

**Transition Facility  
SK06/IB/SO/01/TL**

## **Twinning-Light Project**

**“Reinforcement of administrative structures for the coordination of social security schemes in the light of rulings of the European Court of Justice (ECJ)”**

# **FINAL REPORT**

**(No 200601817502-0101-0001)**



This project is funded by  
the European Union



**Signatures:**

**For the Member State:**

**Project Leader Germany, Mr Jürgen Meierkord**

German Federal Pension Insurance Fund (DRV Bund)  
Legal Department and Unit for international social  
insurance law and co-operation

Signature:



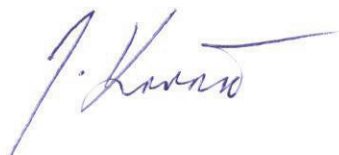
Berlin/Bratislava, *12.* May 2009

**For the Beneficiary  
Country:**

**Project Leader Slovakia, Mr Jaroslav Kováč**

Ministry of Labour, Social Affairs and Family of the Slovak  
Republic  
Department of Migration and Integration of Foreigners

Signature:



Jaroslav Kováč

Bratislava, *12.* May 2009



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## List of Abbreviations

Acquis	Acquis communautaire (Common Standard)
Adm. Com.	Administrative Commission for Social Security of Migrant Workers
AO/CFCU	Administrative Office/Central Financing and Contracting Unit
BC	Beneficiary Country (Slovak Republic)
BMAS	German Federal Ministry of Labour and Social Affairs
CoLSAF	Central Office for Labour, Social Affairs and Family (Slovakia)
DE	Germany or German
EC	European Communities
ECJ	European Court of Justice
EU	European Union
EU COM	European Commission
HCSA	Health Care Surveillance Authority (Slovakia)
MoLSAF	Ministry of Labour, Social Affairs and Family of the Slovak Republic
MoH	Ministry of Health of Bulgaria
MS	Member State of the European Union
PL DE	Project Leader Germany
PL SK	Project Leader Slovak Republic
Reg.	Regulation
SIA	Social Insurance Agency (Slovakia)
SPO	Senior Programme Officer
STE(s)	Short Term Expert(s)
trESS	training and reporting on European Social Security



## Section 1: Project Data

<b>Twinning Contract Number</b>	SK06/IB/SO/01/TL (No 200601817502-0101-0001)
<b>Project Title:</b>	Reinforcement of administrative structures for the coordination of social security schemes in the light of rulings of the European Court of Justice (ECJ)
<b>Twinning Partners (MS and BC)</b>	German Federal Pension Insurance Fund (Germany)  Ministry of Labour, Social Affairs and Family of the Slovak Republic (Slovak Republic)
<b>Duration of the project:</b>	16 June 2008 – 15 May 2009 (11 months) - after extension per Addendum)
<b>MS Project Leader and Deputy Project Leader</b>	Mr. Jürgen Meierkord  Head of Legal Department and Unit for international social insurance law and co-operation  German Federal Pension Insurance Fund (DRV Bund)  Ms Nathalie Bélorgey  Deputy Project Leader  Gesellschaft für Versicherungswissenschaft und – gestaltung (GVG) e.V.
<b>BC Project Leader</b>	Mr Jaroslav Kováč  Department of Migration and Integration of Foreigners  Ministry of Labour, Social Affairs and Family of the Slovak Republic (MoLSAF)



## Section 2: Content

### 2A – EXECUTIVE SUMMARY

This Twinning-Light project was financed in the frame of the Transition Facility programme of the EU. It was conducted under German leadership but involved not only experts from Germany but also individual experts from several other EU MS (France, the Netherlands, and Hungary). Project management, coordination and supervision were the tasks of the German Project Leader and Deputy Project Leader.

The Twinning contract for this project was endorsed on 16th of June 2008 and the project started in the same day with a first mission of the German Project Leader and Deputy Project Leader.

The purpose of the project was to further develop the Slovak system for the application of ECJ case-law in the field of social security schemes coordination and to enhance and disseminate knowledge of competent Slovak staff related to co-ordination in terms of ECJ case law.

The project was split into 4 activities:

- Analysis of Slovak structures and work procedures for monitoring and implementation of ECJ case law in the field of social security coordination and compilation of findings into a report incl. recommendations;
- Implementation of a series of training seminars focused on ECJ case law;
- Organisation of a study visit for Slovak officials;
- Final wrap-up meeting.

All mandatory results of the project have been achieved after extension of the legal duration of the project by 2 months until 15<sup>th</sup> of May 2009 (Addendum 1).



## 2B – BACKGROUND

### Starting point

The Slovak Republic has been a Member State of the EU since 1st of May 2004 and has thus been implementing the EU legislation on the co-ordination of social security schemes - Council Regulations (EEC) 1408/71 and 574/72 and on the free movement of workers (1612/68) since then. During the pre-accession phase, available EU funds have been utilised by Slovakia in order to prepare its competent authorities and institutions for the implementation of EU *acquis* in the field of social security coordination. Several institutional and capacity building projects were implemented during this phase<sup>1</sup>.

Since the beginning of coordination of social security at EU level the European Court of Justice (hereafter referred to as “ECJ”), because of its broad powers of judicial review of acts by the European Union institutions and Member States has become one of the key actors in the development and shaping of EU coordination law as well as national legislation. There are many ECJ judgments as regards the above mentioned Regulations. Part of these rulings have been incorporated into the amendments to these regulations, part of them have been considered in the new European Parliament and Council (EC) Regulation 883/2004 and are also taken into account in the new implementing regulation which is currently under preparation and finalisation. Both regulations shall come into force in March 2010. Due to complex nature of social security schemes the authority of the ECJ over the European co-ordination of social security systems is expected to grow. The accession of Slovakia to the EU implies that not only EU co-ordination regulations now shape Slovak laws but also Slovak courts are subject to ECJ rulings and case law.

The mentioned above projects implemented in Slovakia so far have enhanced the capacities of the Slovak institutions for implementation of the EU regulations on coordination of social security but none of these projects has covered the ECJ case law (e.g. analysis and interpretation of relevant decisions from the Administrative Commission and ECJ) in details. Moreover, the recommendations from the projects mentioned were as follows:

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<sup>1</sup> ZZ-9505-01-33-015 Multi-national Phare Consensus I Project “Co-ordination of the Social Security Schemes in Connection with an Approach Process” (focusing on the Czech Republic, Hungary, Poland and Slovakia) called “Rights without Borders”; ZZ-9710-0027-02 Multi-national Phare Consensus II Project “Detailed Preparation and Planning for the Implementation of EC Co-ordination Rules” (focusing on Bulgaria, Latvia, Lithuania, Romania and the Slovak Republic); SK99/IB/CO/03 Phare Consensus III Twinning Project - Preparation of SR for Co-ordination of Social Security Schemes (which concerned the establishment of the EU co-ordination units, the TESS programme, and improving statistics on migrant workers); SR01/1001010012 Twinning Light Project – Strengthening the Performance of Slovak Administrative Structures Required for Co-ordination of Social Security Schemes.



- Council Regulation (EEC) 1408/71 undergoes periodical modifications; moreover, the ECJ adopts judgments which stir up the “status quo”. In order to update knowledge of experts of the Ministry and involved bodies it is appropriate to develop continuous training courses at all levels.
- In order to achieve a more sound knowledge in the various field connected to the co-ordination of social security schemes, it would be desirable to include examination of relevant decisions from the Administrative Commission and the European Court of Justice in all fields (matters covered).

The present Twinning-Light project was launched in order to overcome these gaps and thus improve the capacities and knowledge of the Slovak institutions and their staff in issues relating to the interpretation and implementation of ECJ case law

## **Objectives**

The **global objective** of the project was to achieve an effective and comprehensive implementation of the Community Law in the field of coordination social security schemes, as well as a facilitation of free movement of workers across the EU. The project was expected to contribute to better and more effective cooperation of the relevant MoLSAF structures and information flow among them and between the MoLSAF and other institutions in the process of application of ECJ rulings in the area of coordination of social security schemes.

The **specific objectives** were:

- to develop a functioning system for the application of ECJ case-law in the field of social security schemes coordination,
- to deepen and to disseminate knowledge related to co-ordination in terms of ECJ case law, particularly as regards the competent institutions.

The expected **guaranteed results** as defined in the Twinning Contract (project fiche and MS proposal) were:

1. Report on recommendations (method for operating) for the internal use at the MoLSAF issued (50 copies) containing:

- All important information and recommendation on specific procedures at the European, national and ministerial level in connection with the application of ECJ rulings;
- Identification and definition of administrative structures, procedures and operational functions of MoLSAF and its relations with competent institutions needed for effective





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application of ECJ decisions and their alternative projections into work organisation chart.

2. Knowledge and skills of the competent authority in Slovakia staff (MoLSAF) improved:

- The Slovak staff is trained (training of trainers) in the required skills and competences so as to analyse the contributions which the Council Regulation (EEC) 1408/71 and the ECJ judgments have made to the development of coordination law;
- Study visit is completed (report focusing on experience and lessons learned and conclusions to be drawn).

In order to achieve these results, the project activities were arranged into 4 main activities (Activity 2.1 to 2.4)

## **2C – IMPLEMENTATION PROCESS**

### ***2C.1 - DEVELOPMENTS OUTSIDE THE PROJECT***

At the time of the start of the present Twinning-Light project in June 2008 Slovak institutions had already been implementing the EU coordination regulations for 5 years and had thus already gained good practical experience of social security coordination. However, no “Slovak case” has been brought before the ECJ so far, so there is no experience on how to prepare the proceedings before the Court and how to implement the ruling in the own country. During the last 5 years Slovakia has also been represented in the various commissions and working groups at EU level especially at the Administrative Commission for Social Security of Migrant Workers. The representatives of Slovakia have thus been involved in the process of deliberation and adoption of the forthcoming implementing regulation to Reg. (EC) 883/2004<sup>2</sup> on the coordination of social security schemes. Currently, the Administrative Commission is dealing with the technical preparation of the changes which are included in the new Reg. 883/2004 and its implementing regulation.

These developments have had following impact on the implementation of the present Twinning-Light project:

- The staff of the competent Slovak authorities and institutions already had a good knowledge of the EU coordination legislation and practical experience in the daily implementation. The training sessions foreseen had to built up upon this knowledge and experience;

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<sup>2</sup> Reg. (EC) 883/2004 being already adopted when the 10 new Member States joined the EU in May 2004.



- The new Regulation (EC) 883/2004 will be soon coming into force (1st of March 2010); the training sessions had to cover the provisions of the new Regulation wherever necessary and useful as well as the forthcoming Regulation of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems.

No further relevant legislative or institutional developments within the Slovak Republic are to be reported on.

## **2C.2 - PROJECT DEVELOPMENTS**

### **General project developments**

After notification of the selection of Germany as Twinning partner of the Slovak beneficiary institution on 18.03.2008, the Twinning contract was elaborated in consultation with the Central Financing and Contracts Unit (CFCU). Notification of the endorsement of the contract was given by the CFCU on 16 June 2008 which is the official date of commencement of the project. The project started immediately with a first mission of the German Project Leader and Deputy Project Leader in Bratislava in order to discuss the implementation of the project activities and agree on a time plan for the first project activities.

The project was implemented with the experts foreseen in the Twinning contract; only one expert (seminar 1) had to be replaced; there has been no change of other key staff during the project.

### **Project coordination**

The coordination of the project and its activities functioned very smoothly and in an atmosphere of very good mutual cooperation and openness between the German and Slovak partners. The German side and the Slovak Project Leader have been regularly in contact (mainly by mail and phone) to discuss and plan the project activities and the Project Leader and Deputy Project Leader have visited Slovakia several times (for more details on the mission implemented, see table of activities below) during the project's lifetime. The kick-off of the project took place within the frame of the first training seminar (seminar 1) and was attended by the German Project Leader who opened the seminar together with the Slovak Project Leader. It was the occasion to present the project to the Slovak experts involved.

Cooperation with the CFCU on aspects relating to the administrative and financial management of the project was very good from the point of view of both the German partner and the Slovak beneficiary institution.



During the first months of the project it became clear that the time frame allocated to the implementation of the project activities (work plan of 6 months) would be too limited both in view of the absorption capacities on the Slovak side on the one hand and the availability of the foreseen STEs, on the other hand in order to implement the project properly in the foreseen period. Further, it turned out that the production of the training documentation file (Act. 2.2) would be much more time and input consuming than originally planned. For these reasons, the Twinning partners, after consultation of the CFCU, took the decision to **extend** both the **legal duration** of the project and of the work plan within this legal duration. This was done with **Addendum 1** which was submitted to the CFCU in November 2008 and endorsed on 8<sup>th</sup> of December 2008. With Addendum 1 the legal duration was extended by 2 months until 15<sup>th</sup> of May 2009.

In total **7 Side Letters** have been submitted to the CFCU in order to notify changes in the budget and in the work plan of the project. The most important changes notified were following:

- Replacement of one short-term expert for training seminar 1;
- Increase of translation budget for Activity 2.2 (twice);
- Extension of the time schedule of the work plan within the legal duration;
- Production of the training documentation file in electronic form (CD-ROM) rather than (paper) publication and reduction of copies produced;

### **Activity 2.1 Development of the administrative structures and operational procedures for interpretation and implementation of ECJ rulings (report with recommendations)**

This activity was carried out without using all foreseen financial resources since it could be implemented with less expert working days than originally planned. The responsible experts have implemented two missions in Bratislava:

A first mission of 5 days was carried out by both experts at the beginning of July 2008 and led to the elaboration of a first draft report on administrative structures and operational procedures. During their mission the experts had the opportunity to meet representatives of all authorities and institutions competent for social security coordination in Slovakia.

A second mission was originally planned to take place in October 2008 (from 12 to 14.10.08) in order to present the draft report and discuss it with representatives of the Slovak competent authorities and institutions in the frame of a workshop; flights had already been booked for the STEs but this mission had to be cancelled by the Slovak side a few days before departure of the experts because of other important last minute professional commitments of the foreseen participants to the workshops.



The workshop for presentation and discussion of the report was finally held at the end of February 2009. It was targeted at the political staff of the concerned ministries (State Secretaries) and department directors of the competent ministries and institutions. Apart from the STEs and the PL SK 18 representatives of the Slovak institutions took part in this workshop (see list of participants in Annex). After the workshop a final version of the experts' report was elaborated which is available in English and Slovak language. The English version of the report as well as the list of participants to the workshop is attached to this final report (see **Annex I**). The report has been sent to approx. 30 persons and was disseminated by the PL SK within the Slovak institutions. The report is available to all members of the Working Group for Coordination of Social Security schemes (WGCSS) via the WGCSS-server on the Website of the MoLSAF, administrated by the PL SK, Mr. Kováč.

The report contains a part on main findings (Part I) and a part with recommendations (Part II). The main findings are structured as follows:

- Overview on the social security scheme in the Slovak Republic;
- Overview on competent Slovak implementing institutions and liaison bodies including structures, procedure and/or operational functions in relation to the monitoring and implementation of ECJ rulings;
- Description of cooperation mechanisms for implementation of the European law at the ministerial and administrative level
- Some key considerations regarding the importance, knowledge and implementation of the case law of the ECJ

The main findings/recommendations of the report are following:

- There is no need for a complete overhaul of the administrative structures responsible for implementation as well as for monitoring of EU legislation and ECJ rulings in the field of coordination of social security in Slovakia. Existing instruments (e.g. inter-institutional Working Group on Coordination of Social Security - WGCSS) are useful and function well and shall also be used in the future as a network for information exchange and communication on social security of migrant workers between the involved institutions;
- It is necessary (but also sufficient) that within the competent divisions of the MoLSAF and the MoH, the requests for new preliminary rulings and the case law of the ECJ are monitored on a regular basis by one expert and that they are assessed by him/her with regard to its relevance for Slovakia. For this purpose this expert shall have a good knowledge of the Slovak social security legislation, but also of the coordination rules, the



particular features of social security schemes in other European Member States and knowledge of foreign languages (in particular English and/or French);

- There is no need for amendments of the national Slovak legislation on social security in order to ensure a correct implementation and application of ECJ rulings;
- When requests for preliminary rulings before the ECJ or ECJ rulings with relevance for Slovakia are detected, immediate dissemination should be insured towards the competent administrations in order to be discussed within the appropriate commission at national (WGCSS) and/or EU level (Adm. Com.)
- The knowledge of the staff of Slovak institutions can be improved and kept up-to-date by regularly using the information materials and tools available in other MS: studies and commentaries and trESS network.

### **Activity 2.2 Training of Slovak staff (training of trainers) in ECJ case-law (9 seminars) incl. training preparation and compilation**

Activity 2.2 was two-fold: It first comprised the implementation of a **series of 9 training seminars** targeted at a core group of Slovak experts who will act as multipliers/trainers for their colleagues in the future.

Seminar 1 to 8 were dedicated to specific provisions of EU law affecting the coordination of social security schemes and of Council Regulation (EEC) No 1408/71 (and Reg. 883/04) as well as corresponding ECJ case law, namely provisions regarding the

- Personal and material scope of the Regulation (EEC) 1408/71 and aspects relating to non-contributory benefits;
- Determination of applicable legislation;
- Posting of workers;
- Health and maternity benefits;
- Old-age and invalidity pensions;
- Family and unemployment benefits;
- Equal treatment and anti-discrimination;
- Residence requirements.

The Twinning partners agreed at the beginning of the project that the training sessions would not include a test given to the participants at the end of the training, as this was originally foreseen in the detailed project fiche and the German Twinning proposal. As explained in the Inception Report of the project, the reason for this was that no specific added-value was seen by the Twinning partners in such tests in view of the specific current needs of the Slovak seminar participants. It was a common understanding that the time allocated to each seminar



should rather be used to allow deepened discussions of various aspects of the ECJ ruling as well as of practical questions rather than for a testing.

Seminar 9 was focused on training methods, tools and materials in the field of coordination of social security (didactics of training).

Further, Activity 2.2 included the **elaboration of a training documentation file** based on the training materials used in the seminars and other materials elaborated by the experts after the seminars.

As regards the **training seminars** and the **training documentation file** following approach was agreed upon between the German and Slovak partners:

The training seminars would focus on a presentation and discussion of the most important rulings of the ECJ in the respective fields of the seminars. Following steps for the preparation of the training seminars had been agreed beforehand:

- Preparation of and agreement on a list of ECJ rulings by which shall be presented and discussed during each seminar;
- Translation (of some parts) of these ECJ rulings in case these were not available in Slovak language;
- Preparation of a list of questions and/or practical points of special relevance for the Slovak side which shall be discussed during the seminars;
- Preparation of a PowerPoint presentation by the responsible STEs and translation into Slovak for the seminar.

After implementation of the training seminars following materials were prepared by the experts, which were compiled in the training documentation file:

- Written summary of the seminar (including summary on ECJ rulings discussed and other points of discussions);
- Table of most important relevant ECJ judgments for the topic of the seminar, including a reference to the concerned provisions of EU legislation, a brief summary of the ruling and an indication if the ruling is available in Slovak language; if not, indication of the points of the rulings the experts suggest to translate into Slovak language.
- Comparative table of Reg. (EEC) 1408/71 and Reg. (EC) 883/2004 including the relevant provisions of each regulation and comments of the experts where necessary or useful.



The training seminars were held either in English, French or German language depending on the language knowledge of the responsible STEs; consecutive interpretation into/from Slovak language was provided for each seminar. All training seminars were implemented in the period between mid of July 2008 (starting with seminar 1) to mid of February 2009 (ending with seminar 9).

In order to assess the quality of and satisfaction of the Slovak participants with the seminars, a simplified feedback form/questionnaire was elaborated at the beginning of the project, translated into Slovak and distributed to all participants at the end of each seminar. By the majority, the Slovak participants were either satisfied or highly satisfied with the training provided by the STEs.

