

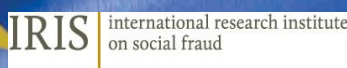


Annex III

to the 2023 report “Fraud and error in the field of EU social security coordination”

Country sheets

Clarification on Chapter 2-3-6-7 and 8 on Steps to prevent and combat Fraud and Error; Specific problems in implementing the EU social security coordination rules; Steps taken to promote compliance by institutions and healthcare providers with the social security coordination rules and to provide information to citizens; Best practices, lessons learned, issues or concern; Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error



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AUSTRIA

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

2.1.1.2. General steps regarding controlling and monitoring actions

Regular checks and monitoring activities, which can lead in individual cases to an investigation. Some institutions have special control task forces which also deal with cross-boarder fraud and error and are entitled to take control measures on-site.

2.1.1.3. General steps regarding cooperation and data exchange

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

When inter-State forms are issued, some of them have a serial reference number and/or the official signature of the institution concerned.

2.1.1.5. Other general steps taken to prevent fraud and error

Considering and implementing preventive measures; Networking and cooperation with different stakeholders

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

Regular checks coordinated between the competent national authorities.
Checks to find out whether the necessary forms (especially PD A1) are available and whether these correspond to the facts.

(c) Specific cooperation and concrete data exchange

Information and data exchange with foreign authorities or institutions regarding the authenticity of international forms (in particular PD A1).

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

- Requiring an annual life certificate from recipients of old-age or survivor's benefits living in another (Member) State in order to verify whether these persons are still alive and thus entitled to those benefits.
- If the certificate is not received, the payment is suspended until it is received in order to prevent overpayments.

(b) Specific cooperation and concrete data exchange

Concluded agreements on the exchange of data on deaths.

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

Investigations in individual cases.

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

Investigations in individual cases.

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

- Regular checks and monitoring actions.
- Investigations in individual cases.

2.2.1.2. General steps regarding cooperation and data exchange

- Contacts with foreign liaison bodies or the National Contact Point (NCP) of another Member State with the aim of detecting cases of fraud or finding solutions in the case of errors.
- Conducted dialogue procedures.

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Suspected cases of fraud regarding old-age and survivor's benefits are examined.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

- Recovery of unduly paid benefits.
- Criminal charges as a possible consequence in circumstances where old-age and survivor's benefits were unduly received.

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

The practice of recovery of costs arising from inappropriate use of the EHIC is continued. Service providers are therefore required to verify the identity of insured persons.

Furthermore, the institutions which provide benefits to the person concerned in the country of stay are encouraged to better check whether the treatment in question was necessary in view of the duration of the temporary stay and if it was not planned.

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

(The lack of) exchange of data on deaths or other facts influencing the entitlement to a benefit.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

There often is a lack of cross-border cooperation with consequently a lack of information, evidence and action. Requests for information are frequently not fulfilled or fulfilled with a delay, resulting in lengthy processing times and in some circumstances making the implementation of potential penalties difficult or impossible. Language barriers also add to lengthy processing times.

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

Errors often arise from unfamiliarity with the coordination rules in the case of persons working in several Member States.

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

The determination is difficult since there is no central registration system in some Member States regarding health insurance and residence.

3.3.3. Problems arising from the use of PDs and SEDs

- PD A1 is inadequately protected against forgery.
- The withdrawal by foreign institutions of incorrectly issued PDs A1 is difficult or impossible to enforce.

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

Invalid EHICs are not called in in some Member States.

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

If contracted doctors charge private healthcare fees after unjustifiably refusing to accept an EHIC, they are required to explain themselves and there is subsequent reimbursement. Furthermore, healthcare providers are encouraged, when a person presents an EHIC, to check this person's identity by asking to see an official photo ID.

Voting rounds between institutions are carried out on a regular basis and specific topics are discussed with the individual states in advance. Internally, the application of and compliance with the coordination regulations is ensured through meetings of regional offices and work instructions with newly acquired knowledge.

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

-At irregular intervals inter-institution discussions are held with certain Member States, to improve the coordination of the rules. Also personal contacts with partners in other Member States have turned out to be very worthwhile in practice and have often led to solutions and uniform approaches.

- International networking is important to identify sources of error and abuse, to develop shared strategies within the existing legal framework, and to find the relevant contact points in another Member State. Not only the various EU bodies play a role here, such as the Administrative Commission, but so do networks such as the Platform.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

Copies of PDs A1 issued abroad are sent to the association of social insurance providers, which digitalises these copies and records them in its own database. The Austrian institutions have access to this database, offering them an additional tool to check the status of workers.

