

PASSPORT OF RIGHTS



Coordination of social security for the use of people who live,
work and migrate across Europe



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Briefly

Why coordination? European coordination guarantees social security rights to people when they move between the member States for work, study, retirement or any other reason.

Where does it apply? The rules of coordination apply in all the member States of the **European Union**: Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Greece, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom. Coordination also applies in the countries of the **European Economic Area** (Norway, Iceland and Liechtenstein) and in the Swiss Confederation. The terms “**member State**” or “**member country**” (or simply “state” and “country”) as used in this guidebook refer to the 31 States mentioned above. All other countries will be referred to as “**third countries**” or “**third States**”.

Who does it apply to? Coordination applies to **all nationals of the member States**. It applies to people who work and to their family and survivors, to unemployed people,

pensioners, students and to all persons inactive in terms of working status. Since 2003, it also applies to nationals of third countries and to their family and survivors, as long as they are legally residing in the territory of one member state and their situation is not limited within one member State only (i.e. they must have lived and worked legally in at least two member states). "Nationals of third countries" refers to all persons whose citizenship is not of a member country of the European Union, the European Economic Area and the Swiss Confederation.

Which subjects does it concern? The provisions on coordination concern all social security benefits: medical treatment, paternity and maternity benefits, old-age pensions, pre-retirement, invalidity, survivors' pensions, death grants, unemployment, family benefits, accidents at work and occupational diseases.

What are its main principles? Coordination is based upon four main principles:

- ▶ **Exclusive character of the legislation applicable.** Any person subject to the legislation of one country only, normally the country where you work. However certain exceptions apply, for instance in the case of posted workers, of persons who work in more than one member State and of civil servants.
- ▶ **Equal treatment.** Any person residing in the territory of a member State is subject to the same rights and obligations as the nationals of that country.

► **Retention of rights acquired.** This principle ensures the exportability of social security cash benefits to which a person was entitled before moving to another country. For instance, coordination enables pensioners to move to another country while maintaining all cash benefits to which they were entitled in their member State of origin.

► **Retention of rights in the course of being acquired.** This means that a person can aggregate all periods of insurance, residence and/or employment completed in a member State in order to determine entitlement to a right in another member State.

How do I find information about my rights, country by country?

The legislation is very different between the countries. In one country the retirement age can be 60 years, in another country 65 and even 67 in another country. Also other sector reveal important differences: sickness, maternity, retirement, unemployment, etc. That's why the European Commission publishes periodically guides available in all the languages of the EU: <http://ec.europa.eu/social/main.jsp?catId=858&langId=en>



Anyway, note that you should always get information before your departure! In case of doubt, if you fear that your rights have not been respected, if you need help or information, do not hesitate to seek free of charge expert assistance by addressing, for example, an OGBL adviser or an Eures/OGBL adviser.

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1. I am a student and I wish to study in another member State

Shall I be entitled to healthcare? If you live in a member State and you are **temporarily staying** in another member State for studying purposes, you remain insured in your State of residence, not in your country of **temporary stay**. Before your departure, you should address the competent body for healthcare in your country and request your **European Health Insurance Card**. This card gives you the right to healthcare in the host country, under the same conditions as nationals of that country. If, for any reason, you have no insurance in your State of residence, you should address the institutions of your host country to clarify your situation. If you fulfil the requirements for **residence** under the relevant national legislation, you may be insured in the host country and not in your country of origin.

2. I am a national of a member State but I live and work in another member State

Which rules of social security apply in my case? As a general rule, you are subject to the **legislation of the country where you work**, no matter your country of origin, the country where you reside and the country where your employer is based. If the institutions of different countries are not able to decide which legislation is applicable in your case, EU rules guarantee that one temporary legislation is applied. In the meantime, the concerned institutions shall make a decision.

What about the rights acquired in another country before moving?

A number of countries require that you fulfil certain conditions in order to enjoy certain benefits: for instance, having an insurance and having resided or worked for a set period of time. In this case, the institution responsible for processing your application shall take into account all periods of insurance, residence and employment completed in other countries. EU rules on **social security coordination** enable you not to lose your rights when moving to another member State.