The training materials elaborated by the experts were also produced either in English, French or German language. They have all been translated into Slovak language for elaboration of the training documentation file.

As discussed with the CFCU beforehand and notified via Side Letter (see Side Letter 7), the Twinning partners have decided to produce the training documentation file not in the form of a publication but in electronic form (CD-DOM); further, there will be approx. 50 copies of the CD-Rom produced (instead of 100 copies). These copies will be in Slovak language. The production of the CD-ROM is done by the Slovak MoLSAF with its own funds (no costs incurred to the project). One copy is annexed to the Final Report (see **Annex III**)

A single CD-ROM version of the training materials in the original language (English, French or German) will be elaborated and handed out to the Slovak Project Leader.

A detailed list of the training seminars implemented is included in the table of activities below.

### **Activity 2.3 Study visit (4-5 days, 5 participants) to Germany and France**

According to the Twinning contract it was originally planned to implement a study visit of a duration of one week for 3 selected Slovak officials who have participated in the training seminars; the study visit was planned to take place in Germany and in another MS (to be identified during project implementation).

The study visit was finally implemented at the end of **January 2009**. The Twinning partners agreed to visit **Germany and France**. Further, the study visit was extended to 5 Slovak officials (instead of only 3) and included **one representative of each of the 5 competent authorities and institutions (MoLSAF, MoH, CoLSAF, HCSA, SIA)** - for these changes, see Side Letters 4 and 5. All participants to the study visit participated in the training seminars of the project.



The group of participants was accompanied by 2 interpreters from Slovakia (one for interpretation from/into French language for the part of the visit in France; one for interpretation from/to German language for the part of the visit in Germany).

The aim of the study visit was to visit selected bodies (competent authority/competent institution), responsible for judicial review of acts and in particular the application of ECJ rulings in the field of coordination law for migrant workers in order to provide comparative understanding of the subject area in other countries. Slovak experts were given an opportunity to become familiar with the day-to-day tasks performed in Germany and France especially as regards the **preparation, interpretation, monitoring and application of ECJ rulings** in the field of coordination law for migrant workers. They were given examples on how the institutions are organized and cooperate with each other in order to prepare hearings before the ECJ and to disseminate information about the ECJ rulings; they learned about methods and tools utilized by these institutions (memos, working groups) in order to ensure a harmonized implementation of the ECJ rulings.

The study visit started with one day of visit in Paris, France. The institutions visited were the Division of Community and International Affairs (DACI) within the Directorate for Social Security of the French Ministry for Labour, Social Affairs, Family and Solidarity and the Ministry of Health, Youth, Sports and Associations as well as the Centre of European and International Liaisons for Social Security (CLEISS).

The study visit was pursued in Germany where the group of participants visited the Federal Ministry of Labour and Social Affairs (BMAS) and the German Liaison Office for International Sickness Insurance (DVKA) both located in Bonn as well as the German Federal Pension Insurance Fund (DRV - Bund) in Berlin.

A detailed agenda of the study visit including a list of participants as well as a **report on the study visit** elaborated by the Slovak Project Leader is attached to this final report (see **Annex II**).

#### **Activity 2.4 Final wrap-up meeting**

The final wrap-up/closing seminar of the project was held on the 5th of May 2009 with participation of the German and Slovak partners.

From the German side the closing seminar was attended by Ms Kerstin Whalley as representative of the German Federal Ministry of Labour and Social Affairs and by the Project Leader and Deputy Project Leader. Representatives from the Slovak side were Mr Miloslav Hetteš, Director general of the Section for International Affairs of the MoLSAF and Senior Programme Officer (SPO) and Mr Jaroslav Kováč, Slovak Project Leader. Further, the final





wrap-up/closing was attended by representatives of the Slovak institutions which were involved in the project and by one representative from the CFCU (in total 22 participants).

The wrap-up/closing seminar was the occasion to review the activities of the project and present the outputs, especially the CD-ROM containing the training documentation file. Further, the Slovak experts who have regularly participated in the training seminars of the project were handed out a certificate signed by both Project Leaders and the SPO, Mr Hetteš, for their participation in the project.

### **Overview on project activities (table)**



Reference number and title of Activity	Names of responsible experts	Date and duration of mission(s)	Outputs
<b>Project coordination</b>			
	PL DE Meierkord Deputy PL DE Bélorgey	16 - 17.06.08 (0.5 days) 16 - 18.06.08 (1.5 days)	Start-up meeting with SPO, PL SK and other staff of MoLSAF: overview of structures at MoLSAF, common understanding of project priorities, discussion of content and time planning for first activities and project management.  Meeting with CFCU: discussion and clarification of issues on administrative and financial management
	PL DE Meierkord	29 - 30.07.08 (0.5 days)	“Kick-off” meeting (during seminar 1): opening of 1st training seminar, presentation of project to participants
	Deputy PL DE Bélorgey	20 - 22.10.08 (1.5 days)	Meeting with PL SK (discussions on and planning of project activities, project management issues) and corresponding desk work.  Meeting with CFCU (discussion and clarification of issues on administrative and financial management esp. prepartion of Addendum)
	Deputy PL DE Bélorgey	09 – 11.11.08 (2 days)	Meeting with PL SK (discussions and coordination on training documentation file, project seminars and activities) and corresponding desk work.
	PL DE Meierkord Deputy PL DE Bélorgey	14 – 15.12.08 (1 day) 14 – 15.12.08 (1 day)	Meeting with PL SK (discussions and coordination on forthcoming training seminars, study visit) and corresponding desk work. Meeting with CFCU (Side Letter 4)



Reference number and title of Activity	Names of responsible experts	Date and duration of mission(s)	Outputs
<b>Project coordination</b>			
	Deputy PL DE Bélorgey	14 – 17.04.09 (3 days)	Meeting and corresponding desk work with PL SK (coordination of input training documentation file, final wrap-up/closing seminar, closing of project)
	PL DE Meierkord Deputy PL DE Bélorgey	04 - 05.05.09 (1.5 days) 04 - 06.05.09 (2.5 days)	Meeting with PL SK, participation in final wrap-up/closing meeting, desk work on Final Report and closing of project.
<b>2.1 Development of the administrative structures and operational procedures for interpretation and implementation of ECJ rulings (report with recommendations)</b>			
	Dr. Albrecht Otting Dr. Cornelis J. van den Berg	07 – 11.07.08 (4.5 days) 06 – 11.07.08 (5 days)	Expert consultations and desk work: <ul style="list-style-type: none"> <li>○ Meeting and discussions with main concerned institutions (MoLSAF, MoH, CoLSAF, HCSA, SIA)</li> <li>○ Overview on organisation, task and working procedures</li> <li>○ 1st draft report elaborated</li> </ul>
	Dr. Albrecht Otting Dr. Cornelis J. van den Berg	22 – 24.02.08 (2 days) 22 – 24.02.08 (2 days)	<ul style="list-style-type: none"> <li>○ Workshop for presentation and discussion of draft report</li> <li>○ Desk work for update and finalisation of report</li> </ul>
<b>2.2 Training of Slovak staff (training of trainers) in ECJ case-law (9 training seminars) incl. training preparation and compilation of training documentation</b>			
<b>Seminar 1</b> (personal scope, general presentation of material scope of Reg., (EEC) 1408/71 and non-contributory benefits)	Françoise Roger Nicole Deletang (see Side Letter1)	27.07. – 2.08.08 (5 days) 27.07. – 2.08.08 (5 days)	Preparation, implementation and follow-up of seminar 1 Number of Slovak participants: 24



Reference number and title of Activity	Names of responsible experts	Date and duration of mission(s)	Outputs
<b>Project coordination</b>			
<b>Seminar 2</b> (determination of applicable legislation)	Dr. Peter Ötvös Richard van Dalen	24 – 28.11.08 (5 days) 24 – 28.11.08 (5 days)	Preparation, implementation and follow-up of seminar 2 Number of Slovak participants: 28
<b>Seminar 3</b> (posting of workers)	Dr. Peter Ötvös Richard van Dalen	09 – 12.12.08 (4 days) 07 – 12.12.08 (5 days)	Preparation, implementation and follow-up of seminar 3 Number of Slovak participants: 20
<b>Seminar 4</b> (health and maternity benefits)	Dietrich B. Kerger	28.09. – 04.10.08 (6 days)	Preparation, implementation and follow-up of seminar 4 Number of Slovak participants: 34 (unfortunately MOH was not represented)
	Dietrich B. Kerger	4 – 7.11.08 (2.5 days)	Follow-up of seminar 4 (desk work on training documentation)
<b>Seminar 5</b> (old-age and invalidity pension benefits)	Jürgen Meierkord Cornelis J. van den Berg	11 – 16.01.09 (5 days) 11 – 16.01.09 (5 days)	Preparation, implementation and follow-up of seminar 5 Number of Slovak participants: 21
<b>Seminar 6</b> (family and unemployment benefits)	Françoise Roger Céline Roy Jean-Louis Perretant	16 – 20.09.08 (3 days) 16 – 20.09.08 (3 days) 16 – 20.09.08 (3 days)	<ul style="list-style-type: none"> <li>○ Preparation and implementation of seminar 6</li> <li>○ Evaluation of feedback questionnaires</li> </ul> Number of Slovak participants: 18



Reference number and title of Activity	Names of responsible experts	Date and duration of mission(s)	Outputs
<b>Project coordination</b>			
<b>Seminar 7</b> (equal treatment and anti-discrimination)	Manfred Husmann	30.11 – 10.12.08 (7 days)	Preparation, implementation and follow-up of seminar 7 Number of Slovak participants: 17
<b>Seminar 8</b> (residence requirements)	Dr. Heinz-Dietrich Steinmeyer	28 – 30.10.08 ( 2 days)	Preparation of seminar 4
	Dr. Heinz-Dietrich Steinmeyer	19 – 20.11.08 (1,5 days)	Preparation and implementation of seminar 8 (one-day seminar) Number of Slovak participants: 22
<b>Seminar 9</b> (didactics of training: training methods, tools and materials)	Jean-Louis Perretant	03 – 11.02.09 (5 days)	Preparation and implementation of seminar 9 (2 seminars x 2 days) Number of Slovak participants: 6 (1 <sup>st</sup> seminar) and 4 (2 <sup>nd</sup> seminar)
<b>Training documentation file</b> (+ seminar 9)	Jean-Louis Perretant	04 – 07.08.2008 (2 days)	Meeting with representatives of MoLSAF and of concerned institutions and desk work: <ul style="list-style-type: none"> <li>○ Discussion of form and content of future training documentation file</li> <li>○ Presentation of similar tools</li> <li>○ Elaboration of proposal</li> </ul>
	Jean-Louis Perretant	09 – 12.11.08 (2 days)	Meeting with PL SK) and desk work



Reference number and title of Activity	Names of responsible experts	Date and duration of mission(s)	Outputs
<b>Project coordination</b>			
			<ul style="list-style-type: none"> <li>○ Discussion and work on the slides of the PP presentation of the STEs and training documentation</li> <li>○ Preparatory work for seminar 9</li> </ul>
	Jean-Louis Perretant	18 – 21.01.09 (2 days)	<p>Expert consultations (meeting with PL SK) and desk work</p> <ul style="list-style-type: none"> <li>○ Work on slides of seminar presentations, introduction and content of training documentation file</li> <li>○ Summary evaluations for seminars 2, 3 and 5 to 8</li> <li>○ Preparatory work for seminar 9</li> </ul>
	Jean-Louis Perretant	25 – 28.03.09 (2 days)	<p>Expert consultations (meeting with PL SK) and desk work</p> <ul style="list-style-type: none"> <li>○ Discussion and work on the slides of the PP presentation of the STEs and training documentation</li> <li>○ Preparatory work for seminar 9</li> </ul>
<b>2.3 Study visit (4-5 days, 5 participants) to Germany and France</b>			
	<p>Slovak participants:</p> <p>Mr Jaroslav Kováč (PL SK; MoLSAF)</p> <p>Ms Lucia Podhradská (MoH)</p> <p>Ms Ružena Rybovičová (SIA)</p> <p>Ms Mária Aláčová (CoLSAF)</p> <p>Ms Zuzana Koreňová (HCSA)</p>	25 – 30.01.09 (4 working days, 5 nights)	<p>Study visit to France (Paris) and Germany (Bonn, Berlin)</p> <p>Day 1 (26.01.09): Paris (DACI/CLEISS)</p> <p>Day 2 (27.01.09): journey to Germany, Bonn (BMAS)</p> <p>Day 3 (28.01.09): Bonn (DVKA), journey to Berlin</p> <p>Day 4 (29.01.09): Berlin (DRV Bund)</p>



Reference number and title of Activity	Names of responsible experts	Date and duration of mission(s)	Outputs
<b>Project coordination</b>			
	Interpreters: Ms Zuzana Revúcka (France), Ms Zuzana Verešová (Germany)		Day 5 (30.01.09): travel back to Slovakia Group of participants was accompanied by German Deputy Project Leader (Ms Bélorgey)
<b>2.4 Final wrap-up meeting</b>			
	Kerstin Whalley PL DE Meierkord  Deputy PL DE Bélorgey	04 - 05.05.09 04 - 05.05.09 (see Project coordination above) 04 - 06.05.09 (see Project coordination above)	Participation in final wrap-up/closing meeting



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## 2D – ACHIEVEMENT OF MANDATORY RESULTS

The expected **guaranteed results** as defined in the Twinning Contract (project fiche and MS proposal) were:

### 1 Report on recommendations for the internal use at the MoLSAF issued (50 copies) containing

- All important information and recommendation on specific procedures at the European, national and ministerial level in connection with the application of ECJ rulings;
- Identification and definition of administrative structures, procedures and operational functions of MoLSAF and its relations with competent institutions needed for effective application of ECJ decisions and their alternative projections into work organisation chart.

**Conclusion:** This mandatory result was achieved to its full extent (see report in Annex I).

### 2 Knowledge and skills of the competent authority in Slovakia staff (MoLSAF) improved:

- The **Slovak staff is trained** (training of trainers) in the required skills and competences so as to analyse the contributions which the Council Regulation (EEC) 1408/71 and the ECJ judgments have made to the development of coordination law;
- **Study visit completed** (report focusing on experience and lessons learned and conclusions to be drawn).

A core group of approx 20 Slovak experts from Slovak institutions as well as other persons from these institutions has undergone 9 training seminars (as described above under Activity 2.2). At the closing meeting the PL SK awarded 25 participants who participated in more than 5 seminars within all project with certificates. These participants will build a core group for future work in their competent institutions. Not every expert/trainer has participated in all of the 9 training seminars but this is not necessarily problematic since the experts come from various institutions which are responsible for only some aspects of coordination of social security (many participants apologized for one's absence because many of them took part in the past on similar training, organized by their own institution). Since the seminars were also targeted at specific aspects of coordination of social security, not every topic covered by these seminars was relevant or of interest for all participants at the same time.

Further, 5 selected persons from this group of experts/trainers have participated in the study visit organised under Activity 2.3.

**Conclusion:** This mandatory result was achieved to its full extent.





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## 2E – IMPACT, FOLLOW-UP AND SUSTAINABILITY

The achieved results have contributed to the achievement of the objectives of the projects (as listed under point 2B) in the following manner:

- The findings of the experts in the frame of Activity 2.1 underline the strengths of the existing Slovak structures and thus encourages the Slovak institutions in their past efforts as well as in current and future activities towards the development of a functioning system for the monitoring and application of ECJ case-law in the field of social security schemes coordination;
- The recommendations formulated in the experts' report also pinpoint some areas in which the given resources and tools can be better utilized by the Slovak institutions in order to even improve the overall functioning of the system; further the study visit was the opportunity to learn how other MS institutions deal with ECJ case law and to reflect on if and how similar structures and procedures might be useful for Slovakia;
- The training seminars and the study visit have contributed to deepening the knowledge of the concerned staff on ECJ case law;
- The training documentation file is a tool which will support the Slovak staff in their daily work and which can be reproduced or disseminated easily; further, since it also provides practical guidance for the implementation of training in the field of coordination it will support the multiplication of training by the trained expert/trainers themselves.
- The common training sessions and the study visit have enabled the Slovak experts/trainers from the various institutions to establish or reinforce contacts and cooperation between themselves; this will contribute to a better and more effective individual and institutional cooperation and information flow on coordination issues in the future.

The question on the sustainability of the project results will depend for the most part on the question if the project results will be effectively used and disseminated by the Slovak partners in future and the recommendations effectively transposed in administrative structures and work. Especially, there should be an emphasis on the dissemination of the knowledge acquired by the Slovak experts/trainers as rapidly as possible. This means in practice that the trained experts/trainers should rapidly get the concrete opportunity to train other colleagues and staff in issues of coordination of social security and ECJ case law themselves. Further, they should be offered occasions for further continuous training, for example through participation to training and information events organised by the trESS network. Lastly, sustainability of the project



results will of course be achieved if the Slovak experts/trainers trained during the project remain available in their institutions and can thus gradually become “resource persons” for EU coordination issues in their own institutions.

The seminars within the present Twinning-Light project and also the study visit presents an important contribution for the representatives of the Slovak institutions responsible for the application of the Community law, as in the future the Slovak project participants will assume the role of contact persons in case an opinion for the ECJ needs to be prepared, and based on the acquired knowledge and information the participants may propose measures within their institutions to improve the handling of case-law, its interpretation and analysis of its impacts on Slovak legislation.

## **2F – CONCLUSIONS AND RECOMMENDATIONS**

Despite some (minor) difficulties in the scheduling of the various training seminars and the necessity to extend the project’s duration in order not only to realise all seminars but also to finalise the training documentation file (whose compilation was much more time consuming than expected), the mandatory results of the project have all been achieved; the cooperation between the project partners was excellent.

The recommendations which can be formulated by the German partners are directly linked to the question of sustainability touched above, thus reference is made to point 2E. Additionally the German partners would recommend to the Slovak partners to effectively use the personal contacts made during the project with Short Term Experts and other persons or institutions also in an informal way within their future daily work.



