# COMMISSION REGULATION (EC) No 410/2002

# of 27 February 2002

amending Council Regulation (EEC) No 574/72 laying down the procedure for implementing 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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) 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 (¹), as last amended by European Parliament and Council Regulation (EC) No 1386/2001 (²), and in particular Article 122 thereof,

#### Whereas:

- Certain Member States or their competent authorities have requested modifications of the Annexes to Regulation (EEC) No 574/72.
- (2) These amendments derive from decisions taken by the Member State or Member States concerned or their competent authorities which are responsible for the

- implementation of social security legislation according to Community law.
- (3) The unanimous opinion of the Administrative Commission on Social Security for Migrant Workers has been obtained.

HAS ADOPTED THIS REGULATION:

## Article 1

Annexes 1 to 6 and Annexes 9 to 10 to Regulation (EEC) No 574/72 are amended in accordance with the Annex to this Regulation.

### Article 2

This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Communities.

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

Done at Brussels, 27 February 2002.

For the Commission
Anna DIAMANTOPOULOU
Member of the Commission

### **ANNEX**

- 1. Annex 1 is amended as follows:
  - (a) Section 'K. AUSTRIA' is replaced by the following:
    - Bundesminister f
      ür soziale Sicherheit und Generationen (Federal Minister for Social Security and Generations), Vienna
    - 2. Bundesminister für Wirtschaft und Arbeit (Federal Minister for Economic Affairs and Labour), Vienna
    - 3. Special schemes for civil servants: Bundesminister für öffentliche Leistung und Sport (Federal Minister for Public Administration and Sport), Vienna, or the provincial government concerned'
  - (b) Section 'L. PORTUGAL' is amended as follows:
    - (i) Point 1 is replaced by the following:
      - '1. Ministro do Trabalho e da Solidariedade (Minister for Labour and Solidarity), Lisbon'
    - (ii) Point 3 is replaced by the following:
      - '3. Secretário Regional dos Assuntos Sociais da Região Autónoma da Madeira (Regional Secretary for Social Affairs of the Autonomous Region of Madeira), Funchal'
    - (iii) Point 4 is replaced by the following:
      - '4. Secretário Regional dos Assuntos Sociais da Região Autónoma dos Açores (Regional Secretary for Social Affairs of the Autonomous Region of the Azores), Angra do Heroísmo'
    - (iv) Point 6 is replaced by the following:
      - '6. Ministro da Reforma do Estado e da Administração Pública (Minister for Reform of Government and Public Administration), Lisbon'
- 2. Annex 2 is amended as follows:
  - (a) Section 'K. AUSTRIA' is amended as follows:
    - Point 2(b) is replaced by the following:
    - '(b) For application of Article 45(6) of the Regulation, if no contribution period has been completed in Austria, and for taking into account periods of military and civilian service and periods of childraising not preceded or succeeded by a period of insurance in Austria

Pensionsversicherungsanstalt der Angestellten (Employed Persons Pension Insurance Institution), Vienna'

- (b) Section 'L. PORTUGAL' is amended as follows:
  - Heading 'A. IN GENERAL' is amended as follows:
    - (i) Point I(1) is replaced by the following:
      - '1. Sickness, maternity and family benefits:

Instituto de Solidariedade e Segurança Social: Centro Distrital de Solidariedade e Segurança Social (Institute of Solidarity and Social Security: District Centre of Solidarity and Social Security) to which the person concerned is affiliated'

- (ii) Point I(2) is replaced by the following:
  - '2. Invalidity, old age and death:

Instituto de Solidariedade e Segurança Social: Centro Nacional de Pensões, Lisboa, e Centro Distrital de Solidariedade e Segurança Social (Institute of Solidarity and Social Security: National Pensions Centre, Lisbon, and District Centre of Solidarity and Social Security) to which the person concerned is affiliated'

- (iii) Point I(4)(b) is replaced by the following:
  - '(b) grant and payment of unemployment benefits (e.g. verification of the conditions for eligibility to benefits, fixing the amount and duration, checks on the situation for maintaining, suspending or terminating payment):

Instituto de Solidariedade e Segurança Social: Centro Distrital de Solidariedade e Segurança Social (Institute of Solidarity and Social Security: District Centre of Solidarity and Social Security) to which the person concerned is affiliated'

