

ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS**DECISION No E3****of 19 October 2011****concerning the transitional period as defined in Article 95 of Regulation (EC) No 987/2009 of the European Parliament and of the Council****(Text of relevance to the EEA and to the EC/Switzerland Agreement)**

(2012/C 12/03)

THE ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS,

Acting in accordance with the conditions laid down in Article 71(2), second subparagraph, of Regulation (EC) No 883/2004,

Having regard to Article 72(d) of Regulation (EC) No 883/2004 on the coordination of social security systems⁽¹⁾, under which the Administrative Commission is responsible to encourage as far as possible the use of new technologies, in particular by modernising procedures for exchanging information and adapting the information flow between institutions for the purposes of exchange by electronic means, taking into account the development of data processing in each Member State,

Whereas:

(1) Article 95 of Regulation (EC) No 987/2009 provides for a transitional period of 24 months from its entry into force to allow Member States to implement and integrate the necessary national infrastructure for exchanging data by electronic means.

Having regard to Article 4 of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems⁽²⁾, under which the Administrative Commission is empowered to lay down the structure, content, format and detailed arrangements for the exchange of documents and structured electronic documents and to lay down the practical arrangements for sending information, documents or decisions by electronic means to the person concerned,

(2) Article 95 of Regulation (EC) No 987/2009 empowers the Administrative Commission to agree on an extension of the transitional period for Member States if the delivery of the Community infrastructure is significantly delayed.

Having regard to Article 95(1), first subparagraph, of Regulation (EC) No 987/2009, concerning the transitional period, stating that each Member State may benefit from a transitional period for exchanging data by electronic means and that these transitional periods shall not exceed 24 months from the date of entry into force of the implementing Regulation,

(3) The Administrative Commission has conducted an overall assessment of the situation of the project, both at EU and national levels, based on the analysis from the European Commission and from the EESSI Project Steering Committee.

(4) According to this assessment, an extension of the transitional period is considered to be necessary in order to ensure the effective implementation of the EESSI system, taking into account the progress of preparations both at EU and national levels but considering at the same time that it is in the interest of all parties that this extension is limited in time.

Having regard to Article 95(1), second subparagraph, of Regulation (EC) No 987/2009, under which the Administrative Commission may agree on any appropriate extension of these periods if the delivery of the necessary Community infrastructure (Electronic Exchange of Social Security Information — EESSI) is significantly delayed with regard to the entry into force of the implementing Regulation,

(5) Considering the technical complexity of the project and in view of the different possible implementing solutions each with a different time path, the Administrative Commission considers it appropriate to extend the transitional period by 24 months in addition to the period identified under Article 95(1) of Regulation (EC) No 987/2009.

⁽¹⁾ OJ L 166, 30.4.2004, p. 1.

⁽²⁾ OJ L 284, 30.10.2009, p. 1.

- (6) The Administrative Commission, however, encourages Member States to start the electronic data exchange as soon as possible, without delay, to limit the period of parallel paper and electronic exchange as much as possible, in accordance with the intermediate milestones to be defined by the Administrative Commission, based on a proposal from the EESSI Project Steering Committee.
- (7) The Administrative Commission calls upon the EESSI Project Steering Committee to establish appropriate monitoring tools, to propose intermediate milestones and to monitor closely the progress of the implementation of EESSI in each of the Member States during the extended period.
- (8) In accordance with Article 95(1) of Regulation (EC) No 987/2009, the Administrative Commission may review this Decision on the basis of the overall planning and analysis of the EESSI Project Steering Committee.
- (9) Decision No E1 of 12 June 2009 concerning the practical arrangements for the transitional period for

the data exchange via electronic means referred to in Article 4 of Regulation (EC) No 987/2009 of the European Parliament and of the Council⁽¹⁾ will continue to apply *mutatis mutandis* during the extended period,

HAS DECIDED AS FOLLOWS:

1. The transitional periods, referred to in Article 95(1) of Regulation (EC) No 987/2009 for the full exchange of data by electronic means by the Member States will be extended by 24 months until 30 April 2014.
2. This Decision shall be published in the *Official Journal of the European Union*. This Decision shall apply from the first day of the month following its publication in the *Official Journal of the European Union*.

The Chair of the Administrative Commission
Elżbieta ROŻEK

⁽¹⁾ OJ C 106, 24.4.2010, p. 9.