ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS

RECOMMENDATION No 20

of 31 May 1996

concerning improvement of the administration and settlement of reciprocal claims

(96/592/EC)

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 36 (3) of Council Regulation (EEC) No 1408/71, under which the competent authorities of two or more Member States may provide for methods of reimbursement of sickness and maternity insurance benefits in kind, awarded by the institution of one Member State on behalf of the institution of another Member State, other than as provided for in paragraph 2 of the same Article and described in Articles 93, 94, 95 and 102 of Council Regulation (EEC) No 574/72,

Having regard to Article 63 (3) of Regulation (EEC) No 1408/71, which contains similar provisions for insurance benefits in kind, in respect of accidents at work and occupational diseases relating to the refunds described in Articles 96 and 102 of Regulation (EEC) No 574/72,

Having regard to Article 81 (a) of Regulation (EEC) No 1408/71, under which the Administrative Commission has to deal with all administrative questions deriving from Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72,

Whereas there are grounds for accelerating the settlement of reciprocal claims under the aforementioned Articles 93, 94, 95 and 96;

Whereas this objective may be achieved in particular by recommending a timetable for the settlement of claims on the basis of invoices, within the meaning of Articles 93 and 96 of Regulation (EEC) No 574/72, and a timetable for the settlement of claims on the basis of lump sums, within the meaning of Articles 94 and 95 of Regulation (EEC) No 574/72;

Acting in accordance with the provisions of Article 80 (3) of Regulation (EEC) No 1408/71,

HEREBY RECOMMENDS:

that the institutions of the Member States comply with the following timetable for refunds within the meaning of Articles 93 and 96, and Articles 94 and 95, of Regulation (EEC) No 574/72.

A. Refunds within the meaning of Articles 93 and 96 of Regulation (EEC) No 574/72

1. Institutions which have provided benefits in kind within the meaning of Articles 93 and 96 of Regulation (EEC) No 574/72 must submit their claims before the end of a period of one year following the calendar half-year in which the benefits were provided.
2. The month to be taken into consideration as the month in which claims are submitted shall be that during which the designated body referred to in Article 102 (2) of Regulation (EEC) No 574/72 receives the letter submitting the claims, by registered mail with acknowledgment of receipt.
3. Invoices shall be checked before the end of a period of 18 months following the end of the calendar half-year in which they were submitted. Any rejection of individual records of actual expenditure (E 125) shall be effected at the latest by the end of the said 18-month period.
4. Disputes shall be settled at the latest during the 30th month following the end of the calendar half-year in which the corresponding claims were submitted.

B. **Refunds within the meaning of Articles 94 and 95 of Regulation (EEC) No 574/72**

5. The institutions which have provided the benefits in kind referred to in Articles 94 and 95 of Regulation (EEC) No 574/72 shall present the individual records of monthly lump-sum payments (E 127) relating to a calendar year as soon as the list for the year has been compiled and, in any event, before the end of the half-year following the date on which the corresponding average costs for the year in question were published in the Official Journal.

6. The month to be taken into consideration as the month in which the list is presented shall be that during which the designated body referred to in Article 102 (2) of Regulation (EEC) No 574/72 receives the letter in which the list is presented, by registered mail with acknowledgment of receipt.

7. Lists shall be checked before the end of a period of 18 months following their presentation. Any rejection of E 127 records shall be effected at the latest during the 18th month following the month in which the relevant list was presented.

8. Disputes shall be settled at the latest during the 30th month following the end of the calendar half-year in which the corresponding claims were submitted.

This recommendation shall apply from 1 January 1997.

Chairman of the Administrative Commission

G. MICCIO