EXAMPLE: Mrs. SEYSZYN is a Polish national. She moves to Germany where she finds a job in a supermarket. Six months later she is fired. In order to have rights to unemployment benefits in Germany, you need to have worked (and paid insurance contributions) at least 12 months; instead she can prove only 6 months. However, before moving to Germany, Mrs. SEYSZYN worked for 5 months in Poland and for 7 months in Austria. Community rules enable her to aggregate all these periods of insurance. Therefore, Mrs. SEYSZYN is entitled to unemployment benefits as if she were a German national and as if she had worked and paid contribution in Germany for a total of 18 months.

What benefits have I right to in case of sickness?

The national legislation of each country sets out which benefits are granted in case of sickness and under which conditions. EU rules on **social security coordination** guarantee **equality of treatment** with nationals of the country concerned. Therefore, as a national of a member State living and

working in another member State, you enjoy the same rights as nationals of the country where you work and reside. You may even decide **to be treated in another member state** (e.g. your country of origin or the country where your family live). On a case by case basis, the rules (and costs) of either the country where the treatment is provided or the country of insurance apply. An authorization may be required: you should therefore get information before leaving. If, instead, you need medical treatment during a trip to another member State (and such treatment is not the reason of your trip), the **European Health Insurance Card** guarantees coverage of the relevant costs.

What about maternity or paternity? The same rules apply as for sickness. The national legislation of each country provides which benefits are granted in case of maternity and paternity and under which conditions. EU rules on **social security coordination** guarantee **equality of treatment** with nationals of the country concerned. Therefore, any national of a member State living and working in another member State enjoys the same rights as nationals of the country where he/she works and resides.

What should I do in case of accidents at work? In case of accident at work as well, the national legislation of each country provides which benefits are granted and under which conditions. EU rules on **social security coordination** guarantee **equality of treatment** with nationals of the country concerned, yet they may not affect the national legislation. However, the first thing to do if you are victim of an accident at work is to inform your employer who has

the obligation to report immediately to **the competent institution**, even if the damage appears minor and it did not incur any interruption of work.

EXAMPLE: Mr. MANESCU is a Romanian national but he lives and works in Belgium. He has been victim of an accident at work and he enjoys the same rights and obligations as a Belgian national: his employer must immediately notify the accident to his insurance company. If the employer fails to comply with its obligation within 8 days, Mr. MANESCU himself may report the accident, attaching all medical documents, possible witnessing and any other proof deemed useful to the case.

What if the accident has occurred in a country other than your country of insurance? If the accident occurred in a member State different from your State of insurance, the institution of the country where the accident took place must send your medical certificate and all relevant documents to the **competent institution** of your country of insurance. If the accident occurred in home to work travel, the body of insurance can appoint an expert to carry out an investigation in the country of the accident. Bear in mind that you are entitled to sickness benefits in kind (healthcare treatment) in your country of residence under the conditions in force there, no matter the country where you are insured. Conversely, cash benefits are paid by your country of insurance, no matter the country where you live.

What if I want to move to another country after an accident? If you wish to change your State of residence

after being victim of an accident at work (for instance, go back to your country of origin), you need to ask for the authorisation of the **competent institution**, that is the institution of the country where you were insured at the time of the accident, since benefits in kind (healthcare treatment) shall be provided in your new country of residence.

EXAMPLE: As a result of his accident, Mr. MANESCU needs healthcare treatment and decides to go back to Romania. Before leaving, he shall ask for an authorization to his insurance body. This procedure will allow Mr. MANESCU to get treatment in Romania even if the accident occurred in Belgium. If, following the accident, Belgium were to pay cash benefits to Mr. MANESCU, the Belgian institution concerned shall continue paying such benefits even if Mr. MANESCU lives in Romania.

What should I do in case of occupational disease?

In case of occupational disease as well, the national legislation of each country provides which benefits are granted, and under which conditions. EU rules on **social security coordination** guarantee **equality of treatment** with nationals of the country concerned, yet they may not affect the national legislation.

What if I wish to move to another country after the occupational disease has been acknowledged?

If your disease has already been acknowledged and you wish to change your country of residence, for instance to go back to your country of origin, you need to ask for

the authorisation of the **competent institution**, that is the institution of the country which is paying your benefits in cash. It shall continue paying such benefits even after you have moved. Benefits in kind (medical care) shall be provided by your new country of residence.

