and 86 of Regulation (EC) No 883/2004 and Articles 56 and 70 of, and Annex 5 to, Regulation (EC) No 987/2009, in the version in force before … [date of entry into force of the amending Regulation], continue to apply, in order to allow the time required to take all necessary preparatory steps for a smooth transition from the current regulatory framework to the new rules and to adjust the social security system. During that phasing-in period, Article 56a of Regulation (EC) No 987/2009, which is introduced by this Regulation, should not apply to Luxembourg.

(12) ***In light of the judgment of the Court of Justice of the European Union in Case C-347/12, Wiering[7], for the purpose of the calculation of the differential supplement, there are two categories of*** family benefits ***of the same kind, namely, family benefits in cash that are primarily*** intended to replace income that is ***not earned due to*** child-raising periods***, and all*** other family benefits ▌ ,

(13) Family benefits in cash that are primarily intended to replace income not earned, in whole or in part, or income that the person cannot earn due to child-raising periods are designed to meet the individual or personal needs of the parent subject to the legislation of the competent Member State and are therefore distinguishable from other family benefits as they are intended to compensate a parent for loss of income or salary during time spent raising a child rather than to solely meet general family expenses.

7 Judgment of the Court of Justice of 13 June 2014, Wiering, C-347/12, ECLI:EU:C:2014:300.

(14) In order to enable timely amendments to ▌ Regulations ***(EC) No 883/2004 and (EC) No 987/2009*** to incorporate developments at the national level, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the Annexes to ▌ Regulation ***(EC) No 883/2004*** and to Regulation(EC) No 987/2009. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016[8]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

[8] ***OJ L 123, 12.5.2016, p. 1,***
ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

(15) With a view to supporting Member States in their efforts to combat fraud and error in the application of the coordination rules, it is necessary to establish a further legal basis for the processing of the personal data of persons to whom Regulations (EC) No 883/2004 and (EC) No 987/2009 apply***, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council***[9]. This would enable a Member State to ▌ compare data held by its competent institutions against those held by another Member State, in order to identify errors or inconsistencies that require further investigation.

(16) With a view to expediting the procedure for the verification and withdrawal of documents ***in cases*** of fraud or error, it is necessary to strengthen the collaboration and the exchange of information between the issuing institution and the institution requesting a withdrawal. Where there is doubt about the validity of a document or about the correctness of supporting evidence ▌, it is in the interest of the Member States and the persons concerned that the institutions concerned reach an agreement within a reasonable period of time.

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9 ***Regulation (EU) 2016/679 of the European Parliament and the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).***

(17) There should be a detailed procedure for cooperation in the case of doubt as to the validity of documents concerning the social security legislation applicable to the holder of those documents. It is also necessary to lay down further rules on retroactivity where a document is withdrawn or rectified. This includes situations in which the Member States concerned should consider concluding an agreement on the basis of Article 16 of Regulation (EC) No 883/2004 for part or all of the periods covered by the document.

(18) To ensure the effective and efficient operation of the coordination rules, it is necessary to clarify the rules for determining the legislation applicable to employees who pursue their economic activity in two or more Member States, in order to provide a greater parity with the conditions that apply to persons who are ▌ sent to pursue an economic activity in a single Member State. ▌

(19) ***The link with the social security system of the Member State of origin of employed persons sent to another Member State should be reinforced by providing for a minimum period of prior affiliation.***

(20) Implementing powers should be conferred on the Commission in order to ensure uniform conditions for the implementation of Articles 12 and 13 of Regulation (EC) No 883/2004 ***and of the rules on recovery provided for in Regulation (EC) No 987/2009***. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[10].

(21) If a Member State is unable to notify the annual average cost per person in each age group for a reference year within the required deadline, the Member State should be able to submit claims for that year based on the annual average costs for the immediately preceding year published in the *Official Journal of the European Union*. The reimbursement of the expenditure on benefits in kind on the basis of fixed amounts should be as close as possible to the actual expenditure. A derogation from the notification obligation should be subject to the authorisation of the Administrative Commission and should not be granted in two consecutive years.

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10 Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).

(22) ▌ The offsetting procedure that applies in situations where the legislation of a Member State was applied provisionally in accordance with Article 6 of Regulation (EC) No 987/2009 should be extended to cases ***where an institution was not competent to grant benefits or receive contributions***. In addition, in that context, it is necessary to disapply divergent limitation provisions in national law to ensure that a retroactive settlement between the institutions is not impeded by any incompatible time-limits laid down in national legislation while at the same time establishing a uniform limitation period of ***three*** years, counting backwards from the commencement of the dialogue procedure referred to under Article 5(3) and (4) and Article 6(3) of that Regulation to ensure that the procedure for resolving disputes is not frustrated.

(23) Effective recovery is a means of preventing and tackling fraud and abuse and ensuring the smooth functioning of social security schemes. The recovery procedures provided for in Chapter III of Title IV of Regulation (EC) No 987/2009 are based on the procedures and rules provided for in ***Council*** Directive 2008/55/EC ▌ [11]. That Directive has been superseded by Council Directive 2010/24/EU[12], which introduced a uniform instrument to be used for enforcement measures as well as a standard form for the notification of instruments and measures relating to claims. In ***a*** review by the Administrative Commission**,** most Member States found it advantageous to use a uniform instrument for enforcement similar to that provided for by Directive 2010/24/EU. It is therefore necessary that the rules for mutual assistance in recovery of social security claims reflect the new measures in Directive 2010/24/EU, in order to ensure more effective recovery and a smooth functioning of the coordination rules.

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11 ***Council Directive 2008/55/EC of 26 May 2008 on mutual assistance for the recovery of claims relating to certain levies, duties, taxes and other measures (OJ L 150, 10.6.2008, p. 28, ELI: http://data.europa.eu/eli/dir/2008/55/oj).***

12 ***Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures (OJ L 84, 31.3.2010, p. 1, ELI: http://data.europa.eu/eli/dir/2010/24/oj).***

(24) To take account of legal changes in certain Member States ***and in the United Kingdom***[13] and to guarantee legal certainty for stakeholders, the Annexes to Regulation (EC) No 883/2004 ***and to Regulation(EC) No 987/2009 should*** be amended.

(25) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council[14] and delivered an opinion on 8 May 2017.

(26) While a number of provisions of this Regulation can be applied immediately because they do not require implementation, it is appropriate to provide for a later date of application for certain provisions of this Regulation to allow Member States sufficient time for their implementation,

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13 ***The United Kingdom of Great Britain and Northern Ireland ceased to be a Member State on 31 January 2020. Pursuant to the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, Regulations (EC) No 883/2004 and (EC) No 987/2009 continue to apply to and in the United Kingdom of Great Britain and Northern Ireland in respect of persons referred to in Articles 30, 32 and 33 of that Agreement.***

14 Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1, ELI: http://data.europa.eu/eli/reg/2001/45/oj).

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 883/2004 is amended as follows:

(1) the following recital is inserted***:***

‘***(2a) Articles 45 and 48 of the Treaty of the Functioning of the European Union (TFEU) ensure free movement of workers entailing the abolition of any discrimination based on nationality and provide for the adoption of the necessary measures in the field of social security to secure that freedom. In addition, under Article 21 TFEU, every Union citizen has the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect.***’;

(2) recital 5 is replaced by the following:

‘(5) ***It is necessary, within the framework of such coordination, to guarantee within the Union equality of treatment under the different national legislations for the persons concerned.***

(5a) In applying the principle of equal treatment provided for in this Regulation, the case-law of the Court of Justice is to be respected. The Court of Justice has interpreted that principle and the relationship between this Regulation and, inter alia, Directive 2004/38/EC, in its judgments in Cases C-140/12, Brey*, C-333/13, Dano**, C-67/14 Alimanovic, C-299/14, Garcia-Nieto**** and C-308/14, Commission v the United Kingdom*****.***

(5b) Member States should ensure that mobile, economically inactive Union citizens are not prevented from satisfying the condition of having comprehensive sickness insurance cover in the host Member State, as laid down in Directive 2004/38/EC. ***They should be allowed, in accordance with national law and practice,*** to contribute in a proportionate manner to a scheme for comprehensive sickness insurance cover ***if they are not otherwise able to fulfil the relevant criteria for access to comprehensive sickness insurance cover*** in the Member State in which they habitually reside.

* Judgment of the Court of Justice of 19 September 2013, Brey, C-140/12, ECLI:EU:C:2013:565.

** Judgment of the Court of Justice of 8 November 2014, Dano, C-333/13, ECLI:EU:C:2014:2358.

*** Judgment of the Court of Justice of 15 September 2015, Alimanovic, C-67/14, ECLI:EU:C:2015:597.

**** Judgment of the Court of Justice of 25 February 2016, García-Nieto, C-299/14, CLI:EU:C:2016:114.

***** Judgment of the Court of Justice of 14 June 2016, C-308/14, Commission v UK, ECLI:EU:C:2016:436.';

(3) recital 18b is replaced by the following:

"(18b) In Annex III, Subpart FTL to Commission Regulation (EU) No 965/2012*, the concept of 'home base' for flight crew and cabin crew members is defined as the location, assigned by the operator to the crew member, from where the crew member normally starts and ends a duty period or a series of duty periods and where, under normal circumstances, the operator is not responsible for the accommodation of the crew member concerned.

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* Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1, ELI: http://data.europa.eu/eli/reg/2012/965/oj).";

(4) recital 24 is replaced by the following:

‘(24) ***In line with the case-law of the Court of Justice,*** long-term care benefits for insured persons and members of their families ***should, in principle, continue*** to be coordinated ***in line with*** the rules applicable to sickness benefits***.*** ***However, those rules should take into account the specific nature of long-term care benefits***. It is also necessary to provide for specific provisions in the case of overlapping long-term care benefits in kind and in cash.

(24a) Long-term care benefits refer only to benefits which have the primary purpose of addressing the care needs of a person who, on account of an impairment due, for example, to old age, disability or illness, requires considerable assistance from others to carry out essential activities of daily living for an extended period of time. Moreover, long-term care benefits refer only to benefits which can be considered to be social security benefits within the meaning of this Regulation. In line with the case-law of the Court of Justice, for example in Case C-433/13, Commission v Slovak Republic*, social security benefits are benefits granted without any individual and discretionary assessment of the personal needs of the beneficiaries, on the basis of a legally defined position. Long-term care benefits should therefore be interpreted accordingly. In particular, long-term care benefits should not include social or medical assistance. Benefits granted on a discretionary basis, after an individual assessment of the claimant's personal needs, are not considered to be long-term care benefits for the purposes of this Regulation.

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* Judgment of the Court of 16 September 2015, Commission v Slovak Republic, C-433/13, ECLI:EU:C:2015:602.';

(5) the following recitals are inserted:

'(32a) It is for the Member States to decide whether to extend the period of six months provided for in Article 64(1), point (c), of this Regulation, in accordance with Union law, including the judgment of the Court of Justice in Case C-551/16, Klein Schiphorst*.

(32b) Article 45 TFEU guarantees the freedom of movement for workers within the Union and prohibits any discrimination based on nationality between workers of the Member States as regards, inter alia, employment. Pursuant to Regulation (EU) No 492/2011 of the European Parliament and of the Council**, frontier workers, are also to enjoy such fundamental rights without discrimination. Article 5 of that Regulation provides that a national of a Member State who seeks employment in the territory of another Member State is to receive the same assistance there as that afforded by its employment offices to its own nationals seeking employment.

*(32c) Decision 573/2014/EU of the European Parliament and of the Council*** establishes a Union-wide network of Public Employment Services (PES) aiming to encourage cooperation between Member States in the field of employment within the areas of PES responsibility, including by supporting increased voluntary geographical and occupational mobility on a fair basis to meet specific labour market needs.*

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* *Judgment of the Court of 21 March 2018, J. Klein Schiphorst, C-551/16, ECLI:EU:C:2018:200.*

** *Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union (OJ L 141, 27.5.2011, p. 1, ELI: http://data.europa.eu/eli/reg/2011/492/oj).*

*** *Decision No 573/2014/EU of the European Parliament and of the Council of 15 May 2014 on enhanced cooperation between Public Employment Services (PES) (OJ L 159, 28.5.2014, p. 32, ELI: http://data.europa.eu/eli/dec/2014/573(2)/oj)*';

(6) the following recitals are inserted:

'(35a) For the purpose of calculating the differential supplement, this Regulation takes into account the judgment of the Court of Justice in Case C-347/12, Wiering*, while providing for necessary clarifications and simplifications. Taking into account the particular nature of the various family benefits of the Member States, two categories of family benefits should be distinguished on the basis of their main purpose, their objectives and the basis on which they are granted.

(35b) Family benefits in cash ***that are primarily*** intended to replace income ***not earned, in whole or in part, or income that the person cannot earn, due to*** child-raising***, can be distinguished from other family benefits intended to meet family expenses. Because such benefits could be considered to be*** individual rights which are personal to the parent subject to the legislation of the competent Member State, ***it should be possible to reserve them exclusively to the parent concerned. Such individual*** benefits are listed in Annex XIII, Part I, to this Regulation. The Member State with secondary competence should be able not to apply the rules of priority in the case of overlapping rights to family benefits under the legislation of the competent Member State and under the legislation of the Member State of residence of members of the family to such benefits. Where a Member State does not apply the priority rules, it must do so consistently in respect of all entitled persons in an analogous situation and be listed in Annex XIII, Part II.

(35c) This Regulation takes account of Council Regulation No 4/2009** where relevant.

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* ***Judgment of the Court of Justice of 13 June 2014, Wiering, C-347/12, ECLI:EU:C:2014:300.***

** ***Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ L 7, 10.1.2009, p. 1, ELI: http://data.europa.eu/eli/reg/2009/4(1)/oj).***';

(7) the following recital is inserted:

"***(39a)*** The relevant Union data protection acquis, in particular Regulation (EU) ***2016/679*** of the European Parliament and of the Council****, applies*** to the processing of personal data pursuant to this Regulation.

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* Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).";

(8) the following recitals are inserted:

‘(40a) In accordance with the principles laid down in Article 6 of Regulation (EU) 2018/1724 of the European Parliament and of the Council*, Member States are to ensure that employers or the persons concerned can, subject to the establishment of the relevant procedures, access and complete a request for the determination of applicable social security legislation fully online. A fully online procedure includes an automatic acknowledgement of receipt, unless the output of the procedure is delivered immediately. The procedure should be user friendly. This Regulation requires Member States to progressively enhance their use of new technologies for the exchange of, access to and processing of the data required to apply the social security coordination rules. Those rules include the procedures referred to in Articles 15, 16 and 19 of Regulation (EC) No 987/2009.

(40b) In light of the objective of the social security coordination legislation in the Union, while Member States have a responsibility to uphold obligations arising from Union law in the areas covered by this Regulation and by Regulation (EC) No 987/2009, potential measures against infringements of those obligations should not impede the exercise of free movement within the Union. In particular, measures to address a failure to comply with the obligations specified in Article 15(1) of Regulation (EC) No 987/2009, which require the notification to the competent institution of the Member State whose legislation is applicable before the start of an activity in another Member State and the request for the attestation referred to in Article 19(2) of Regulation (EC) No 987/2009, are not to result in unjustified and disproportionate restrictions of the exercise of free movement by the persons concerned. Failure to comply with those obligations does not automatically result in a change of the applicable national legislation, which should be determined in accordance with Title II of this Regulation. Furthermore, those obligations should be interpreted and enforced consistently with the established case-law of the Court of Justice concerning the attestation on the applicable legislation, which is usually issued by means of a certificate known as Portable Document A1 (PDA1), and its predecessor, the E-101 certificate.

