Regulation (EC) No 629/2006 of the European Parliament and of the Council of 5 April 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 and Council Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 (Text with EEA relevance)

REGULATION (EC) No 629/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 5 April 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 and Council Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71

(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) With the entry into force of Regulation (EC) No 631/2004 of the European Parliament and of the Council of 31 March 2004 amending Council Regulation (EEC) No 1408/71 and Council Regulation (EEC) No 574/72, in respect of the alignment of rights and the simplification of procedures[(3)], procedures for obtaining access to sickness benefits in kind during a temporary stay in another Member State were simplified. It is appropriate to extend the simplified procedures to the provisions on benefits in respect of accidents at work and occupational diseases contained in Regulations (EEC) No 1408/71[(4)] and (EEC) No 574/72[(5)].

(2) In order to take account of changes in the legislation of certain Member States, in particular in the new Member States since the end of accession negotiations, the Annexes to Regulation (EEC) No 1408/71 need to be adapted.

(3) Regulations (EEC) No 1408/71 and (EEC) No 574/72 should therefore be amended accordingly.

(4) In order to ensure legal certainty and to protect the legitimate expectations of persons affected, it is necessary to provide that certain provisions modifying Annex III to Regulation (EEC) No 1408/71 take effect retroactively from 1 May 2004.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EC) No 629/2006 of the European Parliament and of the Council. (See end of Document for details)*

(5) 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:

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

Regulation (EEC) No 574/72 is hereby amended as follows:

1. in Article 60, paragraphs 5 and 6 shall be deleted;

2. Article 62 shall be replaced by the following:

Article 62

Benefits in kind in the case of a stay in a Member State other than the competent State

1 In order to receive benefits in kind under Article 55(1)(a)(i) of the Regulation, an employed or self-employed person shall submit to the care provider a document issued by the competent institution certifying that he is entitled to benefits in kind. That document shall be drawn up in accordance with Article 2. If the person concerned is not able to submit that document, he shall contact the institution of the place of stay which shall request from the competent institution a certified statement testifying that the person concerned is entitled to benefits in kind.

A document issued by the competent institution for entitlement to benefits in accordance with Article 55(1)(a)(i) of the Regulation, in each individual case concerned, shall have the same effect with regard to the care provider as national evidence of the entitlements of the persons insured with the institution of the place of stay.

2 Article 60(9) of the implementing Regulation shall apply *mutatis mutandis*.;

3. Article 63(2) shall be replaced by the following:

2. Article 60(9) of the implementing Regulation shall apply *mutatis mutandis*.;

4. in Article 66(1), ‘in Articles 20 and 21’ shall be replaced by ‘in Article 21’;

5. in Article 93(1), ‘22b’ shall be deleted and ‘34a or 34b’ shall be replaced by ‘or 34a’.

Article 3

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

Point 5(a)(ii) to (ix) and point 5(b)(ii) and (iv) of the Annex shall apply from 1 May 2004.

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

Done at Strasbourg, 5 April 2006.

For the European Parliament

The President

J. BORRELL FONTELLES

For the Council

The President

H. WINKLER

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EC) No 629/2006 of the European Parliament and of the Council. (See end of Document for details)*

ANNEX

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

1. in Annex I, section II, point 'V. SLOVAKIA' is replaced by the following:

   V. SLOVAKIA

   For the purpose of determining entitlement to benefits in kind pursuant to the provisions of Chapter 1 of title III of the Regulation, "member of the family" means a spouse and/or a dependent child as defined by the Act on Child Allowance;

2. in Annex II, section I, point 'H. FRANCE' is replaced by the following:

   H. FRANCE

   1. Supplementary benefit schemes for self-employed persons in craft-trade, industrial or commercial occupations or the liberal professions, supplementary old-age insurance schemes for self-employed persons in the liberal professions, supplementary insurance schemes for self-employed persons in the liberal professions covering invalidity or death, and supplementary old-age benefit schemes for contracted medical practitioners and auxiliaries, as referred to respectively in Articles L.615-20, L.644-1, L.644-2, L.645-1 and L.723-14 of the Social Security Code.

   2. Supplementary sickness and maternity insurance schemes for self-employed workers in agriculture, as referred to in Article L.727-1 of the Rural Code.;

3. Annex II, section II is amended as follows:

   (a) point 'E. ESTONIA' is replaced by the following:

      E. ESTONIA

      (a) Childbirth allowance;

      (b) Adoption allowance;

   (b) point 'L. LATVIA' is replaced by the following:

      L. LATVIA

      (a) Childbirth grant;

      (b) Adoption allowance;

   (c) point 'S. POLAND' is replaced by the following:

      S. POLAND

      Childbirth supplement (Act of 28 November 2003 on family benefits);

4. Annex IIa is amended as follows:

   (a) in point 'D. GERMANY', 'None' is replaced by:

      Benefits to cover subsistence costs under the basic provision for jobseekers unless, with respect to these benefits, the eligibility requirements for a temporary supplement following receipt of

***Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 629/2006 of the European Parliament and of the Council. (See end of Document for details)*

unemployment benefit (Article 24(1) of Book II of the Social Code) are fulfilled;

(b) point ‘L. LATVIA’ is replaced by the following:

L. LATVIA

(a) State Social Security Benefit (Law on State Social Benefits of 1 January 2003);

(b) Allowance for the compensation of transportation expenses for disabled persons with restricted mobility (Law on State Social Benefits of 1 January 2003);

(c) point ‘S. POLAND’ is replaced by the following:

S. POLAND

Social pension (Act of 27 June 2003 on social pensions);

(d) point ‘V. SLOVAKIA’ is replaced by the following:

V. SLOVAKIA

Adjustment awarded before 1 January 2004 to pensions constituting the sole source of income.;

5. Annex III is amended as follows:

(a) part A is amended as follows:

(i) the following points are deleted:

points 1, 4, 10, 11, 12, 14, 15, 18, 20, 21, 25, 27, 28, 29, 30, 31, 32, 34, 35, 37, 38, 39, 41, 42, 43, 45, 46, 47, 49, 55, 56, 57, 59, 60, 63, 65, 66, 70, 76, 77, 78, 81, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 115, 116, 117, 119, 120, 123, 125, 126, 133, 134, 135, 137, 138, 141, 143, 144, 150, 151, 152, 154, 155, 158, 160, 161, 166, 167, 168, 170, 171, 174, 176, 177, 181, 182, 183, 185, 186, 189, 192, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 239, 241, 246, 247, 249, 250, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 266, 268, 269, 280, 281, 282, 283, 284, 285, 286, 287, 291, 292, 293, 294, 295, 296, 297;

(ii) the numbering is changed as follows:

BELGIUM-GERMANY, from ‘3’ to ‘1’,
CZECH REPUBLIC-GERMANY, from ‘26’ to ‘2’,
CZECH REPUBLIC-CYPRUS, from ‘33’ to ‘3’,
CZECH REPUBLIC-LUXEMBOURG, from ‘36’ to ‘4’,
CZECH REPUBLIC-AUSTRIA, from ‘40’ to ‘5’,
CZECH REPUBLIC-SLOVAKIA, from ‘44’ to ‘6’,
DENMARK-FINLAND, from ‘67’ to ‘7’,
DENMARK-SWEDEN, from ‘68’ to ‘8’,