EXAMPLE: Mrs. ESTRELLA is a Portuguese national but she has been living and working in an import-export company in Spain for many years. Her occupational physician diagnosed a disease to her backbone. The competent Spanish institution (*Instituto Nacional de la Seguridad Social*) has acknowledged that it is an occupational disease. Therefore, Mrs. ESTRELLA is entitled to receive cash benefits and medical care as if she were a Spanish national. However, she decides to move to France, where she has found a better job. To this end, she needs to ask for the authorisation of the Spanish institution, thanks to which MRS ESTRELLA will be treated in France and continue to receive cash benefits from Spain.

What if the occupational disease I have contracted depend on an activity pursued in another member State? If the activity liable to have caused your disease has been pursued in another member State, the benefits to which you are entitled need to be claimed from the country of insurance where you last pursued such activity.

If I am unemployed, how will my unemployment benefits be calculated? It depends on the legislation of your country of residence and employment. Each country is autonomous in providing who is entitled to unemployment

benefits, their amount and duration. The EU guarantees that unemployment benefits be paid to foreign nationals under the same conditions as nationals of the country paying such benefits (usually, the latest country of employment). Social security bodies shall take into account all periods of insurance and employment that you have completed in other countries, should that be necessary in order to determine your right to such benefits. If the amount of the benefit depends on your previous professional income, your income in the latest country of employment only shall be taken into account. If such amount depends on the number of the members of your family, and if they reside in another member State, they shall be taken into account as if they resided in the country paying such benefits.

What if the retirement age is not the same in the countries where I have worked? The **retirement age** can be 60 years in a country, 65 in another and even 67 in another country. Therefore, you should be informed beforehand, by addressing any **OGBL office**, in order to learn the mechanisms in force in each of your countries of employment and when you can claim the payment of your pension.

EXAMPLE: Mrs. DE BACKER works in Germany. She previously lived and worked in the Netherlands for five years and in Belgium for ten years. Thanks to the aggregation of the periods of insurance in Belgium, the Netherlands and Germany, Mrs. DE BACKER can claim an early retirement pension in Belgium at the age of 63. However, this does not prevent her from receiving old-age pensions from

Germany and the Netherlands, which shall be paid once she has turned 65.

Where shall I address my pension claim? In this case as well, it is neither your country of origin nor your country of nationality which count, but your country of employment and of residence. If **you have worked in one member State only**, you shall address your pension claim to the institution of this country in accordance with the rules in force there and under the same conditions as nationals of this country. Instead, if **you have worked in several member States**, you shall address your demand of pension to your country of residence if you have also worked in this country, otherwise to your last country of employment. A **contact institution**, usually the one of your country of residence, shall be in charge of scrutinizing your pension claim, by gathering all relevant information from the countries where you have worked. Once it has collected all decisions of the countries concerned, the contact institution will send you a summary note of your pension position (**P1 Form**).

EXAMPLE 1: Mr. POUPAKIS, a Greek national, has been working and living in Italy since he was young. Therefore, he shall address his pension claim to Italy.

EXAMPLE 2: Mrs. TOUSSAS, a Greek national as well, has first worked in Greece, then in Italy and finally in Spain, where she still lives. Therefore, she will address her pension claim to Spain. The Spanish contact institution shall process her pension claim by gathering all information from the

countries where she has worked. Once all the decisions have been collected, the contact institution shall send Mrs. TOUSSAS a summary note of her pension position (**P1 Form**).

EXAMPLE 3: Mr. RAPTI, a Greek national as well, worked in Italy and in Spain. At the end of his career, he went back to his country of origin. Having never worked in Greece, he shall address his pension claim to Spain, as it is the last country where he has worked. Otherwise, since he is resident in Greece, he may address his application to the Greek pension institution which, in turn, shall transmit it to the competent institution of the member States whose Mr. RAPTI worked most recently (Spain).