(40c) To ensure that social security coordination rules remain fit for purpose, it is important to take into account the technological progress and benefits of digitalisation, in particular in streamlining and simplifying the exchange of information between the competent institutions. Technological advances in social security coordination, such as a fully implemented and operational European Electronic Exchange of Social Security Information system, can contribute to simplifying the process and the compliance with Article 15 of Regulation (EC) No 987/2009. Digitalising the process of requesting and receiving social security attestations, including that regarding the applicable legislation, will be another important step towards a solution that enables the real-time verification of those attestations across borders, allowing for swift confirmation of their validity. The Commission and Member States are closely collaborating to advance the digitalisation of such interactions between individuals and public bodies, such as through the European Social Security Pass initiative. European Digital Identity Wallets, established by Regulation (EU) 2024/1183 of the European Parliament and of the Council**, have the potential to become a digital system facilitating user-friendly and secure identification and verification across borders.

(40d) Member States should continue investing in the digitalisation of their social security systems, as appropriate, inter alia with a view to ensuring a seamless digital experience for mobile citizens and businesses. To that end, they could use available Union funding instruments. Where applicable, such funding could be leveraged to support relevant reforms at national level that are necessary to promote the proper enforcement of this Regulation and of Regulation (EC) No 987/2009,and to combat fraud and error, including by improving data collection and reporting.

(40e) The purpose of the European Labour Authority (ELA) is, inter alia, to assist Member States and the Commission in the effective application and enforcement of Union law related to labour mobility across the Union and the coordination of social security systems within the Union, thereby contributing within its mandate to ensuring fair labour mobility across the Union. Pursuant to Regulation (EU) 2019/1149 of the European Parliament and of the Council, the ELA facilitates and enhances cooperation between Member States, including by facilitating concerted and joint inspections, which could also concern compliance with the notification obligation and the detection of abuses with regard to exemptions from that obligation, and by facilitating the cooperation and acceleration of the exchange of information between Member States. The ELA promotes the potential use of electronic exchange mechanisms and databases between the Member States, to facilitate access to data in real time and to detect fraud, and may suggest possible improvements in the use of those mechanisms and databases.***

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* ***Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1), ELI: http://data.europa.eu/eli/reg/2018/1724/oj).***

** ***Regulation (EU) 2024/1183 of the European Parliament and of the Council of 11 April 2024 amending Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework (OJ L, 2024/1183, 30.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1183/oj).***

*** ***Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 (OJ L 186, 11.7.2019, p. 21, ELI: http://data.europa.eu/eli/reg/2019/1149/oj).';***

(9) the following recital is added:

‘(46) This Regulation respects ***the*** fundamental rights and observes the principles recognised ***by*** the Charter of Fundamental Rights of the European Union and the ***European Convention on Human Rights,*** and is to be implemented in accordance with those rights and principles,’;

(10) Article 1 is amended as follows:

(a) in point (i)(1), point (ii) ***is replaced by the following:***

‘***(ii) with regard to benefits in kind pursuant to Title III, Chapter 1, any person defined or recognised as a member of the family or designated as a member of the household by the legislation of the Member State in which he or she resides***’;

(b) in point (va), point (i) ***is replaced by the following:***

‘***(i) for the purposes of Title III, Chapter 1, with regard to sickness, maternity and equivalent paternity benefits, benefits in kind provided for under the legislation of a Member State which are intended to supply, make available, pay directly or reimburse the cost of medical care and products and services ancillary to that care.***’;

(c) in ***point (va), the following point is inserted:***

‘***(ia) for the purposes of Title III, Chapter 1, with regard to long-term care benefits, benefits in kind provided for under the legislation of a Member State which are intended to supply, make available, pay directly or reimburse the cost of long-term care as referred to in point (vb) of this Article.***’;

(d) the following point is inserted:

'(vb) *"*long-term care benefits*"* means benefits in kind ***or in cash, the purpose of which is to address the care needs of a person who***, on account of ▌ an impairment, ***requires*** considerable assistance from another person or persons to carry out essential ▌ activities ***of daily living for an extended period of time in order*** to support ***his or her*** personal autonomy, including benefits granted ▌ for ***the same purpose to*** the person providing such assistance;";

(11) in Article 3(1), point (a) is replaced by the following:

'***(a) sickness and long-term care benefits;***';

(12) in Article 9, paragraph 1 is replaced by the following:

'1. ***The Member States shall notify the Commission in writing of the declarations made in accordance with Article 1, point (l), the legislation and schemes referred to in Article 3, the conventions entered into as referred to in Article 8(2), the minimum benefits referred to in Article 58, as well as any substantive amendments thereto. Such notifications shall indicate the date from which this Regulation will apply to the schemes specified by the Member States.***';

(13) Article 11 is amended as follows:

(a) paragraph 2 is replaced by ***the following:***

‘***2. For the purposes of this Title, persons receiving cash benefits because or as a consequence of their activity as an employed or self-employed person shall be considered to be pursuing that activity. This shall not apply to invalidity, old-age or survivors' pensions, to pensions in respect of accidents at work or occupational diseases, or to long-term care benefits in cash provided to the person in need of care.***’;

(b) paragraph 5 is replaced by the following:

‘5. An activity as a flight crew or cabin crew member performing air passenger or freight services shall be deemed to be an activity pursued in the Member State where the home base, as defined in Annex III, Subpart FTL, to Regulation (EU) No 965/2012, is located.’;

(14) Article 12 is replaced by the following:

‘Article 12

Special rules

1. A person who pursues an activity as an employed person in a Member State on behalf of an employer which normally carries out its activities there and who is sent by that employer to another Member State to perform work on that employer's behalf***,*** shall continue to be subject to the legislation of the first Member State, provided that the anticipated duration of such work does not exceed 24 months and that the person is not ***replacing*** another employed ***person sent pursuant to this paragraph or a*** self-employed person as referred to in ***paragraph 2***.

2. A person who normally pursues an activity as a self-employed person in a Member State who goes to pursue a similar activity in another Member State shall continue to be subject to the legislation of the first Member State, provided that the anticipated duration of such activity does not exceed 24 months and that the person is not replacing another employed ***person sent pursuant to paragraph 1 or a*** self-employed person ***as referred to in this paragraph***.

3. Where an employed person as referred to in paragraph 1 or a self-employed person as referred to in paragraph 2 does not complete the work or activity in the other Member State and is replaced by another person, the other person shall continue to be subject to the legislation of the Member State from which he or she is sent or in which he or she normally pursues an activity as a self-employed person, provided that the total duration of work or activity by all persons concerned in the other Member State does not exceed 24 months and the other conditions laid down in paragraph 1 or 2 are fulfilled.';

(15) in Article 13, paragraph 5 is replaced by the following:

'***4a.*** A person who is ***pursuing an employed or self-employed activity in one Member State while*** receiving unemployment benefits ***from*** another Member State shall be subject to the legislation of the Member State paying the unemployment benefits.

5. Persons referred to in paragraphs 1 to 4a shall be treated, for the purposes of the legislation determined in accordance with these provisions, as though they were pursuing all their activities as employed or self-employed persons and were receiving all their income in the Member State concerned.';

(16) in ***Title III, the title of Chapter 1 is replaced by the following:***

'***Sickness, long-term care, maternity and equivalent paternity benefits***';

(17) in Article 19, paragraph 1 is replaced by the following:

'1. Unless otherwise provided for pursuant to paragraph 2, an insured person and the members of his or her family staying in a Member State other than the competent Member State shall be entitled to the benefits in kind which become necessary on medical grounds or due to the need for long-term care during their stay, taking into account the nature of the benefits and the expected length of the stay. Those benefits shall be provided on behalf of the competent institution by the institution of the Member State of stay, in accordance with the provisions of that Member State's legislation, as though the person concerned were insured under that legislation.';

(18) in ***Article 20, paragraph 1 is replaced by the following:***

'***1. Unless otherwise provided for by this Regulation, an insured person travelling to another Member State with the purpose of receiving, during the stay, benefits in kind as referred to in Article 1, point (va)(i), shall seek authorisation from the competent institution.***';

(19) Article 30 is replaced by the following:

'***Article 30***

Contributions by pensioners

1. The institution of a Member State which is responsible under the legislation it applies for making deductions in respect of contributions for sickness, long-term care, maternity and equivalent paternity benefits, may request and recover such deductions, calculated in accordance with the legislation it applies, only to the extent that the cost of the benefits pursuant to Articles 23 to 26 is to be borne by an institution of that Member State.

2. Where, in the cases referred to in Article 25, the acquisition of sickness, long-term care, maternity and equivalent paternity benefits is subject to the payment of contributions or similar payments under the legislation of a Member State in which the pensioner concerned resides, those contributions shall not be payable by virtue of such residence.';

(20) in Article 32, the following paragraph is added:

‘***3.*** Where a member of the family has a derivative right to benefits under the legislation of more than one Member State, the following priority rules shall apply:

(a) in the case of rights available on a different basis, the order of priority shall be as follows:

(i) rights available on the basis of an activity as an employed or self-employed person of the insured person;

(ii) rights available on the basis of the receipt of a pension by the insured person;

(iii) rights available on the basis of the residence of the insured person;

(b) in the case of derivative rights available on the same basis, the order of priority shall be established by referring to the place of residence of the member of the family as a subsidiary criterion;

(c) where it is impossible to establish the order of priority on the basis of point (a) or (b), the longest period of insurance of the insured person under a national pension scheme shall be applicable.’;

(21) the following article is inserted:

‘***Article 33a***

Long-term care benefits

1. The Administrative Commission shall, after consulting the social partners, draw up a detailed list of long-term care benefits which meet the criteria laid down in Article 1, point (vb), indicating, in each case, whether they are benefits in kind or benefits in cash and whether they are provided to the person receiving care or to the carer.

2. Where long-term care benefits falling under this Chapter also have the characteristics of benefits coordinated under a different Chapter of Title III, a Member State may, by way of derogation from paragraph 1 of this Article, coordinate such benefits in accordance with the rules of that Chapter, provided that the overall outcome of such coordination is at least as favourable for the beneficiaries as if the benefits were coordinated as long-term care benefits under this Chapter and provided that they are listed in Annex XII, specifying which Chapter of Title III applies.

3. Article 34(1) and (2) of this Regulation shall also apply to benefits listed in Annex XII.’;

(22) Article 34 is ***replaced by the following:***

'***Article 34***

Overlapping of long-term care benefits

1. Where a person receiving long-term care benefits in cash from the competent Member State pursuant to Article 21 or 29 is also entitled, pursuant to this Chapter, to claim benefits in kind intended for the same purpose from the institution of the Member State of residence or stay, and those benefits in kind are subject to reimbursement by the institution of the competent Member State pursuant to Article 35, Article 10 shall apply. To that end, if the person concerned receives those benefits in kind, the amount of the benefits in cash granted by the competent Member State shall be reduced by the value of those benefits in kind.

2. Two or more Member States, or their competent authorities, may agree on other or supplementary measures which shall not be less advantageous for the persons concerned than the principles laid down in paragraph 1.

3. Where long-term care benefits in cash are provided for under the legislation of more than one Member State during the same period and for the same children, the priority rules in the event of overlapping laid down in Article 68(1) shall be applicable.';

(23) in Article 50, paragraph 2 is replaced by the following:

‘2. If at a given moment the person concerned does not satisfy, or no longer satisfies, the conditions laid down by all the legislations of the Member States to which he or she has been subject, the institutions applying legislation the conditions of which have been satisfied shall not take into account, when performing the calculation in accordance with Article 52(1), point (b), the periods completed under the legislations the conditions of which have not been satisfied, or are no longer satisfied, where this gives rise to a lower amount of benefit.’;

(24) the following article is inserted:

‘***Article 60a***

Special rules on the aggregation of periods for unemployment benefits

For the purposes of the application of Article 6 when applied in the context of this Chapter, only periods which are taken into account under the legislation of the Member State in which they were completed for the purpose of acquiring and retaining the right to unemployment benefits shall be aggregated by the competent Member State.’;

(25) Articles 61, 62 and 63 are replaced by the following:

’Article 61

Special rules on the aggregation of periods of insurance, employment or self-employment and competence for the payment of unemployment benefits

1. Except as regards wholly unemployed persons as referred to in Article 65(2), ***(3) and (5),*** the application of ***Articles 6 and 60a*** by the Member State of the most recent period of insurance, employment or self-employment shall be conditional on the person concerned having most recently completed ***an uninterrupted*** period of at least ***one month*** of insurance, employment or self-employment***,*** in accordance with the legislation of the Member State under which the benefits are claimed.

2. Where an unemployed person ***has not*** completed ***an uninterrupted period of at least one month*** of insurance, employment or self-employment in accordance with the legislation of the Member State referred to in ***paragraph 1,*** that person shall be entitled to unemployment benefits in accordance with the legislation of the previous Member State where he or she completed ***a period of insurance, employment or self-employment, provided that such a period was uninterrupted for at least one month. The Member State that becomes competent pursuant to this paragraph shall provide the unemployment benefits, in accordance with its legislation, after applying Articles 6 and 60a to the extent necessary, and in accordance with*** Article 64a.

3. Where an unemployed person has not completed an uninterrupted period of at least one month of insurance, employment or self-employment in one of the Member States referred to in paragraph 1 or 2 of this Article, the Member State of the most recent period of insurance, employment or self-employment shall become competent, and shall provide the unemployment benefits, in accordance with its legislation, after applying Articles 6 and 60a to the extent necessary.

A***rticle 62***

Calculation of benefits

1. The competent institution of a Member State whose legislation provides for the calculation of benefits on the basis of the amount of the previous salary or professional income shall take into account exclusively the salary or professional income received by the person concerned in respect of his or her last activity as an employed or self-employed person under that legislation.

2. Paragraph 1 shall also apply where the legislation administered by the competent institution provides for a specific reference period for the determination of the salary or professional income which serves as a basis for the calculation of benefits and where, for all or part of that period, the person concerned was subject to the legislation of another Member State.

3. By way of derogation from paragraphs 1 and 2 of this Article, as far as the unemployed persons covered by Article 65(2), first and second subparagraphs, are concerned, the institution of the Member State of residence shall take into account, under the conditions and limitations of the legislation it applies, the salary or professional income received by the person concerned in the Member State to whose legislation he or she was subject during his or her last activity as an employed or self-employed person, in accordance with the Implementing Regulation.

Article 63

Special provisions for the waiving of residence rules

For the purposes of this Chapter, Article 7 shall apply only in the cases provided for by Articles 64, 64a and 65 and shall apply within the limits prescribed therein.';

(26) Article 64 is amended as follows:

(a) in paragraph 1, point (c) ***is*** replaced by ***the following:***

‘(c) ***the unemployed person shall retain his or her entitlement to benefits for a period of six months from the date on which the unemployed person ceased to be available to the employment services of the Member State which he or she left, provided that the total duration for which the benefits are provided does not exceed the total duration of the period of his or her entitlement to benefits under the legislation of that Member State; the competent services or institutions may extend the period of six months until the end of the period of that person's entitlement to benefits;***’;

(b) paragraph 3 ***is*** replaced by ***the following:***

‘3. ***Unless the legislation of the competent Member State is more favourable, between two periods of employment the maximum total period for which an unemployed person shall retain his or her entitlement to benefits under paragraph 1 of this Article and Article 64a shall be six months; the competent services or institutions may extend that period until the end of the period of that person's entitlement to benefits.***’;

(27) the following article is inserted:

‘Article 64a

Special rules for unemployed persons who move to another Member State without fulfilling the conditions laid down in Article 61(1) and Article 64

1. In the ***situation*** referred to in Article 61(2), the Member State ***that becomes*** competent ***shall*** provide unemployment benefits***, in accordance with its legislation,*** for the period laid down in Article 64(1), point (c), if the unemployed person makes him or herself available to the employment services in the Member State of the most recent ***period of*** insurance***, employment or self-employment*** and complies with the conditions laid down under the legislation of that Member State. ***Registration with the employment services of the Member State of the most recent period of insurance, employment or self-employment shall have the same effect as registration with the employment services of the competent Member State.*** Article 64(2) to (4) shall apply ***mutatis mutandis***.

