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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	15642/2016 + ADD 1 - ADD 8
Subject:	Proposal for a Regulation of the European parliament and of the Council 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) - Guidance for further work

I. INTRODUCTION

On 13 December 2016, the Commission submitted its proposal to amend 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. The general objective of the proposal is to continue the modernisation of EU social security coordination rules by making them clearer and fairer, and by improving their enforceability, thus contributing to the facilitation of free movement of persons within the EU.

In particular, the proposal focuses on six areas: (i) access by economically inactive mobile citizens to certain social benefits, (ii) applicable legislation for posted and sent workers and persons working in two or more Member States, (iii) long-term care benefits, (iv) family benefits and (v) unemployment benefits; as well as includes further (vi) miscellaneous amendments.

The proposed legal basis is Article 48 TFEU, which requires that the European Parliament and the Council act in accordance with the ordinary legislative procedure.

The European Economic and Social Committee delivered its opinion on 5 July 2017¹.

The Committee of Regions delivered its opinion at its session on 12-13 July 2017².

The Council adopted its general approach on 21 June 2018³.

The European Parliament adopted its negotiations mandate on 11 December 2018⁴.

II. STATE OF PLAY AND WAY FORWARD

From January to March 2019 eight informal trilogues were held, which have resulted in a provisional agreement⁵ that did not gain sufficient support in Coreper on 29 March 2019. The main contended issues were concentrated in two of the six chapters under revision: Applicable Legislation and Unemployment Benefits.

In preparation for the continuation of negotiations, the Presidency conducted extensive consultations with Member States to identify the issues in the provisional agreement which need to be re-examined with the European Parliament in order to find a suitable and broadly supported compromise. These consultations, as well as the attaché meeting held on 7 October 2019, indicate that the following elements of the provisional agreement need to be re-examined during future negotiations with the European Parliament:

¹ <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/coordination-social-security-systems>

² <http://cor.europa.eu/en/activities/opinions/pages/opinion-factsheet.aspx?OpinionNumber=CDR%20849/2017>

³ ST 10295/18

⁴ P8_A(2018)0270

The Rapporteur for the lead Committee (EMPL) is Guillaume BALAS (FR/S&D).

⁵ ST 7698/19 + ADD 1 REV 1

In the chapter on Applicable Legislation:

- 1) The obligation for *prior notification* and the exemption from this obligation for *business trips*.
- 2) The method to determine the centre of interest for a business in case of *activity in two or more Member States*.

In the chapter on Unemployment Benefits:

- 3) *Rules on unemployment benefits for cross-border workers*.

The intention is to build on the progress reached so far, and continue the negotiations from where they were left before the European Parliament elections. Therefore, any agreement would have to remain somewhere between the European Parliament's negotiation mandate adopted in December 2018 and the Council's General Approach adopted in June 2018.

The Presidency has received indications from the European Parliament that they could be ready to **continue negotiations** during the third week of October. The first trilogue would set out the scope of negotiations, based on the elements of the provisional agreement which still need re-examination. In this context, the Presidency is seeking support from delegations to set the scope of negotiations on the above items from the Council side.

III. CONCLUSION

The Committee of Permanent Representatives is invited to examine and endorse the proposed scope for future trilogue negotiations.
