

ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS**DECISION No F3****of 19 December 2018****concerning the interpretation of Article 68 of Regulation (EC) No 883/2004 relating to the method for the calculation of the differential supplement****(Text of relevance to the EEA and to the EC/Switzerland Agreement)**

(2019/C 215/02)

THE ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SCHEMES,

Having regard to Article 72(a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security schemes⁽¹⁾ under which the Administrative Commission is responsible for dealing with all administrative questions and questions of interpretation arising from the provisions of Regulation (EC) No 883/2004 and 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⁾,

Having regard to Article 68 of Regulation (EC) No 883/2004,

Having regard to Article 60 of Regulation (EC) No 987/2009;

Whereas:

- (1) Article 68(2) of Regulation (EC) No 883/2004 provides that in the case of overlapping entitlements to family benefits under the legislation of more than one Member State, family benefits shall be provided in accordance with the legislation designated as having priority in accordance with paragraph (1). Entitlements to family benefits by virtue of other conflicting legislation or legislations shall be suspended up to the amount provided for by the first legislation and a differential supplement shall be provided, if necessary, for the sum which exceeds this amount.
- (2) In order to facilitate the uniform application of Regulation (EC) No 883/2004 the Administrative Commission therefore agrees that a uniform procedure to implement the said Article should be established with regard to the comparison between the amounts provided for by the two or more legislations concerned and with regard to the determination of the differential supplement that may have to be paid by the institution concerned.

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

HAS DECIDED AS FOLLOWS:

1. The institution of the Member State whose legislation has not been designated as having priority according to Article 68(1) of Regulation (EC) No 883/2004 shall, for each member of the family, make the comparison between the amount of family benefits provided for by the legislation designated as having priority and the amount of family benefits provided by the legislation which it administers.
2. After having made the comparison for each individual member of the family, the institution concerned shall pay a differential supplement equal to the difference between the two amounts.
3. This decision shall be published on the *Official Journal of the European Union*. It enters into force on the twentieth day following that of its publication.

The Chair of the Administrative Commission

Bernhard SPIEGEL

⁽¹⁾ OJ L 166, 30.4.2004, p. 1.

⁽²⁾ OJ L 284, 30.10.2009, p. 1.