2. If the unemployed person referred to in paragraph 1 wishes to seek work in a Member State other than the Member State competent for unemployment benefits or the Member State of the most recent period of insurance, employment or self-employment, Article 64 shall apply mutatis mutandis. For those purposes, Article 64(1), point (a), shall be read as referring to the employment services of the Member State of the most recent period of insurance, employment or self-employment.’;

(28) Article 65 is replaced by the following:

‘Article 65

Unemployed persons who resided in a Member State other than the competent Member State

1. ***A person who is wholly, partially or intermittently*** unemployed ***and*** who, during his or her last activity as an employed or self-employed person resided in a Member State other than the competent Member State***,*** shall make him or herself available ▌ to the employment services in the competent Member State***, or, in the case of partially or intermittently unemployed persons, where applicable, to the employer to whom he or she remains available***.

Such a person shall receive benefits in accordance with the legislation of the competent Member State as if he or she were residing in that Member State and shall be subject to the rights and obligations laid down by that legislation. Those benefits shall be provided by the institution of the competent Member State.

2. By way of derogation from paragraph 1, a wholly unemployed person ▌ shall make him or herself available to the employment ***services in*** the Member State of residence ▌ provided ***that:***

(a) during his or her last activity as an employed or self-employed person, that person resided in a Member State other than the competent Member State;

(b) that person continues to reside in, or has returned to, the Member State of residence; and

(c) that person did not complete an uninterrupted period of insurance, employment or self-employment of 22 weeks exclusively under the legislation of the competent Member State.

The wholly unemployed person referred to in the first subparagraph shall receive benefits in accordance with the legislation of the Member State of residence as if he or she had completed all periods of insurance, employment or self-employment under the legislation of that Member State. Such benefits shall be provided by the institution of the Member State of residence.

A wholly unemployed person referred to in this paragraph who would be entitled to unemployment benefits solely under the national legislation of the competent Member State without the application of Article 6 of this Regulation may, alternatively, make him or herself available to the employment services in that Member State and shall receive benefits in accordance with the legislation of that Member State as if he or she were residing there.

3. Paragraph 2 of this Article shall not apply to a wholly unemployed person who, during his or her most recent activity before becoming unemployed, completed periods of insurance as a self-employed person or periods of self-employment recognised for the purpose of entitlement to unemployment benefits in a Member State other than his or her Member State of residence, and whose Member State of residence has submitted a notification, pursuant to Article 9, stating that no category of self-employed persons is covered by an unemployment benefits system of that Member State.

4. If a wholly unemployed person ***as*** referred to in ***paragraph 1, paragraph 2, third subparagraph, or paragraph 3, of this Article*** does not wish to become or remain available to the employment services of the competent Member State after having been registered there ***and decides*** to seek work in the Member State of residence***,*** Article 64***, with the exception of paragraph 1, point (a), thereof,*** shall apply ***mutatis mutandis***.

5. Where a wholly unemployed person referred to in paragraph 4 decides to seek work in the Member State of residence and he or she previously completed periods of insurance, employment or self-employment under the legislation of that Member State, aggregated with periods completed in the Member State of the last activity and other Member States of other previous activities, he or she may, after the end of the period during which he or she receives unemployment benefits from the institution of the competent Member State pursuant to paragraph 4, claim unemployment benefits under the legislation of the Member State of residence, as if he or she had completed all periods in that Member State. The competent institution of the Member State of residence shall provide unemployment benefits in accordance with the legislation of that Member State. The period during which the unemployed person received benefits under the legislation of the competent Member State shall be deducted from the corresponding period of entitlement to benefits under the legislation of the Member State of residence.

6. A wholly unemployed person referred to in this Article may ***make him or herself*** available to the employment services of the competent Member State ***or the Member State of residence, in addition to making him or herself*** available to the employment services of the ▌ Member State ***providing the benefits under paragraph 1 or 2***.';

(29) Article 65a is deleted;

(30) Article 68 is amended as follows:

(a) paragraph 2 is replaced by the following:

'2. In the case of overlapping entitlements, family benefits shall be provided in accordance with the legislation designated as having priority in accordance with paragraph 1. Entitlements to family benefits by virtue of conflicting legislation shall be suspended up to the amount provided for by the first legislation for benefits of the same kind and a differential supplement shall be provided, if necessary, for the sum which exceeds that amount. However, there is no requirement to provide such a differential supplement with regard to children residing in another Member State when entitlement to the benefits in question is based on residence only.

2a. For the purpose of calculating the differential supplement for family benefits under paragraph 2, there shall be two categories of benefits of the same kind:

(a) family benefits in cash that are primarily intended to replace income not earned, in whole or in part, or income that the person cannot earn, due to child-raising; and

(b) family benefits other than those referred to in point (a).';

(31) the following article is inserted:

‘Article 68b

Special ***provision*** for family benefits in cash intended to replace income during ***the period of child raising***

1. Family benefits ***referred to in Article 68(2a), point (a), of this Regulation,*** which are listed in Annex XIII, Part ***I, of this Regulation,*** shall be awarded ***under*** the legislation of the competent Member State ***solely to the person subject to that legislation.*** There shall be no derived right ▌ to such benefits. Article 68a of this Regulation shall not apply to such benefits and the competent institution shall not be required to take into account a claim submitted by the other parent, a guardian or an institution acting as guardian of the child or children pursuant to Article 60(1) of the Implementing Regulation.

2. By way of derogation from Article 68(2), in cases of overlapping entitlements under conflicting legislation, a Member State may award a family benefit referred to in paragraph 1 of this Article in full to a beneficiary regardless of the amount provided for by the first legislation. Member States that apply such a derogation shall be listed in Annex XIII, Part 2, indicating the family benefit to which the derogation applies.’;

(32) in Article 72, the following point is inserted:

‘***(ea) provide opinions, if requested by the Commission, in the early preparation of the implementing acts referred to in Article 88b of this Regulation and Article 86a of the Implementing Regulation, and make any relevant proposals to the Commission for the revision of those implementing acts;***’;

(33) the following article is inserted in "Title V MISCELLANEOUS PROVISIONS":

‘Article 75a

Obligation of competent authorities

1. The competent authorities shall, ***in accordance with their national law and practice,*** ensure that their ***relevant*** institutions are ***informed*** of and apply all provisions, legislative or otherwise, including the decisions of the Administrative Commission, in the areas covered by and in accordance with the terms of this Regulation and of the Implementing Regulation.

2. In order to ensure the correct determination of the applicable legislation, the competent authorities shall promote***, where appropriate,*** cooperation between ***their*** institutions and ***other relevant bodies, such as*** labour inspectorates***,*** in their Member States.’;

(34) Article 86 is deleted, without prejudice to Article 91, fourth and fifth paragraphs;

(35) in Article 87a, paragraph 2 is deleted;

(36) the following article is inserted:

‘Article 87b

Transitional provision relating to the provisions referred to in Article 91 of this Regulation and in Article 97 of the Implementing Regulation

1. No rights shall be acquired pursuant to the provisions referred to in Article 91, third paragraph, of this Regulation or in Article 97, second paragraph, of the Implementing Regulation before ***the relevant dates*** of application ***referred to therein***.

2. Any period of insurance and, where appropriate, any period of employment and self-employment or residence completed under the legislation of a Member State ***before the relevant dates*** of application ***as set out in Article 91***, third, fourth and fifth paragraphs, of this Regulation and in Article 97, second, third and fourth paragraphs, of the Implementing Regulation shall be taken into consideration by the Member State concerned for the determination of rights acquired pursuant to those provisions.

3. Subject to paragraph 1 of this Article, rights may be acquired pursuant to the provisions referred to in Article 91, third paragraph, of this Regulation and in Article 97, second paragraph, of the Implementing Regulation even if they relate to a contingency arising before the date of application of those provisions in the Member State concerned.

4. Where, pursuant to Title II of this Regulation, a person is subject to the legislation of a Member State other than that to which he or she was subject before … [date of application of the amendments introduced by the amending Regulation], the legislation applicable before that date shall continue to apply for a transitional period lasting for as long as the situation remains unchanged. That transitional period shall in any event end on … [10 years after the date of entry into force of the amending Regulation].

The person concerned may request that the transitional period no longer apply to him or her. Such a request shall be submitted to the institution designated by the competent authority of the Member State of residence. Requests submitted on or before … [27 months after the date of entry into force of the amending Regulation] shall be deemed to be submitted on … [24 months after the date of entry into force of the amending Regulation]. Requests submitted after … [27 months after the date of entry into force of the amending Regulation] shall be deemed to be submitted on the first day of the month following the date of their submission.

This paragraph shall not apply to Article 12. Article 12, in the version in force before … [date of the entry into force of the amending Regulation], shall continue to apply to employed persons who are sent to, or self-employed persons who pursue a similar activity in, another Member State before … [24 months after entry into force of the amending Regulation].

5. Title III, Chapter 1, in the version in force before … [date of entry into force of the amending Regulation], shall continue to apply to long-term care benefits for which applications were submitted before … [24 months after the date of entry into force of the amending Regulation].

6. Title III, Chapter 6,in the version in force before … [date of entry into ***force*** of the amending Regulation], shall continue to apply to unemployment benefits ***for which applications were submitted*** before the relevant date of application as set out in Article 91, third, fourth and fifth paragraphs.

7. Title III, Chapter 8, in the version in force before … [date of entry into force of the amending Regulation], shall continue to apply to family benefits for children who were born before … [24 months after the date of entry into force of the amending Regulation].';

(37) Article 88 is replaced by the following:

‘Article 88

Delegating the power to amend the Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 88a to periodically amend the Annexes to this Regulation and to the Implementing Regulation following a request from the Administrative Commission.

Article 88a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article**.**

2. The power to adopt delegated acts referred to in Article 88 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of the amending Regulation].

3. The delegation of the power referred to in Article 88 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in *the Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force**.**

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making**.**

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 88 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.';

(38) the following articles are inserted:

‘Article 88b

Power to adopt implementing acts

1. The Commission shall adopt implementing acts ***to specify*** the procedure***, including, where appropriate, time limits,*** to be followed in order to ensure uniform conditions for ***the implementation of Title II*** of this Regulation ***and of the corresponding procedures set out in the Implementing Regulation***. Those ***implementing*** acts shall establish standard ***procedures for:***

   (a) the issuance, format and contents of ***attestations*** certifying the social security legislation ***applicable to their*** holder, ***as well as the automatic acknowledgment of receipt of the request for such attestations, which acknowledgement shall indicate its date of issuance and the information contained in the request;***

   (b) the elements to ***be*** verified before the attestations can be issued, ***withdrawn or rectified;***

   (c) the withdrawal ***or rectification*** of the attestations by the ***issuing*** institution ***in accordance with the procedure set out in the Implementing Regulation***.

2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article ***88c(2)***.

Article 88c

Committee procedure

1. The Commission shall be assisted by a committee. The Committee is a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this Article, Article 5 of Regulation (EU) No 182/2011 shall apply.';

(39) Article 91 is replaced by the following:

'Article 91

Entry into force and application

This Regulation shall enter into force on the twentieth day after its publication in the Official Journal of the European Union.

It shall apply from 1 May 2010.

Notwithstanding the second paragraph, the following dates of application shall apply:

(1) the following provisions, in the version in force from … [date of entry into force of the amending Regulation], shall apply from that date:

(a) Article 11(5);

(b) Article 50(2);

(c) Article 72(ea);

(d) Articles 75a and 86;

(e) Article 87a(2);

(f) Articles 87b, 88, 88a, 88b and 88c;

(g) Annexes I, II, III, IV, VI, VIII, IX, X and XI.

(2) ***the following provisions, in the version in force from … [date of entry into force of the amending Regulation], shall apply from … [24 months after the date of entry into force of the amending Regulation]:***

(a) Article 1, points (i)(1)(ii), (va)(i), (va)(ia) and (vb);

(b) Article 3(1), point (a);

(c) Article 9(1);

(d) Article 11(2);

(e) Article 12;

(f) Article 13(4a) and (5);

(g) Article 19(1);

(h) Article 20(1);

(i) Article 30;

(j) Article 32(3);

(k) Articles 33a, 34, 60a, 61, 62 and 63;

(l) Article 64(1)(c) and (3);

(m) Articles 64a, 65 and 65a;

(n) Article 68(2) and (2a);

(o) Article 68b;

(p) Annexes XII and XIII.

Notwithstanding the third paragraph of this Article, with regard to persons for whom, during their last activity as an employed or self-employed person, Luxembourg was the competent Member State, Articles 65, 65a and 86, in the version in force before … [date of entry into force of the amending Regulation], shall apply until … [5 years after the date of entry into force of the amending Regulation].

Luxembourg may notify the Commission that it is necessary to prolong the timeframe referred to in the fourth paragraph until… [7 years after the date of entry into force of the amending Regulation]. Such a notification of prolongation shall be made in reasonable time before the end of the timeframe referred to in the fourth paragraph. The notification shall be published in the Official Journal of the European Union.';

(40) the Annexes to Regulation (EC) No 883/2004 are amended in accordance with Annex I to this Regulation.

Article 2

Regulation (EC) No 987/2009 is amended as follows:

(1) the following recital is inserted:

‘***(12a) For the purpose of identifying the registered office or place of business of an undertaking, where a person pursues activity in two or more Member States, a series of factors should be taken into account to determine where the essential decisions of the undertaking are adopted and where the functions of the central administration are carried out. Examples of such factors are the turnover, the places where its general meetings are held, and the habitual nature of the activity pursued. The list of example factors is non-exhaustive and other factors may be relevant for determining the location of the registered office or place of business of an undertaking, in the framework of an overall assessment, giving due weight to each relevant factor according to the circumstances of the case.***’;

(2) the following recitals are inserted:

‘(13a) Where an employed or self-employed person pursues his or her activity in a Member State other than the competent Member State pursuant to Article 12 of the basic Regulation, the competent institution of the Member State whose legislation is applicable should be informed thereof in advance and an attestation as referred to in Article 19(2) of this Regulation should be requested. Provision of information prior to the pursuit of the activity enables competent institutions to assess the situation of the persons concerned in advance and to ensure, from the outset, the correct determination and application of the social security legislation applicable, pursuant to Title II of the basic Regulation, thereby facilitating the exercise of freedom of movement for workers and of freedom to provide services, and increasing legal certainty as regards the social security coverage of the person concerned. It also allows for better coordination between national authorities, including the planning of controls. Where justified on the basis of the nature or length of the activity, it is appropriate to provide that the provision of such prior information and, in particular, the obligation to request such an attestation, should not apply to business trips or activities with a total duration of no more than three consecutive days of work within a period of 30 consecutive days.

(13b) Activities in the construction sector exhibit specific characteristics, such as to distinguish them from activities in other economic sectors. The high number of posted workers in the construction sector account for a high share of PDA1s issued under Article 12 of the basic Regulation and available analyses indicate that fraud, irregularities or abusive practices are often detected in relation to those activities. Available data also indicate that both the number of accidents at work, including fatal accidents, and the incidence rate of accidents at work are particularly high in the construction sector. The combination of those characteristics means that exempting activities in the construction sector from the obligation to inform the competent institution and to request the attestation concerning the applicable legislation, in advance, in the case of activities of up to three days' duration could jeopardise the attainment of the objectives pursued by the basic Regulation and by this Regulation. Furthermore, maintaining that obligation for activities in the construction sector contributes to the enforcement work of national labour inspectorates or other competent authorities, which will benefit from the data generated for the purpose of carrying out risk assessments and effectively detecting fraudulent or abusive practices.

(13c) In order to ensure the proper application of this Regulation, it is of the utmost importance to ensure compliance with the obligation to inform the competent institution and to request the attestation concerning the applicable legislation, in advance. To that end, Member States may***, in accordance with national law, resort to taking proportionate measures against the employer or, in the case of a person who does not pursue an activity as an employed person, against the person concerned, for failure to comply with those obligations.***

(13d) In order to support job seekers in their search for work, taking into account the realities of cross-border regions, Member States should encourage members and partners of the European network of employment services (EURES) to participate in specific cooperation and service structures, and ensure that job seekers who reside in a Member State other than the competent Member State have access to the support services provided in cross-border regions.

