



EUROPEAN FREE TRADE ASSOCIATION

Ref. 14-65782

12 November 2015

DECISION OF THE COUNCIL NO 5 OF 2015

(Adopted at the 8th meeting on 12 November 2015)

AMENDMENTS TO APPENDIX 2 TO ANNEX K TO THE CONVENTION

COORDINATION OF SOCIAL SECURITY SCHEMES

THE COUNCIL,

Having regard to the Member States' endeavour to regularly update the Convention in order to take account of developments under the Agreement on the European Economic Area and the Bilateral Agreements of 21 June 1999 between the Swiss Confederation on the one hand and the European Community and its Member States on the other,

Having regard to Article 53(3) of the Convention, empowering the Council to amend the Appendices to Annex K to the Convention,

Having regard to the recommendation of the Committee on Movement of Persons in its report to the Council to amend Appendix 2 to Annex K (Free movement of persons) to the Convention (ref. 14-66051),

DECIDES:

1. Appendix 2 to Annex K of the Convention shall be amended as follows:

(1) The text of Article 1(1) shall be replaced by the following:

‘The Member States agree, with regard to the co-ordination of social security schemes, to apply among themselves the Union acts referred to in or as amended by Section A of this Appendix, or rules equivalent to such acts.’

(2) The text of Article 2 shall be replaced by the following:

‘1. For the purposes of applying the provisions of this Appendix, the Member States shall take into consideration the Union acts referred to in or amended by Section B of this Appendix.’

2. For the purposes of applying the provisions of this Appendix, the Member States shall take note of the Union acts referred to in or amended by Section C of this Appendix.’
- (3) The text of Article 3 shall be replaced by the following:
- ‘1. The arrangements relating to the Swiss and Liechtenstein helplessness allowances and the Swiss occupational benefits are set out in Protocol 1 to this Appendix.
2. Sections A and B are applicable to the relations between Liechtenstein and Switzerland under the conditions set out in Protocol 2 to this Appendix.’
- (4) The text under Section A (Acts referred to) shall be replaced by the following:
- ‘1. **32004 R 0883**: Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1), as corrected by OJ L 200, 7.6.2004, p. 1 and OJ L 204, 4.8.2007, p. 30, as amended by:
- **32009 R 0988**: Regulation (EC) No 988/2009 of the European Parliament and of the Council of 16 September 2009 amending Regulation (EC) No 883/2004 on the coordination of social security systems, and determining the content of its Annexes (OJ L 284, 30.10.2009, p. 43).
 - **32010 R 1244**: Commission Regulation (EU) No 1244/2010 of 9 December 2010 amending Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 (OJ L 338, 22.12.2010, p. 35).
 - **32012 R 0465**: Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012 amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 (OJ L 149, 8.6.2012, p. 4).
 - **32012 R 1224**: Commission Regulation (EU) No 1224/2012 of 18 December 2012 amending Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 (OJ L 349, 19.12.2012, p. 45).

The provisions of the Regulation shall, for the purposes of this Convention, be read with the following adaptations:

1. For the application of article 87a paragraph 1, the ten years transitional period mentioned shall begin to apply from the date of entry into force of Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012 in the relations between the EFTA States. The dates mentioned in article 87a paragraph 1 shall adapt accordingly.
2. The following shall be added to Annex I(I):

“ICELAND

Advances of maintenance payments under the Act on Social Security No 100/2007.

LIECHTENSTEIN

Advances of maintenance payments under the Law on the grant of advances of maintenance of 21 June 1989, as amended.

NORWAY

Advance payment of child maintenance under the Advance payment of child maintenance Act of 17 February 1989 No 2.

SWITZERLAND

Cantonal legislation concerning the advances of maintenance payments based on Articles 131 paragraph 2 and 293 paragraph 2 of the Federal Civil Act.”

3. The following shall be added to Annex I(II):

“ICELAND

Lump sum grants intended to offset the cost of international adoption pursuant to the Act on Adoption Grants No 152/2006.

NORWAY

Lump sum grants payable at childbirth pursuant to the National Insurance Act.

Lump sum grants payable at adoption pursuant to the National Insurance Act.

