



SSE-MOVE

Social Security on the Move: Promoting coordination on the transferability of welfare benefit within a cluster of EU social security institutes



Project co-funded by the European Union, DG Employment, social affairs and inclusion

Self assessment grid

for the

Implementation of the Regulation EC no. 883/2004 and Regulation EC no. 987/2009

SECTION A SIMPLIFICATION

- 1) Regulation EEC no. 1408/71 and Regulation EEC no. 574/72 have been amended and updated on numerous occasions and this contributed to making the provisions on European coordination very complex and lengthy; hence one of the main objectives of the Regulation EC no. 883/2004 and Regulation EC no. 987/2009 was to simplify and modernize such provisions. In your experience, to what extent have the new regulations achieved this purpose?

Please select an answer:

- 1) High; 2) **Fairly well**; 4) Low; 5) Very low.

Please discuss

As regards cooperation between institutions, in our opinion, until the end of the transitional period it will not change essentially. We think that the improvement in this field may result from when the EESSI will be introduced. In particular, we assume the increase in efficiency with regard to: determining the institution competent in a specific case, providing all data necessary to consider the claims, forwarding the correspondence once wrongly addressed, replying and handling the cases in reasonable time-limits.

Introducing a public directory of social insurance institutions in the form of an electronic database assumes an easy access to contact details of these institutions for both officials/clerks and the insured persons, but before it fully serves its function it is still necessary to clarify the procedures for reporting changes and to ensure the completeness of this database.



SECTION B DISSEMINATION OF INFORMATION: USERS AND STAFF MEMBERS

- 2) The new system of coordination of national schemes highlights the need to provide citizens with accurate and precise information. In light of thereof, which initiatives has your institution taken in order to accurately and thoroughly inform both the citizens residing in your Member State and those living abroad of the change provided for by the new European regulations?

Please discuss

Information on new provisions of European regulations applied by Social Insurance Institution is available on our institution's website. The rules and procedures explained there are designed for Polish nationals taking up employment or self-employed in another Member State, nationals of other Member States taking up employment or self-employed in Poland, workers posted by Polish employers to work in another Member State, the workers posted a foreign employers to work in Poland and Polish employers. Some information is also available in English and German. One may find there also link to information about new European regulations published on the European Commission's website. On our website we also provided the link to the Master Directory of EESSI as well as the supporting searching tool, which enables finding the competent branch office of the Social Insurance Institution by a name of the town or by a postal code (also in English and German). Currently our institution is preparing to launch an electronic question-answer service that allows customers to obtain information about issues covered by provisions of new European regulations applied by our institution. Furthermore, on the basis of the arrangement with the Polish Ministry of Foreign Affairs, experts from the Social Insurance Institution provide information to people living abroad who previously were covered by the Polish legislation -on coordination of social security schemes under new provisions of European regulations during so called international days of counseling (so far in Italy, Greece, Ireland, France, Austria, Belgium, Germany, the Netherlands and Sweden). The informative action is supported by leaflets available also on our website and in paper in the seats of our branch offices.

- 3) One of the main factors leading to a correct and efficient implementation of the new system of coordination of national schemes is proper staff training. Which methods and tools have been used in your administration to update and train staff about the new provisions of European regulations?

Please discuss

Our employees have been trained about the new provisions of European regulations during conferences and trainings. The lectures were supported by multimedia presentations concerning new rules on coordination of social security systems, the contents of structured electronic documents and the structure of business flows as well as current tasks in the implementation of the provisions of the new regulations. We were also using case studies and answered frequently asked questions.



- 4) How have the new operating instructions been given to staff members in your institution?

Please discuss

Operating instructions are given to staff members in paper in the form of procedures, guidelines and recommendations. They are also published in our intranet database.

SECTION C COORDINATION

- 5) The innovations brought forward by the new European regulations, namely and most importantly the EESSI project for the electronic exchange of social security information, involve thousands of social security institutions in all 27 Member States. Has your Country developed a nation-wide synergy and coordination strategy between those institutions and the national Access Points in order to deal effectively with the legal and procedural changes taking place?

Please select an answer:

- 1) Yes; 2) **No, but this strategy is due to be developed**; 3) No

Please explain

In Poland was established the EESSI Strategic Team, led by the Ministry of Labor and Social Policy. In this team there were representatives of Ministry of Health and of insurance institutions, like ZUS, and others. The aim was to prepare a concept of organisation of implementation of EESSI in Poland. As a result of work done by this team it was decided that in Poland there would be 3 Access points and that a special law would be drafted for purposes of Access point for ZUS, which will cover also institutions form farmers and civil servants.

After EESSI Strategic Team prepared its report, further steps have been taken in order to implement the outcome of the Team. There are legislative actions and organisational work being carried out to prepare EESSI implementation in Poland.

ZUS appointed an EESSI Implementation Team as well as IT Project Group Nr 1038. The work of the Groups till now was focused on SED content, drafting flows, building up Access point and deliveries for AP, as well as on IT documentation on national application for EESSI, designed for ZUS and on WEBIC functionality.



SECTION D EESSI

- 6) The EESSI project is a challenge and main goal to change the way national institutions communicate with each other. Has your administration established actions or strategies in order to set up and implement an electronic data exchange system?