## **Section 3: Expenditures**

A detailed final financial report (overview on project expenditure) is included in the following pages:



incl. SL 1 + 2 + 3 + 4 + 5 + 6 + 7

	Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
1.	PROJECT CO-ORDINATION COSTS										
	Project leader / Deputy Project leader (incl. participation to wrap-up/final seminar and )										
	Meierkord (350), BÉlorgey (350)										
	Expert fees (mandated body)						5.250,00	7.000,00	6.475,00	0,00	1.225,00
	Meierkord	16.06. - 17.06.2008		16.06.(22:50) - 17.06.08(15:00) 0,5 fees x 350			175,00				
	Meierkord	29.07. - 30.07.2008		29.07.(16:55) - 30.07.08(17:50) 0,5 fees x 350			175,00				
	Meierkord	14.12. - 15.12.2008		14.12.(19:00) - 15.12.08(19:30) 1,0 fees x 350			350,00				
	Meierkord	04.05. - 05.05.2009		04.05.(11:50) - 05.05.09(19:50) 1,5 fees x 350			525,00				
	BÉlorgey	16.06. - 18.06.2008		16.06.(20:05) - 18.06.08(20:40) 1,5 fees x 350			525,00				



Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Bélorgey	20.10. - 22.10.2008			20.10.(21:30) - 22.10.08(16:20) 1,5 fees x 350			525,00				
	Bélorgey	09.11. - 11.11.2008			09.11.(20:35) - 11.11.08(20:10) 2,0 fees x 350			700,00				
	Bélorgey	14.12. - 15.12.2008			14.12.(19:50) - 15.12.08(20:20) 1,0 fees x 350			350,00				
	Bélorgey	14.04. - 17.04.2009			14.04.(20:05) - 17.04.08(20:40) 3 fees x 350			1.050,00				
	Bélorgey	04.05. - 06.05.2009			04.05.(12:20) - 06.05.09(20:40) 2,5 fees x 350			875,00				
	Project management costs (150%)				5.250,00 x 1,5			7.875,00	10.500,00	9.712,50	0,00	1.837,50
	Per diems							3.280,00	4.920,00	4.920,00	0,00	1.640,00
	Meierkord	16.06. - 17.06.2008			1 pd x 205			205,00				



Reinforcement of administrative structures for the coordination of social security schemes  
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		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Meierkord	29.07. - 30.07.2008			1 pd x 205			205,00				
	Meierkord	14.12. - 15.12.2008			1 pd x 205			205,00				
	Meierkord	04.05. - 05.05.2009			1 pd x 205			205,00				
	Bélorgey	16.06. - 18.06.2008			2 pds x 205			410,00				
	Bélorgey	20.10. - 22.10.2008			2 pds x 205			410,00				
	Bélorgey	09.11. - 11.11.2008			2 pds x 205			410,00				
	Bélorgey	14.12. - 15.12.2008			1 pd x 205			205,00				
	Bélorgey	14.04. - 17.04.2009			3 pds x 205			615,00				
	Bélorgey	04.05. - 06.05.2009			2 pds x 205			410,00				
	International travel							3.850,87	4.000,00	5.000,00	276,70	1.425,83
	Meierkord Berlin - Prague - Bratislava - Prague - Berlin	16.06. - 17.06.2008	99330	19.06.2008	by air, economy "VIP Reisen"			522,73			39,26	



Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Meierkord Bratislava Airport to Hotel	16.06.2008	23498	30.06.2008	Taxi was used due to late arrival (after 22:00h)	500,00 SKK	30,24000	16,53				
	Meierkord Berlin - Vienna - Berlin	29.07. - 30.07.2008	3543039	15.07.2008	by air, economy "airberlin"			204,00			0,00	
	Meierkord Vienna - Bratislava - Vienna	29.07. - 30.07.2008	23777	04.08.2008	Slovak Lines EUROLINES by bus			15,97				
	Meierkord Berlin - Vienna - Berlin	14.12. - 15.12.2008	9151	26.11.2008	by air, economy, "Marcus Gruchot Travel"			261,65			0,00	
	Meierkord Vienna - Bratislava - Vienna	14.12. - 15.12.2008	25126	16.12.2008	Slovak Lines EUROLINES by bus			15,47				
	Meierkord Berlin - Vienna - Berlin	04.05. - 05.05.2009	10894	30.04.2009	by air, economy "airberlin"			334,54				
	Meierkord Vienna - Bratislava - Vienna	04.05. - 05.05.2009	26253	06.05.2009	Postbus ÖBB / Slovak Lines EUROLINES by bus			14,70				
	Bélorgey Cologne - Vienna	16.06.2008	Q8M7HG	10.06.2008	by air, economy "germanwings"			319,61			237,44	



Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Bélorgey Vienna - Cologne	18.06.2008	689198	18.06.2008	by air, economy "germanwings"			369,05				
	Bélorgey Vienna - Bratislava	16.06.2008	23426	24.06.2008	Slovak Lines EUROLINES by bus			10,00				
	Bélorgey Bratislava - Vienna	18.06.2008	23426	24.06.2008	Slovak Lines EUROLINES by bus	240,00 SKK	30,24000	7,94				
	Bélorgey Cologne Airport to home	18.06.2008	23426	24.06.2008	Taxi was used due to late arrival (after 22:00h).			30,84				
	Bélorgey Cologne - Vienna	20.10.2008	YQU5U9	16.10.2008	by air, economy "Austrian Airlines"; invoice belongs also to mission from 09.11. to 11.11.08 and is therefore split 50:50			197,40			0,00	
	Bélorgey Vienna - Cologne	22.10.2008	Y7JNSM	15.10.2008	by air, economy "germanwings"			160,00				
	Bélorgey Vienna - Bratislava Vienna	20.10. - 22.10.2008	24459	23.10.2008	Slovak Lines EUROLINES by bus			16,80				





Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Bélorgey Frankfurt - Vienna	09.11.2008	8796	30.10.2008	by air, economy, "Marcus Gruchot Travel"			161,10			0,00	
	Bélorgey Vienna - Cologne	11.11.2008	YQU5U9	16.10.2008	by air, economy "Austrian Airlines"			197,41				
	Bélorgey transfer home - airport Rüsselsheim - Frankfurt airport	09.11.2008	24638	14.11.2008	by car 20 km x 0,25			5,00				
	Bélorgey Vienna - Bratislava - Vienna	09.11. - 11.11.2008	24913	10.12.2008	Slovak Lines EUROLINES by bus			17,97				
	Bélorgey Cologne - Vienna - Cologne	14.12. - 15.12.2008	W8H1TJ	20.11.2008	by air, economy "germanwings"			224,99			0,00	
	Bélorgey Vienna - Bratislava - Vienna	14.12. - 15.12.2008	24987	16.12.2008	Slovak Lines EUROLINES by bus			17,40				
	Bélorgey Cologne - Vienna - Cologne	14.04. - 17.04.2009	KY7TRQ	01.04.2009	by air, economy "germanwings"			246,00			0,00	
	Bélorgey Vienna - Bratislava - Vienna	14.04. - 17.04.2009	26121	23.04.2009	Slovak Lines EUROLINES by bus			8,70				



Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Bélorgey Cologne Airport to home	17.04.2009	26121	23.04.2009	Taxi was used due to late arrival (after 22:00h).			29,63				
	Bélorgey Cologne - Vienna	04.05.2009	10893	30.04.2009	by air, economy, "Marcus Gruchot Travel"			285,90			0,00	
	Bélorgey Vienna - Cologne	06.05.2009	P5GWRC	23.04.2009	by air, economy "germanwings"			112,00				
	Bélorgey Vienna - Bratislava - Vienna	04.05. - 06.05.2009	26252	07.05.2009	Postbus ÖBB / Slovak Lines EUROLINES by bus			16,70				
	Bélorgey Cologne Airport to home	06.05.2009	26252	07.05.2009	Taxi was used due to late arrival (after 22:00h).			30,84				
	Translation							0,00	300,00	300,00	0,00	300,00
	Interpretation							300,00	2.100,00	2.100,00	0,00	1.800,00
	mission of Ms Bélorgey and Mr Meierkord	17.06.2008 (0,5 day)	161/2008	07.08.2008	AJS Management Slovakia: Ms Farkasova 0,5 day x 300 EUR invoice belongs also to tasks 2.1. and 2.2.			150,00				



Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	mission of Ms B�elorgey and Mr Meierkord	15.12.08 (0,5 day)	269/2008	12.01.2009	AJS Management Slovakia Ms Fickuljakova 0,5 days x 300 invoice belongs also to task 2.2.			150,00				
	Sub-total							20.555,87	28.820,00	28.507,50	276,70	8.228,33
2.	PROJECT ACTIVITIES											
2.1.	Development of the administrative structures and operational procedures for interpretation and implementation of ECJ rulings (report with recommendations) 1)											
	STEs: Otting (250), Van den Berg (250)											
	Expert fees (civil servant)							3.375,00	7.000,00	4.250,00	0,00	875,00
	Otting	07.07. - 11.07.2008			07.07.(8:20) - 11.07.08(20:40) 4,5 fees x 250			1.125,00				



Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Otting	22.02. - 24.02.2009			22.02.(19:50) - 24.02.09(21:15) 2,0 fees x 250			500,00				
	van den Berg	06.07. - 11.07.2008			06.07.(19:50) - 11.07.08(20:30) 5,0 fees x 250			1.250,00				
	van den Berg	22.02. - 24.02.2009			22.02.(14:30) - 24.02.09(20:30) 2,0 fees x 250			500,00				
	Project management costs (150%)				3.375,00 x 1,5			5.062,50	10.500,00	6.375,00	0,00	1.312,50
	Per diems							2.665,00	6.970,00	4.305,00	0,00	1.640,00
	Otting	07.07. - 11.07.2008			4 pds x 205			820,00				
	Otting	22.02. - 24.02.2009			2 pds x 205			410,00				
	van den Berg	06.07. - 11.07.2008			5 pds x 205			1.025,00				
	van den Berg	22.02. - 24.02.2009			2 pds x 205			410,00				
	International travel							1.514,72	3.000,00	3.000,00	0,00	1.485,28



Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Otting Cologne - Vienna - Cologne	07.07. - 11.07.2008	PYZS4A	26.06.2008	by air, economy "germanwings"			239,57			0,00	
	Otting Vienna - Bratislava - Vienna	07.07. - 11.07.2008	23743	30.07.2008	Slovak Lines by bus			18,00				
	Otting Cologne - Vienna	12.10.2008	CZIC4L	15.09.2008	by air, economy "germanwings" Mission was cancelled by Slovakian partners			90,51			0,00	
	Otting Vienna - Cologne	14.10.2008	7060504	11.09.2008	by air, economy "airberlin" Mission was cancelled by Slovakian partners			75,00				
	Otting Cologne - Vienna - Berlin	22.02. - 24.02.2009	Y8YGGJ 08581757	11.02.2009	by air, economy "germanwings" and "airberlin"			221,00			0,00	
	Otting Vienna - Bratislava - Vienna	22.02. - 24.02.2009	25714	05.03.2009	Slovak Lines by bus			14,30				
	van den Berg Amsterdam - Vienna - Amsterdam	06.07. - 11.07.2008	7516	25.06.2008	by air, economy, "Marcus Gruchot Travel"			274,81			0,00	



Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	van den Berg transfer Den Haag - Amsterdam Schiphol - Den Haag	06.07. - 11.07.2008	23696	21.07.2008	by train, 1st class			22,80				
	van den Berg Vienna - Bratislava - Vienna	06.07. - 11.07.2008	23696	21.07.2008	Slovak Lines by bus			18,00				
	van den Berg Amsterdam - Vienna - Amsterdam	12.10. - 14.10.2008	8301 8560	15.09.2008 08.10.2008	by air, economy "Marcus Gruchot Travel" Mission was cancelled by Slovakian partners			176,90			0,00	
	van den Berg Amsterdam - Vienna - Amsterdam	22.02. - 24.02.2009	10076	23.02.2009	by air, economy, "Markus Gruchot Travel"			327,03			0,00	
	van den Berg transfer Leischendam - Amsterdam Schiphol - Leischendam	22.02. - 24.02.2009	25724	25.02.2009	by car, according 1st class train ticket			23,80				
	van den Berg Vienna - Bratislava - Vienna	22.02. - 24.02.2009	25724	25.02.2009	ÖBB Postbus by bus			13,00				
	Translation							340,00	1.500,00	1.500,00	0,00	1.160,00



Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

	Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
draft report with recommendations	10.09. - 30.09.2008	195/2008	03.10.2008	AJS Management Slovakia 16 pages x 20			320,00				
final report with recommendations act. 2.1 revised - SK	04.03.2009	49/2009	01.04.2009	AJS Management Slovakia 1 page x 20			20,00				
Interpretation							1.200,00	2.400,00	2.400,00	0,00	1.200,00
mission of Mr Otting and Mr van den Berg	07.07.2008 08.07.2008 09.07.2008 10.07.2008	161/2008	07.08.2008	AJS Management Slovakia: Ms Fickuljakova 0,5 days x 300 Ms Farkasova 0,75 days x 300 Ms Farkasova 1 day x 300 Ms Farkasova 0,75 days x 300			900,00				
mission of Mr Otting and Mr van den Berg	23., 24.02.09	27/2009	03.03.2009	AJS Management Slovakia: Ms Farkasova 2 x 0,5 days x 300			300,00				



Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
2.2.	Training of Slovak staff (training of trainers) in ECJ case-law (9 seminars) incl. training preparation and compilation of training documentation 2)											
	Roger (350), Deletang (350), Ötvös (250), Kerger (350), Roy (350), Van den Berg (250), Husmann (250), Steinmeyer (350), Perretant (350), Van Dalen (350), Meierkord (350)											
	Expert fees (mandated body)							20.650,00	14.700,00	22.050,00	0,00	1.400,00
	Roger	27.07. - 02.08.2008			27.07.(14:35) - 02.08.08(10:10) 5 fees x 350			1.750,00				
	Roger	16.09. - 20.09.2008			16.09 (18:15) - 20.09.08(10:10) 3 fees x 350			1.050,00				
	Deletang	27.07. - 02.08.2008			27.07.(14:35) - 02.08.08(10:10) 5 fees x 350			1.750,00				
	Kerger	28.09. - 04.10.2008			28.09.(15:30) - 04.10.08(17:15) 6 fees x 350			2.100,00				





Reinforcement of administrative structures for the coordination of social security schemes  
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		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Kerger	04.11. - 07.11.2008			04.11.(19:50) - 07.11.08(16:25) 2,5 fees x 350			875,00				
	Roy	16.09. - 20.09.2008			16.09.(18:15) - 20.09.08(10:10) 3 fees x 350			1.050,00				
	Steinmeyer	28.10. - 30.10.2008			28.10.(22:40) - 30.10.08(19:05) 2 fees x 350			700,00				
	Steinmeyer	19.11. - 20.11.2008			19.11.(12:25) - 20.11.08(19:50) 1,5 fees x 350			525,00				
	Perretant	04.08. - 07.08.2008			04.08.(18:15) - 07.08.08(10:10) 2 fees x 350			700,00				
	Perretant	16.09. - 20.09.2008			16.09.(18:15) - 20.09.08(10:10) 3 fees x 350			1.050,00				
	Perretant	09.11. - 12.11.2008			09.11.(18:15) - 12.11.08(10:10) 2 fees x 350			700,00				
	Perretant	18.01. - 21.01.2009			18.01.(18:15) - 21.01.09(10:10) 2 fees x 350			700,00				



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		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Perretant	03.02. - 11.02.2009			03.02.(18:15) - 11.02.09(10:10) 5 fees x 350			1.750,00				
	Perretant	25.03. - 28.03.2009			25.03.(18:15) - 28.03.09(19:55) 2 fees x 350			700,00				
	van Dalen	24.11. - 28.11.2008			24.11.(08:00) - 28.11.08(20:30) 5 fees x 350			1.750,00				
	van Dalen	07.12. - 12.12.2008			07.12.(19:40) - 12.12.08(20:30) 5 fees x 350			1.750,00				
	Meierkord	11.01. - 16.01.2009			11.01.(20:40) - 16.01.08(21:15) 5,0 fees x 350			1.750,00				
	Expert fees (mandated body or civil servant)							5.250,00	10.000,00	5.500,00	0,00	250,00
	Ötvös	24.11. - 28.11.2008			24.11.(9:30) - 24.11.08(19:30) 25.11.(9:30) - 28.11.08(19:30) 5 fees x 250			1.250,00				
	Ötvös	09.12. - 12.12.2008			09.12.(9:00) - 12.12.08(19:00) 4 fees x 250			1.000,00				



Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Husmann	30.11. - 10.12.2008			30.11.(15:00) - 10.12.08(10:00) 7 fees x 250			1.750,00				
	van den Berg	11.01. - 16.01.2009			11.01.(14:30) - 16.01.(19:55)5 fees x 250			1.250,00				
	Project management costs (150%)				25.900,00 x 1,5			38.850,00	37.050,00	41.325,00	0,00	2.475,00
	Per diems							18.655,00	20.500,00	19.885,00	0,00	1.230,00
	Roger	27.07. - 02.08.2008			6 pds x 205			1.230,00				
	Roger	16.09. - 20.09.2008			4 pds x 205			820,00				
	Deletang	27.07. - 02.08.2008			6 pds x 205			1.230,00				
	Kerger	28.09. - 04.10.2008			6 pds x 205			1.230,00				
	Kerger	04.11. - 07.11.2008			3 pds x 205			615,00				
	Roy	16.09. - 20.09.2008			4 pds x 205			820,00				



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		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Steinmeyer	28.10. - 30.10.2008			2 pds x 205			410,00				
	Steinmeyer	19.11. - 20.11.2008			1 pd x 205			205,00				
	Perretant	04.08. - 07.08.2008			3 pds x 205			615,00				
	Perretant	16.09. - 20.09.2008			4 pds x 205			820,00				
	Perretant	09.11. - 12.11.2008			3 pds x 205			615,00				
	Perretant	18.01. - 21.01.2009			3 pds x 205			615,00				
	Perretant	03.02. - 11.02.2009			8 pds x 205			1.640,00				
	Perretant	25.03. - 28.03.2009			3 pds x 205			615,00				
	van Dalen	24.11. - 28.11.2008			4 pds x 205			820,00				
	van Dalen	07.12. - 12.12.2008			5 pds x 205			1.025,00				
	Ötvös	24.11. - 28.11.2008			3 pds x 205 25.11. - 28.11.2008			615,00				



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		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Ötvös	09.12. - 12.12.2008			3 pds x 205			615,00				
	Husmann	30.11. - 10.12.2008			10 pds x 205			2.050,00				
	van den Berg	11.01. - 16.01.2009			5 pds x 205			1.025,00				
	Meierkord	11.01. - 16.01.2009			5 pds x 205			1.025,00				
	International travel							8.803,06	10.000,00	11.000,00	894,28	3.091,22
	Roger Paris - Vienna - Paris	27.07. - 02.08.2008	7637	09.07.2008	by air, economy, "Marcus Gruchot Travel"			427,09			0,00	
	Roger Vienna - Bratislava - Vienna	27.07. - 02.08.2008	24530	30.09.2008	ÖBB Postbus by bus			14,55				
	Roger Paris - Vienna - Paris	16.09. - 20.09.2008	8038	19.08.2008	by air, economy, "Marcus Gruchot Travel"			615,09			131,06	
	Roger Vienna - Bratislava - Vienna	16.09. - 20.09.2008	24530	30.09.2008	Slovak Lines EUROLINES by bus			15,97				



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		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Deletang Paris - Vienna - Paris	27.07. - 02.08.2008	7637	09.07.2008	by air, economy, "Marcus Gruchot Travel"			427,09			0,00	
	Deletang Vienna - Bratislava - Vienna	27.07. - 02.08.2008	24530	30.09.2008	ÖBB Postbus by bus			14,55				
	Kerger Cologne - Vienna - Cologne	28.09. - 04.10.2008	A29ENI	25.09.2008	by air, economy, "germanwings"			544,00			78,80	
	Kerger transfer home - airport - home Sinzig - Cologne - Sinzig	28.09. - 04.10.2008	24947	08.10.2008	by car, according 1st class train ticket			16,80				
	Kerger Vienna - Bratislava - Vienna	28.09. - 04.10.2008	24947	08.10.2008	Slovak Lines by bus			18,00				
	Kerger Cologne - Vienna - Cologne	04.11. - 07.11.2008	U3CYWY	16.10.2008	by air, economy, "germanwings"			165,98			0,00	
	Kerger transfer home - airport - home Sinzig - Cologne - Sinzig	04.11. - 07.11.2008	24948	12.11.2008	by car, according 2nd class train ticket			16,80				
	Kerger Vienna - Bratislava - Vienna	04.11. - 07.11.2008	24948	12.11.2008	Slovak Lines by bus			18,00				



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		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Roy Paris - Vienna - Paris	16.09. - 20.09.2008	8285	12.09.2008	by air, economy, "Marcus Gruchot Travel"			615,09			131,06	
	Roy Vienna - Bratislava - Vienna	16.09. - 20.09.2008	24530	30.09.2008	Slovak Lines EUROLINES by bus			15,97				
	Steinmeyer Muenster - Munich - Vienna - Frankfurt - Muenster	28.10. - 30.10.2008	8582	10.10.2008	by air, economy, "Marcus Gruchot Travel"			676,11			292,17	
	Steinmeyer Vienna - Bratislava	28.10.2008	24918	25.11.2008	Taxi was used due to late arrival (after 22:00h).			109,09				
	Steinmeyer Bratislava - Vienna	30.10.2008	24918	25.11.2008	Slovak Lines EUROLINES by bus			6,97				
	Steinmeyer Duesseldorf - Vienna - Duesseldorf	19.11. - 20.11.2008	8967	11.11.2008	by air, economy, "Marcus Gruchot Travel"			244,70			0,00	
	Steinmeyer transfer home - airport - home Muenster - Duesseldorf - Muenster	19.11. - 20.11.2008	25374	01.12.2008	by car 2 x 114km x 0,25			57,00				
	Steinmeyer Vienna - Bratislava - Vienna	19.11. - 20.11.2008	25374	01.12.2008	ÖBB Postbus by bus			14,55				



