

DECISION No E4
of 13 March 2014
concerning the transitional period as defined in Article 95 of Regulation (EC) No 987/2009
of the European Parliament and of the Council

(Text of relevance to the EEA and to the EC/Switzerland Agreement)

(2014/C 152/04)

THE ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS,

Having regard to Article 72(d) of Regulation (EC) No 883/2004 on the coordination of social security systems⁽¹⁾, under which the Administrative Commission is responsible to encourage as far as possible the use of new technologies, in particular by modernising procedures for exchanging information and adapting the information flow between institutions for the purposes of exchange by electronic means, taking into account the development of data processing in each Member State,

Having regard to Article 4 of 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 of 29 April 2004 on the coordination of social security systems⁽²⁾, under which the Administrative Commission is empowered to lay down the structure, content, format and detailed arrangements for the exchange of documents and structured electronic documents and to lay down the practical arrangements for sending information, documents or decisions by electronic means to the person concerned,

Having regard to Article 95(1), first and second subparagraph, of Regulation (EC) No 987/2009, concerning the transitional period, stating that each Member State may benefit from a transitional period for exchanging data by electronic means and that these transitional periods shall not exceed 24 months from the date of entry into force of the implementing Regulation,

Having regard to Article 95(1), third subparagraph, of Regulation (EC) No 987/2009, under which the Administrative Commission may agree on any appropriate extension of these periods if the delivery of the necessary central infrastructure (Electronic Exchange of Social Security Information – EESSI) is significantly delayed with regard to the entry into force of the implementing Regulation.

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

Whereas:

- (1) Article 95 of Regulation (EC) No 987/2009 provides for a transitional period of 24 months from its entry into force to allow Member States to implement and integrate the necessary national infrastructure for exchanging data by electronic means.
- (2) Article 95 of Regulation (EC) No 987/2009 empowers the Administrative Commission to agree on an extension of the transitional period for Member States if the delivery of the central infrastructure is significantly delayed.
- (3) The Administrative Commission has conducted an overall assessment of the situation of the project, both at EU and national levels, based on the analysis from the European Commission and from the EESSI Project Steering Committee and EESSI Executive Board.
- (4) According to this assessment, an extension of the transitional period is considered to be necessary in order to ensure the effective implementation of the EESSI system, taking into account the progress of preparations both at EU and national levels.

⁽¹⁾ OJ L 166, 30.4.2004, p. 1 (Corrigendum OJ L 200, 7.6.2004, p. 1) as amended by Council Regulation (EU) No 517/2013 (OJ L 158, 10.6.2013, p. 1).

⁽²⁾ 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 (OJ L 284, 30.10.2009, p. 1) as amended by Commission Regulation (EU) No 1224/2012 of 18 December 2012 (OJ L 349, 19.12.2012, p. 45).

- (5) Considering the technical complexity of the project, the Administrative Commission considers it appropriate to extend the transitional period in a flexible way, allowing for 2 years for the Member States to implement and integrate the necessary national infrastructure from the date when it has confirmed that the central EESSI system is fit for purpose.
- (6) The Administrative Commission, taking into account the recommendations of the EESSI project Steering Committee, urges the European Commission to accompany the timeframe covering the development and testing of the central EESSI system leading up to its readiness for production with a robust planning and end date, with the highest possible level of accuracy, and to keep the Member States informed about this projected date through its usual communication channels.
- (7) The Administrative Commission, however, encourages Member States to start the electronic data exchange as soon as possible, without delay, to limit the period of parallel paper and electronic exchange as much as possible, in accordance with the intermediate milestones to be defined by the Administrative Commission, based on a proposal from the EESSI Executive Board.
- (8) The Administrative Commission notes the role of the Executive Board and its mandate to provide leadership and direction to the EESSI Programme.
- (9) In accordance with Article 95(1) of Regulation (EC) No 987/2009, the Administrative Commission may review this decision on the basis of the overall planning and analysis of the EESSI Executive Board.
- (10) Decision No E1 of 12 June 2009 concerning the practical arrangements for the transitional period for the data exchange via electronic means referred to in Article 4 of Regulation (EC) No 987/2009 of the European Parliament and of the Council⁽¹⁾, will continue to apply *mutatis mutandis* during the extended period.

HAS DECIDED AS FOLLOWS:

1. The transitional period, referred to in Article 95(1) of Regulation (EC) No 987/2009 for the full exchange of data by electronic means by the Member States will be extended and the final date of the transitional period will be set based on the following algorithm: 2 years from the date when the central EESSI system will be developed, tested and delivered into production, ready for Member States to start the integration to the central system.
2. The European Commission shall inform the Member States about the projected date for delivery of the central EESSI system by providing regular updates about the status of the project at the Administrative Commission meetings.
3. The central EESSI system is considered delivered into production when all the components of the central EESSI system have been developed, tested and agreed as fit for purpose by the European Commission following consultation with the Executive Board.
4. At the first meeting of the Administrative Commission following the European Commission decision as defined at paragraph 3, the decision will be presented to the Administrative Commission for endorsement. The 2 year period as defined at paragraph 1, allowing Member States to integrate to the central EESSI system will commence on the date the Administrative Commission Decision confirms that the central EESSI system is fit for purpose.

⁽¹⁾ OJ C 106, 24.4.2010, p. 9.

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5. This Decision shall be published in the *Official Journal of the European Union*. It shall apply from the date of its publication in the *Official Journal of the European Union*.
 6. This Decision replaces Decision No E3 of 19 October 2011.

The Chair of the Administrative Commission

Anna RIZOU