Who will pay my pension? Each member State where you have worked has the obligation to preserve your periods of insurance till you reach the **retirement age**. Each member State where you have been insured for at least one year shall pay you an old-age pension once you have reached the retirement age in that country. If, for example, you have worked in three countries, you will receive three old-age pensions. Special provisions apply if you have been **insured for less than one year** because certain countries do not envisage a pension for short periods: in any case, this period of insurance or residence in the country where you have worked less than one year will not be lost but it will be taken into account in the calculation of your pension in the countries where the period of employment has lasted longer.

How will my pension be calculated? Your pension will be calculated on the basis of the periods of insurance you have completed in each member State, according to national legislation in force in such countries. The amount that you will receive from each country will be proportional to the duration of the insurance cover in this country. A summary note (**P1 Form**) will gather all decisions made by each country as far as your pension is concerned.

I believe that my rights have not been fully respected: may I ask that my pension claim be re-assessed? If you fear that your rights have been somehow damaged by the decisions made by two or more pension institutions, you may demand that national decisions on your pension to be re-assessed. The deadline to file for such request depends on the date when you received your summary note (**P1 Form**) and on the legislation of each country.

3. I am a frontier worker (I live in a member State and I work in another member State)

Which rules of social security apply in my case? If you work in a member State and live in another one, where you go back on a regular basis at least once a week, EU rules consider you as a **frontier** (or cross-border) worker. **Your country of employment** is responsible for your social security benefits.

As to healthcare, should I address my country of employment or my country of residence? You may choose between receiving healthcare in your country of

residence or in your country of employment. The members of your family enjoy the same rights in the following countries: Austria, Belgium, Bulgaria, Cyprus, France, Germany, Greece, Latvia, Luxembourg, Malta, Poland, Portugal, the Czech Republic, Romania, Slovakia and Slovenia. As of 1st May 2014, the same rights will be recognized by: Estonia, Italy, Lithuania, the Netherlands, Spain and Hungary. As to other aspects, the same rules as explained in the previous chapter apply → **I am a national of a member State but I live and work in another member State**

What should I do in case of unemployment? If you are unemployed, you may claim for unemployment benefits by addressing an employment office in **your country of residence**. You do not need to address an employment office in your country of latest employment. All necessary information will be exchanged electronically between the institutions of your country of residence and your country of employment. To speed up the decision on your claim for unemployment benefits, it is advisable to ask for a **U1 Form** in your last country of employment. The form, which contains the proof of your professional activity, should be submitted to an employment office in your country of residence.

What should I do in case of occupational disease? If the activity liable to have caused your disease has been pursued in your current country of employment, you should address your application to this country, according to the rules and provisions there in force. This is the case even if you live in another member State. If, instead, your disease

has been contracted in another country, you should claim for the benefits to which you are entitled from the country where you were insured when you last pursued the concerned activity.

What about pension? The same rules as explained in the previous chapter apply → **I am a national of a member State but I live and work in another member State**

4. I am a posted worker (I work in another member state because my employer posted me there)

Which rules of social security apply to me? If you usually work in a member State but you have been posted to another member State by your employer for a period no longer than 24 months, EU rules consider you to be a **posted** worker. In your case, it is **your country of origin** the responsible one for paying your social security benefits, that is the country where you worked before being posted abroad. Your employer has the obligation to declare your new status to the **competent institution** which, before your departure, shall issue you an **A1 Form**.

What in case of sickness? According to EU rules, all persons are entitled to receive benefits in kind, such as medical care and drugs, in their **country of residence** even if they are insured in another member State, as in your case. Therefore, you should ask for a **S1 Form** from your institution of insurance (that is the institution of the country where you

worked before the posting) and submit it to the healthcare institution of your place of residence.



Attention: rules applying to posted workers are quite complex. If you have doubts, if you fear that your rights have not been respected, if you need help or information, do not hesitate to seek **free of charge expert assistance** by addressing, for example, any **OGBL office** or an **Eures adviser**.

5. I work in several member States at the same time

Which rules of social security apply to me? If you usually work in two or more member States, you are subject to special provisions which aim at guaranteeing that, even in your case, one single national social security legislation applies. The applicable legislation depends on whether you work for one or more employers, whether you pursue part of your professional activity in your country of **residence**, whether a **substantial part of your activity** is pursued in one member State or whether you work for **different companies at the same time**. It also depends on the registered office or place of business of your employing company.