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	Perretant Paris - Vienna - Paris	04.08. - 07.08.2008	7684	15.07.2008	by air, economy, "Marcus Gruchot Travel"			295,09			0,00	
	Perretant Vienna - Bratislava - Vienna	04.08. - 07.08.2008	24530	30.09.2008	Slovak Lines EUROLINES by bus			15,97				
	Perretant Paris - Vienna - Paris	16.09. - 20.09.2008	8039	19.08.2008	by air, economy, "Marcus Gruchot Travel"			615,09			131,06	
	Perretant Vienna - Bratislava - Vienna	16.09. - 20.09.2008	24530	30.09.2008	Slovak Lines EUROLINES by bus			15,97				
	Perretant Paris - Vienna - Paris	09.11. - 12.11.2008	8757	27.10.2008	by air, economy, "Marcus Gruchot Travel"			473,09			0,00	
	Perretant Vienna - Bratislava - Vienna	09.11. - 12.11.2008	25024	10.12.2008	Slovak Lines EUROLINES by bus			15,97				
	Perretant Paris - Vienna - Paris	18.01. - 21.01.2009	9547	13.01.2009	by air, economy, "Marcus Gruchot Travel"			522,84			38,24	
	Perretant Vienna - Bratislava - Vienna	18.01. - 21.01.2009	25781	04.03.2009	Slovak Lines EUROLINES by bus			15,40				





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	Perretant Paris - Vienna - Paris	03.02. - 11.02.2009	9674	22.01.2009	by air, economy, "Marcus Gruchot Travel"			300,84			0,00	
	Perretant Vienna - Bratislava - Vienna	03.02. - 11.02.2009	25781	04.03.2009	Slovak Lines EUROLINES by bus			15,40				
	Perretant Paris - Vienna - Paris	25.03. - 28.03.2009	10315	11.03.2009	by air, economy, "Marcus Gruchot Travel"			338,73			0,00	
	Perretant Vienna - Bratislava - Vienna	25.03. - 28.03.2009	26068	14.04.2009	Slovak Lines EUROLINES by bus			15,40				
	van Dalen Amsterdam - Vienna - Amsterdam	24.11. - 28.11.2008	8764	27.10.2008	by air, economy, "Marcus Gruchot Travel"			257,03			0,00	
	van Dalen transfer home - airport - home Almere - Amsterdam airport - Almere	24.11. - 28.11.2008	25036	16.12.2008	by car 2 x 32 km x 0,25			16,00				
	Van Dalen Vienna - Bratislava – Vienna	24.11. - 28.11.2008	25036	16.12.2008	ÖBB Postbus by bus			14,55				



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	van Dalen Amsterdam - Vienna - Amsterdam	07.12. - 12.12.2008	9034	17.11.2008	by air, economy, "Marcus Gruchot Travel"			548,03			80,03	
	van Dalen transfer home - airport - home Almere - Amsterdam airport - Almere	07.12. - 12.12.2008	25037	16.12.2008	by car 2 x 32 km x 0,25			16,00				
	van Dalen Vienna - Bratislava - Vienna	07.12. - 12.12.2008	25037	16.12.2008	Slovak Lines by bus			16,00				
	Ötvös Budapest - Bratislava - Budapest	24.11.2008	24917	04.12.2008	"orange ways", by bus For the night from 24.11. to 25.11.08 Mr Ötvös didn't receive any per diem.	3.400,00 HUF	257,24000	13,00			0,00	
	Ötvös Budapest - Bratislava - Budapest	25.11. - 28.11.2008	24917	04.12.2008	"orange ways" by bus	3.400,00 HUF	257,24000	13,00				
	Ötvös Szekesfehervar - Bratislava - Szekesfehervar	09.12. - 12.12.2008	25187	15.12.2008	by car 2 x 164 km x 0,25			82,00			0,00	



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	Husmann Niestetal (Germany) - Bratislava - Niestetal	30.11. - 10.12.2008	24989	11.12.2008	by car 2 x 850 km x 0,25 plus vignette 24 EUR			449,00			0,00	
	van den Berg Amsterdam - Vienna - Amsterdam	11.01. - 16.01.2009	9347/48	17.12.2008	by air, economy, "Marcus Gruchot Travel"			473,06			11,86	
	van den Berg transfer home - airport - home Leidschendam - Amsterdam Schiphol - Leidschendam	11.01. - 16.01.2009	25585	09.02.2009	by car according 1st class train ticket			23,80				
	van den Berg Vienna - Bratislava - Vienna	11.01. - 16.01.2009	25585	09.02.2009	ÖBB Postbus by bus			15,00				
	Meierkord Berlin - Vienna - Berlin	11.01. - 16.01.2009	8030219	17.12.2008	by air, economy "airberlin"			178,00			0,00	
	Meierkord Vienna - Bratislava - Vienna	11.01. - 16.01.2009	25375	19.01.2009	Slovak Lines EUROLINES by bus			15,40				
	Production of Training Documentation							0,00	5.000,00	3.500,00	0,00	3.500,00
	Translation							10.566,16	8.000,00	11.500,00	0,00	933,84



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"Grille d'évaluation séminaire de formation"	09.07.2008	161/2008	07.08.2008	AJS Management Slovakia 96 words (pps) x 0,08			7,68				
Judgment Van Poucke Judgment Molenaar Presentation Ms Roger + Ms Deletang	03.09.2008	79/2008	03.09.2008	Ing. Zuzana Revúčka 9 pages x 20 13 pages x 20 9 pages x 20			620,00				
ECJ rulings Presentation Ms Roger	06.10.2008	89/2008	06.10.2008	Ing. Zuzana Revúčka 33 pages x 20 6 pages x 20			780,00				
Liste von Fragen Seminar 4 Presentation Ms Roy	10.09. - 17.09.2008	195/2008	03.10.2008	AJS Management Slovakia 2,15 pages x 20 6229 words (pps) x 0,08			541,32				
seminar 1 - résumé et commentaires final seminar 1 comparaison 1408-71 et 883-2004 généralités	24.11.2008	106/2008	24.11.2008	Ing. Zuzana Revúčka 40 pages x 20 9 pages x 20			980,00				
Training seminar 4, Expert Mr. Kerger	19.11.2008	22/2008	19.11.2008	JUDr. Zuzana Verešová 28 pages x 20			560,00				



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	C-13-73 ECJ Hakenberg of 12 07 1973 - EN C216-89 ECJ Reibold v BA of 13 11 1990 - EN act 253-1998 on registration of residents in SK seminar 8 presentation steinmeyer DE C-404-98 ECJ Plum of 9.11.2000_EN C-34-98 ECJ EC COM French Republic of 15.2.2008_EN C-60-85 ECJ Luijten of 10.7.1986_EN C-102-76 ECJ Perenboom of 5.5.1977_EN C-221-95 ECJ Hervein of 30.1.1997_EN C-245-88 ECJ Daalmeijer of 21.2.1991_EN C-302-84 ECJ Ten Holder of 12.6.1986_EN C-393-99 + 394-99 ECJ Hervein and Hervillier of 19.3.2002_EN C-242-99 ECJ Vogler Engels of 20.11.2000_EN Powerpoint sliedes Seminar 2 Ötvös-van Dalen cases 1408 – 883	05.11. - 27.11.2008	244/2008	03.12.2008	AJS Management Slovakia 14 pages x 20 4974 words (pps) x 0,08			677,92				



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Training seminar 7, Expert Mr Husmann	19.12.2008	25/2008	19.12.2008	JUDr. Zuzana Verešová			560,00				
C-202-97 ECJ Fitzwilliam Executive Search Ltd of 12 2 2000 C-178-97 ECJ Barry Banks Others of 30 3 2000 C-35-70 ECJ Manpower of 17 12 2000 C-425-93 ECJ Calle Grenzshop Andresen GmbH of 16 2 1995 presentation seminar 3 - draft 1	03.12. - 08.12.2008	269/2008	12.01.2009	AJS Management Slovakia 1,5 pages x 20 1 page x 20 1 page x 20 1 page x 20 2888 words (pps) x 0,08			321,04				
draft presentation seminar 5 VdB_corr bél - EN C-443-93 ECJ Vougioukas of 22 11 1995 C-406-93 ECJ Reichling of 09 08 1994 C-481-93 ECJ Moscato of 26 10 1995 C-244-97 ECJ Lustig of 17 12 1998 C-135-99 ECJ Elsen of 23 11 2000 C-58-87 ECJ Rebmman of 29 06 1988 C-4-80 ECJ D´Amico of 15 10 1980 C-275-91 ECJ Iacobelli of 03 02 1993	08.01. - 12.01.2009	13/2009	03.02.2009	AJS Management Slovakia 715 words x 0,08 1,5 pages x 20 1 page x 20 1 page x 20 1 page x 20 1 page x 20 1 page x 20 1 page x 20 1 page x 20			227,20				



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	Training seminar 6, Experts Mrs. Roger + Mrs. Roy Training seminar 9, Expert Mr. Perretant	06.03.2009	20/2009	06.03.2009	Ing. Zuzana Revúcka 13 pages x 20 22,5 pages x 20			710,00				
	Training seminar 7, Expert Mr Husmann summary part 1	16.03.2009	06/2009	16.03.2009	JUDr. Zuzana Verešová 16 pages x 20			320,00				
	Training seminar 7, Expert Mr Husmann summary part II	08.04.2009	10/2009	08.04.2009	JUDr. Zuzana Verešová 16 pages x 20			320,00				
	table of judgements (seminar 2) - final - EN comparative taböe 1408-71 and 888-04 (seminar 2) - final - EN summary of seminar 2 - final - EN summary of seminar 3 - final - EN table of judgements (seminar 3) - final - EN table of judgements seminar 7 part I - draft (resived bél) table of judgements seminar 7 part II - draft (resived bél)	05.03. - 30.03.2009	49/2009	01.04.2009	AJS Management Slovakia 3,5 pages x 201 page x 2019,5 pages x 2018 pages x 204 pages x 205,5 pages x 205 pages x 20			1.130,00				
	Training seminar/training documentation (seminar 7+4) SK_seminar 7 - summary part III - draft SK_seminar 7 summary part V - final	25.04.2009	22/2009	25.04.2009	Dipl. Ing. Bedrich Trávnicek 15,40 pages x 20 12,50 pages x 20 28,15 pages x 20 7,5 pages x 20			1.271,00				



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	Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
SK_summary of seminar 4 - final - DE SK_seminar - summary part IV - final											
Seminar 4	22.04.2009	8/04/09	22.04.2009	Edita Urbanová 10 pages x 20			200,00				
table of judgements seminar 7 part V table of judgements seminar 8 - draft table of judgements seminar 7 part IV table of judgements seminar 7 part III table of judgements seminar 5 - final seminar 7 - comparative table 1408-883 seminar 8 - comparative table 1408-883 seminar 5 - summary summary of seminar 8 steinmeyer	15.04. - 06.05.09	65/2009	06.05.2009	AJS Management Slovakia 4 pages x 20 3,5 pages x 20 3,5 pages x 20 7 pages x 20 3,5 pages x 20 1 page x 20 0,5 page x 20 7 pages x 20 4 pages x 20			680,00				
introductory note (training documentation file) - EN - SK	07.05.2009	66/2009	07.05.2009	AJS Management Slovakia 3 pages x 20			60,00				





Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Training seminar 1 + 6, Experts Mrs. Roger + Mrs. Roy summary of seminar 6 (unemployment) - final table of judgments seminar 6 (family benefits) comparative table 1408-883 (unemployment benefits) - final table of judgments seminar 6 (unemployment) table of judgments seminar 1	30.04.2009	36/2009	30.04.2009	Ing. Zuzana Revúcka 4 pages x 20 6 pages x 20 4 pages x 20 5 pages x 20 11 pages x 20			600,00				
	Interpretation							9.243,75	10.800,00	9.600,00	0,00	356,25
	Training seminar 1, Experts Mrs. Roger + Mrs. Deletang:  expert consultations (training documentation) Mr Perretant:	28.07.08 (2 hrs) 30.07.08 (1 day), 31.07.08 (1 day), 01.08.08 (2 hrs) 05.08.08 (0,5 days), 06.08.08 (0,5 days)	78/2008	03.09.2008	Ing. Zuzana Revúcka 4 hrs x 37,50 3 days x 300			1.050,00				



Reinforcement of administrative structures for the coordination of social security schemes  
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		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Training seminar 6, Experts Mrs. Roger + Mrs. Roy	17.09.08 (1 hr), 18.09.08 (1 day), 19.09.08 (1 day)	88/2008	06.10.2008	Ing. Zuzana Revúčka 1 hr x 37,50 2 days x 300			637,50				
	Training seminar 4, Expert Mr. Kerger	01.10.08 (1 day), 02.10.08 (1 day)	19/2008	07.10.2008	JUDr. Zuzana Verešová 2 days x 300			600,00				
	Training seminar 1, Expert, Mr. Perretant, Mr. Kováč	10.11.08 (2,5 hrs)	107/2008	24.11.2008	Ing. Zuzana Revúčka 2,5 hrs x 37,50			93,75				
	mission of Mr. Steinmeyer and Mr van Dalen/Mr. Ötvös	20.11.08 (1 day), 24.11.08 (0,5 days), 26. - 27.11.08 (2 x 2 days)	244/2008	03.12.2008	AJS Management Slovakia Ms Fickuljakova, Ms Farkasova 1 day x 300 0,5 days x 300 2 x 2 days x 300			1.650,00				
	Training seminar 7, Expert Mr Husmann	03.12.08 (1 day), 04.12.08 (1 day)	80/2008	12.12.2008	Dipl. Ing. Bedrich Trávnicek 2 days x 300			600,00				
	Training seminar 7, Expert Mr Husmann	03.12.08 (1 day), 04.12.08 (1 day)	25/2008	19.12.2008	JUDr. Zuzana Verešová 2 days x 300			600,00				



Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Training seminar 5, Expert Mr. Meierkord	15.01.09 (1 day)	01/2009	19.01.2009	JUDr. Zuzana Verešová 1 day x 300			300,00				
	mission of and Mr van Dalen, Mr Ötvös	08.12.08 (0,5 days), 11.-12.12.08 (2 x 2 days),	269/2008	12.01.2009	AJS Management Slovakia Ms Fickuljakova Ms Farkasova 0,5 days x 300 2 x 2 days x 300			1.350,00				
	mission of Mr Meierkord and Mr van den Berg	12.01.09 (0,5 days), 14.01.2009 (2 x 1 day)	13/2009	03.02.2009	AJS Management Slovakia Ms Fickuljakova Ms Farkasova 0,5 days x 300 2 x 1 day x 300			750,00				
	Training seminar 5, Expert Mr. Meierkord	15.01.09 (1 day)	4/2009	30.01.2009	A-Lingua PhDr. Ingrid Zelenay 1 day x 300			300,00				
	mission of Mr. Perretant	19.01.09 (1 hour) 04.02.09 (1 hour) 05.02. - 06.02.09 (2 days) 09.02. - 10.02.09 (2 days)	11/2009	16.02.2009	Ing. Zuzana Revúcka 2 hrs x 37,50 2 x 2 days x 300			1.275,00				



Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	mission of Mr. Perretant	26.03.2009	37/2009	30.03.2009	Ing. Zuzana Revúcka 1 hr x 37,50			37,50				
2.3.	Study visit (4-5 days, 5 participants) to Germany and France											
	Slovak participants (5 persons) in Germany and France <sup>3</sup> )											
	International air fare ( 5 participants)											
	Per diems Germany (5 x 3 nights)	27.01. - 30.01.09	41c - 41g	29.01.2009	5 x 3 nights x 208			3.120,00	1.872,00	3.120,00	0,00	0,00
	Per diems France (5 x 2 nights)	25.01. - 27.01.09	41c - 41g	29.01.2009	5 x 2 nights x 245			2.450,00	2.367,00	2.450,00	0,00	0,00
	Incidental costs (5 participants x 5 days)				5 x 5 days x 10			250,00	150,00	250,00	0,00	0,00
	Local inter-city transport (5 participants)							218,18	1.500,00	1.500,00	0,00	1.281,82
	Cologne - Bonn	27.01.2009	308886	19.01.2009	"Deutsche Bahn" 2nd class train ticket			33,32				
	Cologne - Berlin	28.01.2009	LB16SA	08.01.2009	"TUifly", by air,			97,47				



Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

	Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
				economy							
Cologne - Berlin	28.01.2009	N5CY9P	22.01.2009	"TUIfly", by air, economy			87,39				
2 interpreters from Slovakia (one for FR - SK, one for DE - SK)											
Interpretation fees							1.050,00	1.500,00	1.500,00	0,00	450,00
Ms Revucka	26.01.2009	11/2009	16.02.2009	1 day x 300			300,00				
Ms Veresova	27.01.09 (0,5 day), 28. - 29.01.09 (2 days)	2/2009	17.02.2009	2,5 days x 300			750,00				
International air fare							327,13	500,00	1.000,00	0,00	672,87
Ms Revucka Vienna - Paris - Vienna	25.01. - 27.01.09	9508	08.01.2009	by air, economy, "Marcus Gruchot Travel"			190,84				
Ms Revucka Bratislava - Vienna - Bratislava	25.01. - 27.01.09	25658	16.02.2009	Slovak Lines EUROLINES by bus			14,30				
Ms Veresova Vienna - Cologne Berlin - Vienna	27.01. - 30.01.2009	UC297K 08267866	15.01.2009	by air, economy, "TUIfly" and "airberlin"			121,99				



Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Per diems Germany - Ms Veresova	27.01. - 30.01.09	41a	29.01.2009	3 nights x 208			624,00	624,00	624,00	0,00	0,00
	Per diems France - Ms Revucka	25.01. - 27.01.09	41b	29.01.2009	2 nights x 245			490,00	789,00	490,00	0,00	0,00
	Local transport Ms Veresova Cologne - Berlin	28.01.2009	G4VVMC	12.01.2009	"TUIfly", by air, economy			24,37	500,00	300,00	0,00	275,63
	Translation Sprava zo ZPC_ Study visit TWL project_26	05.05.2009	65/2009	06.05.2009	AJS Management Slovakia 6,5 pages x 20			130,00	200,00	200,00	0,00	70,00
2.4.	Final wrap-up meeting											
	Otting or Van den Berg (250), N.N (350) Representative of German Federal Ministry of Labour and Social Affairs (Ms Kerstin Whalley)											
	Expert fees (mandated body)								350,00	350,00	0,00	350,00
	Expert fees (mandatd body or civil servant)								250,00	250,00	0,00	250,00
	Project management costs (150%)								900,00	900,00	0,00	900,00



Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

		Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Per diems Ms Whalley	04.05. - 05.05.09			1 pds x 205			205,00	820,00	820,00	0,00	615,00
	International travel							308,40	1.000,00	1.000,00	0,00	691,60
	Ms Whalley Berlin - Vienna - Berlin	04.05. - 05.05.09	1350724	28.04.2009	"Airberlin", by air, economy			293,00				
	Ms Whalley Vienna - Bratislava	04.05.2009	5149	04.05.2009	Slovak Linesby bus			7,70				
	Ms Whalley Bratislava - Vienna	05.05.2009	3213873	05.05.2009	Slovak Lines EUROLINES by bus			7,70				
	Translation								300,00	300,00	0,00	300,00
	Interpretation mission of Ms Whalley	05.05.2009	65/2009	06.05.2009	AJS Management Slovakia Ms Farkasova 0,5 days x 300			150,00	600,00	600,00	0,00	450,00
	Sub-total Project Activities							135.522,27	161.642,00	161.844,00	894,28	27.216,01
4.	OPERATIONAL COSTS											
	Local transport (lump sum )								1.500,00	1.200,00	0,00	1.200,00
	Audit Certificate Costs	20.04.09 08.05.09	G-1-2009	08.05.2009	Mr. Drodten, auditor			1.500,00	2.500,00	2.500,00	0,00	1.000,00



Reinforcement of administrative structures for the coordination of social security schemes  
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	Date(s) of services	Invoice number	Date of invoice	Breakdown and clarification	amount paid in local currency	InforEURO exchange rate	amount paid in EUR	amount foreseen in original budget	amount introduced by sideletter amendment	amount charged to contingencies	Balance EUR
	Visibility costs							500,00	500,00	0,00	500,00
	<b>Total Operational Costs :</b>						1.500,00	4.500,00	4.200,00	0,00	2.700,00
T	GRAND SUB-TOTAL						157.578,14	194.962,00	194.551,50		38.144,34
	Provision for changes in prices (up to 2,5 % of the budget )							4.874,05	5.284,55	1.170,98	4.113,57
	<b>TOTAL BUDGET</b>						157.578,14	199.836,05	199.836,05	1.170,98	42.257,91





# ANNEXES



# **ANNEX I**

EU Twinning - Light Project SK06/IB/SO/01/TL

Posilnenie administratívnych štruktúr pre koordináciu systémov sociálneho zabezpečenia  
vo vzťahu k rozsudkom Európskeho súdneho dvora (ESD)

Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

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## Activity 2.1

### REPORT

on

**administrative structures and operational procedures for interpretation and  
implementation of rulings of the European Court of Justice concerning social  
security of migrant workers in the Slovak Republic**

**Authors: Dr. Albrecht Otting, PhD Cornelis J. van den Berg**



## **Introduction**

This report is based on an expert mission carried from 7 to 11 July 2008 in Bratislava. This fact-finding mission was carried out with the aim of getting a better overview on the organisational structures, tasks, working procedures within the different departments of the Slovak Ministry of Labour, Social Affairs and Family (MoLSAF) and of the Slovak Ministry of Health (MoH), the coordination mechanism between the departments as well as the cooperation with the competent institutions, the Centre of Labour, Social Affairs and Family (CoLSAF), the Social Insurance Agency (SIA) and the Health Care Surveillance Authority (HCSA).

