



Social Security Coordination in the European Union

**Social Security and Mobility of Visual Artists in Europe
Berlin, November 4th, 2016**

DG Employment, Social Affairs and Inclusion
Unit D2 – Social Security Coordination

Contents

Overview, scope and key principles of coordination

Rules relevant to active mobile persons:

Determination of applicable legislation

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✓ Activities in two or more Member States

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Mobility Portal

Scope

Territorial scope

Common rules to protect social security rights when moving within Europe (EU 28 + Iceland, Liechtenstein, Norway and Switzerland).

Material scope

Covers all branches of social security listed under Article 3 of Regulation (EC) No 883/2004.

Personal scope

Covers nationals of a Member State, refugees and stateless persons residing in a Member State who are or have been subject to the legislation of one or more MS. Third country nationals are covered through Regulation 1231/2010.

Goal

To avoid that people who make use of their right of free movement are disadvantaged in the field of social security

The Principles of Social Security Coordination

Only one legislation applicable

Equality of treatment

Aggregation of insurance periods and assimilation of facts

Export of cash benefits

Applicable legislation

Basic principle: Persons to whom the Regulation applies shall be subject to the legislation of a single Member State.

Active persons - in State of work

Non-active persons - legislation of the State of residence

Exceptions:

- *Specific rules for posting & pursuit of activities in 2 or more Member States*
- *Member States can agree on exceptions in the interest of persons concerned*

Posting

Aims at avoiding frequent changes in social security situation in the case of short periods of work abroad

Posting Member State continues to remain competent if

period of posting up to 24 months

posted person affiliated to the social scheme of posting Member State
certified by Portable document A1 (issued by posting Member State)

- If self employed
 - normally self employed in posting Member State
 - perform similar activities in both Member States
- If employed
 - perform work on his/her employer's behalf
 - cannot replace other posted person

Activities in two or more Member States

Simultaneous activities: the activities have to coincide for a certain period of time (e.g during paid leave, week-end, part-time work in two MSs)

Alternating activities: work assignments carried out in different MS during successive periods or in alternation, with certain regularity or as intrinsic part of the work pattern

Competence

Member State of residence if

Working (as employed or self-employed) in that Member State and pursuing "substantial activities" there (25%, based on all relevant criteria)

Working for various employers established in 2 or more MS

Employer is established outside EU

Activities in two or more Member States

Competence if no substantial activity in the Member State of residence:

For employees – **Member State of registered office of employer**, other than the Member State of residence

For self-employed – Member State in which the **centre of interest** of the activity is situated

! Activities in different Member States as normal part of how the self employed person conducts the business = activities in two or more Member States; once off, finite period of activity in another Member State = posting

Marginal activities are not taken into consideration in the determination of the applicable legislation

Certified by Portable document A1 (issued by competent Member State)

Portable document A1

Serves to state that the self-employed person concerned remains subject to the legislation of the home MS throughout a given period in the course of which he/she carries out a work assignment in the territory of another MS; although it should be preferable to be made at the beginning of the period concerned, such a statement may be also made during that period or indeed after its expiry;

So long as the PD A1 has not been withdrawn or declared invalid, is binding on the competent institution of the Member State to which the self-employed goes to in order to carry out a work assignment.

(see judgment in Case C- 178/97, Banks, esp. par 53)

Portable document A1

Individuals who normally pursue activities as self-employed persons in a Member State (home MS) and who work on a temporary basis in another Member State remain subject to the legislation of the home MS;

A Member State cannot impose a presumption of salaried status to artists who are recognised as service providers and established in their home MS, where they usually provide similar services.

(see judgment in case C-255/04, Commission v France, esp. par 48-49 and 55)

The European Health Insurance Card – EHIC (ehic.europa.eu)