SWITZERLAND

Birth grants and adoption grants pursuant to the relevant cantonal legislation based on Article 3 paragraph 2 of the Federal Family Allowances Act.”

4. The following shall be added to Annex II:

“ICELAND - NORWAY

Article 7 of the Nordic Convention on social security of 12 June 2012 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

LIECHTENSTEIN - SWITZERLAND

- (a) Article 14 paragraph 1 of the Convention on Social Security of 8 March 1989 as amended by the Complementary Conventions No 1 of 9 February 1996 and No 2 of 29 November 2000, with the reservation that rehabilitation measures granted pursuant to the legislation of the last State of employment are granted only for a period of three years. After that the insurance scheme of the State of residence takes over and deals with the claim as if it had arisen under its own legislation;

Article 14 paragraphs 3 and 4 to the said Convention;

Articles 20 to 22 to the said Convention;

Point 20 of the Final Protocol to the said Convention and Article 3 paragraph 3 of the said Complementary Convention No 2.

- (b) Article 6 of the Convention on Unemployment Insurance of 15 January 1979.

NORWAY - SWITZERLAND

Article 6(2) of the Convention on social security of 21 February 1979.”

5. The following shall be added to Annex III:

“ICELAND

NORWAY”

6. The following shall be added to Annex IV:

“ICELAND

LIECHTENSTEIN

SWITZERLAND”

7. The following shall be added to Annex VIII, Part 1:

“ICELAND

All applications from the old-age basic scheme and the defined benefit State employee scheme.

LIECHTENSTEIN

All applications for pensions of the old-age, survivors’ and invalidity insurances from the statutory pension scheme as well as for old-age, survivors’ and invalidity pensions from the occupational scheme as far as the regulations of the respective pension fund do not contain provisions concerning reduction.

NORWAY

All applications for old age pension, except pensions mentioned in Annex IX.

SWITZERLAND

All claims for old-age, survivors’ and invalidity pensions under the basic scheme (Federal Law on old-age and survivors’ insurance and Federal Law on invalidity insurance) and statutory old-age pensions under the statutory occupational benefit plans (Federal Law on occupational benefits plans for old-age, survivors’ and invalidity insurance).”

8. The following shall be added to Annex VIII, Part 2:

“ICELAND

Old-age employment pension scheme.

LIECHTENSTEIN

Old-age, survivors’ and invalidity pensions from the occupational employment pension scheme.

NORWAY

Old age income pension under the National Insurance Act (Chapter 20) and defined contribution pension schemes under the Act on Mandatory Occupational Pensions.

SWITZERLAND

Old-age, survivors' and invalidity pensions under the statutory occupational benefit plans (Federal Law on occupational benefits plans for old-age, survivors' and invalidity insurance)."

9. The following shall be added to Annex IX(I):

"ICELAND

Child pension in accordance with the Act on Social Security No 100/2007 and child pension in accordance with the Act on Mandatory Pension Insurance and on the Activities of Pension Funds No 129/1997."

10. The following shall be added to Annex IX(II):

"ICELAND

Invalidity pension in the form of basic pension, pension supplement and age-related pension supplement according to the Act on Social Security No 100/2007.

Invalidity pension according to the Act on Mandatory Pension Insurance and on the Activities of Pension Funds No 129/1997.

NORWAY

Norwegian disability benefit, also when converted into an old-age pension upon the reaching of the pensionable age, and all pensions (survivors' and old-age pensions) based on the deceased person's pension earnings.

SWITZERLAND

Survivors' and invalidity pensions under the statutory occupational benefit plans (Federal Law on occupational benefits plans for old-age, survivors' and invalidity insurance)."

11. The following shall be added to Annex X:

"LIECHTENSTEIN

- (a) Allowances for blind persons (Law on the granting of allowances for blind persons of 17 December 1970, as amended);
- (b) Maternity allowances (Law on the granting of maternity allowances of 25 November 1981, as amended);

- (c) Supplementary benefits to the old age, survivors' and invalidity insurance (Law on supplementary benefits to the old age, survivors' and invalidity insurance of 10 December 1965, as amended).