(13e) Where an unemployed person receiving unemployment benefits decides to go to another Member State to seek work there, the Member State paying the benefits and the Member State where the person goes to seek work should inform the person concerned about the support services provided by EURES including through its portal, and the possibility to register with EURES to enhance his or her chances of finding work in the other Member State. The Member State paying the benefits may consider providing the person concerned with guidance to register with EURES.';

(3) the following recital is inserted:

'***(18a)*** Certain specific rules and procedures are required for the reimbursement of the cost of benefits incurred by a Member State of residence where the persons concerned are insured in a different Member State. Member States that claim reimbursement of the cost of benefits in kind on the basis of fixed amounts should notify the annual average costs per person within a given deadline to allow reimbursement as promptly as possible.';

(4) recital 19 is replaced by the following:

‘***(19)*** Procedures between institutions for mutual assistance in the recovery of social security claims should be strengthened in order to ensure more effective recovery and smooth functioning of social security schemes. Effective recovery is also a means of preventing and tackling abuses and fraud and of ensuring the sustainability of social security schemes. This involves the adoption of new procedures, taking as a basis a number of existing provisions in Council Directive 2010/24/EU*, in particular through the adoption of a uniform instrument for enforcement and ***the adoption of*** standard procedures for requesting mutual assistance and notification of instruments and measures relating to the recovery of social security claims.

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* Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures (OJ L 84, 31.3.2010, p. 1, ELI: http://data.europa.eu/eli/dir/2010/24/oj).’;

(5) the following recitals are added:

‘***(25)*** ***The*** action to combat fraud and error is part of the proper implementation of Regulation (EC) No 883/2004 and this Regulation. It is, therefore, in the interest of legal certainty that this Regulation contains a clear legal ***basis for*** permitting competent institutions to exchange personal data with relevant authorities in ***other*** Member ***States*** relating to persons whose rights and obligations under Regulation (EC) No 883/2004 and this Regulation have already been established ***or to whom those Regulations apply***, in order to ***prevent or*** identify fraud and error as part of the ongoing proper implementation of those Regulations. It is also necessary to ***ensure that such exchanges are made in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council*. In addition, for the purpose of combating fraud and error and in order to provide accurate and efficient service for the mobile citizens, Regulation (EC) No 883/2004 and this Regulation need to provide a clear*** legal ***basis for the Member States to exchange information with each other, either at an individual*** level ***concerning individual cases or at a general level with data matching***.

(26) In order to protect the rights of the persons concerned***,*** Member States should ensure that any data requests and responses are necessary for and proportionate ***to*** the proper implementation of Regulation (EC) No 883/2004 and this Regulation,

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* Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).’;

(6) in Article 1(2), the following ***points are*** inserted:

'***(ea)*** 'fraud' means any intentional act or any ***intentional*** omission to act, in order to obtain or receive social security benefits or to avoid ***paying*** social security contributions, contrary to the law of ***the*** Member State ***concerned, to the basic Regulation or to the implementing Regulation***;

(eb) 'business trip' means a temporary activity as an employed or self-employed person, which is limited in time and which is related to the business interests of the employer or, in the case of a self-employed person, the person concerned, excluding the provision of services or the delivery of goods, but including attending business meetings, cultural and scientific events, conferences and seminars, such as those related to academic research, or receiving training;';

(7) Article 2 ***is amended as follows***:

‘***(a) the following paragraph is inserted:***

‘2a. The institutions shall also exchange data necessary to detect changes in circumstances relevant to such rights and obligations of the persons to whom the basic Regulation applies, as well as to detect inaccuracies in the data on which those rights are based. Those data may be verified by comparing them with those of the institution of the other Member State concerned using electronic means of data exchange or access granted to the other institution’s database. Such verification may concern individual cases or may be used to compare the data on multiple persons simultaneously. Any request for information and any response to that request shall be necessary and proportionate.’;

(b) the following paragraphs are added:

‘5***.*** The Administrative Commission shall draw up ***an indicative*** list of the types of data ▌ subject to the exchange of data under paragraph ***2a.*** The Commission shall give that list the necessary publicity. ▌

6. The data exchanges under paragraph 2a shall comply with Regulation (EU) 2016/679 ▌ in accordance with Article 77 of the basic Regulation. ***Where necessary, the Administrative Commission shall identify which entities are to be entitled to carry out such exchanges***.

Any decision taken on the basis of the data emanating from such data exchanges shall be based on sufficient evidence and shall be subject to effective remedies.’;

(8) in Article 3, paragraph 3 is ***deleted;***

▌

(9) in Article 5, paragraphs 2, 3 and 4 ***are*** replaced by the following:

‘***2. The institution of the Member State that receives the document shall, without delay, notify the issuing institution in the event that any mandatory information has not been provided. The issuing institution shall either rectify the document as soon as possible or confirm that the conditions for issuing the document are not fulfilled. Where the mandatory information missing is not provided within 30 working days, the institution of the Member State that receives the document may proceed as if the document had never been issued. In that event, that institution shall inform the issuing institution accordingly.***

3. Without prejudice to Article 19a, where there is doubt about the validity of a document or the accuracy of the facts on which ***the document is*** based, the institution of the Member State that receives the document shall ask the issuing institution for the necessary clarification and, where appropriate, the withdrawal ***or rectification*** of that document. ***The issuing institution shall reconsider the grounds for issuing the document and, if necessary, withdraw or rectify it.***

4. Where there is doubt about the information provided by the persons concerned, the validity of a document or supporting evidence or the accuracy of the facts on which the document is based, any institution concerned shall, insofar as this is possible, at the request of the competent institution, verify the information or document.

5 Where no agreement is reached between the institutions concerned, the matter may be brought before the Administrative Commission by the competent authorities no earlier than one month following the date on which the institution that received the document submitted its request. The Administrative Commission shall endeavour to reconcile the points of view within six months of the date on which the matter was brought before it.

In endeavouring to reconcile the different points of view, the Administrative Commission may, pursuant to Article 72, point (a), of the basic Regulation, adopt a decision on the interpretation of the relevant provisions of the basic Regulation or of the implementing Regulation. The competent authorities and institutions concerned shall take the necessary measures to apply such a decision, without prejudice to the right of the authorities, institutions and the persons concerned to have recourse to the procedures and tribunals provided for by the legislation of the Member States, by the implementing Regulation or by the Treaty on European Union and the Treaty on the Functioning of the European Union.';

(10) Article 14 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. For the purposes of the application of Article 12(1) of the basic Regulation, a ‘person who pursues an activity as an employed person in a Member State on behalf of an employer which normally carries out its activities there and who is sent by that employer to another Member State’ shall include a person who is recruited with a view to being sent to another Member State, provided that ***for a period of at least three months*** immediately before the start of his or her employment, the person concerned ***has*** already ***been*** subject to the legislation of the Member State in ***which the employer is established***.’;

(b) the following ***paragraph is inserted:***

‘***1a. After a person has pursued an activity as an employed or self-employed person in another Member State pursuant to Article 12(1) or (2) of the basic Regulation for a total of 24 months, with interruptions of no longer than two months, Article 12(1) or (2) of the basic Regulation shall not apply to that person with regard to that Member State until at least two months have elapsed from the end of the previous period of activity there. In specific circumstances, a derogation may be granted pursuant to Article 16(1) of the basic Regulation.***’;

(c) paragraph 3 is replaced by the following:

'3. For the purposes of the application of Article 12(2) of the basic Regulation, the words 'who normally pursues an activity as a self-employed person' shall refer to a person who habitually carries out substantial activities in the territory of the Member State in which he or she is established. In particular, that person must have already pursued his or her activity for a period of at least three months before the date on which he or she wishes to take advantage of the provisions of that Article and, during any period of temporary activity in another Member State, must continue to fulfil, in the Member State where he or she is established, the requirements for the pursuit of his or her activity in order to be able to pursue it on his or her return.';

(d) paragraph 5a is replaced by the following:

‘***5a.*** For the purpose of the application of Title II of the basic Regulation, ‘registered office or place of business’ shall refer to the registered office or place of business where the essential decisions of the undertaking are adopted and where the functions of its central administration are carried out***.***

The identification of the registered office or place of business relevant for determining applicable legislation shall be carried out in the framework of an overall assessment, based on factors relevant to the case, due weight being given to each relevant factor depending on the circumstances of the case. The Administrative Commission shall lay down the detailed arrangements for the determination.’;

(e) paragraph 10 is replaced by the following:

’10. ***The determination of the applicable legislation under Article 13 of the basic Regulation shall apply for a maximum of 24 months, taking into account the situation projected for the following 12 calendar months.***

Once the period of 24 months has elapsed, the applicable legislation shall be reassessed in the light of the situation of the person concerned.’;

(f) the following paragraph is added:

'***12. For the purpose of applying Article 13 of the basic Regulation, in relation to*** a person who resides outside the territory of the Union ***and*** pursues ***his or her*** activities as an employed or self-employed person in two or more Member States, the provisions of the basic Regulation and of the implementing Regulation on the determination of the applicable legislation shall apply mutatis mutandis, provided that that person's residence is deemed to be in the Member State where he or she ***pursues the major part of his or her*** activities ***in terms of working time within the territory of the Union***.';

(11) Article ***15 is replaced by the following:***

'Article 15

Procedures for the application of Article 11(3), points (b) and (d), Article 11(4) and Article 12 of the basic Regulation (on the provision of information to the institutions concerned)

1. Where, pursuant to Article 12 of the basic Regulation, a person pursues his or her activity in a Member State other than the Member State competent under Title II of the basic Regulation, the employer or, in the case of a person who does not pursue an activity as an employed person, the person concerned shall inform the competent institution of the Member State whose legislation is applicable accordingly before the start of the activity and shall request the attestation referred to in Article 19(2) of the implementing Regulation.

1a. Upon receipt of the request referred to in paragraph 1, the competent institution shall issue an attestation of the legislation applicable to the person concerned. Where that attestation is not issued immediately, it shall issue an automatic acknowledgement of receipt of the request, which shall constitute evidence showing that the competent institution has been informed in accordance with paragraph 1. The competent institution shall, without delay, make available to the institution designated by the competent authority of the Member State in which the activity is pursued the relevant information concerning the legislation applicable to that person or, where that information is not yet available, information concerning the acknowledgment of receipt.

1b. Paragraphs 1 and 1a shall not apply to business trips.

Moreover, with the exception of activities in the construction sector as defined in Annex 6, paragraphs 1 and 1a shall not apply to activities with a total duration of no more than three consecutive days of work within a period of 30 consecutive days.

1c. In situations falling under Article 12 of the basic Regulation, where no attestation as referred to in Article 19(2) of the implementing Regulation has been issued, the employer or, in the case of a self-employed person, the person concerned, at the request of the competent institution of the Member State in which the activity is pursued, shall provide either the acknowledgment of receipt referred to in paragraph 1a of this Article, or evidence showing that the activity falls under an exemption as referred to in paragraph 1b of this Article.

Employers shall remain responsible for providing the necessary evidence and supplying persons pursuing an activity as an employed person in another Member State with the relevant supporting documents for that purpose. Such evidence may be provided in paper or electronic form.

1d. Where the competent institution of the Member State where the activity is carried out has a doubt about the information provided by the employer or the person concerned, the validity of a document or supporting evidence or the accuracy of the facts on which the document is based, that institution may request the competent institution of the Member State whose legislation is applicable to provide further information. Article 19a and Article 20(3) and (4) shall apply.

2. Where a person covered by Article 11(3), point (b) or (d), of the basic Regulation pursues his or her activity in a Member State other than the competent Member State, the employer or, in the case of a person who does not pursue an activity as an employed person, the person concerned, shall inform the competent institution of the Member State whose legislation is applicable accordingly, whenever possible before the start of the activity. That institution shall, without delay, make information concerning the legislation applicable to the person concerned available to that person and to the institution designated by the competent authority of the Member State in which the activity is pursued. Paragraph 1b of this Article shall apply mutatis mutandis.

3. An employer within the meaning of Article 11(4) of the basic Regulation who has an employee on board a vessel flying the flag of another Member State shall, whenever possible in advance, inform the competent institution of the Member State whose legislation is applicable accordingly, pursuant to Article 11(4), second sentence, of the basic Regulation. That institution shall, without delay, make information concerning the legislation applicable to the person concerned, pursuant to Article 11(4) of the basic Regulation, available to the institution designated by the competent authority of the Member State whose flag, the vessel on which the employee performs the activity, is flying.';

(12) Article 16 is amended as follows:

(a) paragraphs 1, 2 and 3 are replaced by the following:

'***1.*** A person who pursues activities in two or more Member States shall inform the institution designated by the competent authority of the Member State of residence accordingly. ***That information may also be provided by the employer on the person's behalf.***

2. The designated institution of the place of residence shall without delay determine the legislation applicable to the person concerned, having regard to Article 13 of the basic Regulation and Article 14 of the implementing Regulation. ***If that*** institution ***determines that the legislation of the Member State of residence applies, it*** shall inform the designated institutions of each Member State in which an activity is pursued ***or*** in which the employer is situated ***of its determination of the applicable legislation***.

3. ***If the designated*** institution ***of the place of residence*** determines that the legislation of another Member State applies, ***the determination*** shall ***be provisional, and the institution*** shall, without delay, inform the ***designated institutions of each*** Member State ***in*** which ***an activity is pursued or in which the employer is situated*** of this provisional ***determination of the applicable legislation. The provisional determination*** shall become definitive ▌ two months after the ***institutions*** designated by the competent authorities of the Member ***States*** concerned ***being*** informed of it, unless ***at least one of those institutions*** informs the ***designated*** institution ***of the place of residence by the end of the two-month period*** that it cannot yet accept the provisional determination or that it takes a different view.';

(b) paragraph 5 is replaced by the following:

'5. The competent institution of the Member State whose legislation is determined to be applicable either provisionally or definitively shall, without delay, inform the person concerned ***and his or her*** employer ***of the determination.'***;

(13) Article 19 is amended as follows:

(a) ***paragraph 2 is replaced by the following:***

‘2. At the request of the person concerned or of the employer, the competent institution of the Member State whose legislation is applicable pursuant to Title II of the basic Regulation shall provide an attestation that such legislation is applicable and shall indicate, where appropriate, until what date and under what conditions. ***The attestation shall be issued in a standardised format.***’

(b) the following ***paragraph is*** added:

‘***3.*** Whenever an institution is asked to issue an attestation pursuant to ***paragraph 2***, it shall carry out a proper assessment of the ***facts*** relevant ***for the application of the rules laid down in Title II of the basic Regulation and shall confirm*** that the information ***contained in*** the attestation is ▌ correct.’;

(14) the following article is inserted:

'Article 19a

Cooperation in the case of doubt about the validity of documents concerning the applicable legislation

1. Notwithstanding Article 5, where there is doubt about the validity of a document showing the situation of a person for the purposes of the applicable legislation or the accuracy of the facts on which the document is based, the institution of the Member State that receives the document shall ask the issuing institution for the necessary clarification and, where appropriate, the withdrawal or rectification of that document. The requesting institution shall substantiate its request and provide the relevant supporting documentation that gave rise to the request.

2. When receiving such a request, the issuing institution shall reconsider the grounds for issuing the document and, where an error is detected, withdraw or rectify it within 30 working days of receipt of the request. The withdrawal or rectification shall have retroactive effect. However, where there is a risk of a disproportionate outcome, and in particular, of the loss of status as an insured person for the whole or part of the relevant period in all Member States concerned, the Member States shall consider whether to apply Article 16 of the basic Regulation. Where the issuing institution considers that, on the basis of the available evidence, there is no doubt that the applicant of the document has committed fraud, it shall withdraw or rectify the document without delay, with retroactive effect.

