

EUROPEAN FREE TRADE ASSOCIATION

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DECISION OF THE COUNCIL No 2 OF 2004

(Adopted at the 8th meeting on 13 July 2004)

AMENDMENTS TO APPENDIX 2 TO ANNEX K TO THE CONVENTION

COORDINATION OF SOCIAL SECURITY SCHEMES

THE COUNCIL,

Having regard to the Member States' endeavour to regularly update the Convention in order to take account of developments under the Agreement on the European Economic Area and the Bilateral Agreements of 21 June 1999 between the Swiss Confederation on the one hand and the European Community and its Member States on the other,

Having regard to Article 53(3) of the Convention, empowering the Council to amend the Appendices to Annex K to the Convention,

Having regard to the recommendation of the Committee on Movement of Persons in its report to the Council to amend Appendix 2 to Annex K (Free movement of persons) to the Convention,

DECIDES:

1. Appendix 2 to Annex K of the Convention shall be amended as follows:
 - (1) Section A (Acts referred to)
 - a) Point 1 (Council Regulation (EEC) No 1408/71) shall be amended as follows:
 - i. The following indents shall be added:
 - '- **399 R 1399:** Council Regulation (EC) No 1399/1999 of 29 April 1999 (OJ L 164, 30.6.1999, p. 1) amending Regulation (EEC) No 1408/71 on the application of social security schemes to

employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71.

- **32001 R 1386:** Regulation (EC) No 1386/2001 of the European Parliament and of the Council of 5 June 2001 (OJ L 187, 10.7.2001, p. 1) amending Council Regulations (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71.'

ii. In adaptation 11, under the heading "Switzerland", a new item a1) shall be added after item a):

'a1) Allowance for helpless persons (Federal Act of 19 June 1959 on invalidity insurance (LAI) and Federal Act of 20 December 1946 on old-age and survivor's pensions (LAVS) as amended on 8 October 1999).'

iii. The following adaptation shall be inserted after adaptation 19:

'20. The following shall be added to Annex VIII:

'P. ICELAND
None.

Q. LIECHTENSTEIN
None.

R. NORWAY
None.

S. SWITZERLAND
None.'

b) Point 2 (Council Regulation (EEC) No 574/72) shall be amended as follows:

i. The following indents shall be added:

'- **399 R 1399:** Council Regulation (EC) No 1399/1999 of 29 April 1999 (OJ L 164, 30.6.1999, p. 1) amending

Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71.

- **32001 R 1386:** Regulation (EC) No 1386/2001 of the European Parliament and of the Council of 5 June 2001 (OJ L 187, 10.7.2001, p. 1) amending Council Regulations (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71.
 - **32001 R 0089:** Commission Regulation (EC) No 89/2001 of 17 January 2001 (OJ L 14, 18.1.2001, p. 16) amending Council Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community.
 - **32002 R 0410:** Commission Regulation (EC) No 410/2002 of 27 February 2002 (OJ L 62, 5.3.2002, p. 17) amending Council Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community.'
- ii. The text of section 'R. NORWAY' in adaptation 1 shall be replaced by the following:
- '1. Sosialdepartementet (Ministry of Social Affairs), Oslo
 2. Helsedepartementet (Ministry of Health), Oslo
 3. Arbeids- og administrasjonsdepartementet (Ministry of Labour and Government Administration), Oslo
 4. Barne- og familiedepartementet (Ministry of Children and Family Affairs), Oslo
 5. Justisdepartementet (Ministry of Justice), Oslo

6. Utenriksdepartementet (Ministry of Foreign Affairs)
Oslo'
- iii. The text of section 'P. ICELAND' in adaptation 2 shall be replaced by the following:
 - '1. Sickness and Maternity:
 - (a) Sickness:

Tryggingastofnun ríkisins (The State Social Security Institute), Reykjavík
 - (b) Maternity:

Tryggingastofnun ríkisins (The State Social Security Institute), Reykjavík
 2. Invalidity, old-age and death (pensions):
 - (a) Pensions under the Act on Social Security:

Tryggingastofnun ríkisins (The State Social Security Institute), Reykjavík
 - (b) Pensions granted under the Act on Mandatory Insurance of Pension Rights and on Activities of Pension Funds:

The pension fund where the person paid contributions.

Liaison body for the pension funds is Tryggingastofnun ríkisins (The State Social Security Institute), Reykjavík
 3. Accidents at work and occupational injuries:
 - (a) Benefits in kind and pensions under the Act on Social Security Tryggingastofnun ríkisins (The State Social Security Institute), Reykjavík
 - (c) Pensions under the Act on Mandatory Insurance of Pension Right and on Activities of Pension Funds:

The pension fund where the person paid contributions.

Liaison body for the pension funds is Tryggingastofnun ríkisins (The State Social Security Institute), Reykjavík
 4. Unemployment:

Vinnumálastofnun (Directorate of Labour), Reykjavík

5. Family benefits:

(a) Family benefits with the exception of children's benefits:

Tryggingastofnun ríkisins (The State Social Security Institute), Reykjavík

(b) Children's and supplementary children's benefits:

Ríkisskattstjóri (The Directorate of Internal Revenue), Reykjavík'.

iv. The text and the heading of part 2 (Unemployment benefits) of section 'P. ICELAND' in adaptation 3 shall be replaced by the following:

'Unemployment:

Vinnumálastofnun (Directorate of Labour), Reykjavík'.

v. The text and the heading of part 2 (Unemployment benefits) of section 'P. ICELAND' in adaptation 4 shall be replaced by the following:

'Unemployment:

Vinnumálastofnun (Directorate of Labour), Reykjavík'.

vi. The text of the first paragraph of part 1 of section 'P. ICELAND' in adaptation 10 shall be replaced by the following:

'For the purpose of applying Articles 13(2)(d), 14(1)(a), 14(2)(b), 14a(1)(a), 14a(2), 14a(4), 14b(1), 14b(2), 14b(4), 14c(a) and 14e of the Regulation and Articles 11, 11a, 12a(2)(a), 12a(5)(c), 12a(7)(a) and 12b of the implementing Regulation:'

vii. The text of the second paragraph of part 4 of section 'P. ICELAND' in adaptation 10 shall be replaced by the following:

'Vinnumálastofnun (Directorate of Labour), Reykjavík'.