NORWAY

- (a) Guaranteed minimum benefit to persons who are born disabled or become disabled at an early age under the National Insurance Act;
- (b) Special benefits in accordance with the Act of 29 April 2005 No. 21 on supplementary allowance to persons with short periods of residence in Norway.

SWITZERLAND

- (a) Supplementary benefits (Federal Supplementary Benefits Act of 6 October 2006) and similar benefits provided for under cantonal legislation;
- (b) Pensions in the case of hardship under invalidity insurance (Article 28 subparagraph 1a of the Federal Invalidity Insurance Act of 19 June 1959, as amended on 7 October 1994);
- (c) Non-contributory mixed benefits in the event of unemployment, as provided for under cantonal legislation;
- (d) Non-contributory extraordinary invalidity pensions for disabled persons (Article 39 of the Federal Invalidity Insurance Act of 19 June 1959) who have not been subject, before their incapacity for work, to the Swiss legislation on the basis of an activity as an employed or self-employed person.”

12. The following shall be added to Annex XI:

“ICELAND

- 1. (a) Notwithstanding the provisions of Article 6, persons who have not been gainfully employed in one or more EC Member States or EFTA States are entitled to an Icelandic social pension only if they have been, or have previously been, permanent residents of Iceland for at least three years, subject to the age limits prescribed by Icelandic legislation.

- (b) The above mentioned provisions do not apply to Icelandic social pension entitlement for the members of the family of persons who are or have been gainfully employed in Iceland, or for students or the members of their families.
2. Where employment or self-employment in Iceland has terminated and the contingency occurs during employment or self-employment in another State to which this Regulation applies and where the disability pension of both the social security and the supplementary pension schemes (pension funds) in Iceland no longer includes the period between the contingency and the pensionable age (future periods), periods of insurance under the legislation of another State to which this Regulation applies shall be taken into consideration for the requirement of the future periods as if they were periods of insurance in Iceland.

NORWAY

1. The transitional provisions of the Norwegian legislation entailing a reduction of the insurance period which is required for a full supplementary pension for persons born before 1937 shall be applicable to persons covered by the Regulation provided that they have been residents of Norway, or engaged in gainful occupation as employed or self-employed in Norway, for such a number of years as is required after their sixteenth birthday and before 1 January 1967. This requirement shall be one year for each year the person's year of birth falls before 1937.
2. A person insured under the National Insurance Act who provides care to insured care-needing old, disabled or sick persons shall, according to prescribed conditions, be credited pension earnings for such periods. Likewise, and without prejudice to Article 44 of Regulation (EC) No 987/2009, a person who takes care of small children shall be credited pension points when staying in another State to which this Regulation applies, provided that the person concerned is on parental leave under Norwegian labour law.
3. (a) Notwithstanding the provisions of Article 6, persons who have not been gainfully employed in one or more EC Member States or EFTA States are entitled to a Norwegian social pension only if they have been, or have previously been, permanent residents of Norway for at least three

years, subject to the age limits prescribed by Norwegian legislation.

- (b) The above mentioned provisions do not apply to Norwegian social pension entitlement for the members of the family of persons who are or have been gainfully employed in Norway, or for students or the members of their families.

SWITZERLAND

1. Article 2 of the Federal Old-Age and Survivors' Insurance Act and Article 1 of the Federal Invalidity Insurance Act, which govern voluntary insurance in these insurance branches, shall be applicable to persons, who are nationals of the other Member States and who reside outside Switzerland, the territory of the other Member States and the territory of the Member States of the European Union, where these persons join the voluntary insurance scheme not later one year after the date on which they ceased to be covered by old-age, survivors' and invalidity insurance after a continuous period of insurance of at least five years.
2. Where a person ceases to be insured under Swiss old-age, survivors' and invalidity insurance after a continuous period of insurance of at least five years, s/he shall continue to be entitled to be insured with the agreement of the employer if he works in a State to which this Convention does not apply for an employer in Switzerland and if s/he submits an application to this effect within six months of the date on which he ceases to be insured.
3. Compulsory insurance under Swiss sickness insurance and possible exemptions

The Swiss legal provisions governing compulsory sickness insurance shall apply to the following persons not resident in Switzerland:

- (i) persons subject to Swiss legal provisions under Title II of the Regulation;
- (ii) persons for whom Switzerland shall bear the costs of benefits according to Articles 24, 25, 26 of the Regulation;
- (iii) persons receiving Swiss unemployment insurance benefits;

- (iv) family members of persons referred to in (i), (ii) and (iii) or of an employed or self-employed person resident in Switzerland who is insured under the Swiss sickness insurance scheme.