3. If the issuing institution, having reconsidered the grounds for issuing the document, is unable to detect any error, it shall forward to the requesting institution all available evidence within 30 working days of receipt of the request. In urgent cases, where the reasons for urgency have been clearly indicated and substantiated in the request, the evidence shall be forwarded within ten working days of receipt of the request, including where the issuing institution has not completed its deliberations pursuant to paragraph 2.

4. Where the requesting institution, after receiving the available evidence, continues to have doubts regarding the validity of a document, the accuracy of the facts on which the particulars contained therein are based, or the accuracy of the information upon which the document was issued, it may submit evidence to that effect and make a further request for clarification and, where appropriate, for the withdrawal or rectification of that document by the issuing institution in accordance with the procedure and timeframes set out in this Article.

5. If the doubts of the receiving institution persist and no agreement between the institutions concerned is reached, Article 5(5) shall apply.';

(15) in Article 20, the following paragraphs are added:

'***3. For the purpose of the application of Title II of the basic Regulation, the institutions of the Member States shall, without prejudice to Article 19a of the implementing Regulation, respond to queries received from the institutions of the other Member States within 35 working days of receipt of the request.***

4. Where a person pursues an activity as an employed or a self-employed person in another Member State without an attestation as referred to in Article 19(2) of the implementing Regulation, unless no attestation is required pursuant to Article 15 of the implementing Regulation, the relevant institution in that other Member State may request information concerning the legislation applicable to that person from the institution of the Member State whose legislation is prima facie applicable.

If the requested institution does not reply within 35 working days of receipt of the request, the requesting institution may proceed as if no attestation had been issued and shall inform the requested institution accordingly. If the attestation is subsequently issued by the requested institution, that attestation shall, where appropriate, have retroactive effect.';

(16) in Title III, the title of Chapter 1is replaced by the following:

"Sickness***, long-term care***, maternity and equivalent paternity benefits";

(17) Article 25 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. For the purposes of the application of Article 19 of the basic Regulation, the insured person shall present to the health care or long-term care provider in the Member State of stay a document issued by the competent institution indicating his or her entitlement to benefits in kind. If the insured person does not have such a document, the institution of the place of stay, upon request or if otherwise necessary, shall contact the competent institution in order to obtain one.’;

(b) paragraph 3 is replaced by the following:

‘***3. The benefits in kind referred to in Article 19(1) of the basic Regulation shall refer to the benefits in kind which are provided in the Member State of stay, in accordance with its legislation, and which become necessary on medical grounds or due to the need for long-term care with a view to preventing an insured person from being forced to return, before the end of the planned duration of stay, to the competent Member State to obtain the necessary treatment or long-term care benefits***’;

(18) in ***Article 26, paragraph 4 is replaced by the following:***

‘***4. At any time during the procedure granting the authorisation, the competent institution shall retain the right to have the insured person examined by a doctor or a qualified person, in accordance with national law or practice, of its own choice in the Member State of residence or stay.***’;

(19) in Article 31, paragraph 2 is replaced by the following:

‘2. ***The competent institution shall also inform the institution of the place of residence or stay about the payment of long-term care benefits in cash where the legislation applied by the latter institution provides for the long-term care benefits in kind included in the list referred to in Article 33a(1) of the basic Regulation.***’;

(20) in ***Article 32, paragraph 1 is replaced by the following:***

‘***1. Where a person or a group of persons are exempted upon request from compulsory sickness or long-term care insurance and such persons are thus not covered by a sickness or long-term care insurance scheme to which the basic Regulation applies, the institution of another Member State shall not, solely because of that exemption, become responsible for bearing the costs of benefits in kind or in cash provided to such persons or to a member of their family under Title III, Chapter I, of the basic Regulation.***’;

(21) ▌ in Article 43, paragraph 3 is ***replaced by the following:***

‘***3. The institution of each Member State shall calculate, under its applicable legislation, the amounts due that correspond to periods of voluntary or optional continued insurance which, under Article 53(3), point (c), of the basic Regulation, are not subject to another Member State’s rules relating to withdrawal, reduction or suspension.***’;

(22) i***n Article 54, paragraph 1 is replaced by the following:***

‘1. ***Article 12(1) of the implementing Regulation shall apply mutatis mutandis to Article 60a of the basic Regulation. Without prejudice to the underlying obligations of the institutions involved, the person concerned may submit to the competent institution a document issued by the institution of the Member State to whose legislation he or she was subject in respect of his or her last activity as an employed or self-employed person specifying the periods completed under that legislation.***’;

(23) the following article is inserted:

‘***Article 54a***

Procedures for the application of Article 61(2) of the basic Regulation

1. In the situation referred to in Article 61(2) of the basic Regulation, the unemployed person shall register as a person seeking work with the employment services of the Member State of the most recent period of insurance, employment or self-employment and shall submit a claim for benefits to the institution of that Member State. If the claim is submitted to the institution of the Member State referred to in Article 61(2) of the basic Regulation, that institution shall immediately forward the claim to the institution of the Member State of the most recent period of insurance, employment or self-employment for investigation. The date on which the initial claim was submitted shall apply to all institutions concerned.

2. Following the investigation of the claim by the institution of the Member State of the most recent period of insurance, employment or self-employment, if it is determined that the unemployed person does not satisfy the conditions for aggregation referred to in Article 61(1) of the basic Regulation, and it is evident from the information available to it that the unemployed person completed the necessary period to be entitled to receive benefits pursuant to Article 61(2) of the basic Regulation, it shall immediately send a document to the institution of the Member State referred to in that provision. If it is not evident that the unemployed person completed the period necessary to receive benefits pursuant to Article 61(2) of the basic Regulation, the institution of the Member State of the most recent period of insurance, employment or self-employment shall contact the institution of the Member State referred to in that provision prior to sending the document, in order to determine whether the period specified therein was completed in that Member State.

3. The document referred to in paragraph 2 shall include necessary information on the situation of the unemployed person. The Administrative Commission shall determine the format and content of the document.';

(24) Article 55 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. ***In order to be covered by Article 64, Article 64a(2) or Article 65(4) of the basic Regulation, an unemployed person going to another Member State shall inform the competent institution prior to his or her departure and shall request a document certifying that he or she retains his or her entitlement to benefits under the conditions laid down in Article 64(1), point (b), of the basic Regulation.***’;

(b) paragraphs 4 ***and 5 are replaced by the following:***

‘4. ***The institution in the Member State to which the unemployed person has gone shall immediately send a document to the competent institution containing the date on which the unemployed person registered with the employment services and his or her new address.***

If, in the period during which the unemployed person remains entitled to benefits, any circumstance likely to affect the entitlement to benefits arises, the institution in the Member State to which the unemployed person has gone shall immediately send to the competent institution and to the person concerned a document containing the relevant information.

The institution in the Member State to which the unemployed person has gone shall provide relevant information on a monthly basis concerning the follow-up to the unemployed person's situation, in particular whether he or she is still registered with the employment services and is complying with organised checking and activation or job placement procedures.

5. ***The institution in the Member State to which the unemployed person has gone shall carry out or arrange for checks to be carried out, as if the person concerned were an unemployed person obtaining benefits under its own legislation. Where necessary, it shall immediately inform the competent institution if any circumstances likely to affect the unemployed person's entitlement to benefits, such as the resumption of work, arise.***';

(d) paragraph***7*** is replaced by ***the following:***

'7. ***Paragraphs 2 to 6 of this Article shall apply mutatis mutandis to the situations covered by Article 64a(1) of the basic Regulation.***';

(25) Article 56 is amended as follows:

(a) the following paragraph is inserted:

‘***-1. The competent institution shall inform wholly unemployed persons as referred to in*** Article ***65(1), Article 65(2), third subparagraph, and in Article 65(3), of the basic Regulation of their rights and obligations and shall provide them with documents which include all necessary information related to the receipt of unemployment benefits in accordance with the relevant legislation. The relevant institutions shall provide each other with the information necessary to support the job-seeking activities of unemployed persons who reside in a Member State other than the competent Member State and shall inform each other of the applicable control procedures and conditions and the employment service to which those persons are to make themselves available. The institution of the Member State of residence shall, upon request of the competent institution, immediately inform the competent institution of any circumstances of which it is aware and which are likely to affect the entitlement to benefits, in particular if a wholly unemployed person has taken up employment or has become self-employed in the Member State of residence.’***;

(b) paragraph 1 is replaced by ***the following:***

‘***1. Where, pursuant to Article 65(6) of the basic Regulation, an unemployed person decides to make him or herself available to the employment services in the Member State not providing the benefits in addition to the Member State providing the benefits, by registering there as a person seeking work, he or she shall inform the institution and the employment services of the Member State providing the benefits.***

Where requested by the employment services of the Member State not providing the benefits, the employment services in the Member State that is providing the benefits shall send the relevant information concerning the unemployed person's registration and his or her search for work.

The employment services of the Member State not providing the benefits shall also, upon the request of the competent institution, immediately inform the competent institution of any circumstances of which they are aware and which are likely to affect the entitlement to benefits, in particular, if the wholly unemployed person has taken up employment or has become self-employed in the Member State of residence.’;

(c) paragraph 3 is deleted;

(26) the following article is inserted:

‘Article 56a

Enhanced measures of support and cooperation for unemployed persons who resided in a Member State other than the competent Member State

1. The competent authorities or competent institutions of two or more Member States shall cooperate and may agree specific procedures and time-limits concerning the follow-up to the unemployed person’s situations as well as other measures to facilitate the job-seeking activities of unemployed persons who reside in a Member State other than the competent Member State.

2. The Member States concerned shall ensure that unemployed persons referred to in Article 65 of the basic Regulation have access in each of their territories to the European network of employment services (EURES), and to the support services in cross-border regions, where available, in accordance with Regulation (EU) No 2016/589 of the European Parliament and of the Council.*

** Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (OJ L 107, 22.4.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/589/oj).’*;

(27) in ***Article 57, the title is replaced by the following:***

‘***Provisions for the application of Articles 60a, 61, 62, 64 and 65 of the basic Regulation regarding persons covered by a special scheme for civil servants’;***

(28) in Article 64(1), the first indent is replaced by the following:

‘ - the index (i = 1, 2, 3 and 4) represents the four age groups used for calculating the fixed amounts:

i = 1: persons aged under 65,

i = 2: persons aged from 65 to 74,

i = 3: persons aged from 75 to 84,

i = 4: persons aged 85 and over,’;

(29) Article 65 is replaced by the following:

‘Article 65

Notification of annual average costs

1. The annual average cost per person in each age group for a specific year shall be notified to the Audit Board at the latest by the end of the second year following the year in question.

2. The annual average costs notified pursuant to paragraph 1 shall be published each year in the *Official Journal of the European Union,* after approval by the Administrative Commission.

3. Where a Member State is unable to notify the annual average costs for a specific year by the deadline referred to in paragraph 1, it shall, by the same deadline, request authorisation of the Administrative Commission and of the Audit Board to use the annual average costs for that Member State as published in the *Official Journal of the European Union* for the year preceding the specific year for which notification is outstanding. When requesting such authorisation, the Member State shall explain the reasons why it is unable to notify the annual average costs for the year in question. If the Administrative Commission, having considered the opinion of the Audit Board, approves the request of the Member State, the annual average costs for the year preceding the year for which notification is outstanding shall be republished in the *Official Journal of the European Union*.

4. Authorisation pursuant to paragraph 3 shall not be granted in two consecutive years.’;

(30) in ***Article 66, paragraph 2 is replaced by the following:***

‘***2. The reimbursements between the institutions of the Member States provided for by Articles 35 and 41 of the basic Regulation shall be made via the liaison body. There may be a separate liaison body for reimbursements under Articles 35 and 41 of the basic Regulation. Mutual claims may be off-set between the liaison bodies.***’;

(31) Article 67 is amended as follows:

(a) paragraph 3 is replaced by the following:

‘***3. With regard to Article 6(5), second subparagraph, and to Article 73(2), of the implementing Regulation, the period set out in paragraphs 1 and 2 of this Article shall not start before the competent institution has been identified.***’;

(b) paragraph 7 is replaced by the following:

‘***7. The Audit Board shall facilitate the final closing of accounts in cases where a settlement cannot be reached within the period set out in paragraph 6, and, upon a reasoned request by one of the parties, shall give its opinion on a dispute within nine months following the month in which the matter was referred to it.***’;

(32) in ***Article 68, paragraph 2 is replaced by the following:***

‘***2. The interest shall be calculated on the basis of the reference rate applied by the European Central Bank to its main refinancing operations plus two percentage points. The reference rate applicable shall be that in force on the first day of the month on which the payment is due.***’;

(33) Article 70 is deleted;

(34) in ***Article 72, paragraph 1 is replaced by the following:***

‘1. ***Unless otherwise provided for in Article 73 of the implementing Regulation, if the institution of a Member State has paid undue benefits to a person, that institution may, within the terms and limits laid down in the legislation it applies, request the institution of any other Member State responsible for paying benefits to the person concerned to deduct the undue amount from arrears or on-going payments owed to the person concerned regardless of the social security branch under which the benefit is paid. The institution of the latter Member State shall deduct the amount concerned subject to the conditions and limits applying to this kind of offsetting procedure in accordance with the legislation it applies in the same way as if it had made the overpayments itself, and shall transfer the amount deducted to the institution that has paid undue benefits.***’;

(35) Article 73 is replaced by the following:

"Article 73

Settlement of ***undue*** benefits ***in cash and in kind*** and contributions ▌ in the case of ***a*** retroactive change of the applicable legislation ***or other situations where an institution was not competent***

1. ***In the event*** of a retroactive change of the applicable legislation***,*** including situations referred to in Article 6(4) and (5) of the implementing Regulation, ***as well as in other cases where an*** institution which ***was not competent*** paid ***or provided*** benefits ***unduly or received contributions unduly, that institution*** shall draw up a statement of the amount paid ***or received*** and shall send it to the institution identified as being competent for the purpose of reimbursement***, within six months of the determination of the change in the applicable legislation or of the identification of the institution responsible for granting the benefits or receiving the contributions***.

2. Benefits in kind ▌ shall be reimbursed by the institution identified as being competent in accordance with ***Articles 66 to 68*** of the implementing Regulation.

3. The institution identified as being competent for paying the cash benefits shall deduct the amount it has to reimburse to the institution which was not competent or only provisionally competent from the arrears of the corresponding benefits it owes to the person concerned and shall ▌ transfer the amount deducted to the latter institution ***without delay***.

If the amount of unduly paid benefits exceeds the amount of arrears payable by the institution identified as being competent, or if arrears do not exist, the institution identified as being competent shall deduct this amount from ongoing payments subject to the conditions and limits ▌ under the legislation it applies, and without delay transfer the amount deducted to the institution which paid the cash benefits unduly, for the purpose of their reimbursement.

4. The institution which unduly received contributions from a natural or legal person shall not reimburse the amounts in question to the person who paid them until ***that institution*** has ascertained the amounts in question from the institution identified as being competent.

Upon ***the*** request of the institution identified as being competent, which shall be made at the latest three months after ***it has received the statement of the amount paid or received***, the institution that ▌ received contributions unduly shall transfer ***those contributions*** to the institution identified as being competent for that period for the purpose of settling the situation concerning the contributions owed by the natural or legal person to it. The contributions transferred shall be deemed to have been paid retroactively to the institution identified as being competent.

If the amount of contributions received unduly exceeds the amount that the natural or legal person owes to the institution identified as being competent, the institution which received contributions unduly shall reimburse the amount in excess to the natural or legal person concerned***, calculated in accordance with national law***.

5. The existence of time limits under national legislation shall not be a valid ground for the refusal of the settlement of claims between institutions under this Article.

6. ***In the case of a procedure under Article 5(5) or Article 6(3) of the implementing Regulation,*** this Article shall not apply to claims ▌ which are older than ***36*** months at the date on which ***the*** procedure ▌ was commenced.

