



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.06.1995  
COM(95)284 final

94/0111 (CNS)

Amended proposal for a

COUNCIL REGULATION (EC)  
amending 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, Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71, Regulation (EEC) No 1247/92 amending Regulation (EEC) No 1408/71 and Regulation (EEC) No 1945/93 amending Regulation (EEC) No 1247/92

(presented by the Commission pursuant to Article 189 a (2)  
of the EC-Treaty)



## EXPLANATORY MEMORANDUM

relating to the amended proposal for a Council Regulation (EC) amending 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, Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71, Regulation (EEC) No 1247/92 amending Regulation (EEC) No 1408/71 and Regulation (EEC) No 1945/93 amending Regulation (EEC) No 1247/92

### EXPLANATORY NOTE

*Following the Opinion of the European Parliament<sup>1</sup> on the proposal for a Regulation which the Commission transmitted to the Council on 21 April 1994<sup>2</sup>, three new points should be added to Article 1 of the proposal. Two new points 1 and 1a are inserted. The present point 1 of Article 1 becomes point 1b and a new point 1c is added after point 1b. The remainder of the proposal remains unchanged. Three new recitals are added, two after the first recital and one after the second current recital. The following is added to the Explanatory Memorandum:*

#### Article 1

Amendments to Regulation (EEC) No 1408/71

1. Amendment to Article 20

The aim is to enable members of a frontier worker's family to choose between receiving treatment in the competent State or in the State of residence, just like the frontier worker himself. The fact is that the distinction made at present no longer seems appropriate and prior authorization should be abolished accordingly.

1a. The insertion of a new Article 22a

Many people — in particular persons other than employed and self-employed persons and nationals of non-member States and the members of their families — who are insured under the legislation of a Member State are unable to receive urgently needed medical treatment while staying in the territory of another Member State and cannot obtain

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<sup>1</sup> OJ No C ... (NB: Opinion adopted on 12 June 1995)

<sup>2</sup> COM (94) 135 final. OJ No C 143, 26.5.94, p. 7

authorization to go another Member State for treatment appropriate to their condition on account of the fact that they do not fall within the scope relating to persons of the Regulation. The new Article is intended to remedy this lacuna by enabling these people to benefit from the provisions of Article 22(1)(a) and (c) in accordance with the objective announced in the White Paper on European Social Policy<sup>3</sup>.

...

1c. The insertion of a new Article 31a

Pensioners who were last employed as frontier workers and members of their families should be able to receive medical treatment both in the State of residence and in the State where they last worked. This provision could ensure continuity with the situation provided for in Article 20.

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<sup>3</sup> COM (94) 333

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COUNCIL REGULATION (EC)

amending 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, Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71, Regulation (EEC) No 1247/92 amending Regulation (EEC) No 1408/71 and Regulation (EEC) No 1945/93 amending Regulation (EEC) No 1247/92

THE COUNCIL OF THE EUROPEAN UNION,

(Following the Opinion of the European Parliament the two following recitals should be inserted between the first and second recitals:)

...

*Whereas in Article 20 the position of members of a frontier worker's family should be brought into line with that of the frontier worker himself;*

*Whereas the benefits of Article 22(1)(a) and (c) should be extended to all persons, including nationals of non-member States, who are insured under the legislation of a Member State and to the members of their families residing with them;*

...

(Following the Opinion of the European Parliament the two following recital should be inserted between the second and third recitals:)

*Whereas for former frontier workers and members of their families it appears necessary to ensure a certain continuity in the provision of health care benefits they were receiving prior to retirement;*

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1408/71 shall be amended as follows

1. Article 20 shall be replaced by the following:

*"A frontier worker and members of their families who reside with him may also obtain benefits in the territory of the competent State. Such benefits shall be provided by the competent institution in accordance with the provisions of the legislation of that State, as though the worker were resident in that State."*

1a. The following Article 22a shall be added after Article 22:

*"Article 22a*

***Special rules for certain categories of persons***

*Notwithstanding the provisions of Article 2 of this Regulation, the provisions of Article 22(1)(a) and (c) shall also apply to persons, regardless of nationality, who are insured under the legislation of a Member State and to the members of their families who reside with them."*

1c. The following Article 31a shall be added:

*"Article 31a*

***Former frontier workers and members of their families - Special rules***

*A former frontier worker who last worked in a Member State other than the State of residence and who is entitled to a pension due under the legislation of that State and to benefits under that legislation, and the members of his family or his survivors, shall be entitled to benefits from the institution of that Member State as though they were resident there, the cost being borne by that State".*



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