As family members are considered those persons who are defined as family members according to the legislation of the state of residence.

4. For the purposes of applying Articles 18, 19, 20, 27 of the Regulation in Switzerland, the competent insurer shall bear all invoiced costs.
5. Periods of daily allowance insurance completed under the insurance scheme of another State to which this Convention applies shall be taken into account for reducing or lifting a possible reserve in daily allowance insurance in the event of maternity or sickness where the person becomes insured with a Swiss insurer within three months of ceasing to be covered by insurance in another country.
6. Where a person who was gainfully employed or self-employed in Switzerland and covering his/her vital needs has had to cease his/her activity owing to an accident or illness and is no longer subject to Swiss legislation on invalidity insurance, s/he shall be considered to be covered by that insurance for the purpose of eligibility for rehabilitation measures until the payment of an invalidity pension and throughout the period during which s/he benefits from these measures, provided that s/he has not taken up a new activity outside Switzerland.
7.
 - (a) Where in application of Article 12 and Article 16 a person remains subject to the legislation of one Member State while s/he is gainfully occupied in the territory of another Member State, the same applies to the spouse and the children of this person residing with that person in the territory of the latter Member State, provided that they are not gainfully occupied themselves in the territory of this State.
 - (b) Where in application of paragraph a) the Swiss legislation applies to the spouse and the children, they are insured in the Swiss old-age, survivors' and invalidity insurance."

2. **32009 R 0987**: Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1), as amended by:
- **32010 R 1244**: Commission Regulation (EU) No 1244/2010 of 9 December 2010 amending Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 (OJ L 338, 22.12.2010, p. 35).
 - **32012 R 0465**: Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012 amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 (OJ L 149, 8.6.2012, p. 4).
 - **32012 R 1224**: Commission Regulation (EU) No 1224/2012 of 18 December 2012 amending Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 (OJ L 349, 19.12.2012, p. 45).

The provisions of the Regulation shall, for the purposes of this Convention, be read with the following adaptations:

1. The following shall be added to Annex 1:

“ICELAND - NORWAY

Article 15 of the Nordic Convention on Social Security of 12 June 2012: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 41 and 65 of Regulation (EC) No 883/2004 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 87 of Regulation (EC) No 987/2009 (costs of administrative checks and medical examinations).”

2. The following shall be added to Annex 3:

“NORWAY”

3. The following shall be added to Annex 5:

“LIECHTENSTEIN

NORWAY”

3. **31971 R 1408**: Regulation (EEC) No 1408/71 of the Council 14 June 1971 on the application of social security schemes to employed persons and to their families moving within the Community (OJ L 149, 5.7.1971, p. 2), as last amended by Regulation (EC) No 592/2008 of the European Parliament and of the Council of 17 June 2008 (OJ L 177, 4.7.2008, p. 1) and when referred to in Regulations (EC) No 883/2004 or No 987/2009 or when cases are concerned which occurred in the past.
 4. **31972 R 0574**: Regulation (EEC) No 574/72 of the Council of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community (OJ L 74, 27.3.1972, p. 1), as last amended by Commission Regulation (EC) 120/2009 of 9 February 2009 (OJ L 39, 10.2.2009, p. 29) and when referred to in Regulations (EC) No 883/2004 or No 987/2009 or when cases are concerned which occurred in the past.
 5. **31998 L 0049**: Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).’
- (5) The text under Section B (Acts of which the Member States shall take due account) shall be replaced by the following:
- ‘6.1 **32010 D 0424(01)**: Decision No A1 of 12 June 2009 concerning the establishment of a dialogue and conciliation procedure concerning the validity of documents, the determination of the applicable legislation and the provision of benefits under Regulation (EC) No 883/2004 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 1).
 - 6.2 **32010 D 0424(02)**: Decision No A2 of 12 June 2009 concerning the interpretation of Article 12 of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the legislation applicable to posted workers and self-employed workers temporarily working outside the competent State (OJ C 106, 24.4.2010, p. 5).
 - 6.3 **32010 D 0608(01)**: Decision No A3 of 17 December 2009 concerning the aggregation of uninterrupted posting periods completed under the Council Regulation (EEC) No 1408/71 and Regulation (EC) No 883/2004 of the European Parliament and of the Council (OJ C 149, 8.6.2010, p. 3).