7. ***Two or more Member States may agree on specific provisions and procedures that are different from those provided in paragraphs 1 to 6 of this Article and may, in relation to benefits in kind, apply Article 35(3) of the basic Regulation, provided that those provisions and procedures are not to the disadvantage of the persons concerned.***

8. ***The Administrative Commission shall lay down the detailed arrangements for applying this Article.***";

(36) Article 75 is amended as follows:

(a) in paragraph 1, the following indent is added:

‘***- the date on which the claim is due’ means the date by which the debt should have been paid pursuant to the legislation of the Member State of the applicant party.***’;

(b) ***paragraph 3 is deleted;***

(c) the following paragraph is added:

‘***4.*** Where a refund of social security contributions relates to a person who resides or stays in another Member State, the Member State from which the refund is to be made may***, in accordance with Article 2(2) of the implementing Regulation,*** inform the Member State of residence or stay of the upcoming refund, without ***having first received a*** prior request ***to do so.***’;

(37) Article 77 is ***replaced by the following:***

'Article 77

Notification

1. The requested party shall, at the request of the applicant party and in accordance with the rules in force for the notification of similar instruments or decisions in its own Member State, notify the addressee of all instruments and decisions, including those of a judicial nature, which come from the Member State of the applicant party and which relate to a claim or to its recovery.

2. The request for notification shall be accompanied by a standard form containing at least the following information and the instrument or decision to be notified:

(a) the name, address and other data relevant to the identification of the addressee;

(b) the purpose of the notification and the period within which notification is to be carried out;

(c) a description of the instrument or decision to be notified and the nature and amount of the claim concerned;

(d) the name, address and other contact details regarding:

(i) the office responsible with regard to the instrument or decision to be notified; and

(ii) where different from the office referred to in point (i), the office where further information can be obtained concerning the notification or concerning the procedure for contesting the payment obligation.

3. The requested party shall, without delay, inform the applicant party of the action taken on its request for notification and, in particular, the date on which the decision or instrument was forwarded to the addressee.

4. The applicant party shall make a request for notification pursuant to this Article only where it is unable to notify in accordance with the rules governing the notification of the document concerned in its Member State, or where such notification would give rise to disproportionate difficulties.

5. The requested party shall ensure that notification in the Member State of the requested party is carried out in accordance with the national laws, regulations and administrative practices in force in the Member State of the requested party.

6. Paragraph 5 shall be without prejudice to any other form of notification made by an authority of the Member State of the applicant party in accordance with the rules in force in that Member State. An authority in the Member State of the applicant party may notify any document directly by registered mail or electronically to a person within the territory of another Member State.';

(38) Article 78 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. At the request of the applicant party, the requested party shall recover claims which are the subject of an instrument permitting enforcement in the Member State of the applicant party. Any request for recovery shall be accompanied by a uniform instrument permitting enforcement by the Member State of the requested party.';

(b) in paragraph 2, point (b) is deleted;

(c) paragraphs 3 and 4 are replaced by the following:

'***3.*** Before the applicant party makes a request for recovery, appropriate recovery procedures available in the Member State of the applicant party shall be applied, except in the following situations***:***

(***a)*** where it is obvious that there are no assets for recovery in the Member State of the applicant party or that such procedures will not result in the payment in full of the claim, and the applicant party has specific information indicating that the person concerned has assets in the Member State of the requested party;

(***b)*** where recourse to such procedures in the Member State of the applicant party would give rise to disproportionate difficulty.

Where a requested party receives a request for recovery from an applicant party, the applicant party shall, at the request of the requested party, provide any additional information which would be necessary to the requested party in the recovery of the claim. The applicant party shall not be obliged to supply the information specified in Article 76(3) of the implementing Regulation.

4. The request for recovery shall also contain a declaration by the applicant party confirming that the conditions laid down in paragraphs 2 and 3 have been fulfilled.';

(d) the following paragraph is added:

‘***6.*** The request for recovery of a claim may be accompanied by other documents relating to the claim issued in the Member State of the applicant party.’;

(39) Articles 79 to 82 are replaced by the following

‘Article 79

Instrument permitting enforcement of the recovery

1. The uniform instrument permitting enforcement in the Member State of the requested party shall reflect the ***substantive content*** of the initial instrument permitting enforcement, and ***shall*** constitute the sole basis for the recovery and precautionary measures taken in the Member State of the requested party. It shall not be subject to any act of recognition, supplementing or replacement in that Member State.

2. The uniform instrument permitting enforcement shall include:

(a) the name, address and any other relevant information relating to the identification of the natural or legal person concerned or to the third party holding his or her assets;

(b) the name, address and any other relevant information regarding the office responsible for the assessment of the claim, and, if different, the office where further information can be obtained concerning the claim or the possibilities for contesting the payment obligations;

(c) information relevant to the identification of the instrument permitting its enforcement, issued in the Member State of the applicant party;

(d) a description of the claim, including its nature***,*** the period covered by the claim, ***the date on which the claim is due and any other*** relevant dates with regard to the enforcement process and the amount of the claim, including the principal, ***any*** interest, fines, administrative penalties and all other charges and costs due indicated in the currencies of the Member States of the applicant and requested parties;

(e) the date of notification of the instrument to the addressee by the applicant party or by the requested party;

(f) the date from which and the period during which enforcement is possible under the laws in force in the Member State of the applicant party;

(g) any other relevant information. ▌

Article 80

Payment arrangements and deadlines

1. Claims shall be recovered in the currency of the Member State of the requested party. Subject to Article 85(1a), the requested party shall remit the entire amount of the claim that it recovers to the applicant party.

In remitting the amount of the claim to the applicant party, the requested party shall also provide relevant information relating to the identification of the natural or legal person concerned as referred to in Article 79(2) of the implementing Regulation.

2. The requested party may, where the laws, regulations or administrative provisions in force in its own Member State so permit, allow the debtor time to pay or authorise payment by instalments. Any interest charged by the requested party in respect of such extra time to pay shall also be remitted to the applicant party. The requested party shall subsequently inform the applicant party of any such decision.

From the date on which the recovery request is received, the requested party shall charge interest for late payment in accordance with the laws, regulations and administrative provisions in force in the Member State of the requested party.

Article 81

Contestation concerning the claim or the instrument permitting enforcement of its recovery and contestation concerning enforcement measures

1. If, in the course of the recovery procedure, the claim, the initial instrument permitting enforcement in the Member State of the applicant party, the uniform instrument permitting enforcement in the Member State of the requested party or the validity of a notification made by an authority in the Member States of the applicant party are contested by an interested party, the action shall be brought by that interested party before the appropriate authorities of the Member State of the applicant party, in accordance with the laws in force in that Member State. The applicant party shall notify the requested party of this action without delay. The interested party may also inform the requested party of the action.

2. As soon as the requested party has received the notification or information referred to in paragraph 1 from the applicant party or from the interested party, it shall suspend the enforcement procedure pending the decision of the appropriate authority in the matter, unless the applicant party makes a request to recover the claim in accordance with the second subparagraph of this paragraph. Without prejudice to Article 84 of the implementing Regulation, the requested party may take precautionary measures to guarantee recovery of the claim insofar as the laws or regulations in force in its Member State allow such action for similar claims.

Notwithstanding the first subparagraph, the applicant party may, in accordance with the laws, regulations and administrative practices in force in its own Member State, submit a reasoned request to the requested party to recover a contested claim, in so far as the relevant laws, regulations and administrative practices in force in the Member State of the requested party provide for such action If the result of the contestation is subsequently favourable to the debtor, the applicant party shall be liable for the reimbursement of any sums recovered, together with any compensation due, in accordance with the legislation in force in the Member State of the requested party.

3. Where the contestation concerns enforcement measures taken in the Member State of the requested party, or the validity of the notification made by an authority of the requested party, the action shall be brought before the appropriate authority of that Member State in accordance with its laws and regulations.

Article 81a

Withdrawals and amendments

1. The applicant party shall inform the requested party immediately of any subsequent amendment to its request for recovery or of the withdrawal of its request, indicating the reasons for such an amendment or withdrawal.

2. If the amendment to the request is based on a decision of the appropriate authority referred to in Article 81(1), the applicant party shall communicate to the requested party the decision, together with a revised uniform instrument permitting enforcement in the Member State of the requested party. The requested party shall proceed with further recovery measures on the basis of the revised instrument.

Recovery or precautionary measures that were already taken on the basis of the original uniform instrument permitting enforcement in the Member State of the requested party may be continued on the basis of the revised instrument, unless an amendment to the request is due to the invalidity of the initial instrument permitting enforcement in the Member State of the applicant party or of the original uniform instrument permitting enforcement in the Member State of the requested party.

Articles 79 and 81 shall apply in relation to the revised instrument.

3. If the request is amended for a reason other than one referred to in paragraph 2 and such an amendment includes a reduction in the amount of the claim, the requested party shall continue any recovery or precautionary measures already undertaken, which shall be limited to the amount of the claim still outstanding.

Article 82

Limits applying to assistance

1. Without prejudice to the competence to grant the assistance, the requested party shall not be obliged:

(a) to grant the assistance provided for in Articles 78 to 81 of the implementing Regulation if recovery of the claim would, because of the situation of the debtor, create serious economic or social difficulties in the Member State of the requested party, insofar as the laws, regulations or administrative practices in force in the Member State of the requested party allow such action for similar national claims;

(b) to grant the assistance provided for in Articles 76 to 81 of the implementing Regulation, if the initial request under Article 76, 77 or 78 of the implementing Regulation applies to claims that are more than five years old, from the date on which the claim is due in the Member State of the applicant party to the date of the initial request for assistance.

With regard to point (b), if the claim or the initial instrument permitting enforcement in the Member State of the applicant party is contested, the five-year period shall begin from the date on which it is no longer possible to contest the claim or the instrument permitting recovery.

Moreover, where a postponement of the deadline for payment or an instalment plan is accepted by the authorities of the Member State of the applicant party, the five-year period shall begin from the date on which the entire payment period has come to an end.

However, in such cases the requested party shall not be obliged to grant the assistance in respect of claims which are more than 10 years old, calculated from the date on which the claim is due in the Member State of the applicant party.

2. The requested party shall inform the applicant party of the grounds for refusing a request for assistance.';

(40) Article 84 is replaced by the following:

‘Article 84

Precautionary measures

1. Upon the reasoned request of the applicant party, the requested party shall take precautionary measures ▌ in accordance with the ***national law and*** administrative practice in force in its Member State, to ensure recovery where a claim or the instrument permitting enforcement in the Member State of the applicant party is contested at the time when the request is made, or where the claim is not yet the subject of an instrument permitting enforcement in the Member State of the applicant party, in so far as precautionary measures ***would also be*** possible, in a similar situation, under the national law and administrative practices of the Member State of the applicant party.

The document drawn up for permitting precautionary measures in the Member State of the applicant party and relating to the claim for which mutual assistance is requested, if any, shall be attached to the request for precautionary measures in the Member State of the requested party. That document shall not be subject to any act of recognition, supplementing or replacement in the Member State of the requested party.

2. The request for precautionary measures may be accompanied by other documents relating to the claim, issued in the Member State of applicant party.

3. For the purpose of implementing paragraph 1 of this Article, the provisions and procedures laid down in Articles 78, 79, 81 and 82 of ***the implementing*** Regulation shall apply ***mutatis mutandis***.’;

(41) in Article ***85, paragraph 1 is replaced by*** the following:

‘***1. The requested party shall recover from the natural or legal person concerned and retain any costs it incurs that are linked to recovery, in accordance with the laws and regulations that apply to similar claims in the Member State of the requested party.***

1a. Where the costs linked to recovery cannot be recovered from the debtor in addition to the amount of the claim, ***those costs*** shall be deducted from any amount which ***was actually*** recovered or, where this is not possible, shall be reimbursed by the applicant party. The applicant ***party*** and the requested ***party*** may agree on a reimbursement arrangement specific to the case, or ***may agree to waive the*** reimbursement of such costs.’;

(42) the following article is inserted:

‘Article 85a

Presence in administrative offices and participation in administrative enquiries

1. By agreement between the applicant party and the requested party and in accordance with the arrangements laid down by the requested party, officials authorised by the applicant party may, with a view to promoting mutual assistance provided for in this Section:

(a) be present in the offices where the administrative authorities of the Member State of the requested party carry out their duties;

(b) be present during administrative enquiries carried out in the territory of the Member State of the requested party;

(c) assist the competent officials of the Member State of the requested party during court proceedings in that Member State.

2. In so far as it is permitted under the legislation in force in the Member State of the requested party, the agreement referred to in paragraph ***1*** may provide for officials of the Member State of applicant party to interview individuals and examine records.

3. Officials authorised by the applicant party shall, when acting pursuant to paragraph 1 or 2, hold written authority stating their identity and their official capacity.’;

(43) Article 86 is deleted;

(44) the following article is inserted:

‘***Article 86a***

Power to adopt implementing acts

1. The Commission shall, by means of implementing acts, further specify the procedure for recovery. Those implementing acts shall establish:

(***a) practical arrangements needed for the application of this section as regards the sending of information and documents or decisions by electronic means to the person concerned in accordance with Article 4;***

(***b) the format of the uniform instrument referred to in Article 79;***

(***c) the information to be given by the requested party to the applicant party about the state of progress or outcome of the request and the applicable time frame in that respect;***

(***d) the measures to be taken by the institutions concerned in the case of an amendment or withdrawal of the claim which is the subject of a request for recovery;***

(***e) further detailed rules needed for implementing Article 75(2), Articles 76, 77, 78, 79, 80 and 81, Article 82(1), Article 83(1), second subparagraph, and Articles 84, 85 and 85a; and***

(***f) the determination of a minimum threshold for the amounts for which a request for recovery can be made.***

2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 88c(2) of the basic Regulation.';

(45) Article 87 is amended as follows:

(a) paragraph 4 is replaced by the following:

'4. Paragraphs 2 and 3 shall also apply in determining or checking the state of dependence of a recipient or a claimant of the long-term care benefits mentioned in Article 1(vb) of the basic Regulation.';

(b) paragraph 6 is replaced by the following:

'6. As an exception to the principle of free-of-charge mutual administrative cooperation in Article 76(2) of the basic Regulation, the effective amount of the expenses of the checks referred to in paragraphs 1 to 5 of this Article shall be refunded to the institution which was requested to carry them out by the debtor institution which requested them. However, if the institution which was requested to carry out the check also uses the findings for the granting of benefits ***for its own account*** to the person concerned under the legislation it applies, it shall not claim the expenses referred to in the previous sentence. ▌ ';

(46) the following article is inserted:

‘***Article 87a***

Evaluation

By [5 years after the date of entry into force of the amending Regulation], the Commission shall carry out an evaluation on compliance with the time-limits referred to in Title II of the implementing Regulation and on the implementation of the rules in Article 14(5a) of that Regulation.

In its evaluation, the Commission shall also assess whether it is appropriate to extend the scope of long-term care benefits pursuant to the basic Regulation so as to cover work-related benefits.

The Commission shall submit a report setting out the results of its evaluation to the European Parliament, the Council and the Economic and Social Committee. Member States shall provide the Commission with necessary information for the preparation of this report.’;

(47) in Article 89, paragraph 3 is deleted;

(48) Article 92 is deleted;

(49) Article 93 is replaced by the following:

‘Article 93

Transitional provisions

Articles 87, 87a and 87b of the basic Regulation shall apply to the situations covered by the implementing Regulation.

(50) the following article is inserted:

‘Article 94a

Transitional ***provisions relating to unemployment benefits***

1. Articles 56 and 70 and Annex 5, in the version in force before … [date of entry into force of the amending Regulation], shall continue to apply to unemployment benefits ***for which applications are submitted*** before the relevant dates of application as set out in Article 97, second paragraph, point (2), and third and fourth paragraphs.

