

ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS

RECOMMENDATION No H2

of 10 October 2018

concerning the inclusion of authentication features to Portable Documents issued by the institution of a Member State and showing the position of a person for the purpose of the application of Regulations (EC) No 883/2004 and (EC) No 987/2009 of the European Parliament and of the Council

(Text with relevance for the EEA and for Switzerland)

(2019/C 147/05)

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 this Regulation 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 5 of Regulation (EC) No 987/2009 concerning the legal value of documents and supporting evidence showing the position of a person,

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

Whereas:

- 1) Article 5 of Regulation (EC) No 987/2009 provides that documents issued by the institution of a Member State and showing the position of a person for the purpose of the application of Regulations (EC) No 883/2004 and (EC) No 987/2009 shall be accepted by the institution of the other Member State for as long as they have not been withdrawn or declared to be invalid by the Member State in which they were issued.
- 2) The Administrative Commission determines the structure and the content of the Portable Documents to be used by all Member States to this extent.
- 3) To ensure the correct application of the coordination rules, it is important that these documents have stronger security features.
- 4) The Administrative Commission adopted Recommendation No A1 concerning the issuance of the attestation referred to in Article 19(2) of Regulation (EC) No 987/2009 of the European Parliament and of the Council ⁽³⁾ that proposes measures to prevent falsification of the Portable Document A1.
- 5) It is recommended that the measures to prevent falsification adopted in Recommendation A1 in relation to Portable Document A1 be also applied to other Portable Documents delivered to persons showing their legal position for the purpose of the application of Regulations (EC) No 883/2004 and (EC) No 987/2009.
- 6) Member States may decide not to apply this recommendation in relation to Portable Documents which do not show the legal position of persons, whose main purpose is the communication of information between the competent institution and the person concerned, namely Portable Documents P1 and U3.
- 7) The European Health Insurance Card, which has specific features described in detail in Decision No S1 of 12 June 2009 concerning the European Health Insurance Card ⁽⁴⁾ and Decision No S2 of 12 June 2009 concerning the technical specifications of the European Health Insurance Card ⁽⁵⁾ is excluded from the scope of this recommendation.

⁽¹⁾ OJ L 166, 30.4.2004, p. 1.

⁽²⁾ OJ L 284, 30.10.2009, p. 1.

⁽³⁾ OJ C 183, 29.5.2018, p. 5.

⁽⁴⁾ OJ C 106, 24.4.2010, p. 23.

⁽⁵⁾ OJ C 106, 24.4.2010, p. 26.

HEREBY RECOMMENDS TO THE COMPETENT SERVICES AND INSTITUTIONS THAT:

1. In order to prevent the falsification of Portable Documents issued by the institution of a Member State to a person and showing his/her position for the purpose of the application of Regulations (EC) No 883/2004 and (EC) No 987/2009, it is recommended that authentication features are included in these documents, namely:
 - a. where the Portable Documents are issued manually, they should include a manual signature and ink stamp and be printed on both pages of a sheet. The sheets should be connected together in such a way that they cannot easily be separated. This can be achieved, for example, by folding the top left hand corner, stapling this corner and putting a stamp on the reverse side;
 - b. where the Portable Documents are issued electronically, they should bear a serial number or identification number on each page. In this case, a manual signature and ink stamp is not necessary.
2. In addition, it is recommended that each issued Portable Document is registered in such a way that its authenticity can be easily and quickly verified by the issuing institution.
3. The Member States shall inform the Administrative Commission about the different ways the Portable Documents within the scope of this recommendation are issued by their institutions. The delegations in the Administrative Commission shall share this information with their respective institutions.
4. This Recommendation shall be published in the *Official Journal of the European Union*. It shall enter into force on the first day of the month following three calendar months after its publication.

The Chair of the Administrative Commission

Bernhard SPIEGEL