EXAMPLE 1: Mrs. ZUBER lives in Spain and works for an employer based in Portugal. Two days a week she works in Spain. Three days a week she works in Portugal. As Mrs. ZUBER pursues a **substantial part of her activity** in Spain, she is subject to Spanish legislation.

EXAMPLE 2: Mr. KÓSA lives in Hungary and has two employers: one in Hungary and another in Romania. He works one day a week in Hungary and the remaining four days in Romania. Therefore, Mr. KÓSA works for employers based in different countries: Hungary, as his country of residence, is the competent State.

EXAMPLE 3: Mrs. IOTOVA is employed in a Greece-based company. She works in Bulgaria, her State of residence, one day per week. The rest of the week she works in Greece. Although Mrs. IOTOVA resides in Bulgaria, she is subject to the Greek legislation because she does not pursue a **substantial part of her activity** in her country of residence.

EXAMPLE 4: Mrs DAERDEN lives in Belgium and her employer is based in the US. She usually works half a day in Italy and three days a week in France. She also works one day a month in the US. Since Mrs. DAERDEN works for an employer based in a **third country**, as far as her work in France and Italy is concerned, she is subject to the legislation of her **country of residence** (Belgium).

What in case of sickness? You always have the right to receive benefits in kind, that is medical care and drugs, in your **country of residence**, even if you are insured in another member State. In this case, you should ask for a **Form S1** to your institution of insurance and submit it to the healthcare institution of your place of residence.

EXAMPLE: Mrs. IOTOVA, mentioned above, is subject to the Greek legislation even if she resides in Bulgaria because she does not pursue a **substantial part of her activity** in her country of residence. Therefore, she should ask for a **Form S1** from the Greek healthcare institution and submit it to the Bulgarian healthcare institution.

Who will pay my pension? Each member State where you have worked has the obligation to preserve your periods of insurance till you reach **retirement age**. Each member State where you have been insured for at least one year shall pay you an old-age pension once you have reached retirement age in that country. If, for example, you have worked in three countries, you will receive three old-age pensions. Special provisions apply if you have been **insured for less than one year**, since certain countries do not envisage a pension for short periods. In any case, this period of insurance or residence in the country where you have worked less than one year will not be lost but it will be taken into account in the calculation of your pension in the countries where the period of employment has lasted longer.

How will my pension be calculated? Your pension will be calculated on the basis of the periods of insurance you have completed in each State, according to national legislation in force in such countries. The amount that you will receive from each country will be proportional to the duration of the insurance coverage in this country. A summary note (**Form P1**) will inform you about all decisions made by each of the countries involved.

Where shall I address my pension claim? People who have worked in several countries must request their pension in their country of residence or in the country where they have pursued their latest professional activity.



As you may notice, rules in this case are quite complex. If you have doubts, if you fear that your rights have not been respected, if you need help or information, do not hesitate to seek **free of charge expert assistance** by addressing, for example, any **OGBL office** or an **Eures adviser**.

6. I am an atypical worker

Which rules of social security apply to me? The concept of atypical work is not well defined in legal terms, whether at national or European level. The term is usually used to refer to all kinds of employment which differ from standard employment contracts. In fact, standard employment guarantees continuous income (usually on a monthly basis) and is covered by national systems of social security (pensions, sickness, accidents, unemployment benefits, etc.). Atypical work instead includes all work which is not practised on an indefinite and full-time basis, characterized by more flexibility and less social protection: involuntary part-time work, night work, weekend work, non-voluntary fixed-term work, telework and working at home, interim work, work for more employers, subcontracted work, pseudo self-employment, on call work, zero-hour work, work without a written contract, etc.

The EU regulations do not provide specific rules for atypical work. In principle, as an atypical worker who works in another member State, you should then enjoy the same rights as standard workers. However, the reality is often different. For instance, you may encounter problems to prove your periods of insurance if your contract provides that your pension contribution be paid in a **special, separately-managed pension scheme**. Or your contract might not envisage any payment of pension contributions: in this case you would not enjoy the right to the aggregation of periods of employment. Another example is that your contract might be subject to a **special framework for unemployment benefits** which cannot be exported to another member State. Finally, your period of employment may not be taken into account in another member State for the calculation of your unemployment benefits.