- 7.1 **32010 D 0424(03)**: Decision No E1 of 12 June 2009 concerning the practical arrangements for the transitional period for the data exchange via electronic means referred to in Article 4 of Regulation (EC) No 987/2009 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 9).
- 7.2 **32010 D 0710(01)**: Decision No E2 of 3 March 2010 concerning the establishment of a change management procedure applying to details of the bodies defined in Article 1 of Regulation (EC) No 883/2004 of the European Parliament and of the Council which are listed in the electronic directory which is an inherent part of EESSI (OJ C 187, 10.7.2010, p. 5).
- 7.3 **32012 D 0114(01)**: Decision No E3 of 19 October 2011 concerning the transitional period as defined in Article 95 of Regulation (EC) No 987/2009 of the European Parliament and the Council (OJ C 12, 14.1.2012, p. 6).
- 8.1 **32010 D 0424(04)**: Decision No F1 of 12 June 2009 concerning the interpretation of Article 68 of Regulation (EC) No 883/2004 of the European Parliament and of the Council relating to priority rules in the event of overlapping of family benefits (OJ C 106, 24.4.2010, p. 11).
- 9.1 **32010 D 0424(05)**: Decision No H1 of 12 June 2009 concerning the framework for the transition from Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 to Regulations (EC) No 883/2004 and (EC) No 987/2009 of the European Parliament and of the Council and the application of Decisions and Recommendations of the Administrative Commission for the coordination of social security systems (OJ C 106, 24.4.2010, p. 13).
- 9.2 **32010 D 0424(06)**: Decision No H2 of 12 June 2009 concerning the methods of operation and the composition of the Technical Commission for data processing of the Administrative Commission for the coordination of social security systems (OJ C 106, 24.4.2010, p. 17).
- 9.3 **32010 D 0424(16)**: Decision No H3 of 15 October 2009 concerning the date to be taken into consideration for determining the rates of conversion referred to in Article 90 of Regulation (EC) No 987/2009 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 56).

The provisions of the Decision shall, for the purposes of this Agreement, be read with the following adaptation:

In the absence of published conversion rate with regard to the Icelandic Krona (ISK) by the European Central Bank, the rate of conversion as mentioned in Article 1 of Decision No H3 shall be understood as the daily conversion rate fixed by the Central Bank of Iceland during the reference month.

- 9.4 **32010 D 0427(01)**: Administrative Commission for the Coordination of Social Security Systems Decision No H4 of 22 December 2009 concerning the composition and working methods of the Audit Board of the Administrative Commission for the Coordination of Social Security Systems (OJ C 107, 27.4.2010, p.3).
- 9.5 **32010 D 0608(02)**: Decision No H5 of 18 March 2010 concerning cooperation on combating fraud and error within the framework of Council Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 of the European Parliament and of the Council on the coordination of social security systems (OJ C 149, 8.6.2010, p. 5).
- 9.6 **32011 D 0212(01)**: Decision No H6 of 16 December 2010 concerning the application of certain principles regarding the aggregation of periods under Article 6 of Regulation (EC) No 883/2004 on the coordination of social security systems (OJ C 45, 12.2.2011, p. 5).
- 10.1 **32010 D 0424(07)**: Decision No P1 of 12 June 2009 on the interpretation of Articles 50(4), 58 and 87(5) of Regulation (EC) No 883/2004 of the European Parliament and of the Council for the award of invalidity, old-age and survivors' benefits (OJ C 106, 24.4.2010, p. 21).
- 11.1 **32010 D 0424(08)**: Decision No S1 of 12 June 2009 concerning the European Health Insurance Card (OJ C 106, 24.4.2010, p. 23).
- 11.2 **32010 D 0424(09)**: Decision No S2 of 12 June 2009 concerning the technical specifications of the European Health Insurance Card (OJ C 106, 24.4.2010, p. 26).
- The provisions of the Decision shall, for the purposes of this Agreement, be read with the following adaptation:
- Notwithstanding point 3.3.2 of the Annex to the Decision, the EEA EFTA Member States shall nevertheless have the possibility to insert the European stars on the European Health Insurance Cards to be issued by them.¹
- 11.3 **32010 D 0424(10)**: Decision No S3 of 12 June 2009 defining the benefits covered by Articles 19(1) and 27(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council and Article 25(A)(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 40).
- 11.4 **32010 D 0424(14)**: Decision No S4 of 2 October 2009 concerning refund procedures for the implementation of Articles 35 and 41 of Regulation (EC) No 883/2004 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 52).

