Regulation (EC) No 1992/2006 of the European Parliament and of the Council of 18 December 2006 amending Council 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 (Text with EEA relevance)

REGULATION (EC) No 1992/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 18 December 2006

amending Council 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

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 308 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Economic and Social Committee[(1)],

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(2)],

Whereas:

(1) In order to take account of changes in the legislation of certain Member States, certain Annexes to Regulation (EEC) No 1408/71 need to be adapted.

(2) Regulation (EEC) No 1408/71 should therefore be amended accordingly.

(3) To ensure that the fundamental reform of the Netherlands health insurance scheme with effect from 1 January 2006 is correctly reflected in the European coordinating provisions from the date on which it took effect and thus to provide legal certainty regarding the coordination of sickness benefits, it is necessary to provide that the amendments of Annexes I and VI to Regulation (EEC) No 1408/71 which relate to the reform of the Netherlands health care insurance scheme apply retroactively with effect from 1 January 2006.

(4) The Treaty does not provide powers other than those under Article 308 to take appropriate measures within the field of social security for persons other than employed persons,

HAVE ADOPTED THIS REGULATION:

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EC) No 1992/2006 of the European Parliament and of the Council. (See end of Document for details)*

Article 1

Annexes I, II, IIa, III, IV and VI to Regulation (EEC) No 1408/71 shall be amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union.

Point 1(b) and point 6(b) of the Annex, regarding the Netherlands, shall apply with effect from 1 January 2006, save that section 'Q. NETHERLANDS', point 1(f), sixth indent of Annex VI to Regulation (EEC) No 1408/71, as added by point 6(b) of the Annex to this Regulation, shall apply from the date provided for in the first paragraph of this Article.

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

Done at Strasbourg, 18 December 2006.

For the European Parliament

The President

J. BORRELL FONTELLES

For the Council

The President

J.-E. ENESTAM

ANNEX

The Annexes to Regulation (EEC) No 1408/71 are amended as follows:

1. Annex I is amended as follows:

   (a) Part I, section ‘X. SWEDEN’ shall be replaced by the following:

   X. SWEDEN

   Persons who are engaged in gainful activity and who pay their own contributions on this income pursuant to Chapter 3, paragraph 3, of the Social Insurance Contributions Act (2000:980) shall be considered as self-employed.;

   (b) Part II, section ‘Q. NETHERLANDS’ shall be replaced by the following:

   Q. NETHERLANDS

   For the purpose of determining entitlement to benefits pursuant to Chapters 1 and 4 of Title III of this Regulation, “member of the family” means a spouse, registered partner or child under the age of 18..

2. In Annex II, Part III, section ‘R. AUSTRIA’ shall be replaced by the following:

   R. AUSTRIA

   None..

3. Annex IIa is amended as follows:

   (a) Section ‘M. LITHUANIA’ shall be replaced by the following:

   M. LITHUANIA

   (a) Social assistance pension (Law of 2005 on State Social Allowances, Article 5).

   (b) Special relief compensation (Law of 2005 on State Social Allowances, Article 15).

   (c) Special transport compensation for the disabled who have mobility problems (Law of 2000 on Transport Compensation, Article 7).;

   (b) in section ‘V. SLOVAKIA’, the sole point shall become point (a) and the following point shall be added:

   (b) Social pension which has been awarded before 1 January 2004..

4. In Annex III, Part A, point 187 shall be deleted.

5. Annex IV is amended as follows:

   (a) in Part A, section ‘V. SLOVAKIA’ shall be replaced by the following:

   V. SLOVAKIA

   Invalidity pension for a person who became invalid as a dependent child and who is always deemed to have fulfilled the required period of

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EC) No 1992/2006 of the European Parliament and of the Council. (See end of Document for details)*

insurance (Article 70(2), Article 72(3) and Article 73(3) and (4) of Act No 461/2003 on social insurance, as amended).;

(b) in Part B, section 'G. SPAIN' shall be replaced by the following:

G. SPAIN

Scheme for lowering the retirement age of self-employed persons engaged in seafaring activities as described in Royal Decree No 2390/2004 of 30 December 2004.;

(c) Part C is amended as follows:

(i) Section 'V. SLOVAKIA' shall be replaced by the following:

V. SLOVAKIA

Survivor's pension (widow's, widower's and orphan's pension) the amount of which is derived from the old-age pension, pre-retirement old-age pension or invalidity pension formerly paid to the deceased.

(ii) Section 'X. SWEDEN' shall be replaced by the following:

X. SWEDEN

Income-based old-age pensions (Act 1998:674) and guarantee pensions in the form of old-age pensions (Act 1998:702).;

(d) Part D is amended as follows:

(i) Point 1(i) shall be replaced by the following:

(i) Swedish guarantee pension and guaranteed compensation which have replaced the full Swedish state pensions provided under the legislation on the state pension which applied before 1 January 1993, the full state pension awarded under the transitional rules of the legislation applying from that date and Swedish income-related sickness compensation and activity compensation.

(ii) Point 2(i) shall be replaced by the following:

(i) Swedish sickness compensation and activity compensation in the form of guaranteed compensation (Act 1962:381, as amended by Act 2001:489), survivor's pension, as calculated on the basis of reckonable periods (Acts 2000:461 and 2000:462) and Swedish old-age pension in the form of guarantee pension calculated on the basis of previously credited periods (Act 1998:702).

(iii) Point 3 is amended as follows:

— Point 3(a) shall be replaced by the following:

(a) Nordic Convention on Social Security of 18 August 2003.

— the following point shall be added:

(c) Social Security Agreement of 10 November 2000 between the Republic of Finland and the Grand Duchy of Luxembourg..

6. Annex VI is amended as follows:

(a) Section 'E. ESTONIA' shall be replaced by the following:

E. ESTONIA

For the purpose of calculating parental benefit, the periods of employment in Member States other than Estonia shall be considered to be based on the same average amount of social tax as that paid during the periods of employment in Estonia, with which they are aggregated. If, during the reference year, the person has been employed only in other Member States, the calculation of the benefit shall be considered to be based on the average social tax paid in Estonia between the reference year and the maternity leave.;

(b) in section 'Q. NETHERLANDS', point 1 shall be replaced by the following:

1. Health care insurance

(a) As regards entitlement to benefits in kind under Netherlands legislation, persons entitled to benefits in kind for the purpose of the implementation of Chapters 1 and 4 of Title III of this Regulation shall mean:

(i) persons who, under Article 2 of the Zorgverzekeringswet (Health Care Insurance Act), are obliged to take out insurance under a health care insurer,

and

(ii) insofar as they are not already included under point (i), persons who are resident in another Member State and who, under this Regulation, are entitled to health care in their state of residence, the costs being borne by the Netherlands.

(b) The persons referred to in point (a)(i) must, in accordance with the provisions of the Zorgverzekeringswet (Health Care Insurance Act), take out insurance with a health care insurer, and the persons referred to in point a(ii) must register with the College voor zorgverzekeringen (Health Care Insurance Board).

(c) The provisions of the Zorgverzekeringswet (Health Care Insurance Act) and the Algemene wet bijzondere ziektekosten (Law on General Insurance Against Special Medical Expenses) concerning liability for the payment of contributions shall apply to the persons referred to under point (a) and the members of their families. In respect of family members, the contributions shall be