Under the guidance of the Slovak project leader, Mr. Jaroslav Kováč, the short-term experts Mr. Cees van den Berg and Mr. Albrecht Otting had the opportunity to meet in the course of their mission

- the staff of the MoLSAF responsible for the coordination of social security on Monday, 7 July
- the staff of the CoLSAF responsible for the implementation of the coordination rules in the area of family benefits on Tuesday, 8 July
- the staff of the MoH and the staff of the HCSA responsible for the implementation of the coordination rules in the area of medical care on Wednesday, 9 July
- the staff of the SIA responsible for the implementation of the coordination rules in the area of cash insurance benefits and the staff of the Ministry of Interior and the Ministry of Defence responsible for special schemes for the military forces and for civil servants on Thursday, 10 July.

The experts would like to take this opportunity to thank their counterparts in the different ministries and agencies and in particular the project leader, Mr. Kováč, for the excellent assistance and support they gave them in the course of their work.

## **I. Main findings**

### **Overview on the social security scheme in the Slovak Republic:**

The social security system in the Slovak Republic comprises these parts: Social Insurance, Health Care Insurance, State Social Support and Social Aid.



*Social insurance* is regulated by the Social Insurance Act (Act No. 461/2003). It comprises five separate subsystems: sickness insurance (cash benefits only, namely sickness benefit, nursing benefit, equalization benefit and maternity benefit), pension insurance (old-age, early retirement, invalidity and survivors' pensions), work-accident insurance (accident allowance, accident pension, lump-sum settlement (for disability of less than 40%), survivors' accident pensions, lump-sum compensation and rehabilitation benefits), employer insolvency insurance (guarantee pension) and unemployment insurance.

The general scheme is administered by the SIA under the supervision of the MoLSAF.

Contributions are paid by employers, employees, self employed persons and voluntarily insured individuals.. Under article 128 of Act No 461/2003, the State pays contributions for

- a) persons caring for a child up to 6 years of age,
- b) persons caring for a handicapped child up to 18 years of age,
- c) persons receiving a carer's allowance.

On 1 January 2005, the Act No. 43/2004 on old-age pension saving entered into effect. It provides for part of the social insurance contribution (9%) to be transferred to a supplementary saving scheme administered by licensed pension funds. These schemes are listed in Annex VIII of Regulation 883/04. There are currently six pension fund management companies operating in total 18 pension funds with different investment strategies. The supervision over these funds is performed by the National Bank of Slovakia.

In addition, there are some special schemes for civil servants within the meaning of Article 51a of Regulation 1408/71 or Article 60 of Regulation 883/04, which are administered under the supervision of the Ministry of Interior or the Ministry of Defence,

- for professional soldiers of the armed forces,
- for members of the Police Force,
- for members of the Railway Police,
- for members of the Slovak Information Service,
- for members of the Judiciary Guards and Prison Wardens Corps,
- for customs officers, and
- for members of the National Security Office.

The *State Social Support* system is tax financed and administered by the CoLSAF under the supervision of the MoLSAF through 46 regional labour, social affairs and family offices, which provide for a wide range of family benefits.



The State social support system is governed by:

- The Act N°235/1998 on the child birth allowance, allowance to parents to whom three or more children were born at the same time or who have twins repeatedly within the course of two years, as amended
- The Act N°238/1998 on the funeral grant, as amended
- The Act N°280/2002 on the parental allowance, as amended
- The Act N°600/2003 on child benefit, amending the Act N°461/2003 concerning social insurance, as amended
- The Act N°627/2005 on allowances to support children foster care, as amended

*Social Aid* (Social Assistance) is regulated by Act No 195/98 about social assistance and by Act No 599/2003 on help in material need, as amended. People who find themselves in material need are provided assistance pursuant to the Act N°599/2003 concerning the assistance in material need, as amended. It is financed from the state budget and also administered by CoLSAF under the supervision of MoLSAF through its regional labour, social affairs and family offices. They provide for persons in material need a material need benefit and allowances to the benefit – *health care allowance*, *activation allowance*, *housing allowance* and a *protection allowance*.

Offices of Labour, Social Affairs and the Family also provide allowances to persons with severe handicap and allowance for taking care of a person with severe disability.

The *Health Care System* is regulated by

- Act No 576/2004 on Health Care and Services related to the provision of Health Care,
- Act No 577/2004 on the Scope of Health Care covered by Public Health Care Insurance,
- Act No 578/2004 on Health Care Providers,
- Act No 579/2004 on Emergency Health Services,
- Act No 580/204 on Health Care Insurance, and
- Act No 581/2004 on Health Care Insurance Companies and Surveillance over Health Care.

The political responsibility for the system lies with the Ministry of Health (MoH).

The mandatory public and voluntarily public health insurance is administered (since 2005) by health care insurance companies under the supervision of the HCSA. These are private joint-



stock companies which are licensed to carry out public health care insurance at the territory of the Slovak Republic by HCSA and which are obliged to conclude contracts with healthcare providers in the Slovak Republic in compliance with the law. Insured persons have the right to choose among the five health insurance companies currently in operation.<sup>1</sup> There is no family insurance within the meaning of Regulation 1408/71, but just a mandatory individual insurance for all residents and all persons employed in the Slovak Republic.<sup>2</sup> The contribution advances is paid

- by the employer and the employees from the base set by the Health care insurance Act,
- by self-employed persons, from the base set by the Health care insurance Act,
- by the State for categories of persons defined in the Health care insurance Act, such as children, students, pensioner, jobseekers etc. from the base set by the Health care insurance Act,

Persons who fail to meet their obligations set by the law are only entitled to essential emergency treatment in accordance with Act No 580/2004.

With regard to the occupational injuries and diseases, the provided health care is the same as that in any other cases.

The Act No 577/2004 regulates the scope of health care and the payment of services. There is a list of medicines and appliances which are either fully or partially covered by the insurance companies. Reimbursement for the health care providers is made according to the tariffs agreed between the insurance companies and the health care provider. These tariffs are fixed on the basis of a lump sum for hospital treatment, on the basis of lump-sum payment per capita in case of general practitioners and on the basis of points in case of out-patient treatment.

Disbursement and coverage of health care abroad is governed by the Regulation (EEC) 1408/71 and national legislation, which covers emergency treatment and a sudden disease, and also planned health care in the full scope, for which the consent was issued (These provisions of the national legislation are mainly applied for non-EU countries). The European Health Insurance Card (EHIC) is only issued at request of the insured person with a validity ranging from 1 to 5 years. It was reported that there arose some problems because foreign EHICs had either not been accepted by Slovak general practitioners or because it still had been used by holders abroad which were no longer covered by the Slovak public health care insurance.

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<sup>1</sup> This information is taken from the HCSA-publication „Public Health Insurance in the Slovak Republic for Year 2006“.

<sup>2</sup> The trESS European Report 2007 points out in this respect:“In Slovakia, the main issue in the area of benefits-in-kind of medical insurance in the past year has been the question of priority of individual rights to healthcare over the derived/secondary right. The reason was that dependent family members of a migrating worker, who have residence in the Slovak Republic, or the dependent family member of a pensioner receiving a pension from another Member State, who have residence in the Slovak Republic, have the right to be state-insured in the public system of medical insurance. This individual right had precedence over their derived right as family member of employed persons. This approach has since been abandoned since it created chaos with respect to other systems of social security.” (p. 113)



## **Competent implementing institutions and liaison bodies**

The *Social Insurance Agency (SIA)* was established in 1994 from its predecessor the National Insurance Agency. It is an independent institution responsible for collecting contributions, paying sickness benefits, pensions, accident insurance benefits, unemployment benefits and guarantee benefits on the one hand, controlling the application of the legislation and spendings of the Social Insurance Agency budget on the other hand.

It also assumes the task of the liaison body according to Annex 4 (V) of Regulation 574/72.

The SIA is headed by a Director-General (appointed by the Slovak Government), with a Supervisory Board being the supervisory and control body, headed by the Minister of MoLSAF together with 10 tripartite members elected by the Slovak Parliament.

SIA has its headquarter (HQ) in Bratislava and 38 regional offices. The HQ takes all decisions on pensions and long term benefits related to occupational accidents and diseases; the regional offices take decisions on sickness cash benefits, short-term benefits related to occupational accidents and diseases, unemployment benefits and minimum income guarantee benefits. The regional offices are also responsible for the collection of contributions to the pension savings scheme.

HQ SIA is the appeal instance for all types of benefits for which the decision is taken by a regional office. Appeal for pensions and long-term accident benefits have to be filed with the Regional Court, and the Supreme Court being the second instance court.

At the moment of the accession of Slovakia in the EU all sectors were separately instructed on the subject they were responsible for, concerning the applications of the Regulations. The instructions are kept up to date by the staff (including lawyers) of the methodology departments of the different branch-sections with a view of a unified approach in taking decisions.

The *Central Office of Labour, Social Affairs and Families (CoLSAF)* is responsible for the implementation of the legislation on family benefit and death grant. In this respect, it also assumes the task of the liaison body in accordance with Annex 4 (V) of Regulation 574/72. It also bears responsibility for active labour market policy, the registration and the reintegration of unemployed persons into employment, while the responsibility for the payment of unemployment benefits lies with SIA.





The CoLSAF is responsible for the instruction of the 46 regional offices spread over the Republic as far as it concerns trans-border cases.

Before the accession into the EU a full scaled and detailed instruction was forwarded to the regional offices which contained besides of the legal texts of the Regulations and Decisions of the Administrative Commission, an explanation of the relevant articles on the applicable legislation and family benefits including practical examples. These were based on the model of similar German guidelines established by the German Federal Employment Agency. This information is updated regularly by Ms Alacova taking into account amendments of Regulations and the E forms as the case may be. The information on these amendments is provided by MoLSAF.

Twice a year the regional offices are informed through national meetings, from which they are circulated "Minutes", summarising all information, changes and amendments of procedures. Any problems that occur are solved via phone or e-mail communication, in personal meetings of staff from certain offices and the responsible officers from the Centre, as well as during "methodology days" at the offices.

Part of the workload of the CoLSAF is also to take administrative appeal decisions upon decisions of the regional offices. Claimants have after the appeal decisions of the Central Office a further possibility by choice. They can ask MoLSAF for a review, or appeal to a regular court, although this rarely happens. We were informed that, since 2004, only two cases on family benefits were lodged before the courts of which only one is dealing with the issue of coordination.

The CoLSAF is, through the regional offices, daily faced with problems and questions concerning the applicable legislation, residence of claimants and questions on foreign legislation which is or is not comparable with the Slovak legislation in this area.

The *Health Care Surveillance Authority (HCSA)* mainly performs two tasks, namely

- the supervision of the financial flows within the public health care insurance system
- the supervision of the correct provision of health care.

It also assumes the task of the liaison body according to Annex 4 (V) of Regulation 574/72.

The HCSA endeavours to ensure uniform application of the laws related to health care insurance, e.g. by issuing methodology manuals for health care insurance companies, statements, etc., In case of a dispute between the insured person, the health insurance



company and the healthcare provider it intervenes directly. Although its decisions are not binding, they are, as a general rule, observed.

The HCSA has published two methodology manuals on the coordination of benefits in kind according to the EC-Regulations 1408/71 and 574/72, the first dealing with the legal framework, the E-forms, administrative procedure of health care insurance company and the ECJ rulings and the later dealing with reimbursements using the E125 and E127 forms. The E-forms E 125 and E 127 are exchanged electronically with the Czech Republic and Hungary. It is intended to extend the electronic data exchange to other countries such as Austria and Belgium. In relation to Slovakia, the biggest creditor is the Czech Republic (58.8%) followed by Germany (17.1%) and Austria (11.8%), while the biggest debtor is once again the Czech Republic (55.7%) followed by Hungary (28.4%) and Austria (8.4%)<sup>3</sup>. The cost for medical treatment abroad has risen considerably, but it still represents only a very small share of the total expenses (0.13% in 2005, 0.28% in 2006).

The interviewed persons showed a good knowledge of the case-law of the European Court of Justice (ECJ). This may also be due to the fact, that Ms Lacova of the MoH and Ms Tuchscherova of the HCSA are both lawyers. The *Kohll/Decker*-rulings are mentioned in a special annex to the guidelines<sup>4</sup>, but no guidance has been provided with respect to their implementation which therefore is basically left at the discretion of the health insurance companies. However, a case is now pending before a Slovak tribunal of a woman, who – after receiving a stroke in Slovakia – travelled to her daughter and received rehabilitation measures in Germany. Her claim for reimbursement was refused by her health insurance company which had not approved the treatment in Germany before her departure.

### **Implementation of the European law at the ministerial and administrative level**

At the ministerial level, there are basically five persons dealing with the coordination of social security, namely

- within the Department for Migration and Integration of Foreigners of MoLSAF:  
Mr Jaroslav Kováč, Ms Katarina Gigliotti and Ms Xenia Mala; the latter is member of the Administrative Commission, but has now moved to the Slovak Permanent

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<sup>3</sup> These figures relate to the end of 2006

<sup>4</sup> The HCSA-publication „Public Health Insurance in the Slovak Republic for Year 2006“ points out in this respect: „Slovak policyholders were able to use also the possibilities resulting from the European Court of Justice judgements based on free movement of services, meaning that they can travel for planned health care also without approval of their health care insurance company. Costs for health care in such case have to be paid in full extent by the policyholder, while he can use also services of private health care provider at limited payment from public resources.“ (p. 11/12).



Representation in Brussels; no decision regarding her replacement within the Department has been taken yet,

- within the Legal Department of MoH:  
Ms Magdalena Lacova and Ms Katarina Lutherova; the first is deputy member of the Administrative Commission.

At the administrative level,

- Ms Andrea Galikova (HCSA) is member of the Audit Board,
- Ms Katarína Nevídaňská (SIA) and Ms Mária Tuchscherová (HCSA) are member of the Technical Commission which is responsible for the electronic data exchange.

In the field of coordination of social security, the tasks of the MoLSAF-Department for Migration and Integration of Foreigners are:

- to coordinate the preparation of notes, proposals, replies and instructions to the address of the Administrative commission and other committees; in this respect, it can draw on the technical assistance of the implementing institutions (in particular SIA, CoLSAF and HCSA), which can issue opinions on specific issues;
- to cooperate with the implementing institutions and liaison bodies;
- to cooperate with other social departments of the MoLSAF and the MoH on specific issues.

In order to intensify cooperation on issues regarding coordination of social security schemes, an *inter-institutional Working Group on coordination of social security (WGCSS)* has been established which meets on an ad-hoc basis when need arises. It is composed of 25 members representing ministries (MoLSAF, MoH, Ministry of Interior and Defence) as well as implementing institutions of social security (SIA, HCSA, CoLSAF, a representative of the health insurance companies).

There is an intensive cooperation between the members of the WGCSS not only during meetings, which take place on an ad-hoc basis at invitation of its chair (Mr. Hudec or his deputy, Mr. Kováč of the MoLSAF), but also informally through the exchange of e-mails, telephone calls etc.



The Department has also established a communication and information platform on the Website of the MoLSAF which is accessible for all members of the WGCSS and administered by Mr. Kováč. It contains the schedule and the minutes of meetings, the documents of the Administrative Commission and other EC-Committees as well as links for further information.

A similar working group has been established by the MoH dealing with healthcare-related issues.

The case-law of the European Court of Justice (ECJ), however, is not systematically monitored and has not yet been systematically assessed as regards its relevance for Slovakia. The Slovak government is informed on any request for a preliminary ruling which had been submitted by a foreign court, so that - at least in theory - they have the possibility to submit their own opinion to the ECJ. General responsibility for the ECJ lies with the Ministry of Justice, but the civil servants there have no specific knowledge of social security issues. The Slovak representative at the ECJ who prepares all Slovak (general) issues dealt with before the ECJ also comes from this Ministry. The legal affairs division within MoLSAF is mainly concerned with national issues and has no specific knowledge in European Law. Little experience in this area can also be explained by the fact, that there has not yet been a single case of a request for a preliminary ruling coming from a Slovak court. Moreover, information on foreign cases is not fully available in Slovak language, as only a brief summary and the questions, which had been submitted by a national court for a preliminary ruling, are translated, whereas the rest of the file explaining the background to the application is only made available in French (the official language of the ECJ).

One of the reasons for this gap may be that within the Department for Migration and Integration of Foreigners of MoLSAF dealing with the coordination of social security, all employees have a professional knowledge and a good command of foreign languages but there is a necessity to have employees with a legal background.

In this respect, the situation is better within MoH: Ms Lacova has not only a legal background, but is also fluent in English and German. As member of the legal department, she is not only actively involved in the development of the Slovak legislation on healthcare, but also showed a very good knowledge of the relevant case-law of the ECJ.

### **Importance, knowledge and implementation of the case law of the ECJ**

The ECJ has traditionally played an extremely important role with regard to the interpretation and development of the EEC-provisions on the coordination of social security for migrant



workers. Since their entry into force in 1958, the ECJ has handed down, in total, some 500 preliminary rulings on the interpretation of the relevant EEC-Regulations.

However, there is no need to study all these rulings in detail in order to implement the Regulations correctly. It should be borne in mind, that a considerable number of these rulings deal with specific issues related to the social security legislation of other Member States, which are not necessarily of importance for Slovakia, if, for example, there is no similar provision in the Slovak national legislation. Moreover, many of the older rulings have either been incorporated through amendments in the text of Regulations 1408/71 and 574/72 or have been dealt with in decisions and guidelines of the Administrative Commission. When discussing the reform of Regulation 1408/71, the Council took great care to incorporate the latest rulings in the new text of Regulation 883/2004 and its implementing Regulation in order to get an updated text.