¹ OJ L 262, 6.10.2011, p. 33 and EEA Supplement No 54, 6.10.2011, p. 46

- 11.5 **32010 D 0424(15)**: Decision No S5 of 2 October 2009 on interpretation of the concept of ‘benefits in kind’ as defined in Article 1(va) of Regulation (EC) No 883/2004 of the European Parliament and of the Council in the event of sickness or maternity pursuant to Articles 17, 19, 20, 22, 24(1), 25, 26, 27(1, 3, 4 and 5), 28, 34 and 36(1 and 2) of Regulation (EC) No 883/2004 and on calculation of the amounts to be refunded under Articles 62, 63 and 64 of Regulation (EC) No 987/2009 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 54).
- 11.6 **32010 D 0427(02)**: Decision No S6 of 22 December 2009 concerning the registration in the Member State of residence under Article 24 of Regulation (EC) No 987/2009 and the compilation of the inventories provided for in Article 64(4) of Regulation (EC) No 987/2009 (OJ C 107, 27.4.2010, p.6).
- 11.7 **32010 D 0427(03)**: Decision No S7 of 22 December 2009 concerning the transition from Regulations (EEC) Nos 1408/71 and 574/72 to Regulations (EC) Nos 883/2004 and 987/2009 and the application of reimbursement procedures (OJ C 107, 27.4.2010, p. 8).
- 11.8 **32011 D 0906(01)**: Decision No S8 of 15 June 2011 concerning the granting of prostheses, major appliances and other substantial benefits in kind provided for in Article 33 of Regulation (EC) No 883/2004 on the coordination of social security systems (OJ C 262, 6.9.2011, p. 6).
- 12.1 **32010 D 0424(11)**: Decision No U1 of 12 June 2009 concerning Article 54(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council relating to increases in unemployment benefit for dependent members of the family (OJ C 106, 24.4.2010, p. 42).
- 12.2 **32010 D 0424(12)**: Decision No U2 of 12 June 2009 concerning the scope of Article 65(2) of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the right to unemployment benefits of wholly unemployed persons other than frontier workers who were resident in the territory of a Member State other than the competent Member State during their last period of employment or self-employment (OJ C 106, 24.4.2010, p. 43).
- 12.3 **32010 D 0424(13)**: Decision No U3 of 12 June 2009 concerning the scope of the concept of ‘partial unemployment’ applicable to the unemployed persons referred to in Article 65(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 45).’
- 12.4 **32012 D 0225(01)**: Decision No U4 of 13 December 2011 concerning the reimbursement procedures under Article 65(6) and (7) of Regulation (EC) No 883/2004 and Article 70 of Regulation (EC) No 987/2009 (OJ C 57, 25.2.2012, p. 4).’

- (6) The text under Section C (Acts of which the Member States shall take note) shall be replaced by the following:

‘13.1 **32010 H 0424(02)**: Recommendation No U1 of 12 June 2009 concerning the legislation applicable to unemployed persons engaging in part-time professional or trade activity in a Member State other than the State of residence (OJ C 106, 24.4.2010, p. 49).