Please select an answer:

- 1) Yes; 2) ***No, but this strategy is due to be developed***; 3) No

Please explain

Our institution is working on the implementation of electronic data exchange system within EESSI. In works aimed to set up the national application there are involved i.a. employees, who are simultaneously the members of ad hoc groups of the Administrative Commission established to prepare the final versions of SEDs and flows.

Our representative takes part in TC meetings. We analyze TC notes and prepare answers to questionnaires issued by TC.

We co-ordinate work on EESSI in IT field and Ad hoc Group on SEDs& flows.

- 7) Are you aware of the results of the tests performed by the 6 EESSI testing Countries?

Please select an answer:

- 1) Yes we are wholly aware; 2) ***Yes, we are partially aware***; 3) No

Please explain

The results of the tests performed by the 6 EESSI testing Countries have not been satisfactory. But we hope that future actions of EC on IT deliveries for EESSI will show the progress in IT applications, especially WEBIC and at the end of 2012 we will get stabile IT tools. We saw important problems on communication level as well as on WEBIC functionality. It may cause problems in MSs, as the moment of delivery of stabile IT applications by the EC will be the crucial point, that is the starting point of developing national IT solutions by MSs, so also by Poland.

Another very important issue is final versions of SEDs. We think this is necessary to have SEDs and flows ready as soon as possible. For purposes of designing IT tools it is very unlikely situation where SEDs and flows may change in the future. There should be taken appropriate steps by EC in order to prevent from changing SED and flows after the current review.



8) At present, is it foreseeable for your Country to decide to join EESSI whether as a whole or sector by sector?

1) *Yes as a whole*; 2) *Yes, sector by sector*; 3) **No**

Please explain)

It has not yet been agreed whether to join EESSI as a whole or sector by sector. However, in Poland is not only a question of whether to join EESSI sector by sector but also of whether to join EESSI flow by flow. In Poland particular sectors are administered by different institutions, which will use separate applications within EESSI. Moreover, within some sectors there are two separate institutions dealing solely with part of the flows. One deals with cash benefits (Social Insurance Institution) and another with benefits in kind (National Health Fund) and they are going to use their own and separate applications within the EESSI system. The work on these two applications is various stages of progress, but it may seem reasonable to join EESSI as a whole.

SECTION E TRANSITIONAL PERIOD

9) In order to allow a gradual change from paper to electronic exchange of information it was decided to establish a transitional period, which has been recently extended by Decision no. E3 until 30 April 2014. During this period administrations were instructed to accept all documents, including those sent in an outdated format, content or structure. During the transitional phase, has your institution detected any critical issues? If so, which measures were adopted to contrast them?

Please explain

We haven't faced any critical issues yet.

In order to avoid critical problems we agree good practices with the liaison institutions of other Member States during the bilateral talks or in writing.

SECTION F PAPER SED

10) The electronic exchange of information shall be achieved by transmitting structured electronic documents (SED); waiting for the implementation of the electronic SED form, the Paper SED version is available for use. Has your institution decided to start using the new forms or do you prefer to keep using the old E-series forms? In which branches of social security are Paper SEDs being used?

Please explain

Currently our institution issues E series forms in unchanged form, as determined in the AC Decision No. 2. If in accordance with the AC Decision No H1 the provisions of new regulations



apply to a particular case, we cross out the legal basis on E form and indicate “883/2004” instead. We will consider to start using paper SEDs after their final versions are approved and available in official languages of all Member States.

The exceptions are: P1000 which we have already started to apply and PD documents: P1 and A1.

SECTION G GENERAL PRINCIPLES

- 11)** The new European regulations include a revised version of the general principles; the most important one is the principle of assimilation stated by article 5 of Regulation no. 883/2004. In the light of this provision, whenever under the legislation of the competent Member State, the receipt of social security benefits and other income has certain legal effects, the relevant provisions of that legislation shall also apply to the receipt of equivalent benefits acquired under the legislation of another Member State or to income acquired in another Member State. Furthermore, article 5 states that *“where, under the legislation of the competent Member State, legal effects are attributed to the occurrence of certain facts or events, that Member State shall take account of like facts or events occurring in any Member State as though they had taken place in its own territory”*. Which actions were taken by your administrations in order to identify the actual cases where the application of the principle above may affect the procedures of granting of benefits under EC Regulations?

Please explain

We use our previous experience on implementing Regulation 1408/71 and Regulation 574/72.

Among others, we give the equality to the facts of taking, continuing and ceasing of gainful employment in other MSs for purposes of awarding the right to pension and for purposes of starting payments of pensions.

For purposes of awarding pensions we also assimilate granting sickness benefits in cash, which means the right to pension exists since the end date of receiving of sickness benefits in cash also from the other MSs.

Certain facts or events that occurred in any MS are treated equally as if they had taken place in Polish territory also in regard to acquiring the rights to cash benefits from either the social insurance in respect of sickness and maternity or the social insurance in respect of accidents at work and occupational diseases, e.g. facts or events that are the basis for refusal of right to the said benefits under Polish legislation if they had taken place in Poland.

We do not meet any practical problems with the principle of assimilation of facts and events.