- (iv) Point I(5) is replaced by the following:
  - Benefits from a non-contributory social security scheme:

Instituto de Solidariedade e Segurança Social: Centro Distrital de Solidariedade e Segurança Social (Institute of Solidarity and Social Security: District Centre of Solidarity and Social Security) where the person concerned resides'

- (v) Point II(1) is replaced by the following:
  - '1. Sickness, maternity and family benefits:

Centro de Segurança Social da Madeira (Social Security Centre of Madeira), Funchal'

- (vi) Point II(2) is replaced by the following:
  - '2. (a) Invalidity, old age and death:
    - (b) invalidity, old age and death under the special social security scheme for agricultural workers;

Centro de Segurança Social da Madeira (Social Security Centre of Madeira), Funchal

Centro de Segurança Social da Madeira (Social Security Centre of Madeira), Funchal'

- (vii) Point II(4) is replaced by the following:
  - (a) reception of the application and verification of the employment situation (e.g. confirmation of the periods of employment, classification of unemployment, checks on the situation):
  - (b) grant and payment of unemployment benefits (e.g. verification of the conditions for eligibility to benefits, fixing the amount and duration, checks on the situation for maintaining, suspending or terminating payment):

Instituto Regional de Emprego: Centro Regional de Emprego (Regional Institute of Employment: Regional Employment Centre), Funchal

Centro de Segurança Social da Madeira (Social Centre of Madeira), Funchal'

- (viii) Point II(5) is replaced by the following:
  - '5. Benefits from a non-contributory social security scheme:

Centro de Segurança Social da Madeira (Social Security Centre of Madeira), Funchal'

- (ix) Point III(1) is replaced by the following:
  - '1. Sicknes, maternity and family benefits:

Instituto de Gestão de Regimes de Segurança Social: Centro de Prestações Pecuniárias (Institute for the Management of Social Security Schemes: Centre for Cash Benefits) to which the person concerned is affiliated'

- (x) Point III(2) is replaced by the following:
  - '2. (a) Invalidity, old age and death:

Instituto de Gestão de Regimes de Segurança Social: Centro Coordenador de Prestações Diferidas (Institute for the Management of Social Security Schemes: Coordinating Centre for Deferred Benefits), Angra do Heroísmo

(b) invalidity, old age and death under the special social security scheme for agricultural workers: Instituto de Gestão de Regimes de Segurança Social: Centro Coordenador de Prestações Diferidas (Institute for the Management of Social Security Schemes: Coordinating Centre for Deferred Benefits), Angra do Heroísmo'

- (xi) Point III(4) is replaced by the following:
  - '(a) reception of the application and verification of the employment situation (e.g. confirmation of the periods of employment, classification of unemployment, checks on the situation):
  - (b) grant and payment of unemployment benefits (e.g. verification of the conditions for eligibility to benefits, fixing the amount and duration, checks on the situation for maintaining, suspending or terminating payment):

Agência para a Qualificação e Emprego (Agency for Qualification and Employment) where the person concerned resides

Centro de Prestações Pecuniárias (Centre for Cash Benefits) to which the person concerned is affiliated'

- (xii) Point III(5) is replaced by the following:
  - '5. Benefits from a non-contributory social security scheme:

Instituto de Gestão de Regimes de Segurança Social: Centro de Prestações Pecuniárias (Institute for the Management of Social Security Schemes: Centre for Cash Benefits) where the person concerned resides'.

- 3. Annex 3 is amended as follows:
  - (a) Section 'K. AUSTRIA' is amended as follows:
    - (i) Point 1(b) is replaced by the following:
      - '(b) In all other cases:

- (i) the Gebietskrankenkasse (Regional Fund for Sickness Insurance) competent for the place of residence or place of stay of the person concerned, unless otherwise stated in the following subparagraphs
- (ii) in the case of tratment in a hospital for which a regional fund is responsible, the regional fund (Landesfonds) competent for the place of residence or place of stay of the person concerned
- (iii) in the case of treatment in another hospital covered by the agreement between the Hauptverband der österreichischen Sozialversicherungsträger (Main Association of Austrian Social Insurance Institutions) and the Wirtschaftskammer Österreich (Austrian Chamber of Commerce) applying on 31 December 2000, the fund established for these hospitals
- (iv) in the case of in vitro fertilisation, the Fonds zur Mitfinanzierung der In-vitro-Fertilisation (In Vitro Fertilisation Cofinancing Fund), Vienna'
- (ii) Point 3(a) is replaced by the following:
  - '(a) Benefits in kind:

- (i) the Gebietskrankenkasse (Regional Fund for Sickness Insurance) competent for the place of residence or place of stay of the person concerned, unless otherwise stated in the following subparagraphs
- (ii) in the case of treatment in a hospital for which a Landesfonds (regional fund) is responsible, the Landesfonds competent for the place of residence or place of stay of the person concerned
- (iii) in the case of treatment in another hospital covered by the agreement between the Hauptverband der österreichischen Sozialversicherungsträger (Main Association of Austrian Social Insurance ;Institutions) and the Wirtschaftskammer Österreich (Austrian Chamber of Commerce) applying on 31 December 2000, the fund established for these hospitals

- (iv) the Allgemeine Unfallversicherungsanstalt (General Accident Insurance Institution), Vienna, which may grant benefits in all cases'
- (b) Section 'L. PORTUGAL' is amended as follows:
  - (i) Point I(1) is replaced by the following:
    - Sickness, maternity and family benefits (for sickness and maternity benefits in kind see also Annex 10):

Instituto de Solidariedade e Segurança Social: Centro Distrital de Solidariedade e Segurança Social (Institute of Solidarity and Social Security: District Centre of Solidarity and Social Security) of the place of residence or place of stay of the person concerned'

- (ii) Point I(2) is replaced by the following:
  - '2. Invalidity, old age and death:

Instituto de Solidariedade e Segurança Social: Centro Nacional de Pensões, Lisboa, e Centro Distrital de Solidariedade e Segurança Social (Institute of Solidarity and Social Security: National Pensions Centre, Lisbon, and District Centre of Solidarity and Social Security) of the place of residence or place of stay of the person concerned'

- (iii) Point I(4)(b) is replaced by the following:
  - (b) grant and payment of unemployment benefits (e.g. verification of the conditions for eligibility to benefits, fixing the amount and duration, checks on the situation for maintaining, suspending or terminating payment):

Instituto de Solidariedade e Segurança Social: Centro Distrital de Solidariedade e Segurança Social (Institute of Solidarity and Social Security: District Centre of Solidarity and Social Security) at the place of residence of the person concerned'

- (iv) Point I(5) is replaced by the following:
  - Benefits from a non-contributory social security scheme:

Instituto de Solidariedade e Segurança Social: Centro Distrital de Solidariedade e Segurança Social (Institute of Solidarity and Social Security: District Centre of Solidarity and Social Security) at the place of residence of the person concerned'

- (v) Point II(1) is replaced by the following:
  - Sickness, maternity and family benefits (for sickness and maternity benefits in kind see also Annex 10):

Centro de Segurança Social da Madeira (Social Security Centre of Madeira), Funchal'

- (vi) Point II(2) is replaced by the following:
  - '2. (a) Invalidity, old age and death:
    - (b) invalidity, old age and death under the special social security scheme for agricultural workers:

Centro de Segurança Social da Madeira (Social Security Centre of Madeira), Funchal

Centro de Segurança Social da Madeira (Social Security Centre of Madeira), Funchal'

- (vii) Point II(4) is replaced by the following:
  - '(a) reception of the application and verification of the employment situation (e.g. confirmation of the periods of employment, classification of unemployment, checks on the situation):
  - (b) grant and payment of unemployment benefits (e.g. verification of the conditions for eligibility to benefits, fixing the amount and duration, checks on the situation for maintaining, suspending or terminating payment):

Instituto Regional de Emprego: Centro Regional de Emprego (Regional Institute of Employment: Regional Employment Centre), Funchal

Centro de Segurança Social da Madeira (Social Security Centre of Madeira), Funchal'

- (viii) Point II(5) is replaced by the following:
  - '5. Benefits from a non-contributory social security scheme:

Centro de Segurança Social da Madeira (Social Security Centre of Madeira), Funchal'

- (ix) Point III(1) is replaced by the following:
  - Sickness, maternity and family benefits (for sickness and maternity benefits in kind see also Annex 10):

Instituto de Gestão dos Regimes de Segurança Social: Centro de Prestações Pecuniárias (Institute for the Management of Social Security Schemes: Centre for Cash Benefits) of the place of residence or place of stay of the person concerned'

- (x) Point III(2) is replaced by the following:
  - '2. (a) Invalidity, old age and death:

Instituto de Gestão de Regimes de Segurança Social: Centro Coordenador de Prestações Diferidas (Institute for the Management of Social Security Schemes: Coordinating Centre for Deferred Benefits), Angra do Heroísmo

(b) invalidity, old age and death under the special social security scheme for agricultural workers: Instituto de Gestão de Regimes de Segurança Social: Centro Coordenador de Prestações Diferidas (Institute for the Management of Social Security Schemes: Coordinating Centre for Deferred Benefits), Angra do Heroísmo'

- (xi) Point III(4) is replaced by the following:
  - '(a) reception of the application and verification of the employment situation (e.g. confirmation of the periods of employment classification of unemployment, checks on the situation):
  - (b) grant and payment of unemployment benefits (e.g. verification of the conditions for eligibility to benefits, fixing the amount and duration, checks on the situation for maintaining, suspending or terminating payment):

Agência para a Qualificação e Emprego (Agency for Qualification and Employment) where the person concerned resides

Centro de Prestações Pecuniárias (Centre for Cash Benefits) of the place of residence of the person concerned.

- (xii) Point III(5) is replaced by the following:
  - '5. Benefits from a non-contributory social security scheme:

Instituto de Gestão dos Regimes de Segurança Social: Centro de Prestações Pecuniárias (Institute for the Management of Social Security Schemes: Centre for Cash Benefits) of the place of residence of the person concerned'.

- 4. Annex 4 is amended as follows:
  - (a) Section 'J. NETHERLANDS' is amended as follows:

Point 1(a) is replaced by the following:

'(a) benefits in kind:

College voor zorgverzekeringen (Care Insurance Board), Amstelveen'

(b) Section 'K. AUSTRIA' is amended as follows:

Point 3 is replaced by the following:

- '(a) Family benefits with the exception of Karenzgeld (parental leave allowance):
- (b) Karenzgeld (parental leave allowance):

Bundesministerium für soziale Sicherheit und Generationen (Federal Ministry of Social Security and Generations), Vienna

Bundesministerium für Wirtschaft und Arbeit (Federal Ministry of Economic Affairs and Labour), Vienna'.

- 5. Annex 5 is amended as follows:
  - (a) Heading '28. GERMANY-SPAIN' is replaced by the following: 'Does not apply'
  - (b) Under heading '32. GERMANY-ITALY' the following part (d) is added:

    '(d) Agreement of 3 April 2000 on the collection and recovery of social security contributions'
  - (c) Heading '35. GERMANY-AUSTRIA' is replaced by the following:
    - (a) Section II, Number 1, and Section III of the Agreement of 2 August 1979 on the implementation of the Convention on unemployment insurance of 19 July 1978
    - (b) Agreement of 21 April 1999 on the refund of costs in the field of social security'
  - (d) Heading '36. GERMANY-PORTUGAL' is replaced by the following: 'Convention of 10 February 1998 on the refund of costs for sickness benefits in kind'
  - (e) Heading '71. IRELAND-AUSTRIA' is replaced by the following: 'Agreement of 25 April 2000 on the refund of costs in the field of social security'
  - (f) Heading '74. IRELAND-SWEDEN' is replaced by the following: 'Agreement of 8 November 2000 on the waiving of reimbursement of the costs of benefits in kind of sickness, maternity, accidents at work and occupational diseases, and the costs of administrative and medical controls'
  - (g) Heading '92. NETHERLANDS-SWEDEN' is replaced by the following: 'Agreement of 28 June 2000 on the reimbursement of costs of benefits in kind provided under Title III, Chapter 1, of the Regulation.'
  - (h) Heading '94. AUSTRIA-PORTUGAL' is replaced by the following: 'Agreement of 16 December 1998 on the refund of costs for benefits in kind'
- 6. Annex 6 is amended as follows:

Section 'C. GERMANY' is amended as follows:

- (i) Point 4(a) is replaced by the following:
  - '(a) dealings with Greece, Italy, the Netherlands and Portugal: payment through the liaison bodies of the competent State and the State of residence (joint application of Articles 53 to 58 of the implementing Regulation and of the provisions set out in Annex 5)'
- (ii) Point 4(b) is replaced by the following:
  - '(b) dealings with Belgium, Spain, France and Austria: payment through the liaison body of the competent State'
- 7. Annex 9 is amended as follows:

Section 'K. AUSTRIA' is amended as follows:

The average annual cost of benefits in kind shall be calculated by taking into consideration:

- 1. the benefits provided by the Gebietskrankenkassen (Regional Funds for Sickness Insurance);
- 2. the benefits provided by hospitals for which a Landesfonds (regional fund) is responsible;
- 3. the benefits provided by other hospitals covered by the agreement between the Hauptverband der österreichischen Sozialversicherungsträger (Main Association of Austrian Social Insurance Institutions) and the Wirtschaftskammer Österreich (Austrian Chamber of Commerce) applying on 31 December 2000, and
- 4. the benefits provided by the Fonds zur Mitfinanzierung der In-vitro-Fertilisation (In Vitro Fertilisation Cofinancing Fund), Vienna'.
- 8. Annex 10 is amended as follows:
  - (a) Section 'J. NETHERLANDS' is amended as follows:

Point 4(a) is replaced by the following:

'(a) refunds provided for in Articles 36 and 63 of the Regulation: College voor zorgverzekeringen (Care Insurance Board), Amstelveen'

(b) Section 'K. AUSTRIA' is amended as follows:

Point 1 is replaced by the following:

 $^{\circ}$ 1. For the purpose of applying Article 14(1)(b), Article 14a(1)(b) and Article 17 of the Regulation:

Bundesminister für soziale Sicherheit und Generationen (Federal Minister for Social Security and Generations), in agreement with the respective public administration with regard to special schemes for civil servants'

(c) Section 'L. PORTUGAL' is amended as follows:

Heading 'A. IN GENERAL' is amended as follows:

- (i) Point I(2) is replaced by the following:
  - '2. For the purposes of applying Article 11(1) and Article 11a of the implementing Regulation:

Instituto de Solidariedade e Segurança Social: Centro Distrital de Solidariedade e Segurança Social (Institute of Solidarity and Social Security: District Centre of Solidarity and Social Security) where the posted worker concerned is registered'

- (ii) Point I(3) is replaced by the following:
  - '3. For the purposes of applying Article 12a of the implementing Regulation:

Instituto de Solidariedade e Segurança Social: Centro Distrital de Solidariedade e Segurança Social (Institute of Solidarity and Social Security: District Centre of Solidarity and Social Security) of the place of residence of the worker or where the worker is registered, depending on the case'

- (iii) Point I(6) is replaced by the following:
  - '6. For the purposes of applying Article 14(3) of the implementing Regulation:

Instituto de Solidariedade e Segurança Social: Centro Distrital de Solidariedade e Segurança Social (Institute of Solidarity and Social Security: District Centre of Solidarity and Social Security), Lisbon'

- (iv) Point I(7) is replaced by the following:
  - '7. For the purposes of applying Article 28(1), Article 29(2) and (5), Article 30(1) and (3) and Article 31(1) (second sentence) of the implementing Regulation (with regard to the issuing of certificates):

Instituto de Solidariedade e Segurança Social: Centro Distrital de Solidariedade e Segurança Social (Institute of Solidarity and Social Security: District Centre of Solidarity and Social Security) of the place of residence of the person concerned'

- (v) Point I(10) is replaced by the following:
  - '10. For the purposes of applying Article 80(2), Article 81 and Article 85(2) of the implementing Regulation:

Instituto de Solidariedade e Segurança Social: Centro Distrital de Solidariedade e Segurança Social (Institute of Solidarity and Social Security: District Centre of Solidarity and Social Security) where the person concerned was last registered'