Attention: the situation of atypical workers is quite complex. Therefore, before accepting any offer of atypical work, get informed about your rights. If you have doubts, if you fear that your rights have not been respected, if you need help or information, do not hesitate to seek **free of charge expert assistance** by addressing, for example, any **OGBL office** or an **Eures adviser**.

7. I am a national of a third country

Which rules of social security apply to me? Till 2002, EU rules on social security coordination applied to nationals of **member States** only. Since 2003 these rules apply, in principle, to nationals of third countries as well, including **the members of their family and their survivors** as long as

they reside legally in the territory of a member State and their situation is not limited, in all its aspects, to one member State only: that is, **as long as they have worked and resided legally in at least 2 member States.**

The EU has also produced a number of directives with which national legislation must comply, with reference to third countries' nationals who reside in a member State. They concern, for example: **long-term stays**, the right to obtain a work permit and a residence permit through one procedure (the so-called **single permit**), special conditions of entry and stay for researchers and for those who aim at pursuing highly-qualified jobs (the so-called EU **Blue Card**). Under certain conditions, these directives guarantee the principle of equality of treatment to be applied to nationals of third countries as compared with resident nationals of member States, as far as social security and pension transfers to a third country are concerned.

Do third countries' nationals enjoy the same rights as nationals of a member State? Yes, they do; on the condition that they have resided and worked in at least two member States. If you are a national of a third country and you can prove you have resided and worked in at least two member states, you enjoy the same rights of social security **as other nationals of a member State.** This is guaranteed by EU rules on social security coordination and, more precisely, by regulation 1231/2010. Therefore, all information and examples given in the previous chapters of this guidebook (including the four main principles of coordination: **exclusive character of the legislation applicable; equality**

of treatment; retention of rights acquired; retention of rights in course of acquisition) apply to you as well (and to your family and survivors). That is to say that you may export the benefits to which you were entitled before moving to another member State and aggregate your periods of insurance, residence or work completed in each member State.

What if I cannot prove to have worked in at least two member States? If you are a migrant coming from a third country and if you live and work in a member State but you cannot prove to have worked and lived in at least another member State, the national legislation of your country of residence and employment shall apply to you. Any possible bilateral agreements between your country of origin and your member country of residence shall apply as well. If such agreements exist, they may provide useful provisions concerning, for example, equality of treatment, pension payment, overlapping of periods of insurance, employment or residence and about posted workers. Since such agreements depend on national legislation, they differ from country to country.

I have been residing in a member State for 5 years: does it guarantee me more social security rights? Yes, it does. If you have resided legally for at least five years in a member State, you enjoy the same social protection rights as nationals of that country. This is guaranteed by EU directive 2003/19/EC. However, be careful: every directive envisages exceptions and conditions.

My spouse is a national of a member State. If I move with him/her to another member State, shall I be entitled to work there?

Yes, you will. If your spouse (a national of a member State) moves to another member State, you also will enjoy the right to work in the host member State (State of residence). This is guaranteed by EU directive 2004/38/EC on the right of EU citizens and their family to move and reside freely within the territory of any member State.

EXAMPLE 1: A Swedish company hires an Italian worker, Mr. ZANONI, who is married to Mrs. GUTIÉRREZ PRIETO, an Argentinean national. Mr. ZANONI's right to stay and pursue a professional activity in Sweden is automatic. The same right is automatic to Mrs. GUTIÉRREZ PRIETO as well who is national of a third country. Therefore she will not need any work permit.

EXAMPLE 2: Mrs. KACIN is a Croatian nurse. She lives in Croatia with her husband, Mr. SCHROEDTER, a German national and frontier worker in Austria. Under these conditions (they both reside in a third country), Mrs. KACIN has no right to work in Austria, even if her husband is a national of a member State. To be able to work in Austria, she will need a work permit. Mr. SCHROEDTER and Mrs. KACIN decide then to move to Austria so that Mrs. KACIN does not need a work permit anymore.