- (2) Section B (Acts of which the Member States shall take due account)
- (a) Points 4.16 (Decision No 109), 4.46 (Decision No 161) and 4.47 (Decision No 162) shall be deleted.
- (b) Point 4.26 (Decision No 135) shall be amended as follows:
- i. The following shall be added
- ‘, as amended by:
- **399 D 0370:** Decision No 171 of 9 December 1998 amending Decision No 135 of 1 July 1987 concerning the granting of benefits in kind provided for in Article 17(7) and Article 60(6) of Council Regulation (EEC) No 574/72 and the concepts of urgency within the meaning of Article 20 of Regulation (EEC) No 1408/71 and of extreme urgency within the meaning of Article 17(7) and Article 60(6) of Regulation (EEC) No 574/72 (OJ L 143, 8.6.1999, p. 11).’
- ii. The text of the second indent in the adaptation shall be deleted.
- (b) After Point 4.55 (Decision No 170), the following points shall be inserted:
- ‘4.56 **399 D 0370:** Decision No 171 of 9 December 1998 amending Decision No 135 of 1 July 1987 concerning the granting of benefits in kind provided for in Article 17(7) and Article 60(6) of Council Regulation (EEC) No 574/72 and the concepts of urgency within the meaning of Article 20 of Regulation (EEC) No 1408/71 and of extreme urgency within the meaning of Article 17(7) and Article 60(6) of Regulation (EEC) No 574/72 (OJ L 143, 8.6.1999, p. 11).
- 4.57 **399 D 0371:** Decision No 172 of 9 December 1998 on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 101) (OJ L 143, 8.6.1999, p. 13).
- 4.58 **32000 D 0129(01):** Decision No 173 of 9 December 1998 concerning the common arrangements adopted by the Member States, for the purposes of reimbursement between institutions following the introduction of the euro unit (OJ C 27, 29.1.2000, p. 21).

- 4.59 **32000 D 0141:** Decision No 174 of 20 April 1999 concerning the interpretation of Article 22a of Regulation (EEC) No 1408/71 (OJ L 47, 19.2.2000, p. 30).
- 4.60 **32000 D 0142:** Decision No 175 of 23 June 1999 on interpretation of the concept of 'benefits in kind' in the event of sickness or maternity pursuant to Article 19(1) and (2), Article 22, Article 22a, Article 22b, Article 25(1), (3) and (4), Article 26, Article 28(1), Article 28a, Article 29, Article 31, Article 34a and Article 34b of Council Regulation (EEC) No 1408/71 and on calculation of the amounts to be refunded under Articles 93, 94 and 95 of Regulation (EEC) No 574/72 as well as the advances to be paid pursuant to Article 102(4) of the same Regulation (OJ L 47, 19.2.2000, p. 32).
- 4.61 **32000 D 0582:** Decision No 176 of 24 June 1999 concerning the reimbursement by the competent institution in a Member State of the costs incurred during a stay in another Member State by means of the procedure referred to in Article 34(4) of Regulation (EEC) No 574/72 (96/249/EC) (OJ L 243, 28.9.2000, p. 42).
- 4.62 **32000 D 0748:** Decision No 177 of 5 October 1999 on the forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 128 and E 128 B) (OJ L 302, 1.12.2000, p. 65).
- 4.63 **32000 D 0749:** Decision No 178 of 9 December 1999 on the interpretation of Article 111(1) and (2) of Regulation (EEC) No 574/72 (OJ L 302, 1.12.2000, p. 71).
- 4.64 **32002 D 0154:** Decision No 179 of 18 April 2000 on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 111, E 111 B, E 113 to E 118 and E 125 to E 127) (OJ L 54, 25.2.2002, p. 1).
- 4.65 **32001 D 0070:** Decision No 180 of 15 February 2000 on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 211 E 212) (OJ L 23, 25.1.2001, p. 33).
- 4.66 **32001 D 0891:** Decision No 181 of 13 December 2000 concerning the interpretation of Articles 14(1), 14a(1) and 14b(1) and (2) of Council Regulation (EEC) No 1408/71 on the legislation applicable to posted workers and self-employed workers temporarily working outside the competent State (OJ L 329, 14.12.2001, p. 73).

- 4.67 **32001 D 0665:** Decision No 182 of 13 December 2000 concerning the establishment of a common framework for the collection of data on the settlement of pension claims (OJ L 230, 28.8.2001, p. 20).
- 4.68 **32002 D 0155:** Decision No 183 of 27 June 2001 on the interpretation of Article 22(1)(a) of Council Regulation (EEC) No 1408/71, concerning health care in conjunction with pregnancy and childbirth (OJ L 54, 25.2.2002, p. 39).'

2. This Decision shall take immediate effect.
3. The Secretary-General of the European Free Trade Association shall deposit the text of this Decision with the Depositary.