13.2 **32010 H 0424(03)**: Recommendation No U2 of 12 June 2009 concerning the application of Article 64(1)(a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council to unemployed persons accompanying their spouses or partners pursuing a professional or trade activity in a Member State other than the competent State (OJ C 106, 24.4.2010, p. 51).

14.1 **32012 H 0810(01)**: Recommendation No S1 of 15 March 2012 concerning financial aspects of cross-border living organ donations (OJ C 240, 10.8.2012, p. 3)’

- (7) The text under Protocol 1 to Appendix 2 shall be replaced by the following:

‘SWISS ALLOWANCES FOR HELPLESS PERSONS

Allowances for helpless persons granted under the Swiss Federal Act of 19 June 1959 on invalidity insurance (LAI) and under the Federal Acts of 20 December 1946 on old-age and survivors’ pensions (LAVS), as amended on 8 October 1999, shall be provided exclusively if the person concerned resides in Switzerland.

LIECHTENSTEIN ALLOWANCES FOR HELPLESS PERSONS

Allowances for helpless persons granted under the Law on supplementary benefits to the old age, survivors’ and invalidity insurance of 10 December 1965, as amended, shall be provided exclusively if the person concerned resides in Iceland, Liechtenstein and Norway.

SWISS OCCUPATIONAL BENEFIT PLANS CONCERNING OLD-AGE, SURVIVORS’ AND INVALIDITY PENSIONS

Notwithstanding Article 10(2) of Council Regulation (EEC) No 1408/71, the vested benefit provided for under the Federal Act on free movement among occupational benefit plans concerning old-age, survivors’ and invalidity pensions (Loi fédérale sur le libre passage dans la prévoyance professionnelle vieillesse, survivants et invalidité) of 17 December 1993 shall be paid out on request to an employed or self-employed person who intends to leave Switzerland for good and who, under Title II of the Regulation, will no longer be subject to Swiss law, provided that they leave Switzerland within five years of the entry into force of Annex K.’²

² Annex K to the EFTA Convention entered into force 1 June 2002.

- (8) The text under Protocol 2 to Appendix 2 shall be replaced by the following:

‘Sections A and B of Appendix 2 are applicable to the relations between Liechtenstein and Switzerland under the conditions set out in this Protocol:

1. Compulsory insurance under the sickness insurance scheme

1.1 Persons residing in one of the two States are subject to the legal provisions on compulsory sickness insurance of their State of residence, if:

- (a) being gainfully employed, they are subject to the legal provisions relative to the other branches of social security in one of the two States;
- (b) pursuant to Title III Chapter 1 of the Regulation, they are subject to the legislation of one of the two States as beneficiaries or claimants of a pension;
- (c) they receive unemployment benefits from one of the two States;
- (d) they are family members of a person subject to the provisions concerning compulsory sickness insurance of one of the two States pursuant to letters a) to c).

1.2 The obligation to be insured under the daily allowance insurance is determined by the legislation applicable to the person by reason of his or her gainful employment.

1.3 Workers who pursuant to point 1.1 letter a) are subject to Swiss provisions, and are subject to provisions of Liechtenstein with reference to point 1.2, are entitled to a subsidy from their employer in Liechtenstein corresponding to the part that employers there have to contribute to the premiums of their employees affiliated in the compulsory Liechtenstein sickness insurance scheme.

1.4 In analogy to Article 17 of the Regulation, frontier workers and their family members who, pursuant to point 1.1 letters a) and d), are subject to the legal provisions on compulsory sickness insurance in their State of residence, shall receive in the State of work benefits in kind as if they were insured there.

2. Unemployment insurance

A totally unemployed employed or self-employed person who, pursuant to Article 64(1) of the Regulation, fulfils the conditions for entitlement according to the legislation of one State, and moves to the other State in search of employment, will receive benefits from the competent institution of the first State and be subject to its control regulations.’

- (9) Protocol 3 is deleted.
2. The above amendments shall enter into force for Iceland, Norway and Switzerland on 1 January 2016. In relation to Liechtenstein, the amendments shall enter into force on the first day of the month following its notification to the Depositary that its internal procedures have been concluded, but at the earliest on 1 January 2016.
 3. The Secretary-General of the European Free Trade Association shall deposit the text of this Decision with the Depositary.
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