

Public consultation on EU Social Security Coordination

Fields marked with * are mandatory.

I. Family benefits

REMEMBER:

- Family benefits are generally tax financed and paid to cover family expenses.
- If a parent works in one country and the child resides in another country, the parent is normally entitled to family benefits from the country in which he/she works.
- There could also be an entitlement to family benefits in the country of work and country of residence of the child at the same time, for example when the other parent works in the country of residence or the social security rules of the country of residence of the child provide family benefits solely on the basis of residence. It is therefore necessary to have "priority rules" to determine if either the country of work, or the country of residence has primary responsibility for paying the family benefits. Imagine a situation in which the country of work has primary responsibility for paying family benefits and the country of residence has secondary responsibility. If the amount in the country of residence is higher than in the country of work, the country of residence will also have responsibility to top up the family benefits paid to the family to the amount payable in the country of residence.
- A more detailed explanation of the priority rules can be found on [DG Employment's website](#).
- For the sake of simplicity, we will only refer to family benefits in this section. Wherever we refer to family benefits, we mean child benefits and other benefits that are intended as a remuneration for bringing up a child, or to offset other costs involved in caring for and raising a child such as child care allowance, child raising allowance or special allowances for children with disabilities.

* 1. Are you aware of the European rules on cross-border payment of family benefits?

- Yes
 No

2. What is your opinion on the European rules on the cross-border payment of family benefits?

1= strongly disagree

2 = disagree

3 = neutral

4 = agree

5 = strongly agree

	1	2	3	4	5
a) The rules are satisfactory	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) The application of the rules could be improved in practice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
c) The rules could be explained better in practice	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) The rules need to be changed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

3. In case you think the rules should be changed, what changes would you propose?

500 character(s) maximum

Family benefits should remain to be provided by the member state where the parent works. But if family members reside in a different country, the benefits should be adapted to the cost of living. The regulation should be changed to allow not only to provide higher benefits where the cost of living in the country where the family member resides is more than in the country where the parent works -already possible in the regulation- but also to provide lower benefits, if the cost of living is less.

II. Unemployment benefits

REMEMBER:

- Many countries use a qualifying period of insurance or (self-)employment before an entitlement to unemployment benefits exists. Sometimes a worker or self-employed person becomes unemployed without having acquired sufficient periods of insurance, or (self-)employment to fulfil the qualifying period for unemployment benefits in the country where he/she claims the unemployment benefit. In that situation, the institution of that country is obliged to take the periods of insurance or (self-)employment completed under the legislation of any other EU-country into account. This adding-up of periods is called "aggregation".
- The country in which the claim is made is only required to aggregate if the person has most recently completed periods of insurance or (self-)employment in that country. However, the current rules do not specify the length of period of insurance, or (self-)employment required before the aggregation applies. In most cases, one day of insurance or (self-)employment is sufficient.
- According to the EU rules, where national legislation provides that the amount of the unemployment benefit is calculated on the basis of the level of the salary or professional earnings, such calculation will be made exclusively on the basis of the previous salary or professional earnings in the last country of work.
- More information on the coordination of unemployment benefits can be found on [DG Employment's website](#). This link is provided for background information only.

* 1. Are you aware of the European rules on the aggregation of periods of insurance or (self-)employment for unemployment benefits?

- Yes
 No

2. What is your opinion on the European rules on the aggregation of periods of insurance or (self-)employment for unemployment benefits?

1= strongly disagree

2 = disagree

3 = neutral

4 = agree

5 = strongly agree

	1	2	3	4	5
a) The rules are satisfactory	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) The application of the rules could be improved in practice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
c) The rules could be explained better in practice	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) The rules need to be changed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

3. In case you think the rules should be changed, what changes would you propose?

500 character(s) maximum

When granting unemployment benefit to mobile workers, authorities should be able to take account of employment and earnings received in other Member States. A minimum period of work in the country of destination could also be introduced. A 4 week waiting period to export benefits to another MS may be enough for authorities to exchange information, but not necessarily for a successful job search. While authorities can currently reduce this waiting period, they should also be allowed to extend it.

III. Coordination rules on posting

REMEMBER:

- If a person is sent by his/her employer (or him/herself in the case of self-employed) to work in another country for a maximum of 24 months, he/she will remain insured in the country of origin. This means that the employer and/or the person will continue to pay the social security contributions in the country of origin. This is the case of so-called "posted workers" to whom specific conditions apply.
- The posting rules aim at avoiding frequent changes in the social security situation in the case of short periods of work abroad.

* 1. Are you aware of the European coordination rules on social security for posted employed and self-employed persons?

- Yes
 No

2. What is your opinion on the European coordination rules on social security for posted employed and self-employed persons?

1 = strongly disagree

2 = disagree

3 = neutral

4 = agree

5 = strongly agree

	1	2	3	4	5
a) The rules are satisfactory	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
b) The application of the rules could be improved in practice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
c) The rules could be explained better in practice	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) The rules need to be changed	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. In case you think the rules should be changed, what changes would you propose?

500 character(s) maximum

The rules could be applied better, including through improved procedures linked to A1 forms to increase the reliability of the forms and build trust between national authorities from different Member States. An initial maximum duration of social security payments in the country of origin of 24 months seems broadly appropriate but given the specific needs in certain sectors more flexibility is necessary with regard to procedures for extensions to fit well with the variable needs of companies.

General comments

1. Do you wish to raise other issue(s) regarding the cross-border coordination or payment of social security benefits?

500 character(s) maximum

Improving coordination of social security helps address abuses, promote mobility and improve its political acceptance. Better cooperation between authorities is needed and more incentive to control, even when they are not the member state paying, e.g. when benefits are exported. Export of unemployment benefits should not be extended from 3 to 6 months. The possibility for Member States to extend this up to 6 months is sufficient and allows them to take account of labour market realities.

2. Do you have any comments in relation to this questionnaire and/or suggestions for future consultations on EU social security coordination rules?

500 character(s) maximum

The consultation meeting that took place with the European social partners on the mobility package was useful but further contacts should be considered before the package will be published. We also note that only a limited number of issues/types of benefits are covered in the consultation. Given that many others are covered by social security coordination rules, the Commission should continue to assess and consult us in the future if there is a need to address other types of benefits.

Personal and background information

Name:

BUSINESSEUROPE

Address:

Avenue de Cortenbergh 168, 1000 Brussels

Phone number:

E-mail:

* Country:

Belgium

* You reply:

- As an individual
 On behalf of an organisation

* If organisation:

Type of your organisation:

Employers' organisation

Register ID number (if you/your organisation is registered in the Transparency Register):

If you would like to register, please refer to the [Transparency Register website](#) to see how to proceed.

3978240953-79

* Your reply:

- can be directly published with your personal information** (I consent to publication of all information in my contribution in whole or in part including my name/the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)
- can be directly published provided that I/my organisation remain(s) anonymous** (I consent to publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that this is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)
- cannot be directly published but may be included within statistical data** - (I understand that my contribution will not be directly published, but that my anonymised responses may be included in published statistical data, for example, to show general trends in the response to this consultation)

Contact

✉ EMPL-CONSULTATION-SOCIAL-SECURITY@ec.europa.eu