Nevertheless, the skills and capacities to monitor and to deal with the rulings of the ECJ should be available at the competent staff within the ministries (i.e. the MoLSAF and the MoH in the first place). Although there appears to be no Slovak publication on the relevant ECJ rulings, there are a number of tools assisting the competent staff within the ministries of the EU Member States in becoming acquainted with ECJ rulings which – admittedly – require a good knowledge of English and preferably also French:

- 1) Regular information on the latest rulings and a preview of the forthcoming rulings is available in particular on the Website of the ECJ "curia.europa.eu". There can be found a search form for past rulings, regular press releases on new rulings of greater importance and, in particular, a regularly updated preview of forthcoming rulings (see under case-law/information/news).
- 2) The Secretariat of the Administrative Commission on social security for migrant workers also provides regular information on the latest relevant rulings before each meeting. Moreover, the meetings of the Administrative Commission provide an ideal platform for the discussion of new rulings and the concrete consequences which shall be drawn from them. These discussions allow, in particular, to obtain an overview on how these rulings are interpreted and dealt with in other Member States.
- 3) Useful training in this area can also be obtained by participating in the seminars hold by trESS (training and reporting on European Social Security – see [www.tress-network.org](http://www.tress-network.org)). A presentation on recent ECJ case-law was provided, for instance, by the Project Director Yves Jorens at the latest Bilateral Czech/Slovak Seminar in Brno on 2 June 2008.



- 4) New requests for a preliminary ruling of the ECJ lodged by any national court or tribunal are communicated to all EC-Member States in the original version, accompanied by a translation into the official language of the State to which they are addressed. We were informed that, as a general rule, the Slovak authorities only receive a summary of the national court's decision in Slovak, including the full text of the question or questions referred for a preliminary ruling. However, the full text is always available in French and normally also in English. The Member States are then entitled to submit statements or written observations to the ECJ drawing its attention to the consequences the case may have on their own national law and practice. This possibility, however, to exert some influence on the outcome of new proceedings is normally not used by the Slovak authorities.

As regards the practical implementation and application of the ECJ-rulings, it should be borne in mind that they normally do not require any amendment of the national legislation. The preliminary rulings of the ECJ deal with the interpretation of European law, which – in case of the EEC-Regulations 1408/71 and 574/72 – automatically take precedence over national law. This means that, where any divergence between such a ruling and the administrative practice is realized by the supervisory bodies, it should normally be sufficient to issue a new guideline or to simply draw the attention of the competent administrations on the issue in order to change the administrative practice and thus to ensure the effective application of the ECJ case law. This would correspond to the normal practice in all other Member States. The existing inter-institutional working group WGCSS and the existing server on the website of MoLSAF described above are for sure the most appropriate forum to create the necessary awareness on new rulings and to discuss their relevance in the specific context of Slovakia.

## **II. Recommendations**

In the light of the considerations set out above, the experts would like to conclude their report with the following recommendations:

- 1) We see no need for a complete overhaul of the existing administrative structure dealing with the application and implementation of the European law on the coordination of social security schemes. In Slovakia, there is a network of experts in place comprising all institutions concerned (the "WGCSS") which should be used on a regular basis and whose capacity should be enhanced.



- 2) We see no necessity, either, to make sure that everybody within the administration knows everything about the ECJ case law. Normally, it is sufficient and necessary that everybody at the administrative level informed about upcoming new rulings where these are of relevance for his or her area of competence. Consequently, it is necessary that within the competent divisions of the MoLSAF and the MoH, the requests for new preliminary rulings and the case law of the ECJ are monitored on a regular basis by an expert and that they are assessed by him or her with regard to its relevance for Slovakia. This requires that the expert does not only have a fairly good knowledge of the Slovak social security legislation, but also to some extent of the coordination rules, the particular features of social security schemes in other European Member States and, last, not least, of foreign languages (in particular English and/or French).
- 3) If the requests for new preliminary rulings or rulings of relevance for Slovakia are detected, they should immediately be communicated to the administrative bodies, for which they are of relevance, in order to allow their discussion within the WGCSS and, possibly in the case of rulings, also the Administrative Commission and other appropriate circles and to allow their effective implementation through appropriate means (e.g. instructions, directives, information letters, methodology seminars etc.)
- 4) We also feel that in particular within the MoLSAF, there is a need to enhance the capacity of the existing staff in this respect. The seminars carried out within the framework of this Twinning project will for sure not fail to have an impact towards achieving this goal.
- 5) Finally, as no detailed information on the ECJ case law regarding the rules on coordination of social security is currently available in Slovak language, the national experts should also consider to use information available in other countries. There are currently a number of studies and commentaries being prepared in other Member States in particular on the new Regulation 883/04.



Persons contacted during the experts' mission in July 2008:

On Monday, 7 July:

Mr. Jozef Hudec (Department for Migration and Integration of Foreigners, MoLSAF)  
Mr. Vladimír Bujalka (Department of EU Affairs and International Cooperation, MoLSAF)  
Ms Katarína Alexyová (Department of EU Affairs and International Cooperation, MoLSAF)  
Mr. L'udovít Rišňovský (Department on Social Legislation, MoLSAF)  
Ms Lenka Kunovska (Department on Social Insurance, MoLSAF)

On Tuesday, 8 July:

Ms Jarmila Feketová (Department for State Social Benefits, CoLSAF)  
Ms Mária Aláčová (Department for State Social Benefits, CoLSAF),  
Ms Eva Vršanká (Department for State Social Benefits, CoLSAF)

On Wednesday, 9 July:

Ms Magdaléna Lacová (Legal Department, MoH)  
Mr Peter Valuch (rescue and first aid services, MoH)  
Ms Maria Havrilova (Economic Department, MoH)  
Ms Gabriela Varsaniova (Economic Department, MoH)

Ms Andrea Galikova (Department of International Relations and Clearance, HCSEA)  
Ms Mária Tuchscherova (Department of International Relations and Clearance, HCSEA)  
Ms Zuzana Koreňová (Department of International Relations and Clearance, HCSEA).

On Thursday, 10 July:

Ms Ruzena Rybovičová (Director of EU Affairs and International Relations Division, SIA)  
Ms Jarmilla Misárošová (Director of Unemployment and Guarantee Insurance Division, SIA)  
Mr. Ondrej Chrena (Head of International Agenda Department, SIA)  
Mr. Ladislav Káder (Head of Unemployment and Guarantee Insurance Methodology Department, SIA)  
Ms Michaela Putecová (Pension Insurance Methodology Department, SIA)  
Ms Simona Kupkovičová (Sickness Insurance Methodology Department, SIA)  
Ms Katarina Nevidaňská (Department of EU Affairs, SIA)  
Mr Adrian Terek (Department of EU Affairs, SIA)





Mr. Peter Hricko (Accident Insurance Methodology Dpt., SIA)

Ms Miroslava Mlatecova (Methodology and Collection of Contributions Dpt., SIA; her responsibility also comprises the determination of the applicable legislation and the delivery of E 101-forms (posting)

Mr. Tacsí and Mr. Zrini (Ministry of Defence)

Ms. Molnárová and Ms. Majeríková (Ministry of Interior)

Interpretation was provided on the first day by Ms Katarina Fickuljaková and on the other days by Ms Perla Farkašová.



Participants to the Workshop for presentation and discussion of the draft report on 24.2.2009 in Bratislava (MoLSAF; 10.00 Hrs , Room 117)

1. Dr. Albrecht Otting (STE)
2. Cornelis J. Van den Berg (STE)
3. MUDr. Daniel Klačko, Sstate Secretary of the Ministry of Health SR
4. JUDr. Vlasta Husáriková, Director general of the legal section, MoLSAF
5. Ing. Ľudmila Kolláriková, Deputy director of social and family section, CoLSAF
6. Ing. Mgr. Jarmila Feketová, Director of state social benefits department, CoLSAF
7. JUDr. Ružena Rybovičová, Director of EU affairs and international relationships department, headquarters of Social Insurance Agency
8. Ing. Andrea Galiková, Director of international affairs department, Healt Care Surveillance Authority
9. RNDr. Miloslav Hetteš CSc., Director general of international affairs section, MoLSAF
10. Ing. Jozef Hudec, Director of migration and integration of foreigners department, MoLSAF
11. Mgr. Jaroslav Kováč, Department of migration and integration of foreigners and Slovak Project Leader, MoLSAF
12. Ing. Jana Terkovičová, Section of interantional affairs, MoLSAF
13. Mgr. Andrea Vaňovičová, Department of EU affairs and international cooperation, MoLSAF
14. Ing. Martina Lukáčková, Department of the implementation of the Lisbon strategy
15. Mgr. Lucia Podhradská, Ministry of Health
16. Mgr. Katarína Gigliotti, Department of migration and integration of foreigners, MoLSAF
17. Mgr. Michal Krivošík, Department of the state support and strategy of social and family policy, MoLSAF
18. Ing. Ľudovít Rišňovský, Department of social legislation, MoLSAF
19. JUDr. Libuša Praženková, Old age saving pensions department, MoLSAF
20. Bc. Edita Vojteková, Department of social insurance, MoLSAF
21. PhDr. Lenka Vojtilová, Department of social insurance, MoLSAF

Interpreter: Perla Farkašová



EU Twinning - Light Project SK06/IB/SO/01/TL

Posilnenie administratívnych štruktúr pre koordináciu systémov sociálneho zabezpečenia  
vo vzťahu k rozsudkom Európskeho súdneho dvora (ESD)

Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

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## Aktivita 2.1

### SPRÁVA

o

**administratívnych štruktúrach a pracovných postupoch v súvislosti  
s interpretáciou a implementáciou rozsudkov Európskeho súdneho dvora  
týkajúcich sa sociálnej ochrany migrujúcich pracovníkov v SR**

**Pripravili: Dr. Albrecht Otting, PhD. Cornelis J. Van den Berg**



## Úvod

Táto správa bola pripravená na základe návštevy expertov v Bratislave, ktorá sa uskutočnila v dňoch 7. až 11. júla 2008.

Misia sa zaoberala zisťovaním faktov a jej cieľom bolo získať lepší prehľad o organizačných štruktúrach, úlohách a pracovných postupoch jednotlivých odborov Ministerstva práce, vecí a rodiny SR (MPSVR SR) a Ministerstva zdravotníctva SR (MZ SR), ako aj o koordinácii jednotlivých vecných odborov a spolupráci s príslušnými inštitúciami, Ústredím práce a sociálnych vecí a rodiny (ÚPSVR), Sociálnou poisťovňou (SP) a Úradom pre dohľad nad zdravotnou starostlivosťou (ÚDZS).

Pod vedením slovenského vedúceho projektu Jaroslava Kováča (Odbor migrácie a integrácie cudzincov, MPSVR SR), krátkodobí experti Cees van den Berg a Albrecht Otting sa mali počas svojej možnosti návštevy stretnúť s:

- Pracovníkmi MPSVR SR, zodpovednými za koordináciu systémov sociálneho zabezpečenia, 7. júla, pondelok
- Pracovníkmi ÚPSVR, zodpovednými za implementáciu koordinačných pravidiel v oblasti rodinných dávok, 8. júla, utorok
- Pracovníkmi MZ SR a ÚDZS, zodpovednými za implementáciu koordinačných pravidiel v oblasti zdravotnej starostlivosti, 9. júla, streda
- Pracovníkmi SP, zodpovednými za implementáciu koordinačných pravidiel v oblasti peňažných dávok, a
- Pracovníkmi, Vojenského úradu sociálneho zabezpečenia (VÚSZ), MV SR a MO SR, zodpovednými za špeciálne systémy zabezpečenia v sektore ozbrojených síl a zamestnancov zložiek MV SR, 10. júla, štvrtok

Expert by radi touto cestou vyjadrili poďakovanie všetkým zainteresovaným na jednotlivých ministerstvách a inštitúciách, a najmä vedúcemu projektu J. Kováčovi, za ich odbornú pomoc a vynikajúcu podporu.

## **I. Najdôležitejšie zistenia**

### **Prehľad systému sociálneho zabezpečenia v SR:**

Systém sociálneho zabezpečenia v SR má tieto zložky: sociálne poistenie, zdravotné poistenie, štátna sociálna podpora a sociálne dávky.



*Sociálne poistenie* sa riadi zákonom č. 461/2003 Z.z. o sociálnom poistení v znení neskorších predpisov a o zmene a doplnení niektorých predpisov, a pozostáva z piatich samostatných častí: nemocenské poistenie (iba peňažné dávky, menovite nemocenské, ošetrovné, vyrovnávacía dávka, a dávka v materstve - materské), dôchodkové poistenie (starobný dôchodok, predčasný starobný dôchodok, invalidný dôchodok a pozostalostné dôchodky), úrazové poistenie pre prípady pracovných úrazov (dávka pri pracovnom úraze, dôchodok z titulu pracovného úrazu, jednorazové vyrovnanie (pri invalidite nižšej ako 40% následkom úrazu), dôchodky pre pozostalých, jednorazová náhrada a príspevok na rehabilitáciu), garančné poistenie pre prípad nesolventnosti zamestnávateľa a poistenie v nezamestnanosti.

Všeobecný systém spravuje SP pod dohľadom MPSVR SR.

Poistné platia zamestnávateľa, zamestnanci, samostatne zárobkovo činné osoby a dobrovoľne poistné osoby. V zmysle § 128 zákona č. 461/2003, štát platí poistné za:

- a) Osoby, ktoré sa starajú o deti mladšie ako 6 rokov
- b) Osoby, ktoré sa starajú o invalidné dieťa mladšie ako 18 rokov
- c) Osoby, ktoré poberajú opatrovateľské dávky

1. januára 2005 vstúpil do platnosti zákon č. 43/2004 Z.z. o starobnom dôchodkovom sporení a o zmene a doplnení niektorých predpisov, na základe ktorého sa časť (9%) sociálnych odvodov odvádza do doplnkového dôchodkového systému, a spravujú ich penzijné fondy na základe licencie. Doplnkové dôchodkové systémy sú uvedené v Prílohe 8 Nariadenia (ES) č. 883/04. Z celkového počtu 18 má v súčasnosti licenciu v SR 6 penzijných spoločností, ktoré uplatňujú rôzne investičné stratégie. Dohľad nad doplnkovými dôchodkovými fondmi vykonáva Národná banka Slovenska (NBS).

Okrem toho sú zavedené špeciálne systémy pre štátnych zamestnancov v rámci ustanovení čl. 51a Nariadenia (EHS) č. 1408/71 o uplatňovaní systémov sociálneho zabezpečenia na zamestnané osoby, samostatne zárobkovo činné osoby a členov ich rodín pohybujúcich sa v rámci spoločenstva (nariadenie (EHS) č. 1408/71), poprípade čl. 60 Nariadenia (ES) 883/04 o koordinácii systémov sociálneho zabezpečenia (nariadenie (ES) č. 883/04), ktoré patria pod MV SR či MO SR, a to:

- Pre profesionálnych vojakov OS,
- Pre príslušníkov Policajného zboru
- Pre príslušníkov Železničnej polície
- Pre príslušníkov SIS
- Pre príslušníkov Zboru väzenskej a justičnej stráže,



- Pre zamestnancov Colnej správy
- Pre zamestnancov NBÚ.

*Systém štátnej sociálnej podpory* je financovaný z daní občanov a pod dohľadom MPSVR SR tieto prostriedky spravuje ÚPSVR prostredníctvom svojich 46 úradov práce, sociálnych vecí a rodiny, ktoré poskytujú viac typov rodinných dávok. *Systém štátnej sociálnej podpory* upravujú:

- Zákon č. 235/1998 Z.z. o príspevku pri narodení dieťaťa, o príspevku rodičom, ktorým sa súčasne narodili tri deti alebo viac detí alebo ktorým sa v priebehu dvoch rokov opakovane narodili dvojčatá a ktorým sa menia ďalšie zákony v znení neskorších predpisov,
- Zákon č. 238/1998 Z.z. o príspevku na pohreb v znení neskorších predpisov,
- Zákon č. 280/2002 Z.z. o rodičovskom príspevku v znení neskorších predpisov,
- Zákon č. 600/2003 Z.z. o prídavku na dieťa a o zmene a doplnení zákona č. 461/2003 Z.z. o sociálnom poistení v znení neskorších predpisov a
- Zákon č. 627/2005 Z.z. o príspevkoch na podporu náhradnej starostlivosti o dieťa v znení neskorších predpisov.

*Sociálna pomoc* sa riadi zákonom č. 195/98 o sociálnej pomoci v znení neskorších predpisov a zákonom č. 599/2003 Z.z. o pomoci v hmotnej núdzi a o zmene a doplnení niektorých predpisov. Občanom, ktorí sa ocitli v hmotnej núdzi sa poskytuje pomoc v zmysle zákona č. 599/2003 Z.z. o pomoci v hmotnej núdzi a o zmene a doplnení niektorých predpisov. Financuje sa zo štátneho rozpočtu, a rovnako ju pod dohľadom MPSVR SR spravuje ÚPSVR cez úrady práce, sociálnych vecí a rodiny, ktoré poskytujú osobám v hmotnej núdzi dávku v hmotnej núdzi a príspevky k dávke – *príspevok na zdravotnú starostlivosť, aktivačný príspevok, príspevok na bývanie a ochranný príspevok*.

Úrady práce, sociálnych vecí a rodiny tiež poskytujú príspevky občanom s ťažkým zdravotným postihnutím a príspevok na opatrovanie pre ťažko zdravotne postihnuté osoby.

*Systém zdravotného zabezpečenia* upravujú:

- Zákon č. 576/2004 Z.z. o zdravotnej starostlivosti, službách súvisiacich s poskytovaním zdravotnej starostlivosti a o zmene a doplnení niektorých zákonov,
- Zákon č. 577/2004 Z.z. rozsahu zdravotnej starostlivosti uhrádzanej na základe verejného zdravotného poistenia a o úhradách za služby súvisiace s poskytovaním zdravotnej starostlivosti,



- Zákon č. 578/2004 Z.z. o poskytovateľoch zdravotnej starostlivosti, zdravotníckych pracovníkoch, stavovských organizáciách v zdravotníctve a o zmene a doplnení niektorých zákonov,
- Zákon č. 579/2004 Z.z. o záchrannej zdravotnej službe a o zmene a doplnení niektorých zákonov,
- Zákon č. 580/2004 Z.z. o zdravotnom poistení a o zmene a doplnení zákona č. 95/2002 Z. z. o poisťovníctve a o zmene a doplnení niektorých zákonov
- Zákon č. 581/2004 Z.z. o zdravotných poisťovniach, dohľade nad zdravotnou starostlivosťou a o zmene a doplnení niektorých zákonov

Za systém je zodpovedné MZ SR.

Povinné verejné a dobrovoľné verejné zdravotné poistenie (od roku 2005) spravujú zdravotné poisťovne pod dohľadom ÚDZS. Zdravotné poisťovne majú formu súkromnej akciovej spoločnosti, príslušné povolenie na výkon verejného zdravotného poistenia na území Slovenskej republiky vydáva ÚDZS. Zdravotné poisťovne sú povinné uzatvárať s poskytovateľmi zdravotnej starostlivosti v SR zmluvy v súlade so zákonom. Poistenci majú právo zvoliť si jednu z piatich zdravotných poisťovní, ktoré majú platné povolenie na prevádzku v SR<sup>1</sup>. V SR nie je zavedené tzv. rodinné poistenie definované v nariadení (EHS) č. 1408/71, ale iba povinné individuálne poistenie pre všetkých občanov a osoby zamestnané v SR<sup>2</sup>.

