



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 05.06.1997
COM(97) 294 final

96/ 0227 (CNS)

Amended proposal for a

COUNCIL REGULATION (EC)

amending Regulation (EEC) No 1408/71
on the application of social security schemes to employed
persons, to self-employed persons
and to members of their families moving within
the Community
and Regulation (EEC) No 574/72 laying down the procedure for implementing
Regulation (EEC) No 1408/71

(text of interest to the EEA)

(presented by the Commission pursuant to Article 189 a (2)
of the EC-Treaty)

EXPLANATORY MEMORANDUM

regarding the proposal for a Council Regulation (EEC) amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71.

NOTE

In the light of the opinion of the European Parliament¹ concerning the proposal for a Regulation presented by the Commission to the Council on 21 September 1996², the following changes should be made: addition of a new point 2a to Article 1 of the proposal, along with the corresponding recital, and deletion of section (e) under point 10 of the same Article, along with the corresponding recital. The proposal remains unchanged in all other respects.

Article 1

Amendments to Regulation (EEC) No 1408/71

1. Amendment of Article 22a.

Nationals of third countries and members of their family who are insured under the legislation of a Member State are at present deprived of entitlement to urgently required health care, and to sickness or maternity benefits, during a stay on the territory of another Member State, owing to the fact that they are not covered by the Regulation. The proposed amendment seeks to make good this shortcoming by enabling such persons to benefit from the provisions contained in Article 22 (1) (a) and (c).

2. Deletion of subparagraph (b), point 1, heading "J. NETHERLANDS", in Annex VI.

This derogation is designed to enable the Netherlands to apply its health-care system requiring registration and reimbursement on the basis of the average cost to be paid in the form of a lump sum, to students and persons undergoing vocational training in the Netherlands, and to members of their family who accompany them during that period. This derogation appears to be unjustified, given that the persons targeted generate relatively little expenditure in the health-care sector, and the calculation of a lump sum for them would not be reasonable.

¹ OJ C... (N.B.: Opinion adopted on 29 May 1997).

² COM (96) 452 final. OJ C 341 of 13 November 1996, p. 6.

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Regulation (EEC) No 574/72 laying down the procedure
for implementing Regulation (EEC) No 1408/71,

THE COUNCIL OF THE EUROPEAN UNION,

...

In the light of the opinion of the European Parliament, the eighteenth recital should be deleted and the following recital should be inserted between the third and the fourth recitals:

“Whereas the benefits of Article 22(1)(a) and (c) should be extended to all persons, including nationals of non member states, who are insured under the legislation of a Member State and to the members of their families residing with them;”

...

HAS ADOPTED THIS REGULATION

Article 1

Regulation (EEC) No 1408/71 shall be amended as follows:

...

2 a Article 22a shall be amended as follows:

“Notwithstanding the provisions of Article 2 of this Regulation, the provisions of Article 22 (1) (a) and (c) shall also apply to persons of any nationality who are insured under the legislation of a Member State and to the members of their families residing with them”.

³

Proposal of 20 September 1996, COM(96) 452 final, OJ C 341 of 13 November 1996. This proposal is amended in the light of the opinion of the European Parliament of 29 May 1997.

10. Annex VI shall be amended as follows:

Section (e), reading as follows, shall be deleted:

“(e) *In the heading “J. NETHERLANDS”, subparagraph (b) of point 1 shall be worded as follows:*

(b) *Article 17 of the implementing Regulation shall apply by analogy to persons referred to in Article 22c of the Regulation who are studying or undergoing vocational training in the Netherlands, as well as to members of their family accompanying them during that period.*

Notwithstanding Article 93 of the implementing Regulation, Article 94 of this Regulation shall apply by analogy to benefits provided to the persons referred to in the previous paragraph.

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