

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

(2000/C 27/07)

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS

Having regard to Article 81(a) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their family moving within the Community, under which it is the duty of the Administrative Commission to deal with all administrative matters or questions of interpretation arising from Regulation (EEC) No 1408/71 and subsequent Regulations,

Having regard to Council Regulation (EC) No 1103/97 of 17 June 1997 on certain provisions relating to the introduction of the euro,

Having regard to Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro,

Having regard to Articles 36, 63(1) and 87(1) of the above-mentioned Regulation (EEC) No 1408/71,

Having regard to Articles 93, 94, 95 and 102(1)(a) of Regulation (EEC) No 574/72,

Having regard to Decision 153 of the Administrative Commission of 7 October 1993 on the model forms necessary for the application of Council Regulation (EEC) No 1408/71 and (EEC) No 574/72, notably form E 125,

Having regard to Decision 168 of the Administrative Commission of 11 June 1998 on the amending of form E 127,

Whereas it is necessary, for administrative reasons, to lay down common arrangements which will be applied by the Member States, for the purposes of reimbursement among institutions for the changeover to the euro;

Whereas it has to be accepted that during the transitional period (1 January 1999 to 31 December 2001) no obligation exists for the Member States to use the euro unit as a unit of account. Similarly for the refund of the costs of benefits in kind during the transitional period no corresponding obligation may be imposed. Nevertheless, provisions are necessary for cases

which may extend beyond 31 December 2001 to avoid disputes between the Member States,

HAS DECIDED AS FOLLOWS:

A. Period between 1 January 1999 and 31 December 2001:

1. Claims contained in E 125 and E 127 forms may be expressed in national currency units.
2. Member States intending to change from the national currency unit to the euro when submitting claims shall inform the other Member States without delay through the Administrative Commission.
3. As soon as the conversion rate of the national currencies of the Member States who have adopted the euro is known, lump sums under Articles 94 and 95 of Regulation (EEC) No 574/72 shall be expressed in euro units as well as in national currency units and shall be published in the *Official Journal of the European Communities*.

B. Period beginning 1 January 2002:

1. As from 1 January 2002 E 125 and E 127 forms shall only be expressed in euro units by Member States who have adopted the euro unit. In addition, each section of the forms shall be separately expressed in euro units.
2. Claims on E 125 forms already submitted in national currency units before 1 January 2002 but not yet refunded at that date shall be converted into euro units by converting the total of each E 125. To avoid disputes over separate sections of E 125 forms, they shall also be converted into euro units. The conversion shall be carried out by the institution, liaison body or competent authority holding the claim at that moment.
3. Claims on E 127 forms already submitted in the national currency unit before 1 January 2002 but not yet refunded at that date shall be converted into euro units using the monthly average costs, converted into euro units by the Administrative Commission and published in the *Official Journal of the European Communities*. The conversion shall be carried out by the institution, liaison body or competent authority holding the claim at that moment.

C. Provisions for the changeover to the euro:

1. The Secretariat of the Administrative Commission shall determine, by 30 September 2001 at the latest, the years for which claims under Articles 94 and 95 of Regulation (EEC) No 574/72 have not been settled according to the statement of claims under Article 101(1) of Regulation (EEC) No 574/72.
2. As far as possible the balance of claims notified by a Member State in national currency units before the changeover to the euro, after making deductions for disputes notified before payment, unless otherwise provided by bilateral agreements, shall be settled by 31 December 2001.

3. To avoid a lengthy transition period Member States shall respect the deadlines fixed by Article 100 of Regulation (EEC) No 574/72, unless otherwise provided by bilateral agreements. Furthermore, Member States are requested to make every effort to achieve the measures proposed in Recommendation No 20 of the Administrative Commission to speed up the settlement of claims.

This Decision shall be applicable from the first day of the month following its publication in the *Official Journal of the European Communities*.

The Chairman of the Administrative Commission

Helmut SIEDL

ADMINISTRATIVE COMMISSION ON SOCIAL SECURITY FOR MIGRANT WORKERS

(2000/C 27/08)

The annual average costs do not take into account the reduction of 20 % provided for in Articles 94(2) and 95(2) of Council Regulation (EEC) No 574/72.

The net monthly average costs have been reduced by 20 %.

AVERAGE COSTS OF BENEFITS IN KIND — 1996 ⁽¹⁾

I. **Application of Article 94 of Regulation (EEC) No 574/72**

The amounts to be refunded with regard to the benefits in kind provided in 1996 to members of the family as referred to in Article 19(2) of Council Regulation (EEC) No 1408/71 will be determined on the basis of the following average costs:

	Annual		Net monthly	
Greece	GRD	169 682	GRD	11 312
France	FRF	8 086,80	FRF	539,12
			EUR	82,19
Sweden	SEK	9 632,06	SEK	642,14

II. **Application of Article 95 of Regulation (EEC) No 574/72**

The amounts to be refunded with regard to benefits in kind provided in 1996 under Article 28 and 28a of Regulation (EEC) No 1408/71 will be determined on the basis of the following average costs:

	Annual		Net monthly	
Greece	GRD	268 365	GRD	17 891
France	FRF	21 760,73	FRF	1 450,72
			EUR	221,16
Sweden	SEK	37 342,17	SEK	2 489,48

⁽¹⁾ Average costs: Spain and Luxembourg, (OJ C 303, 2.10.1998);
Average costs: Belgium, Ireland, the Netherlands and Portugal (OJ C 56, 26.2.1999);
Average costs: Germany, Austria and the United Kingdom (OJ C 228, 11.8.1999).