Preddavky na poistné platí

- zamestnávateľ a zamestnanci z vymeriavacieho základu stanoveného zákonom o zdravotnom poistení
- samostatne zárobkovo činné osoby (SZČO) z vymeriavacieho základu stanoveného zákonom o zdravotnom poistení
- štát pre kategórie osôb určených zákonom o zdravotnom poistení napr. deti, študenti, dôchodcovia, uchádzači o zamestnanie atď z vymeriavacieho základu stanoveného zákonom o zdravotnom poistení

Osoby, ktoré si nespĺnia zákonom stanovené povinnosti, majú nárok iba na neodkladnú zdravotnú starostlivosť v súlade so zákonom č. 580/2004.

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<sup>1</sup> Táto informácia bola prebratá z publikácie ÚDZS „SPRÁVA O STAVE VYKONÁVANIA VEREJNÉHO ZDRAVOTNÉHO POISTENIA ZA ROK 2006“.

<sup>2</sup> „trESS European Report 2007“ v tejto súvislosti poznamenáva: „Najdôležitejšou otázkou v SR v oblasti vecných dávok pri zdravotnom poistení bola priorita práv jednotlivca na zdravotnú starostlivosť pred odvodenými/sekundárnymi právami. Dôvodom bolo, že závislý člen rodiny migrujúceho pracovníka s trvalým pobytom v SR, alebo závislý člen rodiny dôchodcu, poberajúceho dôchodok z iného členského štátu, s trvalým pobytom v SR, majú právo byť poistencami štátu v systéme verejného zdravotného poistenia. Toto individuálne právo má prednosť pred odvodenými právami člena rodiny zamestnanej osoby. Tento prístup bol už zrušený, nakoľko vytváral chaos v súvislosti so systémom sociálneho zabezpečenia“. (str. 113)



V súvislosti s pracovnými úrazmi a chorobami z povolania sa poskytuje rovnaká zdravotná starostlivosť ako pri ostatných prípadoch.

Zákon č. 577/2004 Z.z. rozsahu zdravotnej starostlivosti uhrádzanej na základe verejného zdravotného poistenia a o úhradách za služby súvisiace s poskytovaním zdravotnej starostlivosti, upravuje rozsah zdravotnej starostlivosti a úhrady za služby. Zákon obsahuje zoznam liekov a prístrojov, ktoré plne alebo čiastočne uhrádzajú zdravotné poisťovne. Preplácanie poskytovateľom zdravotnej starostlivosti sa riadi tarifami dohodnutými medzi poskytovateľom a poisťovňou, ktoré sú pevné, stanovené ako paušálna suma za nemocničnú starostlivosť, paušálna platba podľa počtu pacientov v prípade všeobecných lekárov a na základe bodov pri inej liečbe ako hospitalizácia.

Čerpanie a úhradu zdravotnej starostlivosti v zahraničí upravuje okrem nariadenia (EHS) č. 1408/71 aj národná legislatíva, ktorá sa vzťahuje na náhle ochorenie alebo stav ohrozujúci život, ale aj na plánovanú zdravotnú starostlivosť v plnom rozsahu, na ktorú bol vydaný súhlas. (Tieto ustanovenia národnej legislatívy sa predovšetkým aplikujú na štáty mimo EÚ). Európsky preukaz zdravotného poistenia (EHIC) sa vydáva iba na základe žiadosti poistenca. Platnosť preukazu je 1 až 5 rokov. Vyskytli sa prípady, kedy všeobecný lekár v SR neakceptoval európsky preukaz zdravotného poistenia, alebo európsky preukaz zdravotného poistenia používala v zahraničí osoba, ktorá už nebola verejne zdravotne poistená v SR.

### **Príslušné implementujúce inštitúcie a styčné orgány**

*Sociálna poisťovňa (SP)* vznikla v roku 1994 z Národnej poisťovne. Je to nezávislá organizácia zodpovedná za výber poistného a výplatu dávok nemocenského poistenia, dôchodkového poistenia, úrazového poistenia, poistenia v nezamestnanosti a garančného poistenia na jednej strane, a na druhej strane za uplatňovanie legislatívy a výdavkov z rozpočtu Sociálnej poisťovne.

SP plní aj úlohu styčného orgánu na základe Prílohy 4 Nariadenia č. 574/72.

Na čele SP je generálny riaditeľ (menovaný vládou Slovenskej republiky) a dozorným a kontrolným orgánom je Dozorná rada, na čele ktorej stojí minister práce, sociálnych vecí a rodiny, spolu s 10-členmi tripartity, ktorých volí parlament SR.

SP má Ústredie v Bratislave a 38 pobočiek. Ústredie vydáva všetky rozhodnutia ohľadom dôchodkových dávok a dlhodobých dávok súvisiacich s pracovnými úrazmi a chorobami z





povolania; pobočky SP rozhodujú o peňažných nemocenských dávkach, krátkodobých dávkach súvisiacich s pracovnými úrazmi a chorobami z povolania, dávkach v nezamestnanosti a dávkach garančného poistnia. Pobočky SP sú zároveň zodpovedné aj za výber príspevkov do systému dôchodkového sporenia.

Ústredie SP je odvolacou inštitúciou pre všetky druhy dávok, o ktorých rozhodujú pobočky. Opravné prostriedky v súvislosti s dôchodkovými dávkami a dlhodobými úrazovými dávkami je potrebné predkladať na krajský súd, druhostupňovým súdom je Najvyšší súd SR.

Od vstupu Slovenska do EÚ dostali všetky pobočky samostatné pokyny v súvislosti s aplikáciou nariadení v tých oblastiach, za ktoré sú zodpovedné. Zamestnanci odboru metodiky jednotlivých sekcií (vrátane právnikov) pokyny nepretržite aktualizujú, aby sa pri rozhodovaní používal jednotný postup.

*Ústredie práce, sociálnych vecí a rodiny (ÚPSVR)* je zodpovedné za implementáciu legislatívy súvisiacej s rodinnými dávkami a príspevkom na pohreb. V tejto súvislosti má aj úlohu styčného orgánu v súvislosti s Prílohou 4 Nariadenia (ES) č. 574/72. ÚPSVR je zodpovedné aj za aktívnu politiku trhu práce, registráciu a integráciu nezamestnaných do zamestnania. Zodpovednosť za vyplácanie dávok v nezamestnanosti však nesie SP.

ÚPSVR je zodpovedné za vydávanie pokynov svojim 46 úradom práce, sociálnych vecí a rodiny v SR v súvislosti s prípadmi cezhraničných pracujúcich.

Pred vstupom do EÚ dostali úrady podrobné pokyny, ktoré okrem právnych textov nariadení a rozhodnutí Správnej komisie pre sociálne zabezpečenie migrujúcoch pracovníkov (Správna komisia), obsahovali aj príslušné články aplikovateľnej legislatívy a rodinných dávok, vrátane praktických príkladov. Ako model boli použité podobné pokyny vydané v Nemecku Spolkovým úradom práce. M. Alačová pravidelne tieto informácie aktualizuje, berúc do úvahy aj novely nariadení a E formulárov. Informácie o zmenách a doplneniach poskytuje MPSVR SR.

Úrady práce, sociálnych vecí a rodiny dostávajú podrobné informácie dvakrát do roka na celoslovenských poradách, z ktorých majú k dispozícii „záznam z porady“, kde sú všetky informácie, zmeny a úpravy postupov zhrnuté.

Všetky priebežne vzniknuté problémy sú riešené operatívne telefonicky, e-mailom, osobnými stretnutiami zamestnancov niektorých úradov a zodpovedných zamestnancov na Ústredí, ako aj metodickými dňami na úradoch.



ÚPSVR rozhoduje aj v prípade administratívnych odvolaní voči rozhodnutiam regionálnych úradov práce, sociálnych vecí a rodiny. Po rozhodnutí ÚPSVR ohľadom odvolania má žiadateľ na výber viaceru možností. Môže požiadať MPSVR SR o revíziu, alebo sa odvolať na príslušný súd, čo sa však nestáva často. Podľa našich informácií riešili súdy od roku 2004 iba dva prípady v súvislosti s rodinnými dávkami, pričom iba jeden z nich sa týkal otázok koordinácie.

Cez svoje úrady práce, sociálnych vecí a rodiny rieši ÚPSVR každodenne otázky a problémy súvisiace s aplikovateľnou legislatívou, trvalým pobytom žiadateľov, ako aj otázky súvisiace s legislatívou iných krajín, ktorá nie je kompatibilná v tejto oblasti s legislatívou SR.

Úrad pre dohľad nad zdravotnou starostlivosťou (ÚDZS) má dve hlavné úlohy:

- dohľad nad finančnými tokmi v systéme verejného zdravotného poistenia,
- dohľad nad správnym poskytovaním zdravotnej starostlivosti

ÚDZS plní aj úlohu styčného orgánu na základe Prílohy 4 (V) Nariadenia 574/72.

ÚDZS sa snaží zabezpečovať jednotnú aplikáciu zákonov týkajúcich sa zdravotného poistenia napr. vydávaním metodických usmernení pre zdravotné poisťovne, stanovísk ap. V prípade rozporu medzi poisťencom, zdravotnou poisťovňou a poskytovateľom zdravotnej starostlivosti zasahuje priamo. Hoci rozhodnutia ÚDZS nie sú záväzné, vo všeobecnosti sa na ne prihliada. ÚDZS vydal dve metodické usmernenia o koordinácii vecných dávok na základe nariadení č. 1408/71 a nariadenia (EHS) č. 574/72 ustanovujúceho vykonávanie nariadenia (EHS) č. 1408/71 (nariadenie (EHS) č. 574/72); prvé z nich sa zaoberá právnym rámcom, E formulármi, administratívnymi postupmi zdravotnej poisťovne a rozsudkami ESD a druhé refundáciami na základe formulárov E125 a E127. Elektronická výmena E-formulárov E 125 a E 127 je zavedená s ČR a Maďarskom. Cieľom je rozšíriť elektronickú výmenu aj na ďalšie krajiny, ako napr. Rakúsko a Belgicko. Pre SR je najväčším "veriteľom" ČR (58,8%), Nemecko (17,1%) a Rakúsko (11,8%); ČR je zároveň aj najväčším "dlžníkom" (55,7%), potom nasleduje Maďarsko (28,4%) a Rakúsko (8,4%). Náklady na zdravotnú starostlivosť v zahraničí významne vzrástli, avšak stále predstavujú iba veľmi malú časť celkových nákladov (0.13% v roku 2005, 0.28% v roku 2006).

Z našich rozhovorov vyplynulo, že zamestnanci majú dobré znalosti o prípadoch Európskeho súdneho dvora (ESD). Dôvodom môže byť fakt, že M. Lacová (MZ SR) a M. Tuchscherová (ÚDZS) sú právničky. Rozsudky prípadu *Kohll/Decker* sú uvedené v samostatnej prílohe



pokynov<sup>3</sup>, avšak v súvislosti s ich implementáciou nie sú poskytnuté žiadne inštrukcie, táto je preto v podstate ponechaná na zdravotné poisťovne. Na súde v SR je však prípad ženy, ktorá po mozgovej príhode, ktorú utrpela v SR, odcestovala za dcérou do Nemecka, kde sa doliečovala. Zdravotná poisťovňa jej neuznala nárok na preplatenie nákladov za liečbu, keďže táto nebola schválená pred jej odchodom do Nemecka.

### **Implementácia európskych zákonov na úrovni ministerstva a na administratívnej úrovni**

Na úrovni oboch ministerstiev sa koordináciou sociálneho zabezpečenia zaoberá 5 zamestnancov:

- V rámci Odboru migrácie a integrácie cudzincov MPSVR SR:  
Jaroslav Kováč, Katarína Gigliotti a Xénia Malá, ktorá je zároveň aj členkou Správnej komisie, avšak v súčasnosti pracuje na Stálom zastúpení SR pri EÚ v Bruseli a zatiaľ nebolo v rámci odboru prijaté rozhodnutie ohľadom jej nástupcu
- V rámci legislatívneho odboru MZ SR:  
Magdaléna Lacová a Katarína Lutherová; M. Lacová je zástupcom člena Správnej komisie.

Na administratívnej úrovni:

- Andrea Galiková (ÚDZS) je členkou Výboru pre Audit (Audit Board),
- Katarína Nevidaňská (SP) a Mária Tuchscherová (ÚDZS) sú členkami Technickej komisie, ktorá zodpovedá za elektronickú výmenu údajov.

Odbor migrácie a integrácie cudzincov MPSVR SR má v oblasti koordinácie sociálneho zabezpečenia nasledujúce úlohy:

- koordinovať prípravu nót, návrhov, odpovedí a pokynov pre Správnu komisiu a ostatné komisie; v tejto súvislosti môže využívať technickú pomoc implementujúcich inštitúcií (najmä SP, ÚPSVR, ÚDZS), ktoré sa môžu v konkrétnych prípadoch vyjadrovať;
- spolupracovať s implementujúcimi inštitúciami a styčnými orgánmi;
- spolupracovať s inými vecnými odbormi MPSVR SR a MZ SR v konkrétnych otázkach

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<sup>3</sup> Publikácia ÚDZS SR „SPRÁVA O STAVE VYKONÁVANIA VEREJNÉHO ZDRAVOTNÉHO POISTENIA ZA ROK 2006“ v tejto súvislosti uvádza: „Slovenskí poisťenci mohli využívať aj možnosti vyplývajúce z rozsudkov Európskeho súdneho dvora založené na voľnom pohybe služieb čo znamená, že môžu vycestovať za plánovanou zdravotnou starostlivosťou aj bez súhlasu svojej zdravotnej poisťovne. Náklady na zdravotnú starostlivosť v takomto prípade musí uhradiť v plnej výške poistenec, pričom môže využiť aj služby súkromného poskytovateľa zdravotnej starostlivosti pri limitovanej úhrade z verejných zdrojov.“ (str. 11/12).



S cieľom zintenzívniť spoluprácu v otázkach súvisiacich so systémami sociálneho zabezpečenia bola založená medzirezortná pracovná skupina pre koordináciu systémov sociálneho zabezpečenia (PS KOSSZ), ktorá sa stretáva ad-hoc, podľa potreby. Členmi skupiny je 25 zástupcov ministerstiev (MPSVR SR, MZ SR, MV SR a MO SR), ako aj implementujúcich inštitúcií sociálneho zabezpečenia (SP, ÚDZS, ÚPSVR a zdravotných poisťovní).

Členovia medzirezortnej PS KOSSZ intenzívne spolupracujú nielen počas rokovaní, ktoré sa uskutočňujú ad hoc vždy na základe pozvánky predsedu (J. Hudec alebo jeho zástupca J. Kováč, MPSVR SR), ale aj v rámci neformálnej výmeny korešpondencie, či už formou emailov, telefonicky, atď.

Odbor zriadil aj komunikačnú a informačnú platformu na web stránke MPSVR SR, ktorú spravuje J. Kováč a ktorá je k dispozícii všetkým členom PS KOSSZ. Na stránke je harmonogram a zápisy z rokovaní, materiály Administratívnej Komisie a iných výborov EK, ako aj linky na ďalšie informácie.

Na MZ SR je zriadená podobná pracovná skupina, ktorá sa zaoberá otázkami zdravotnej starostlivosti.

Prípady Európskeho súdneho dvora (ESD) nie sú systematicky monitorované a doposiaľ neboli systematicky zhodnotené v súvislosti s ich relevantnosťou pre SR. Vláda SR dostáva informácie o každej žiadosti o vydanie predbežného rozhodnutia, ktorú predložili zahraničné súdy, takže aspoň teoreticky majú možnosť predkladať ESD svoje vlastné názory. Za ESD je zodpovedné Ministerstvo spravodlivosti (MS SR), avšak jeho zamestnanci nemajú žiadne konkrétne vedomosti v oblasti sociálneho zabezpečenia. Slovenský zástupca pri ESD, ktorý pripravuje všetky slovenské (všeobecné) záležitosti, ktoré sa budú pred ESD prejednávať, taktiež pochádza z MS SR. Sekcia legislatívy MPSVR SR sa zaoberá najmä národnými otázkami a v oblasti európskeho práva nemajú jej zamestnanci žiadne zvláštne vedomosti. Málo skúseností v tejto oblasti je možné vysvetliť aj skutočnosťou, že doposiaľ sa zo strany slovenských súdov nevyskytol ani jeden prípad žiadosti o predbežné rozhodnutie. Navyše informácie o zahraničných prípadoch nie sú plne preložené do slovenčiny, k dispozícii v slovenčine je iba stručné zhrnutie a otázky, ktoré národný súd predložil v žiadosti o predbežný rozsudok, zatiaľ čo zvyšné časti spisu, popisujúce situáciu žiadosti, sú iba vo francúzštine (oficiálny jazyk ESD).

Jedným z dôvodov tohto nedostatku môže byť, že v rámci odboru migrácie a integrácie cudzincov na MPSVR SR, zodpovedného za oblasť koordinácie systémov sociálneho



zabezpečenia, pracujú zamestnanci s jazykovými aj odbornými vedomosťami, ale je nedostatok najmä pracovníkov z právnickým vzdelaním.

Situácia na MZ SR je v tejto súvislosti lepšia: M. Lacová je právnička a navyše hovorí plynule po anglicky a nemecky. Ako pracovníčka Odboru legislatívy sa aktívne podieľa na príprave legislatívy SR v oblasti zdravotnej starostlivosti a preukázala aj veľmi dobré vedomosti o relevantných prípadoch ESD.

### **Význam, znalosti a implementácie prípadov Európskeho súdneho dvora**

ESD má už tradične veľmi dôležitú úlohu v súvislosti s interpretáciou a prípravou ustanovení spoločenstva v oblasti koordinácie systémov sociálneho zabezpečenia pre migrujúcich pracujúcich. Od ich vstupu do platnosti v roku 1958 ESD vydal celkovo okolo 500 predbežných rozsudkov o interpretácii príslušných nariadení spoločenstva.

Pre správnu implementáciu nariadení však nie je v žiadnom prípade potrebné podrobne preštudovať všetky tieto rozsudky. Je potrebné si uvedomiť, že veľké množstvo týchto rozsudkov sa týka konkrétnych záležitostí súvisiacich s legislatívou sociálneho zabezpečenia v iných členských štátoch, ktoré nemusia mať pre SR význam, ak napríklad nie je v národnej legislatíve SR podobné ustanovenie. Navyše bolo mnoho starších rozsudkov zapracovaných do textu nariadení (EHS) č. 1408/71 a č. 574/72, alebo v rámci rozhodnutí a odporúčaní Správnej komisie. Pri diskusii o úpravách nariadenia (EHS) č. 1408/71 sa Rada snažila podrobne zapracovať najnovšie rozsudky do nového textu nariadenia (ES) č. 883/2004 a jeho vykonávacích predpisov tak, aby bol výsledný text čo možno najaktuálnejší.

Napriek tomu by však príslušní pracovníci ministerstiev (t.j. v prvom rade MPSVR SR a MZ SR) mali mať znalosti a mali by monitorovať a zaoberať sa rozsudkami ESD. Hoci sa zdá, že v slovenčine neexistuje publikácia ohľadom relevantných rozsudkov ESD, existuje mnoho nástrojov, ktoré príslušným pracovníkom na ministerstvách jednotlivých členských krajín pomáhajú pri zoznamovaní sa s rozsudkami ESD – nepochybne si však vyžadujú dobrú znalosť angličtiny, vhodné je vedieť aj po francúzsky, a to najmä:

- 1) Pravidelné informácie o najnovších rozsudkoch a prehľad očakávaných (najbližších) rozsudkov sú k dispozícii na web stránke ESD "curia.europa.eu". Tu je možné vyhľadávať medzi rozsudkami z minulosti, pravidelnými tlačovými správami v súvislosti s novými významnými rozsudkami, a najmä je na tejto stránke k dispozícii prehľad očakávaných rozsudkov (pozri case-law/information/news).



