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MEMO

Last week the Council of Ministers adopted, on a proposal of the Commission, a regulation on social security for frontier workers. Further information on the subject is given below.

By definition, frontier workers are employed in and therefore affiliated to the social security scheme of the neighbouring country to that in which they live. Consequently, they are not eligible for all the social benefits to which they would normally be entitled: for administrative reasons the social security legislation of a given country generally makes the grant of maternity, industrial accident or unemployment benefit and family allowances conditional upon a period of residence on its territory.

To remedy this situation, a number of conventions for the benefit of frontier workers had been concluded before the European Economic Community was set up. There remained, however, many gaps.

The purpose of the Council regulation is to guarantee frontier workers and their families the right to all social security benefits in the country where they are employed and to ensure that the benefits are provided in their country of residence - if need be through the appropriate offices in the latter country. The regulation will apply to refugees and stateless persons as well as to nationals of Member States.

As regards sickness or maternity insurance, the regulation specifies that cash benefits (daily invalidity allowances) will be paid to the frontier worker by the institution to which he is affiliated, either in his country of residence by international money order, or in the country of employment at the appropriate office.

Benefits in kind (medical care) are to be provided for the frontier worker and his family through the office in their place of residence, which must place them on the same footing as its own insured persons. This office will then be reimbursed by the institution in the country of employment to which the worker is affiliated. The latter institution may also provide the frontier worker with benefits in kind when he needs them in the country of employment, and this also applies to members of his family in certain cases - particularly in an emergency.

Industrial-accident or occupational-disease benefits will be provided on the same lines. Compensation for accidents occurring on the way between the place of residence and the frontier will be paid in the same way as those taking place in the country of employment. Ambulance costs may also be charged to the institution to which the victim is affiliated.

In the case of unemployment, a distinction is made between full unemployment and partial or casual unemployment. For full unemployment, benefits - including related benefits such as medical care or family allowances - are provided by the institution of the place of residence and the unemployed worker is obliged to comply with the regulations in force in that country (signing on at the labour exchange, administrative control, etc.) while in the case of partial or casual unemployment the worker receives benefit from the country in which he was employed as if he were residing there.

With regard to family allowances, the frontier worker receives his children's allowances from the country in which he is employed, and these are paid up to the level of the rates in force in his home country.

The provisions applying to invalidity, old-age, industrial-accident or occupational-disease pensions are those already laid down in Regulations Nos. 3 and 4, which stipulate that insurance periods completed in different countries are taken into consideration for entitlement to benefit and the calculation of benefit, and that the pensions are paid in any Member State.

The regulation will supersede the provisions of existing bilateral conventions, except those which are more advantageous to the workers concerned and which the Council may maintain in force by a later regulation adopted on a proposal of the Commission within six months. The two regulations will come into force at the same time.

The number of frontier workers who will benefit from this regulation was put at 115 000 a year ago. With members of their families, the total number of persons benefiting may be estimated at 300 000.

The biggest movements of frontier workers are from Belgium to France (chiefly workers in the iron and steel and textiles industries) and from the Netherlands to Germany (mainly building and construction workers).