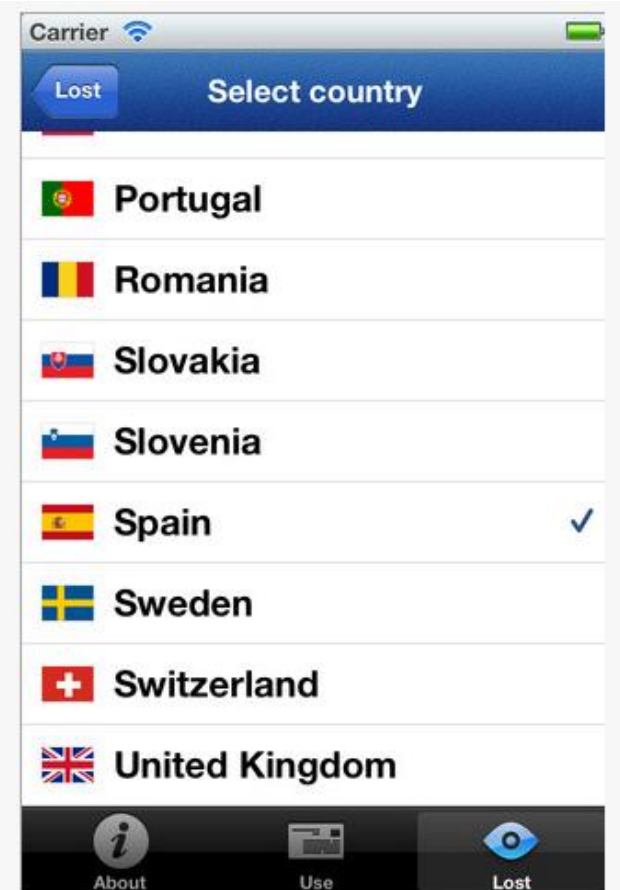
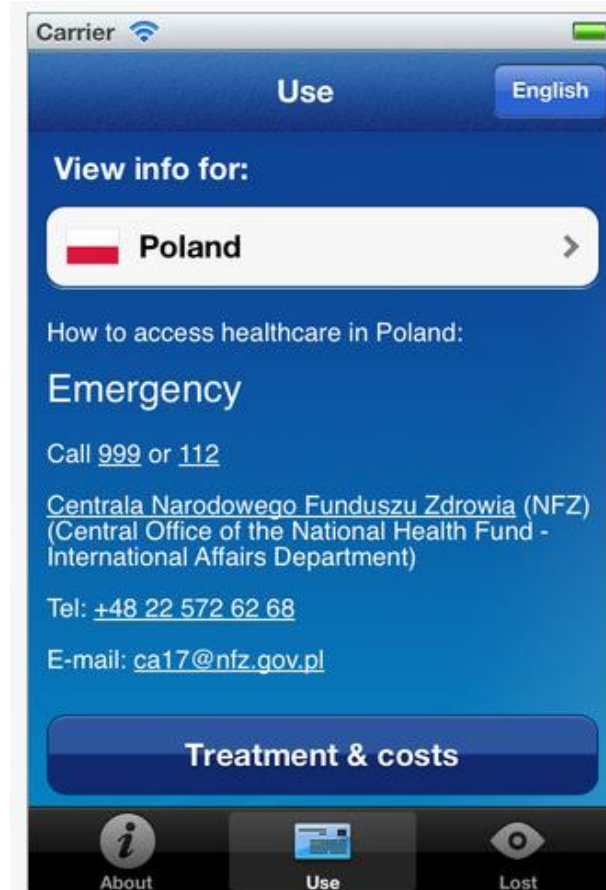
Issued by national health insurance authorities in home Member State

Covers benefits in kind which become necessary on medical grounds during the stay abroad (more than emergency healthcare)

Entitlement to benefits within the public healthcare system on the same terms as persons covered under the legislation of the Member State of stay (e.g. no payment up front where the system allows for local residents)

Expenses reimbursed according to the rules and rates of the country where the treatment was received

EHIC App



DG EMPL website: ec.europa.eu/social



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Moving & working in Europe

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 - Which rules apply to you?
 - Where do these rules apply?
 - What are your rights?
 - Your rights country by country
 - European Health Insurance Card
 - Planned medical treatment
 - Claims and forms
 - Need help?
 - Frequently Asked Questions
 - Specialised information
 - Network of legal experts (FreSsco)
 - Network of experts on statistics

EU Social Security Coordination

The EU provides common rules to protect your social security rights when moving within Europe (EU 28 + Iceland, Liechtenstein, Norway and Switzerland). The rules on social security coordination do not replace national systems with a single European one. All countries are free to decide who is to be insured under their legislation, which benefits are granted and under what conditions.



Who do these rules apply to?

- Nationals of the EU, Iceland, Liechtenstein, Norway or Switzerland who are or have been insured in one of these countries, and their family members.
- Stateless persons or refugees residing in the EU, Iceland, Liechtenstein, Norway or Switzerland, who are or have been insured in one of these countries, and their family members.
- Nationals of non-EU countries, legally residing in the territory of the EU, who have moved between these countries, and their family members.