- (vi) Point II(2) is replaced by the following:
  - '2. For the purposes of applying Article 11(1) and Article 11a of the implementing Regulation:

Centro de Segurança Social da Madeira (Social Security Centre of Madeira), Funchal'

- (vii) Point II(3) is replaced by the following:
  - '3. For the purposes of applying Article 12a of implementing Regulation:

Centro de Segurança Social da Madeira (Social Security Centre of Madeira), Funchal'

- (viii) Point II(6) is replaced by the following:
  - '6. For the purposes of applying Article 14(3) of the implementing Regulation:

Centro de Segurança Social da Madeira (Social Security Centre of Madeira), Funchal'

- (ix) Point II(7) is replaced by the following:
  - '7. For the purposes of applying Article 28(1), Article 29(2) and (5), Article 30(1) and (3) and Article 31(1) (second sentence) of the implementing Regulation (with regard to the issuing of certificates):

Centro de Segurança Social da Madeira (Centre of Madeira), Funchal'

- (x) Point II(9) is replaced by the following:
  - '9. For the purposes of applying Article 17(6) and (7), Article 18(3), (4) and (6), Article 20, Article 21(1), Article 22, Article 31(1) (first sentence) and Article 34(1) and (2) (first subparagraph) of the implementing Regulation (concerning the institution of the place of residence or the institution of the place of stay, whichever applies):

Centro Regional de Saúde (Regional Health Centre), Funchal'

- (xi) Point II(10) is replaced by the following:
  - '10. For the purposes of applying Article 80(2), Article 81 and Article 85(2) of the implementing Regulation:

Centro de Segurança Social da Madeira (Social Centre of Madeira), Funchal'

- (xii) Point III(1) is replaced by the following:
  - '1. For the purposes of applying Article 17 of the Regulation:

Direcção Regional da Solidariedade e da Segurança Social (Regional Directorate of Solidarity and Social Security), Angra do Heroísmo'

- (xiii) Point III(2) is replaced by the following:
  - '2. For the purposes of applying Article 11(1) and Article 11a of the implementing Regulation:

Instituto de Gestão de Regimes de Segurança Social: Centro de Prestações Pecuniárias (Institute for the Management of Social Security Schemes: Centre for Cash Benefits) where the posted worker concerned is registered'

- (xiv) Point III(3) is replaced by the following:
  - '3. For the purposes of applying Article 12a of the implementing Regulation:

Instituto de Gestão de Regimes de Segurança Social: Centro de Prestações Pecuniárias (Institute for the Management of Social Security Schemes: Centre for Cash Benefits) of the place of residence or place of stay of the worker of residence or place of stay of the worker, depending on the case'

- (xv) Point III(6) is replaced by the following:
  - '6. For the purposes of applying Article 14(3) of the implementing Regulation:

Instituto de Gestão de Regimes de Segurança Social: Centro de Prestações Pecuniárias (Institute for the Management of Social Security Schemes: Centre for Cash Benefits), Angra do Heroísmo'

- (xvi) Point III(7) is replaced by the following:
  - '7. For the purposes of applying Article 28(1), Article 29(2) and (5), Article 30(1) and (3) and Article 31(1) (second sentence) of the implementing Regulation (with regard to the issuing of certificates):

Instituto de Gestão de Regimes de Segurança Social: Centro de Prestações Pecuniárias (Institute for the Management of Social Security Schemes: Centre for Cash Benefits) where the person concerned resides' (xvii) Point III(9) is replaced by the following:

'9. For the purposes of applying Article 17(6) and (7), Article 18(3), (4) and (6), Article 20, Article 21(1), Article 22, Article 31(1) (first sentence) and Article 34(1) and (2) (first subparagraph) of the implementing Regulation (concerning the institution of the place of residence or the institution of the place of stay, whichever applies):

Centro de Saúde (Health Centre) of the place of residence or place of stay of the person concerned'

(xviii) Point III(10) is replaced by the following:

'10. For the purposes of applying Article 80(2), Article 81 and Article 85(2) of the implementing Regulation:

Instituto de Gestão de Regimes de Segurança Social: Centro de Prestações Pecuniárias (Institute for the Management of Social Security Schemes: Centre for Financial Benefits) where the person concerned was last registered'