EXAMPLE 3: Mr. BOULLAND is a French national and is therefore entitled to work in Belgium as a frontier worker

with no need for a work permit, even if he resides in France. The same does not apply to his wife, Mrs. DELLI, who is an Algerian national. If Mr. BOULLAND and Mrs. DELLI move to Belgium, Mr. BOULLAND's status will change to "migrant worker" and Mrs. DELLI may claim her right to employment under directive 2004/38/EC.



Rules concerning third countries' nationals are quite complex and fragmented. It is advisable to get informed before moving! In case of doubt, if you fear that your rights have not been respected, if you need help or information, do not hesitate to seek **free of charge expert assistance** by addressing, for example, any **OGBL office** or an **Eures/OGBL adviser**. Refer to the last pages of this guidebook to get all the relevant addresses.

8. I am unemployed

May I move to another member State to look for a job?

Yes, you can. If you are unemployed in a member State and you receive unemployment benefits there, you may transfer (**export**) your unemployment benefits to for a period of three months in order to look for a new job. The **competent institution** for paying such benefits may extend such period to a maximum of 6 months. The first to do is to demand the employment office of the country paying your benefit to issue a **U2 Form**; you should then register as a job-seeker in the new member State and go back to your country of provenance no later than the date indicated in the U2 Form. In order to be sure that you will not lose any benefit,

get yourself informed before departure. Attention: certain countries impose restrictions on **Bulgarian and Romanian nationals!**

9. I do not work and I do not receive any pension

Which rules of social security apply to me? If you are economically inactive and if you receive no pension nor any other social security benefit as a result of a work contract, you are subject to the legislation of your country of **residence** even if this is not your country of origin.



Attention: certain countries provide social security coverage on the basis of **residence** whereas other countries provide insurance only to persons who pursue a **professional activity** (and to the members of their family). Make sure to be properly informed before moving your residence!

10. I am retired

What about my pension if I move to another country?

Do you receive, let's say, a German **pension** and you wish to move to Spain? Or, did you work in Italy, Germany and Belgium and as a result receive a pension from each of these countries? According to the EU legislation and in line with **the principle of exclusive character of the legislation applicable**, you are subject to the social security system of one country only. However, different situations may occur.

EXAMPLE 1: Mr. ANGELILLI worked in Italy and then in

Germany. He receives a German pension and an Italian pension. He lives in Italy and is entitled to receive medical care and any other social security benefit (cash or in kind alike) from Italy, because it is the country where he has registered as a resident and because he receives an Italian pension.

EXAMPLE 2: Mrs. HÄNDEL worked in Germany only. She receives a German pension but she now lives in Slovenia, a country where life is less expensive. She is still insured in Germany and she is entitled to receive healthcare and other social security benefits there, as if she still lived in Germany although she is now living in Slovenia. This is because she has never worked and she has never been insured in Slovenia.

EXAMPLE 3: Mr. BERÈS worked for 25 years in Italy and for 10 years in France. He now lives in Spain, a country where he has never worked. Italy shall provide his healthcare and other benefits because it is the country where Mr. BERÈS has been insured the longest.



If I move to another country, shall I be entitled to healthcare? Yes, you will. By means of the **S1 Form**, you may register with the **healthcare system**

of a member State even if you are insured elsewhere (as in the examples of Mrs. HÄNDEL and Mr. BERÈS). You should request an **S1 Form** from the institution providing your healthcare benefits in your country of insurance and submit

it as soon as possible to the **competent institution** of your country of residence. Attention: in order not to lose your right to healthcare, you should get informed before moving your residence!

Keywords

Aggregation of the periods of insurance A principle thanks to which all periods of employment, insurance and residence completed in different member States can be used and taken into account in order to calculate one single social security benefit (e.g., pension or unemployment), as long as these periods do not overlap.

Atypical worker (non-standard) Any person working under an employment contract which is not full time and indefinite. Such contracts are more flexible and guarantee less social security protection than standard contracts: part-time work, night work, weekend work, involuntary fixed-term contract, telework, working at home, interim work, work for several employers, subcontracted work, pseudo self-employment, on call work, zero-hour, employment with no written contract, etc.

Benefits in kind They include free of charge healthcare, direct payment or refund of healthcare costs, drugs and other related products and services. They are usually provided by the country of residence or stay, even though you are insured in another country.