2. Article 73, in the version in force before … [date of entry into force of the amending Regulation] shall continue to apply to settlements of claims which started before … [24 months after the date of entry into force of the amending Regulation].

3. Section 3 of Chapter III of Title IV, in the version in force before … [date of entry into force of the amending Regulation], shall continue to apply to requests and contestations made before … [24 months after the date of entry into force of the amending Regulation].';

(51) Article 96 is amended as follows:

(a) in paragraph 1, second subparagraph, the introductory wording is replaced by the following:

'However, with the exception of Article 107, Regulation (EEC) No 574/72 shall remain in force and continue to have legal effect for the purposes of: ▌ ';

(b) the following paragraph is inserted***:***

'***1a*** For the purposes of the legislation referred to in paragraph 1 of this Article, the rules on currency conversion shall be governed by Article 90. ▌ ';

(52) Article 97 is replaced by the following:

'Article 97

Entry into force and application

This Regulation shall be published in the Official Journal of the European Union. It shall enter into force on 1 May 2010.

Notwithstanding the first paragraph, the following dates of application shall apply:

(1) the following provisions, in the version in force from … [date of entry into force of the amending Regulation], shall apply from that date:

(a) Article 1(2);

(b) Article 2(2a), (5) and (6);

(c) Article 3(3);

(d) Article 19(2) and (3);

(e) Article 26(4);

(f) Article 43(3);

(g) Article 65;

(h) Article 66(2);

(i) Article 68(2);

(j) Article 75(1), (3) and (4);

(k) Articles 85a, 86 and 86a;

(l) Article 87(4) and (6);

(m) Article 87c;

(n) Article 89(3);

(o) Articles 92 and 93 and 94a;

(p) Article 96(1) and (1a);

(q) Annex 1;

(2) the following provisions, in the version in force from … [date of entry into force of the amending Regulation], shall apply from … [24 months after the date of entry into force of the amending Regulation]:

(a) Article 5(2) to (5);

(b) Article 14(1), (1a), (3), (5a), (10) and (12);

(c) Article 15;

(d) Article 16(1), (2), (3) and (5);

(e) Article 19a;

(f) Article 20(3) and (4);

(g) Article 25(1) and (3);

(h) Article 31(2);

(i) Article 32(1);

(j) Article 54(1);

(k) Article 54a;

(l) Article 55(1), (4), (5) and (7);

(m) Article 56(-1), (1) and (3);

(n) Article 56a;

(o) Article 67(3) and (7);

(p) Article 70;

(q) Article 72(1);

(r) Articles 73 and 77;

(s) Article 78(1) to (4) and (6);

(t) Articles 79 to 82 and Article 84;

(u) Article 85(1) and (1a);

(v) Annexes 5 and 6;

(3) Article 64, in the version in force from … [date of entry into force of the amending Regulation], shall apply from 1 January … [the calendar year following the calendar year in which the amending Regulation enters into force].

Notwithstanding the second paragraph, points (1) and (2), of this Article, with regard to persons for whom, during their last activity as an employed or self-employed person, Luxembourg was the competent Member State, ***Articles 56 and 70 and Annex 5, in the version in force before … [date of entry into force of the amending Regulation], shall apply until … [5 years after the date of entry into force of the amending Regulation]. During that timeframe, Article 56a shall not apply to Luxembourg.***

Luxembourg may notify the Commission that it is necessary to prolong the timeframe referred to in the third paragraph until … [7 years after the date of entry into force of the amending Regulation]. Such a notification of prolongationshall be made in reasonable time before the end of the timeframe set out in the third paragraph. The notification shall be published in the Official Journal of the European Union.';

(53) the ***Annexes to Regulation (EC) No 987/2009 are amended in accordance with the Annex II to this Regulation.***

Article 3

Entry into force and date of application

This Regulation shall enter into force on the first day ***of the month*** following ***the date*** of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at …,

For the European Parliament	*For the Council*
The President	*The President*

ANNEX I

Amendments to the annexes of Regulation (EC) No 883/2004

The ***Annexes to Regulation (EC) No 883/2004 are amended as follows:***

(1) Annex I is amended as follows:

(a) Part I is amended as follows:

(i) the following ***section is inserted after the section "BULGARIA":***

‘***CZECH REPUBLIC***

Advance of Maintenance Payments according to the Act on Advance of Maintenance Payments (No 588/2020 Coll.)";

(ii) the section "ESTONIA" is replaced by the following:

‘***ESTONIA***

Maintenance allowances under the Family Benefits Act of 1 January 2017";’;

(iii) the section “SLOVAKIA” is replaced by the following:

“SLOVAKIA

Substitute Alimony provided under the Act No 201/2008 Coll. as amended";”;

(iv) the section “SWEDEN” is replaced by the following:

“SWEDEN

Maintenance support (Chapters 17-19 of the Social Insurance Code) ***(2010:110);***”;

(b) Part II is amended as follows:

(i) the section "LITHUANIA" is replaced by the following:

‘***LITHUANIA***

Children's Maintenance Payments under the Law on the Children`s Maintenance Payments;’;

(ii) the section “HUNGARY” is deleted;

(iii) the section "POLAND" is replaced by the following:

‘***POLAND***

Single payment birth grant (Act on Family Benefits)

One-off benefit for the birth of a child who was diagnosed with a severe and irreversible disability or an untreatable life-threatening illness, which originated in the period of prenatal development of the child or during labour;’;

(iv). the section “ROMANIA” is deleted;

(v) the section "SLOVAKIA" is replaced by the following:

‘***SLOVAKIA***

Childbirth allowance;’;

(vi) the section “FINLAND” is replaced by the following:

‘***Maternity package, maternity lump-sum grant and assistance in the form of a lump sum intended to offset the cost of international adoption pursuant to the Maternity Grant Act (477/1993);***’;

(vi) the following section is added:

"SWEDEN

Adoption allowance (Chapter 21 of the Social Insurance Code (***2010***:110)).";

(2) Annex II ***is amended as follows:***

(a) the sections "DENMARK-FINLAND" and "DENMARK-SWEDEN" are deleted;

(b) the section "GERMANY-AUSTRIA" is replaced by the following:

'***GERMANY-AUSTRIA***

Article 14(2), points (g), (h), (i) and (j) of the Convention on social security of 4 October 1995 (determination of competencies between both countries with regard to former insurance cases and acquired insurance periods); the application of that provision remains restricted to the persons covered by it.'

(c) the sections "SPAIN-PORTUGAL and "FINLAND-SWEDEN" are deleted;

(3) in Annex III, the sections "ESTONIA", "SPAIN", "CROATIA", "ITALY", "LITHUANIA", "HUNGARY", "NETHERLANDS", "FINLAND" and "SWEDEN" are deleted.

(4) Annex IV is amended as follows:

(a) the section “ESTONIA” is inserted after “GERMANY";

(b) the section “LATVIA” is inserted after “CYPRUS”;

(c) the section “LITHUANIA” is inserted after "***LATVIA***”;

(d) the section “MALTA” is inserted after “HUNGARY”;

(e) the section "PORTUGAL" is inserted after "POLAND";

(f) the section "ROMANIA" is inserted after "PORTUGAL";

(g) the section “SLOVAKIA” is inserted after “SLOVENIA”

(h) the section "FINLAND" is inserted after "SLOVAKIA";

(i) the section "UNITED KINGDOM" is added after "SWEDEN";

(5) in Annex VI, the section "FINLAND" is deleted;

(6) in ***Annex VIII, Part I is amended as follows:***

(a) the section "LITHUANIA" is replaced as follows:

'***LITHUANIA***

All applications for social insurance widow's/ widower's pensions calculated on the basis of the basic amount of widow's/ widower's pension (Law on Social Insurance Pensions).';

(b) in the section "AUSTRIA", point (g) is replaced by the following:

'(g) ***All applications for benefits under the Federal Act of 22 December 2018 on Pension Provision for Austrian Notaries – NVG 2020;***

(h) early starter bonus under §§ 262a and 286a of the Allgemeines Sozialversicherungsgesetz (ASVG) (General Social Insurance Act) of 9 September 1955, § 144a of the gewerbliches Sozialversicherungsgesetz (GSVG) (Trade Social Insurance Act) of 11 October 1978, and §135a of the Bauern-Sozialversicherungsgesetz (BSVG) (Farmers' Social Insurance Act) of 11 October 1978.';

(7) Annex IX is amended as follows:

(a) Part I is amended as follows:

(i) the following ***section is added after the section "DENMARK":***

‘***ESTONIA***

Work ability allowance granted under the Work Ability Allowance Act;’;

(ii) the section “FINLAND” is replaced by the following:

‘***FINLAND***

Spouse's pensions determined according to the transitional rules and awarded prior to the 1 of January 1994 (Act on Enforcement of the National Pensions Act, 569/2007)

The additional amount of child’s pension when calculating independent benefit according to the National Pension Act (the National Pension Act, 568/2007)’;

(b) in ***Part II, the section "LITHUANIA" is replaced by the following:***

'***LITHUANIA***

(a) Social insurance work incapacity pensions, paid under the Law on Social Insurance Pensions

(b) Social insurance widow's/widower's and orphans' pensions, calculated on the basis of the work incapacity pension of the deceased person under the Law on Social Insurance Pensions';

(c) in Part III, the third paragraph is replaced by the following:

"Nordic Convention on social security of 12 June 2012";

(8) Annex X is amended as follows:

(a) the section "CZECH REPUBLIC" is deleted;

(b) in the section "GERMANY", point (b) is replaced by the following:

"(b) ***Bürgergeld,*** basic provision for jobseekers in accordance with ***Volume*** II of the Social Code ▌ ,***"***;

(c) the section "ESTONIA" is amended as follows:

(i) point (a) is deleted;

(ii) ***the following*** point is added:

"(c) Pensioner's living alone allowance (Social Welfare Act of 6 September 2016);

(d) the section "LITHUANIA" is replaced by the following:

'***LITHUANIA***

(a) Social assistance disability and old age pension (Law of 2005 on Social Assistance Pensions, Article 5 and Article 6);

(b) Relief compensation (Law of 2005 on Social Assistance Pensions, Article 12);

(c) Transport compensation for the disabled who have mobility problems, granted before 2019 according to the Law on Transport Compensation;';

(e) in the section "HUNGARY", point (c) is deleted;

(f) the section "AUSTRIA" is replaced by the following:

‘***AUSTRIA***

(a) Compensatory supplement (Federal Act of 9 September 1955 on General Social Insurance — ASVG, Federal Act of 11 October 1978 on Social insurance for persons engaged in trade and commerce — GSVG and Federal Act of 11 October 1978 on Social insurance for farmers — BSVG);

(b) Supplementary allowance (Federal Act of 18 November 1965 on the pension entitlements of federal officials, their survivors and dependents - Pensionsgesetz 1965 (PG 1965); Federal Act on the pension benefits of officials of Austrian Federal Railways – Bundesbahn-Pensionsgesetz (BB-PG); Federal Act of 9 July 1958 on the retirement and pension benefits of Federal theatre employees (Bundestheaterpensionsgesetz (BThPG)).’;

(g) the section “POLAND” is replaced by the following:

‘***POLAND***

(a) Social pension (Act of 27 June 2003 on social pensions);

(b) Supplementary parental benefit (Act of 31 January 2019 on supplementary parental benefit);

(c) Supplementary benefit for persons unable to live independently (Act of 31 July 2019 on supplementary benefit for persons unable to live independently).’;

(h) the section "PORTUGAL" is amended as follows:

(i) point (a) is replaced by the following:

'***Non-contributory State old-age pension (Decree-Law No 464/80 of 13 October 1980);***';

(ii) the following point is added:

'***(d) The Basic Component and the Supplement of the Social Benefit for Inclusion (Decree-Law Nº 126-A/2017 of 6 October 2017 as amended).***';

(i) the following section is inserted after the section "***PORTUGAL***":

"ROMANIA

Social allowance for pensioners (Government Emergency Ordinance No 6/2009 establishing minimum guaranteed social pension, endorsed by Law No 196/2009) ▌;";

(j) the section "SLOVENIA" is deleted;

(k) in the section "FINLAND", point (c) is deleted;

(l) the section “SWEDEN” is replaced by the following:

"SWEDEN

(a) Housing supplements for persons receiving a pension (Chapters 99-103 of the Social Insurance Code) ***(2010:110)***;

(b) Maintenance support for the elderly (Chapter 74 of the Social Insurance Code) ***(2010:110)***;”;

(m) in the section "UNITED KINGDOM", the following points ***are*** added:

"***(f)*** Personal Independence Payment mobility component (in Great Britain legislation, Part 4 of The Welfare Reform Act 2012 and in Northern Ireland Legislation, Part 5 of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1));

(g) Best Start Foods payment (Welfare Foods (Best Start Foods) (Scotland) Regulations 2019 (SSI 2019/193));

(h) Best Start Grants (pregnancy and baby grant, early learning grant, school-age grant) (The Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018 (SSI 2018/ 370));

(i) Funeral Support Payment (Funeral Expense Assistance (Scotland) Regulations 2019 (SSI 2019/292));

(j) Scottish Child Payment (Scottish Child Payment Regulations 2020 (SSI 2020/XX));

(k) Child Disability Payment mobility component (The Disability Assistance for Children and Young People (Scotland) Regulations 2021 (SSI 2021/174));

(l) Adult Disability Payment mobility component (Social Security (Scotland) Act 2018 ("SS(S)A")) and the Disability Assistance for Working Age People (Scotland) Regulations 2022;

(m) Pension Age Winter Heating Payment (The Winter Heating Assistance (Pension Age) (Scotland) Amendment Regulations 2025);

(n) Winter Fuel Payment (The Social Fund Winter Fuel Payment Regulations 2025).";

(9) Annex XI is amended as follows:

(a) the section "CZECH REPUBLIC" is replaced by the following:

"CZECH REPUBLIC

1. For the purpose of defining members of the family according to Article 1(i), ‘spouse’ also includes registered partners as defined in the Czech act No 115/2006 Coll., on registered partnership.

2. Notwithstanding Articles 5 and 6 of this Regulation, for the purpose of granting the supplementary benefit in respect of insurance periods completed under the legislation of the former Czech and Slovak Federal Republic, solely the insurance periods completed under the Czech legislation can be taken into account in order to meet the condition of at least one year of Czech pension insurance within the defined period after the date of dissolution of the federation (§ 106a, paragraph 1, letter b) of Act No 155/1995 Col., on pension insurance). ▌ ";

(b) in the section "GERMANY", point 3 is replaced by the following:

"3. For the purpose of granting cash benefits under §47(1) of SGB V, §47(1) of SGB VII and § 24i of SGB V to insured persons who live in another Member State, German insurance schemes calculate net pay, which is used to assess benefits, as if the insured person lived in Germany, unless the insured person requests an assessment on the basis of the net pay which he or she actually receives. For the purpose of granting parental leave benefit under the Federal Parental Allowance and Parental Leave Act (BEEG) to persons living in another Member State, the competent institution for German parental leave benefit shall calculate the average monthly earned income under §§2c to 2f of the Act, which is used to assess benefits, as if the person lived in Germany. In doing so, if tax bracket IV is applicable under the second sentence of §2e(3) of BEEG because the beneficiary was not classified in any German tax bracket during the assessment period, he or she may request that the parental leave benefit be assessed on the basis of his or her actual net income taxed in the Member State of residence. ▌ ";

(c) the section "ESTONIA" is replaced by the following:

"ESTONIA

1. For the purpose of calculating parental benefits, periods of employment in Member States other than Estonia shall be considered to be based on the same average amount of Social Tax as paid during the periods of employment in Estonia with which they are aggregated. If during the reference year the person has been employed only in other Member States, the calculation of the benefit shall be considered to be based on the average Social Tax paid in Estonia between the reference year and the maternity leave.

