

DECISION No S6
of 22 December 2009

concerning the registration in the Member State of residence under Article 24 of Regulation (EC) No 987/2009 and the compilation of the inventories provided for in Article 64(4) of Regulation (EC) No 987/2009

(Text of relevance to the EEA and to the EC/Switzerland Agreement)

(2010/C 107/04)

THE ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS,

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 systems ⁽¹⁾, under which it is made responsible for dealing with all administrative questions and questions of interpretation arising from Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 ⁽²⁾,

Having regard to Article 35(2) of the aforementioned Regulation (EC) No 883/2004,

Having regard to Articles 24, 64(4) and (6) of Regulation (EC) No 987/2009 and Article 74 of Regulation (EC) No 883/2004,

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

HAS DECIDED AS FOLLOWS:

The rules for registration according to Article 24 of Regulation (EC) No 987/2009 (hereinafter 'Implementing Regulation') and for keeping an inventory provided for in Article 64(4) of the Implementing Regulation shall be as following:

I. Registration provided for in Article 24 of the Implementing Regulation

1. For the purposes of applying Article 24 of the Implementing Regulation, the following procedure shall be laid down.

The competent institution shall forward at the request of person concerned a relevant document according to Article 17, 22, 24, 25 or 26 of Regulation (EC) No 883/2004 (hereinafter 'Basic Regulation') and Article 24(1) of the Implementing Regulation (hereinafter 'entitlement document') to the person concerned, who must submit this document to the institution of the place of his/her residence when registering for the granting of benefits in kind.

At the request of the institution of the place of residence, the competent institution shall forward an entitlement document to that institution.

The competent institution shall inform the institution of the place of residence of any change or cancellation of the entitlement document. The receiving institution must either confirm, or contest that change or cancellation to the sending institution.

The institution of the place of residence shall inform the competent institution about the registration of the person concerned as well as of any change or cancellation of such registration. The information shall be provided as soon as the information essential for this purpose becomes available to the institution of the place of residence. The receiving institution must either confirm, or contest that change or cancellation to the sending institution.

2. The date with effect from which the cost of benefits in kind shall be reimbursable according to Articles 35 and 41 of the Basic Regulation and Articles 62 and 63 of the Implementing Regulation is:

- (a) the date on which entitlement to benefits in kind is acquired under the legislation of the competent Member State, recorded in the entitlement document;
- (b) the date of change of residence or registration where this is subsequent to the date referred to under (a) above and is recorded in the document issued by the institution of the place of residence according to Article 24(2) of the Implementing Regulation.

If the members of the family of an insured person, the pensioner or one of the members of his family are still entitled to receive benefits, in connection with carrying out a professional activity or receiving a replacement income, under the legislation of their country of residence or of another Member State, on a priority basis, in accordance with the Regulations, the registration shall begin at the day following the date on which such entitlement ends.

3. The date with effect from which the cost of benefits in kind shall cease to be paid according to Articles 35 and 41 of the Basic Regulation and Articles 62 and 63 of the Implementing Regulation is the date of cancellation of registration notified by the institution of the place of residence to the competent institution or the date of cancellation of the entitlement document notified by the competent institution to the institution of the place of residence.

⁽¹⁾ OJ L 166, 30.4.2004, p. 1.

⁽²⁾ OJ L 284, 30.10.2009, p. 1.

This date shall be stated in the cancellation document and shall be the date on which the entitlement document ceases to apply, namely,

- (i) the date of death or the date on which the person concerned changes residence to another Member State;
- (ii) the date on which entitlement to benefits in kind under the legislation of the country of residence or of another Member State is acquired, in accordance with the Regulations, in connection with the carrying out of a professional activity or in connection with the granting of a pension;
- (iii) the date from which family members cease to meet the conditions of entitlement to benefits in kind as family members under the legislation of the Member State of residence.

It is incumbent upon all national institutions to act so as to minimise the time period between the end date of the entitlement or the registration and the date when the cancellation document is communicated. In particular the determination of residence of the insured person should be based on proper scrutiny as per Article 11 of the Implementing Regulation.

II. Inventory provided for in Article 64(4) of the Implementing Regulation

Family members of insured persons, pensioners and/or members of their families

1. The institution of the place of residence of the Member State that is listed in Annex 3 to the Implementing Regulation shall calculate the fixed amount of benefits in kind provided to family members of the insured person according to Article 17 of the Basic Regulation and to pensioners and/or members of

their families according to Article 24, 25 or 26 of the Basic Regulation on the basis of an inventory kept for that purpose up to date, by taking as a basis its own information or that provided by the competent institution concerning acquisition of entitlement or suspension or withdrawal of such entitlement.

The inventories referred to in Article 64(4) of the Implementing Regulation shall indicate the number of monthly fixed amounts due in respect of a single year for each family member of an insured person, pensioner and/or member of his/her family.

2. For the purposes of calculating the number of monthly lump-sum payments, the period during which the persons concerned may claim benefits shall be counted in months.

The number of months shall be obtained by counting as a whole month the calendar month which contains the day from which the calculation of the fixed amounts has been made.

The calendar month during which entitlement has ceased shall not be counted unless it is a complete month.

If the total period is less than one month, it shall be counted as a month.

In case a person moves from one age group to another during the period claimed, the month in which the change of age group appears is completely counted into the higher age group.

III. Final provisions

This Decision shall be published in the *Official Journal of the European Union*. It shall apply from the date of entry into force of the Implementing Regulation.

The Chair of the Administrative Commission

Lena MALMBERG