

ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS

DECISION No S8

of 15 June 2011

concerning the granting of prostheses, major appliances and other substantial benefits in kind provided for in Article 33 of Regulation (EC) No 883/2004 on the coordination of social security systems

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

(2011/C 262/06)

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 the Administrative Commission is responsible for dealing with all administrative questions or questions of interpretation arising from the provisions of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 ⁽²⁾,

Having regard to Article 33(2) of Regulation (EC) No 883/2004,

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

Whereas:

- (1) Article 33(1) of Regulation (EC) No 883/2004 constitutes a safeguard clause to be applied during a time period immediately following the moment of the change of the applicable legislation with regard to the person concerned.
- (2) The said Article applies when a person could lose his/her entitlement to sickness benefits in kind which are tailored to his/her specific personal needs and are in the course of being provided or have been granted but yet not provided, due to a change in applicable legislation.

- (3) Such a loss could be considered as disproportionate, taking into account the character of the benefit and the medical situation of the person concerned,

HAS DECIDED AS FOLLOWS:

Article 1

The prostheses, major appliances, and other substantial benefits in kind that are referred to in Article 33(1) of Regulation (EC) No 883/2004 shall constitute benefits which:

- are tailored to specific personal needs, and
- are in the course of being provided, or have been granted but yet not provided, and
- are defined or/and treated as such by the Member State under whose legislation the insured person was insured before he/she became insured under the legislation of another Member State.

A non-exhaustive list indicating the benefits, which when fulfilling the criteria determined above shall be treated as such, is contained in the Annex to this Decision.

Article 2

This Decision shall be published in the *Official Journal of the European Union*. It shall apply from the date of its publication.

The Chair of the Administrative Commission
Éva GELLÉRNÉ LUKÁCS

⁽¹⁾ OJ L 166, 30.4.2004, p. 1. Corrected by OJ L 200, 7.6.2004, p. 1.

⁽²⁾ 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, OJ L 284, 30.10.2009, p. 1.

ANNEX

Prostheses

- (a) orthopaedic prostheses;
- (b) visual aids such as ocular prostheses;
- (c) dental prostheses (fixed and removable).

Major appliances

- (d) wheelchairs, orthoses, footwear, and other aids for moving, standing and sitting;
- (e) contact lenses, magnifying and telescopic spectacles;
- (f) hearing and speech aids;
- (g) nebulisers;
- (h) obturators for use in the buccal cavity;
- (i) orthodontic appliances.

Other substantial benefits in kind

- (j) specialist inpatient treatments;
 - (k) treatment at a health resort;
 - (l) therapeutic rehabilitation;
 - (m) complementary means of diagnosis;
 - (n) any subsidy granted to cover part of the costs of the benefits listed above.
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