

## EUROPEAN PARLIAMENT

# Working Documents

1983 - 1984

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20 April 1983

DOCUMENT 1-130/83

### REPORT

drawn up on behalf of the Committee on Social Affairs  
and Employment

on the proposal from the Commission of the European  
Communities to the Council (Doc. 1-1186/82 - COM(82)  
771 final) for a regulation amending Regulation (EEC)  
No. 1408/71 on the application of social security  
schemes to employed persons, to self-employed persons  
and to their families moving within the Community and  
Regulation (EEC) No. 574/72, laying down the procedure  
for implementing Regulation (EEC) No. 1408/71

Rapporteur : Mr Alberto GHERGO

PE 83.786/fin.



By letter of 20 January 1983, the President of the Council of the European Communities requested the European Parliament to deliver an opinion, pursuant to Articles 51 and 235 of the Treaty, on the proposal from the Commission of the European Communities 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 their families moving within the Community and Regulation (EEC) No. 572/72, laying down the procedure for implementing Regulation (EEC) No. 1408/71.

On 7 February 1983, the President of Parliament referred this proposal to the Committee on Social Affairs and Employment as the committee responsible.

At its meeting of 15 and 16 February 1983, the Committee on Social Affairs and Employment appointed Mr Albert Ghergo rapporteur.

The committee considered the Commission proposal and the draft report at its meetings of 14-15 March 1983 and 22 and 23 March 1983.

At the latter meeting, the committee decided to recommend to Parliament that it adopt the Commission proposal without amendment and adopted the motion for a resolution unanimously.

The following took part in the vote: Mr Peters, acting chairman; Mr Ghergo, rapporteur; Mr Alexiades (substitute), Mr Barbi (deputizing for Mr Barbagli), Mr Ceravolo, Mr Chanterie, Mr Dido, Mrs Duport, Mr Mommersteeg (deputizing for Mrs Maij-Weggen), Mr Patterson, Mrs Phlix (deputizing for Mr McCartin), Dame Shelagh Roberts (deputizing for Sir David Nicolson), Mrs Vayssade (deputizing for Mrs Salisch), Mr Vernimmen (deputizing for Mr Van Minnen) and Mr Vgenopoulos (deputizing for Mrs Charzat).

The report was tabled in its final version on 7 April 1983.

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A.

The Committee on Social Affairs and Employment hereby submits to the European Parliament the following motion for a resolution together with explanatory statement

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposal from the Commission of the European Communities to the Council for a regulation amending Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to their families moving within the Community, and Regulation (EEC) No. 574/72, laying down the procedure for implementing Regulation No. 1408/71

The European Parliament,

- having regard to the proposal from the Commission of the European Communities<sup>1</sup>,
  - having been consulted by the Council,
  - having regard to the points made repeatedly in previous resolutions,
  - having regard to the report of the Committee on Social Affairs and Employment (Doc. 1-130/83),
  - having regard to the result of the votes on the Commission's proposal,
1. welcomes the abovementioned proposal from the Commission for a regulation designed to take account of accidents at work and occupational diseases which have occurred in any Member State, either before or after the time of the assessment of the degree of incapacity or of the fixing of the benefit to be awarded to the person concerned;
  2. believes it proper to ensure that the victims of accidents at work or occupational diseases receive the same treatment as they would if the accidents or occupational diseases had occurred within a uniform social security scheme;
  3. also welcomes the introduction of new paragraph 6 and 7, together with the amendments tabled in Annex VI C (Germany) and Annex VI J (United Kingdom) and the consequent amendments to the implementing Regulation No. 574/72;

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<sup>1</sup> OJ No. C 27 of 2 February 1983, page 3

4. lastly, expresses the hope that these amendments will be incorporated as soon as possible into the revised and amended version of Regulation 1408/71 as contained in the proposal from the Commission (COM(82) 823 final);
5. instructs its President to forward to the Commission and the Council the proposal from the Commission as voted by Parliament and the corresponding resolution as Parliament's opinion.

EXPLANATORY STATEMENT

The Committee on Social Affairs and Employment wishes first of all to express its satisfaction at the Commission's initiative in preparing a revised regulation taking account of all amendments and changes made to Regulations 1408/71 and 574/72 (COM(82) 823 final).

It also wishes to point out that, on several occasions when previous amendments were made to Regulation 1408/71, it stressed the advisability of preparing a revised document of this sort.

In the Commission's proposal for a regulation now under consideration, further amendments, in particular to Article 61 and some others of a purely technical nature, are made to Regulation 1408/71.

The amendment to Article 61 covers accidents at work and occupational diseases, in which paragraph 5 is replaced by three paragraphs, Nos. 5, 6 and 7. The current rule provides that, in order to assess the degree of incapacity and to establish the benefits to be awarded in cases of accidents at work or occupational diseases, accidents at work and professional diseases which have occurred previously should be taken into consideration, even if they took place under the legislation of another Member State. Under this amendment, the overall assessment would also include accidents at work and occupational diseases which occur subsequently and in other Member States. In short, the reasoning behind the regulation is to ensure that the victims of accidents at work or occupational diseases receive the same treatment as if there were a uniform social security scheme.

New paragraph 6 seeks to avoid any unjustified multiple claims and the risk of double payment in the case of previous accidents at work.

This paragraph lays down that the regulations in respect of accidents at work which have occurred on separate occasions are applicable only in cases where, according to the legislation of the Member State in which an accident takes place prior to one or more others, no compensation was due.

New paragraph 7 lays down that regulations, as under previous paragraphs 5 and 6, are applicable to subsequent accidents at work or occupational diseases.

Other amendments proposed in the new regulations cover:

- (a) Annex VI C (Germany) of Regulation 1408/71, to which it is proposed to add a new paragraph 14, laying down rules for determining the net wages on which the amount of certain cash benefits are calculated in the case of workers employed in Germany but resident in another Member State;
- (b) Annex VI J (United Kingdom) to which a new paragraph 4(a) has been added concerning the right to maternity payments.

The consequent provisions of implementing Regulation No. 574/72, to which amendments of a purely technical nature have also been made, then follow.

The Committee on Social Affairs and Employment agrees with the amendments proposed and therefore welcomes the Commission's proposal.