Cash benefits They replace an income which is temporarily lost owing to, for example, sickness, maternity or paternity, accident. Their amount and duration wholly depend on the legislation in force in the country of insurance.

Centre of interests All criteria taken into account by social security institutions in order to establish which country is to be considered as the place of residence.

Competent Institution The institution where a citizen is registered when he/she applies for a benefit, or the institution which shall provide such benefits.

European Health Insurance Card This card enables nationals of member States to receive medical care more easily during their stays abroad.

Exportability of benefits Benefits in cash acquired according to the legislation of one or more member States shall not be subject to any reduction, amendment, suspension, withdrawal or confiscation on account of the fact that the beneficiary resides in the territory of another member State.

Form A1 It proves that a worker is paying his/her social contribution in another member State. It is useful to prove that social contributions have been paid in another member State. This is the case of **posted workers** and of **any person who works in several countries at the same time**. It replaces the previous forms E101 and E103.

Form DA1 It certifies the entitlement to receive healthcare in case of **accident at work** and **occupational disease** in another member State. It replaces the previous form E123.

Form P1 It is the summary note which contains all decisions made by each country with reference to a pension claim. It explains how the pension institutions involved have taken into account the periods of insurance and if there are interruptions or overlapping of such periods of insurance.

Form S1 It allows you to register with the healthcare system of a member State even though you are insured in another one. It replaces the previous forms E106, E109 and E121.

Form S2 It certifies the right to receive **planned healthcare** in another member State. It must be requested at your institution of insurance before departure and be submitted to the institution of the country where such treatment will be provided. It replaces the previous form E112.

Form S3 It enables **frontier workers** to be treated in the country where they have been working.

Form U1 It certifies periods of insurance in another member State for the calculation of **unemployment** benefits. It must be requested from the service for employment in the country of latest employment and be submitted to the country where the benefit is claimed. It replaces the previous form E301.

Form U2 It is used to **export unemployment benefits**. It must be requested from the service for employment in the country where you have lost your job and be submitted to the service for employment of the country where you wish to look for a new job. It replaces the previous form E303.

Form U3 It is a notification sent by the country where you are looking for a job to the country providing your benefits by means of which it is communicated that **the situation/status of the beneficiary has changed**. If you receive a U3 form, it is advisable that you **address your institution of insurance to verify your situation**.

Frontier worker Any person who works in a member State and lives in another country, where he/she goes back regularly—everyday or at least once a week.

Member State (or member country) When used in this guidebook, all countries where coordination rules apply: the 27 member states of the **European Union**: Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Greece, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom, the countries of the **European Economic Area** (Norway, Iceland, Liechtenstein) and the Swiss Confederation.

Residence It means the country where you normally live. That is to say, the country where your **centre of interests** lies. A number of criteria enable social security institutions to establish which country should be considered as place of residence.

Posted worker Any person who, for a period no longer than 24 months, pursues his/her professional activity in the territory of a member State other than the member State where he/she works normally.

Social protection All actions aimed at protecting and reducing people's exposure to a series of risks or needs. Such actions are divided into three macro-categories: social security, healthcare and assistance.

Social security All benefits provided by the State under its mechanism of mandatory insurance (e.g., old-age

insurance, unemployment insurance, accidents at work insurance, etc.).

Substantial part of the activity According to EU rules, a substantial part of one's activity is pursued in a member State when at least 25% of the overall working time is pursued in this member State or if at least 25% of the overall income comes from this member State.

Temporary stay It is the period when you stay in a country which is not your usual place of residence, without moving there your **centre of interests**.

Third country (or third state) When used in this guidebook, all the States which are not members of the EU, of the European Economic Area and of the Swiss Confederation.

For more information

ETUC European Trade Union Confederation

www.etuc.org

INCA CGIL Observatory on European Social Policies

www.osservatorioinca.org

Guide for Mobile European Workers

www.etuc.org/a/389

EURES portal on job mobility

<http://ec.europa.eu/eures>

EU coordination of social security systems

<http://ec.europa.eu/social/main.jsp?langId=en&catId=849>

Your rights country by country

<http://ec.europa.eu/social/main.jsp?catId=858&langId=en>

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