- 2) Sekretariát Správnej komisie pre sociálne zabezpečenie migrujúcich pracovníkov pravidelne vždy pred svojim zasadnutím poskytuje informácie o najnovších relevantných rozsudkoch. Stretnutia Správnej komisie sú okrem toho ideálnou platformou na diskusiu o nových rozsudkoch a konkrétnych dôsledkoch, ktoré z nich vyplývajú. Tieto diskusie umožňujú získať napríklad prehľad o tom, ako tieto rozsudky interpretujú a nakladajú s nimi jednotlivé členské štáty.
- 3) Užitočné zaškolenie v tejto oblasti je možné získať účasťou na seminároch organizovaných trESS (training and reporting on European Social Security (školenia a správy o sociálnom zabezpečení v Európe – pozri [www.tress-network.org](http://www.tress-network.org)). Nedávno mal riaditeľ projektu Yves Jorens prezentáciu o najnovších prípadoch, ktoré riešil ESD, na Česko-Slovenskom bilaterálnom seminári 2. júna 2008 v Brne.
- 4) Nové žiadosti o predbežný rozsudok ESD od ktoréhokoľvek národného súdu alebo tribunálu sa v originálnej verzii zasielajú všetkým členským krajinám EÚ, spolu s prekladom do oficiálneho jazyka štátu, pre ktorý sú určené. Dostali sme informáciu, že vo všeobecnosti dostávajú inštitúcie v SR iba súhrn rozhodnutí národných súdov v slovenčine, vrátane úplného textu otázok, alebo otázok, odvolávajúcich sa na predbežný rozsudok. Plné znenie je vždy k dispozícii vo francúzštine a obvykle aj v angličtine. Členské štáty môžu následne predkladať písomne ESD vyhlásenia či poznámky, upozorňujúc na dôsledky, ktoré prípad môže mať na ich národné zákony a postupy. Slovenské orgány však túto možnosť ovplyvniť do určitej miery výsledok nového konania obvykle nevyužívajú.

Čo sa týka praktickej implementácie a aplikácie rozsudkov ESD, je treba mať na pamäti, že tieto si obvykle nevyžadujú úpravy národnej legislatívy. Predbežný rozsudok ESD sa zaoberá interpretáciou európskeho zákona, ktorý má v prípade EHS nariadení č. 1408/71 a č. 574/72 nadradené postavenie nad národným zákonom. To znamená, že ak sa vyskytne odlišnosť medzi týmto rozsudkom a administratívnymi postupmi zo strany dozorných orgánov, obvykle postačuje vydať novú smernicu alebo jednoducho upozorniť kompetentné administratívne orgány na tento fakt, aby zmenila administratívny postup a zabezpečila efektívnu aplikáciu výsledkov prípadu ESD. Toto by mal byť bežný postup vo všetkých členských krajinách. Vyššie popísaná medzirezortná PS KOSSZ a portál na webovej stránke MPSVR SR predstavujú to najvhodnejšie fórum na vytvorenie potrebného povedomia v súvislosti s každým novým rozsudkom, ako aj na diskusiu jeho relevantnosti v konkrétnom kontexte SR.



## II. Odporúčania

Vo svetle vyššie uvedených úvah by experti na záver svojej správy uviedli tieto odporúčania:

- 1) Nevidíme potrebu celkovej obnovy existujúcej administratívnej štruktúry zaoberajúcej sa aplikáciou a implementáciou európskej legislatívy koordinácie systémov sociálneho zabezpečenia. V SR funguje sieť odborníkov, ktorá pokrýva všetky relevantné inštitúcie, - medzirezortná pracovná skupina pre koordináciu systémov sociálneho zabezpečenia (PS KOSSZ), ktorá by mala byť využívaná pravidelne, a jej kapacity by bolo potrebné posilniť
- 2) Nevidíme potrebu ani zabezpečovať, aby každý jednotlivec v rámci administratívy vedel všetko o prípadoch ESD. Obvykle postačuje, a je potrebné, aby boli všetci na administratívnej úrovni informovaní o nových rozsudkoch, ak tieto sú relevantné pre ich kompetencie a oblasti, za ktoré zodpovedajú. Následne je potrebné, aby v rámci príslušných odborov a sekcií MPSVR SR a MZ SR odborníci pravidelne monitorovali predbežné rozsudky a prípady ESD a hodnotili ich relevantnosť pre SR. Toto si vyžaduje, aby príslušný expert nielen veľmi dobre poznal/a legislatívu sociálneho zabezpečenia SR, ale do istej miery aj koordinačné pravidlá, a najmä charakteristiky systémov sociálneho zabezpečenia v ostatných členských krajinách, a v neposlednej rade aby ovládal/a cudzie jazyky (angličtinu, poprípade francúzštinu).
- 3) Ak sa vyskytne nový predbežný rozsudok, ktorý je relevantný pre SR, okamžite by mal byť komunikovaný príslušným administratívnym orgánom, aby bolo možné začať diskusiu v rámci PS KOSSZ, a v prípade rozsudkov aj v Správnej komisii či iných primeraných kruhoch, a následne efektívnu implementáciu primeranými prostriedkami (t.j. smernica, nariadenie, informačné listy, metodické semináre atď.).
- 4) Takisto sa domnievame, že najmä MPSVR SR potrebuje zvýšiť existujúce kapacity zamestnancov v tejto oblasti. Semináre zrealizované v rámci tohto twinningového projektu určite prispejú k dosiahnutiu tohto cieľa.
- 5) No a na záver, keďže momentálne nie sú k dispozícii podrobné informácie o prípadoch ESD v súvislosti s koordinačnými pravidlami sociálneho zabezpečenia v slovenčine, experti na národnej úrovni by mali rovnako tak zväziť využívanie informácií, ktoré sú k dispozícii v iných krajinách. V súčasnosti sa pripravujú viaceré štúdie a výklady v iných členských krajinách najmä v súvislosti s nariadením (ES) č. 883/04.



## Zoznam osôb, s ktorými sa uskutočnili rokovania

7. júla, pondelok:

Jozef Hudec (Odbor migrácie a integrácie cudzincov, MPSVR SR)

Jaroslav Kováč (Odbor migrácie a integrácie cudzincov, MPSVR SR)

Vladimír Bujalka (Odbor záležitostí EÚ a medzinárodnej spolupráce, MPSVR SR)

Katarína Alexyová (Odbor záležitostí EÚ a medzinárodnej spolupráce, MPSVR SR)

Ľudovít Rišňovský (Odbor sociálnej legislatívy, MPSVR SR)

Lenka Kunovská (Odbor sociálneho poistenia, MPSVR SR)

8. júla, utorok:

Jarmila Feketová (Odbor štátnych sociálnych dávok, ÚPSVR)

Mária Aláčová (Odbor štátnych sociálnych dávok, ÚPSVR),

Eva Vršanská (Odbor štátnych sociálnych dávok, ÚPSVR)

9. júla, streda:

Magdaléna Lacová (Odbor legislatívy, MZ SR)

Peter Valúch (Odbor zdravotnej starostlivosti, MZ SR)

Maria Havrilová (Odbor poisťovníctva a makro-ekonomiky zdravotníctva, MZ SR)

Gabriela Varšániová (Odbor poisťovníctva a makro-ekonomiky zdravotníctva, MZ SR)

Andrea Gáliková (Odbor medzinárodných vzťahov a zúčtovania, ÚDZS)

Mária Tuchscherová (Odbor medzinárodných vzťahov a zúčtovania, ÚDZS)

Zuzana Koreňová (Odbor medzinárodných vzťahov a zúčtovania, ÚDZS).

10. júla, štvrtok:

Ružena Rybovičová (Odbor záležitostí EÚ a zahraničných vzťahov, SP)

Jarmila Misárošová (Odbor PvN a GP, SP)

Ondrej Chrena (Odbor zahraničných agend, SP)

Ladislav Káder (Odbor metodiky PvN a GP, SP)

Michaela Putecová (Odbor metodiky dôchodkového poistenia, SP)

Simona Kupkovičová (Odbor metodiky nemocenského poistenia, SP)

Katarína Nevidaňská (Odbor záležitostí EÚ a zahraničných vzťahov, SP)





Adrián Terek (Odbor záležitostí EÚ a zahraničných vzťahov, SP)

Peter Hricko (Odbor metodiky úrazového poistenia, SP)

Miroslava Mlatecová (Odbor metodiky a výberu poistného, SP; je zodpovedná aj za určovanie aplikovateľnej legislatívy a poskytovanie E 101 formulárov (vysielanie)

p. Tacsí a Zrini (VÚSZ - MO SR)

p. Molnárová a Majeríková (MV SR)

Na rokovaníach prvý deň tlmočila Katarína Fickuljaková a následne počas všetkých ďalších dní Perla Farkašová.



Zoznam účastníkov na prezentácii monitorovacej správy zo dňa 24.2.2009 o 10.00 v zasadačke č. 117. MPSVR SR

1. Dr. Albrecht Otting (STE)
2. Cornelis J. Van den Berg (STE)
3. MUDr. Daniel Klačko, štátny tajomník Ministerstva zdravotníctva SR
4. JUDr. Vlasta Husáriková, generálna riaditeľka sekcie legislatívy MPSVR SR
5. Ing. Ľudmila Kolláriková, námestníčka sekcie sociálnych vecí a rodiny ÚPSVR
6. Ing. Mgr. Jarmila Feketová, riaditeľka odboru štátnych sociálnych dávok ÚPSVR
7. JUDr. Ružena Rybovičová, riaditeľka odboru záležitostí EÚ a zahraničných vzťahov Sociálna poisťovňa, ústredie
8. Ing. Andrea Galiková, riaditeľka odboru medzinárodných vzťahov a zúčtovania ÚDZS
9. RNDr. Miloslav Hetteš CSc., generálny riaditeľ sekcie medzinárodných vzťahov MPSVR SR
10. Ing. Jozef Hudec, riaditeľ odboru migrácie a integrácie cudzincov MPSVR SR
11. Mgr. Jaroslav Kováč, odbor migrácie a integrácie cudzincov MPSVR SR
12. Ing. Jana Terkovičová, sekcia medzinárodných vzťahov MPSVR SR
13. Mgr. Andrea Vaňovičová, odbor záležitostí EÚ a medzinárodnej spolupráce MPSVR SR
14. Ing. Martina Lukáčková, odbor implementácie lisabonskej stratégie zamestnanosti MPSVR SR
15. Mgr. Lucia Podhradská – Ministerstvo zdravotníctva SR
16. Mgr. Katarína Gigliotti – odboru migrácie a integrácie cudzincov MPSVR SR
17. Mgr. Michal Krivošík, odbor štátnej podpory a stratégie sociálnej a rodinnej politiky MPSVR SR
18. Ing. Ľudovít Rišňovský, odbor sociálnej legislatívy, MPSVR SR
19. JUDr. Libuša Praženková, odbor dôchodkového sporenia MPSVR SR
20. Bc. Edita Vojteková, odbor sociálneho poistenia MPSVR SR
21. PhDr. Lenka Vojtilová, odbor sociálneho poistenia MPSVR SR

Tlmočenie: Perla Farkašová



## **ANNEX II**

EU Twinning - Light Project SK06/IB/SO/01/TL

Posilnenie administratívnych štruktúr pre koordináciu systémov sociálneho zabezpečenia  
vo vzťahu k rozsudkom Európskeho súdneho dvora (ESD)

Reinforcement of administrative structures for the coordination of social security schemes  
in the light of rulings of the European Court of Justice (ECJ)

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## **Ministry of Labour, Social Affairs and Family of the Slovak Republic**

### **Report**

on

#### **Study Visit (Activity 2.3)**

**within the TWL Project "Reinforcement of administrative structures for the coordination  
of social security schemes in the light of rulings of the European Court of Justice (ECJ)"**

**from 26 - 30 January 2009**



## I.

<b>Title:</b>	Study visit within the TWL Project of Reinforcement of administrative structures for the coordination of social security schemes in the light of rulings of the European Court of Justice (ECJ)
<b>Date:</b>	26 -30 January 2009
<b>Place:</b>	Paris, Bonn, Berlin / France, Germany
<b>Participant:</b>	Mgr. Jaroslav Kováč, OMIC, MPSVR SR
<b>Representatives of other institutions</b>	JUDr. Ružena Rybovičová – Social Insurance Agency Ing. Zuzana Koreňová – Health Care Surveillance Authority Mgr. Lucia Podhradská – Healthcare Ministry Mgr. Mária Aláčová – Central Office of Labour, Social Affairs and Family

## II. Introduction:

A study visit of representatives of the respective institutions responsible for the application of coordination regulations, monitoring and implementation of ECJ case-law in Slovakia was organised within the Activity 2.3 of the TWL Project "Project of Reinforcement of administrative structures for the coordination of social security schemes in the light of rulings of the European Court of Justice (ECJ)".

## III. Course of the study visit:

### *First day*

The representatives of the Slovak institutions (Social Insurance Agency, Health Care Surveillance Authority, Central Office of Labour, Social Affairs and Family), responsible for application of coordination regulations, visited respective institutions in France and Germany.

On 26 January 2009 (Monday) morning, a visit of the Division of Community and International Affairs, Directorate for Social Security at the French Ministry of Labour, Social Affairs, Family and Solidarity in Paris and meeting with a Deputy Head of the Division of Community and International Affairs, Mr. Jean-Claude Fillon. The role of the Ministry is to coordinate the approach in the field of coordination of social security schemes and bilateral agreements on social security. A General Secretariat for EU Affairs has been established within the Office of the Prime Minister, monitoring the case-law of ECJ, which also coordinates the preparation of opinions to individual cases in cooperation with the respective ministries in case they consider it appropriate to prepare an official statement of the French government. Within the Ministry, the Directorate for Social Security and its departments prepare an expert opinion and send it to the General Secretariat. The Legal Services of the Ministry of Foreign Affairs represent the French government during hearings before ECJ.

On 26 January 2009, in the afternoon, a visit of the Centre of European and International Liaisons for Social Security (Centre des Liaisons Européennes et Internationales de Sécurité Sociale - CLEISS). The Participants met with Jean-Yves Hocquet, the Director of CLEISS, Mrs. Françoise Roger and Laura Faubel. The CLEISS Director presented the structure and tasks of the Centre. Mrs Roger informed that the Centre is a liaison office for most risks of social and healthcare security, was established in 1959 and currently has 128 workplaces. CLEISS has an important role in relation to ECJ case-law, it analyses the consequences of the adopted rulings on French legislation on social security and subsequently concludes agreements with Member State institutions (LU, BE, SUI, CZ), for instance in the area of the fight against mistakes and fraud within social security schemes, electronic exchange of information on social security, enforcement of due levies, recovery of illegally paid contributions etc.



Mrs Faubel works at the Publication Department, which monitors the case-law from various sources (the Official Journal, CURIA web site, pre-paid journals on social security), issues a "DOC" bulletin where it publishes also the latest ECJ rulings. The Department has been preparing a database of ECJ rulings, which will be arranged by topics, chronologically and by alphabet.

### **Second day**

On 27 January 2009 (Tuesday) a meeting at the German Federal Ministry of Labour and Social Affairs took place in Bonn. Dr. Arno Bokeloh presented the task of the Ministry in preparing the lawsuits ruled by the ECJ. The unit for Coordination of Social Security Systems, Department of European and International Employment (unit VIa3) covers coordination of social security schemes, bilateral agreements on social security, MISSOC, solving of concrete cases sent by SOLVIT or by the Federal Ministry of Economy. In Germany, the central ministry where applications for opinions are sent is the Federal Ministry of Economy. This ministry has the prior responsibility for all ECJ cases. In case a Social Court wishes to submit a question for preliminary ruling to the ECJ, it informally informs also the Ministry, which has 2 months to prepare an opinion. It is important to issue opinions to cases ruled by the ECJ in particular if they have a broad impact on all Member States, and an analysis of possible effects on legislation and its implementation are necessary.

#### A scheme of functioning of German institutions:

Social Court → ECJ → the Federal Ministry of Economy (FME) → the Federal Ministry of Labour and Social Affairs (FMLSA) → VIa2 Unit → VIa3 Unit → concrete party (e.g. the German Federal Pension Fund – DRV-Bund, German Liaison Office for International Sickness Insurance- DVKA) → FME (which harmonises and approves of the statements of other respective ministries) → an opinion/statement of the German federal government is prepared.

#### Recommendations for hearings before ECJ:

1. in general, prepare a short opinion – the chances for the used arguments to be accepted are greater
2. do not analyse in detail the previous case-law of ECJ
3. do not use an argument related to financial burdening of the budget, increase of costs etc.
4. act and behave creditworthy and persuasively (act in the role of an attorney)
5. in a situation, when a defeat in hearing is evident, an accused state may give up and do not defend all cases at all costs (in case of own judicial case against a Member State)
6. if a Member State gives up a lost case, it increases its credibility before the ECJ
7. a government representative does not present the whole written statement at the ECJ
8. it is more difficult to assess the impacts of a ruling, when it is your own case, than a case of another Member State.

Monitoring and interpretation of rulings are fully in power of respective institutions of social security in Germany (DVKA, DRV-Bund) – the institutions interpret the community law in a centralised way in order to harmonise its implementation in practice. FMLSA has no power in interpretation and setting of procedures of individual institutions, it is done by the institutions within their competencies and responsibilities. Working groups at DRV-Bund for pensions serve to prepare standpoints and to discuss individual cases (a working group for international law) or a working group coordinated by the Federal Accident Insurance Agency, dealing with healthcare in case of occupational diseases and accident insurance. Also representatives of the Federal Ministry of Labour and Social Affairs are invited to these meetings.

### **Third day**

On 28 January 2009 (Wednesday) - a meeting at the German Liaison Office for International Sickness Insurance (DVKA) in Bonn-Bad Godesberg. Mr. Burchard Osterholz, Head of the Department of Principles of Sickness Insurance Law, presented the structure, tasks



and role of DVKA in relation to ECJ case-law. He informed about how they analyse and implement the rulings in the field of healthcare and sickness insurance within DVKA.

The role of DVKA starts mostly after a ruling is pronounced. If the ruling is unambiguous, it informs other healthcare insurance companies and institutions governed by them in memos, if there are doubts, the impacts are discussed with the Federal Ministry of Labour and Social Affairs or at boards of the main associations of insurance companies. Subsequently, the impacts of the ruling are implemented into practice, the adopted new procedures are published or the old procedures are updated. DVKA constantly updates and publishes memos in order to inform healthcare insurance companies and cooperates with the covering insurance associations.

#### **Fourth day**

On 29 January (Thursday) – a meeting at the German Federal Pension Insurance Fund – DRV-Bund. Mr. Jürgen Meierkord, Head of Legal Department Unit for International Social Insurance and Pension Law, the project manager of the German side, informed about the tasks of DRV-Bund in relation to the implementation of the case-law and its impacts on German legislation as regards pensions. The Fund is a successor of the pension insurance company for employees. It covers around 40% of all insured persons in Germany. In case a statement to a question in preliminary ruling needs to be prepared, the Fund cooperates with the Federal Ministry of Labour and Social Affairs. If a concrete case heard before the ECJ applies to Germany, it may take over the whole responsibility and represent Germany before the ECJ (Rönfeldt case). Its task is, similarly to DVKA, to direct and inform other pension insurance companies on impacts of adopted rulings, to interpret and monitor them. In the afternoon there was a meeting at the Department for Foreign Affairs – Dezernat 5008, which is responsible for documentation related to Slovakia and handling of cases from Slovakia, besides other countries. The Head of Unit, Mr. Gerhard Wendt, presented the organisation of work, processes and responsibility of the visited unit. A department has been established within the institution, which is in charge of training of new but also old employees in relation to the legislative changes and new procedures and practices.

#### **IV. Conclusions**

The study visit presents a great contribution for the representatives of the Slovak institutions responsible for the application of the community law, as in the future they will assume the role of contact persons in case an opinion for ECJ needs to be prepared, and based on the acquired knowledge and information the participants may propose measures within their institutions to improve handling of case-law, its interpretation and analysis of impacts on Slovak legislation.

In Bratislava, on 16 February 2009



## **ANNEX III**