The four main principles

1. You are covered by the legislation of one country at a time so you only pay contributions in one country. The decision on which country's legislation applies to you will be made by the social security institutions. You cannot choose. Find out [which rules apply to you](#)
2. You have the same rights and obligations as the nationals of the country where

News & Events

17/07/2015
EU social security coordination rules: have your say!
[more news](#)

Events

Videos

More on this topic

Publications

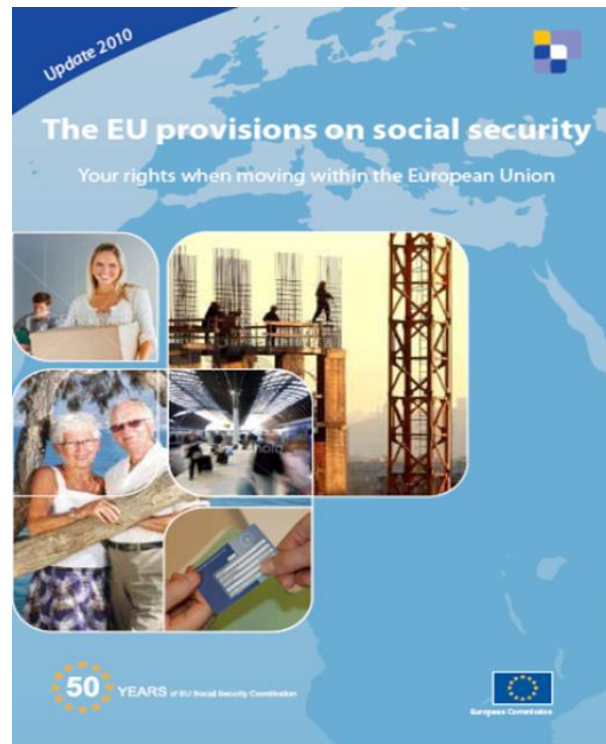
[Calls for tender](#)

[Calls for proposals](#)



European
Commission

"Small Guide" on citizens' rights



Practical guide on applicable legislation



Other Documents, Publications, Websites

[Information sheets "Your rights country by country"](#)

[Mutual Information System on Social Protection \(MISSOC\)](#)

[Directory of national authorities](#)

[FreSsco network "e-learning" and reports](#)

[Statistical reports](#)

["Your Europe" Portal](#)

Cooperation and exchange of data

Persons and institutions have a duty of mutual information and cooperation to ensure the correct implementation of the EU rules

Member State to provide user friendly services and ensure that necessary information is available to persons to enable them to assert their rights

Exchanges between Member States authorities and persons based on principles of public service, efficiency, active assistance, rapid delivery and accessibility



Electronic Exchange of Social Security Information (EESSI)

EESSI - an IT system that will help social security bodies across the EU exchange information more rapidly and securely.

All communication between national bodies on cross-border social security files will take place using structured electronic documents (SEDs). These documents will be routed through the EESSI (hosted centrally by the European Commission) to the correct destination in another EU country.

Staff in social security bodies will be able to find the correct destination in another EU country using a directory of national bodies.

Electronic Exchange of Social Security Information (EESSI)

Benefits

For citizens:

- *faster management of claims*
- *faster calculation and payment of benefits*

For public administrations:

- *standardised flows of information*
- *better multilingual communication thanks to*
- *common structured documents*
- *optimised verification and collection of data*

Deliver central solution in mid-2017; full implementation of the EESSI solution in all Member States by 2019

European Mobility Portal for Social Security

Feasibility Study

Started on the basis of an EP Pilot Project proposal for a Social Security Card, with a widened scope to assess latest advancements in technology

It will assess the feasibility, benefits and options of creating a tool facilitating interaction between citizens and national authorities across borders in the field of social security

Final results of the study are expected for the first half of 2017, which will be assessed to define practical steps for implementation

European Mobility Portal for Social Security

Contents of the Feasibility study

- ***Mapping*** and analysis of the existing tools and services at EU and MS level
- Options for the possible ***scope and format*** (e.g. on-line platform, mobile application, gateway to MS tools)
- Options for the envisaged ***functionalities*** (e.g. tailor-made info through interactive forms, remote request and access to electronic documents, access to Member States' e-tools, identification of users)
- Assessment of possible administrative and financial ***costs and benefits***, legal and practical concerns that such a tool could raise
- Suggestions for the ***practical implementation*** of the European Mobility Portal on Social Security.

Thank you for your attention!