2. For the purpose of calculating pro rata work ability allowance in accordance with Article 52(1), point (b), of this Regulation, the periods of residence completed in Estonia will be taken into account starting from the age of 16 until the contingency occurred. ▌ ";

(d) the section "CYPRUS" is replaced by the following:

'CYPRUS

For the purpose of applying the provisions of Articles 6, 51 and 60a of this Regulation, for any period commencing on or after 6 October 1980, a week of insurance under the legislation of the Republic of Cyprus is determined by dividing the total insurable earnings for the relevant period by the weekly amount of the basic insurable earnings applicable in the relevant contribution year, provided that the number of weeks so determined shall not exceed the number of calendar weeks in the relevant period.';

(e) in ***the section "MALTA", point (a) is replaced by the following:***

'(a) Solely for the purposes of the application of Articles 49 and 60 of this Regulation, persons employed under the Malta Armed Forces Act (Chapter 220 of the Laws of Malta), the Police Act (Chapter 164 of the Laws of Malta), the Prisons Act (Chapter 260 of the Laws of Malta) and the Civil Protection Act (Chapter 411 of the Laws of Malta) shall be treated as civil servants;';

(f) in the section "NETHERLANDS", ▌ point ***1 is replaced by the following***:

‘***1. Health care insurance***

(***a) As regards entitlement to benefits in kind under Dutch legislation, persons entitled to benefits in kind for the purpose of the implementation of Chapters 1 and 2 of Title III of this Regulation shall mean:***

(i) persons who are obliged to take out insurance under a health care insurer, according to the Zorgverzekeringswet (Health Care Insurance Act); and

(***ii) in so far as they are not already included under point i), persons who are resident in another Member State and who, under this Regulation are entitled to health care in their state of residence, the costs being borne by the Netherlands;***

(b) The persons referred to in point 1(a)(i) must, in accordance with the provisions of the Zorgverzekeringswet (Health Care Insurance Act) take out insurance with a health care insurer; and the persons referred to in point 1(a)(ii) must register with the CAK;

(c) ***The provisions of the Zorgverzekeringswet (Health Care Insurance Act) and the Wet langdurige zorg (Longterm care act) concerning liability for the payment of contributions shall apply to the persons referred to in point (a) and the members of their families. In respect of members of the family, the contributions shall be levied on the person from whom the right to health care is derived;***

(d) ***Persons entitled to benefits in kind by virtue of the legislation of a Member State other than the Netherlands who reside in the Netherlands or stay temporarily in the Netherlands shall be entitled to benefits in kind in accordance with the policy offered to insured persons in the Netherlands by the institution of the place of residence or the place of stay, taking into account Article 11(1), (2) and (3) of the Zorgverzekeringswet (Health Care Insurance Act), as well as to benefits in kind provided for by the Wet langdurige zorg (Longterm care act);***

(e) ***Point 1(f), in the version in force before … [date of entry into force of the amending Regulation] shall continue to apply to persons who received a benefit referred to in that provision on this date and who have registered with the CAK.***';

(g) the following section is inserted after the section "AUSTRIA":

"SLOVAKIA

Notwithstanding Article 5 and 6 of this Regulation, for the purposes of granting the supplementary benefit in respect of insurance periods completed under the legislation of the former Czech and Slovak Federal Republic, solely the insurance periods completed under the Slovak legislation can be taken into account in order to meet the condition of at least one year of Slovak pension insurance within the defined period after the date of dissolution of the federation (§ ***66a***, paragraph 1, letter b) of Act No 461/2003 Col., on Social Insurance). ▌ ";

(h) in the section "FINLAND", point 1 is deleted;

(i) the section "SWEDEN" is amended as follows:

(i) points 1 and 2 are deleted;

(ii) point 3 is replaced by the following:

"3. The provisions of this Regulation on the aggregation of insurance periods and periods of residence shall not apply to the transitional provisions in the Swedish legislation on entitlement to guarantee pension for persons born in or before 1937 who have been resident in Sweden for a specified period before applying for a pension (Chapter 6 of the Act ***(2010:111)*** on the Implementation of the Social Insurance Code concerning Chapters 53–74);";

(iii) point 4 is amended as follows:

- the introductory wording is replaced by the following:

‘4. For the purpose of calculating income for notional income-related sickness compensation and income-related activity compensation in accordance with Chapter 34 of the Social Insurance Code (2010:110), the following shall apply:’;

- paragraph (b) is replaced by the following:

‘(b) where the benefits are calculated pursuant to Article 46 of this Regulation and persons are not insured in Sweden, the reference period shall be determined in accordance with Chapter 34, Sections 3, 10 and 11 of the abovementioned Act as if the person concerned were insured in Sweden. If the person concerned has no pension-generating income during this period under Chapter 59 of the Social Insurance Code (2010:110), the reference period shall be permitted to run from the earlier point in time when the insured person had income from gainful activity in Sweden;";

(iv) in point 5, point (a) is replaced by the following:

‘5(a) For the purpose of calculating notional pension assets for income-based survivor’s pension (Chapter 82 of the Social Insurance Code) (2010:110), if the requirement in Swedish legislation for pension entitlement in respect of at least three out of the 5 calendar years immediately preceding the insured person’s death (reference period) is not met, account shall also be taken of insurance periods completed in other Member States as if they had been completed in Sweden. Insurance periods in other Member States shall be regarded as based on the average Swedish pension base. If the person concerned has only 1 year in Sweden with a pension base, each insurance period in another Member State shall be regarded as constituting the same amount.’;

(j) in the section "UNITED KINGDOM":

(i) points 1 and 2 are replaced by the following:

"1. Where, in accordance with United Kingdom legislation, a person who reached pensionable age before 6 April 2016 may be entitled to a retirement pension if:

(a) the contributions of a former spouse or former civil partner are taken into account as if they were that person's own contributions; or

(b) the relevant contribution conditions are satisfied by that person's spouse, civil partner, former spouse or former civil partner,

then provided, in each case, that the spouse or civil partner or former spouse or former civil partner is or had been exercising an activity as an employed or self- employed person, and had been subject to the legislation of two or more Member States, the provisions of Chapter 5 of Title III of this Regulation shall apply in order to determine entitlement under United Kingdom legislation. In this case, references in Chapter 5 to 'periods of insurance' shall be construed as references to periods of insurance completed by:

(i) a spouse, civil partner, former spouse or former civil partner where a claim is made by:

- a married person or civil partner, or
- a person whose marriage or civil partnership has terminated otherwise than by the death of the spouse or civil partner; or

(ii) a former spouse or former civil partner, where a claim is made by:

- a widow, widower or civil partner who immediately before pensionable age was not entitled to widowed parent's allowance, or
- a widow whose husband died before 9 April 2001 who immediately before pensionable age was not entitled to widowed mother's allowance, widowed parent's allowance or widow's pension, or who is only entitled to an age-related widow's pension calculated pursuant to Article 52(1)(b) of this Regulation, and for this purpose 'age-related widow's pension' means a widow's pension payable at a reduced rate in accordance with section 39(4) of the Social Security Contributions and Benefits Act 1992. ▌

This point does not apply to persons who reach pensionable age on or after 6 April 2016.

2. For the purposes of applying Article 6 of this Regulation to the provisions governing entitlement to attendance allowance, carer's allowance, ▌ disability living allowance and personal independence payment, a period of employment, self-employment or residence completed in the territory of a Member State other than the United Kingdom shall be taken into account in so far as is necessary to satisfy conditions as to required periods of presence in the United Kingdom, prior to the day on which entitlement to the benefit in question first arises.";

(ii) in point 4, the first paragraph is replaced by the following:

"4. Where Article 46 of this Regulation applies, if the person concerned suffers incapacity for work leading to invalidity while subject to the legislation of another Member State, the United Kingdom shall, for the purposes of Section 30A (5) of the Social Security Contributions and Benefits Act 1992, Part 1 of the Welfare Reform Act 2007 or the corresponding Northern Ireland provisions, take account of any periods during which the person concerned has received, in respect of that incapacity for work:

(a) cash sickness benefits or wages or salary in lieu thereof; or

(b) benefits within the meaning of Chapters 4 and 5 of Title III of this Regulation granted in respect of the invalidity which followed that incapacity for work, under the legislation of the other Member State, as though they were periods of, as appropriate, short-term incapacity benefit paid in accordance with Sections 30A (1)-(4) of the Social Security Contributions and Benefits Act 1992, Employment and Support Allowance (Assessment phase) paid in accordance with Part 1 of the Welfare Reform Act 2007 or corresponding Northern Ireland provisions.

▌";

(10) the following Annexes are added:

"ANNEX XII

LONG-TERM CARE BENEFITS ▌ PROVIDED BY WAY OF DEROGATION FROM ARTICLE ***33A(2)***

(Article ***33a(2)***) ▌

AUSTRIA

Long-term care benefit in cash (Federal Long-Term care benefit Act, BGBI. I Nr. 110/1993 as amended) granted as a result of accidents at work or occupational diseases is coordinated under Chapter 2 of Title III – Benefits in respect of accidents at work and occupational diseases.

FRANCE

(a) Constant attendance allowance (Social Security Code, Article L.355-1) is coordinated under Chapter 4 of Title III – Invalidity benefits or under Chapter 5 of Title III – Old age benefit, depending on the benefit which the care supplement is intended to supplement;

(b) Supplementary benefit for constant attendance (Social Security Code, Article L.434-2) is coordinated under Chapter 2 of Title III – Benefits in respect of accidents at work and occupational diseases.

GERMANY

Long-term care benefits in respect of accidents at work and occupational diseases (Book VII of the German Social Code, paragraph (44) is coordinated under Chapter 2 of Title III – Benefits in respect of accidents at work and occupational diseases.

POLAND

Care supplement (the Act of 17 December 1998 on old-age and invalidity benefits from the Social Insurance Fund) is coordinated under Chapter 4 of Title III – Invalidity benefits or under Chapter 5 of Title III – Old age benefit, depending on the benefit that the care is intended to supplement.

ANNEX XIII

FAMILY BENEFITS IN CASH INTENDED TO REPLACE INCOME DURING CHILD-RAISING PERIODS

(Article 68b)

Part I Family benefits in cash which are intended to replace income during periods of child-raising

(Article 68b(1))

AUSTRIA

(a) Flat-rate Childcare Allowance (Childcare Allowance Act, 2001/103);

(b) Childcare Allowance as replacement of gainful income (Childcare Allowance Act, 2001/103);

(c) Partner bonus (Childcare Allowance Act, 2001/103).

BELGIUM

Right to parental leave in the framework of professional career break (Royal Decree of 29/10/1997 concerning the introduction of a parental leave in the framework of a professional career break).

BULGARIA

(a) Pregnancy and child birth benefit (Social Insurance Code, promulgated SG No 110 from 17.12.1999, in force since 1 January 2000) starting from the sixth month of age of the child;

(b) Benefit upon Adoption of a Child between 2 and 5 Years of Age (Social Insurance Code, promulgated SG No 110 from 17.12.1999, in force since 1 January 2000);

(c) Benefit for raising a small child (Social Insurance Code, promulgated SG No 110 from 17.12.1999, in force since 1 January 2000).

CZECH REPUBLIC

Parental Allowance (State Social Support Act No 117/1995 Coll., as amended).

DENMARK

(a) Pay Refund (Act on Maternity Equalization Scheme for the private sector) starting from the 15th week after the birth;

(b) Maternity and Paternity Benefits in cash (Consolidation Act on Entitlement to leave and Benefits in the Event of Childbirth) starting from the 15th week after the birth.

ESTONIA

Parental Benefit (Family Benefits Act of 15 June 2016).

FINLAND

Parental Allowance (Sickness Insurance Act, 1224/2004).

FRANCE

(a) The complement of free choice of activity applicable (children born/adopted before 1st January 2015) (Article 60-II of Social Security Financing Act for 2004);

(b) The shared child-rearing benefit (PREPARE) (children born on the 1st January 2015 or after) (Article 8-I-7° - Act No 2014-873 of 4 August 2014 for real equality between women and men).

GERMANY

Parental Allowance (Parental Allowance and Parental Leave Act).

HUNGARY

Child care fee (Act LXXXIII of 1997 on the Services of the Compulsory Health Insurance System).

ITALY

Allowance for parental leave (Legislative Decree of 26 March 2001, No 151).

LATVIA

Parents' benefit (Law On Maternity and Sickness Insurance of 06.11.1995).

LITHUANIA

Childcare benefit (Law of the Republic of Lithuania of 21 December 2000 on Sickness and Maternity Social Insurance No IX-110; as amended).

LUXEMBOURG

Parental Leave Replacement Income (Law of 3rd November 2016 reforming parental leave).

POLAND

(a) A supplement to the family allowance for child care in the period of parental leave (Act Of 28 November 2003 on Family Benefits);

(b) Parental Benefit (Act of 28 November 2003 on family benefits).

PORTUGAL

(a) Parental allowance (Decree-Laws No 89/2009 of 9 April 2009, and No 91/2009 of 9 April 2009) starting from 7th week after the childbirth;

(b) Extended parental allowance (Decree-Laws No 89/2009 of 9 April 2009, and No 91/2009 of 9 April 2009);

(c) Adoption allowance (Decree-Laws No 89/2009 of 9 April 2009, and No 91/2009 of 9 April 2009).

ROMANIA

Monthly Child Raising Indemnity (Government Emergency Ordinance No 111 of 8 December 2010 regarding the parental leave and the monthly child raising indemnity, with the subsequent amendments and additions).

SLOVAKIA

Parental Allowance (Parental Allowance Act No 571/2009, as amended).

SLOVENIA

(a) Parental Compensation (Parental Protection and Family Benefits Act, Official gazette No 26/14 and 15/90, ZSDP-1);

(b) Parental Allowance (Parental Protection and Family Benefits Act, Official gazette No 26/14 and 15/90, ZSDP-1).

SWEDEN

Parental benefit (Chapter 12 of the Social Insurance Code (2010:110)).

Part II Member States which award family benefits referred in Article ***68b*** in full (Article 68b(2)).

ESTONIA

FINLAND

LITHUANIA

LUXEMBOURG

SWEDEN”.

ANNEX II

Amendments to the annexes to Regulation (EC) No 987/2009

The Annexes to Regulation (EC) No 987/2009 are amended as follows:

(1) Annex 1 is amended as follows:

(a) the section "BELGIUM-GERMANY" is deleted;

(b) in the section "BELGIUM-FRANCE", point (f) is replaced by the following:

'***(f) The Exchange of Letters of 21 November 1994 and 8 February 1995 concerning the procedures for the settlement of reciprocal claims pursuant to Articles 93, 94, 95 and 96 of Regulation (EEC) No 574/72, in the version amended by the Exchange of Letters of 2 April 2021 and 21 November 2022.***';

(c) in ***the sections "DENMARK-FINLAND" and "DENMARK-SWEDEN", the text is, in each case, replaced by the following:***

'***The Administrative Arrangement for the implementation of the Nordic Convention on Social Security of 12 June 2012.***';

(d) the section "GERMANY-FRANCE" is deleted;

(e) in the section "GERMANY-LUXEMBOURG", points (a) and (b) are deleted;

(f) in the section "FINLAND-SWEDEN", the text is replaced by the following:

'***The Administrative Arrangement for the implementation of the Nordic Convention on Social Security of 12 June 2012.***';

(2) Annex 5 is deleted;

(3) the following annex is added:

'ANNEX 6

(Article 15(1b))

Construction Sector

The construction sector within the meaning of Article 15 includes all building work relating to the construction, repair, upkeep, alteration or demolition of buildings, and in particular the following work:

(1) excavation;

(2) earthmoving;

(3) actual building work;

(4) assembly and dismantling of prefabricated elements;

(5) fitting out or installation;

(6) alterations;

(7) renovation;

(8) repairs;

(9) dismantling;

(10) demolition;

(11) maintenance;

(12) upkeep, painting and cleaning work;

(13) improvements.'.

The Commission has made a Statement on Control, Activation and Job Placement, which can be found at…

The Commission has made a Statement on Seasonal Workers, which can be found at …

Or. en