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

The direct exchange with foreign colleagues is very beneficial. Valuable information is exchanged and contacts are made within European Platforms and Forums, e.g. the Administrative Commission for the coordination of social security systems, the Audit Board, the European Platform tackling undeclared work or the European Forum for Accident Insurance, which makes processing much easier.

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

There are Member States with which there are recurrent problems with regard to cooperation. This may be because forms are only being issued, despite insurance periods being known, once insured persons make an application and because known facts are being denied, or because inquiries are answered either very tardily or not at all. Language barriers, which in some cases result in lengthy processing times, should also be mentioned as problematic in this respect. The cross-border enforcement of the statutory obligations of employers and workers, or of penalties in the case of offences, also remains very difficult. In particular, only a few claims for recovery in cases of abuse are successful. Consequently, close cooperation between the institutions concerned is essential when dealing with social security issues, because action or measures by the institution/authority of the State responsible may be impossible, or severely restricted, owing to inadequate cooperation and the consequent lack of evidence and information. The exchange of data on deaths with the pension service of *Deutsche Post* provides a positive example in this respect, in that overpayments following a death are largely being avoided. The inadequate exchange of data, by contrast, also brings with it the risk of social security abuse and fraud. The Conciliation Board procedure is reported as operating well, although here as well the question of actual enforceability remains open. Lastly, Austria reported that there is also a major problem with the practice of retroactive de-registration of long-term care in some Member States, because there is no provision in Austria for retroactive self-insurance for a lengthy period.

6.3.2. Other issues and concerns

The PD A1 is a problem area, on the one hand owing to the possibility of its unrestricted retroactive issue (either through unawareness or delay at the institution concerned), and on the other hand to the lack of an actual enforceable possibility of challenging it, since a 'decision' can be taken only by agreement. The outcome of investigations at the place of work is often disregarded by the posting State, and in some cases there are even no comments in response to requests for the forms to be withdrawn. A modification of the dispute resolution procedure might be helpful here, in the shape of a specific obligation on the institution responsible to carry out checks where there are justified doubts. There also

needs to be better communication between the institutions concerned, within shorter timeframes, by simple technical means.

The distinction between fraud and error is often quite difficult. It is necessary to obtain a court judgement in order to qualify behavior as fraudulent. At the beginning of a court procedure it is not always possible to quantify the resulting damage. Without further investigation by law enforcement, sometimes it cannot be determined if a relevant circumstance has changed (e.g. place of residence). If the public prosecutor's office subsequently discontinues the investigation or refrains from conducting formal criminal proceedings without having determined the relevant time frame, it is not possible to determine the damage afterwards either.

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

Close cooperation between the Member States and institutions concerned is vital but also still open to improvement in the case of some States. Faster action and friction-free teamwork between the Member States concerned would be a substantially more promising scenario. Many Austrian institutions expect improvements as a result of the introduction of EESSI and the consequent possibility of faster data exchange.

7.2. Regarding Portable Document A1

With regard to the issue of PDs A1, it would be desirable that there is an obligation to provide detailed information about inter-State facts, including a binding declaration to confirm that the data is accurate and complete.

7.3. Regarding the EHIC

It makes sense to point out to healthcare providers on a regular basis that they should check the identity of patients who are being treated temporarily. In addition, EHICs should be made electronically readable in future and/or the full period of validity should be visible directly on the card.

BELGIUM

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

NISSE has continued their efforts to communicate the rules regarding secondment and simultaneous activities within its own organisations as well as to social security funds, citizens and other experts in the field.

The implementation of the EESSI system should also help to prevent errors. To that end, NISSE has made substantial investments to integrate EESSI in our internal application (Sequoia). Reliance on RINA is therefore limited to a few Bucs.

2.1.1.2. General steps regarding controlling and monitoring actions

2.1.1.3. General steps regarding cooperation and data exchange

- As regards cooperation between Public Social Security Institutions (*IPSS*), a system of electronic data flows from authentic sources coordinated by the Crossroads Bank for Social Security was developed so that each *IPSS* that grants social security benefits can automatically obtain the information they require to manage the file correctly.
- From 2016 on, the government has promoted the conclusion of partnership agreements (for prevention) with social partners in specific sectors susceptible to fraud, aiming to raise awareness.
- Under these partnership agreements, the signatories may in particular undertake to raise awareness among their European sister organisations about the issue of unfair competition linked to employment and remuneration conditions. Partnership agreements have already been signed in the construction, meat, taxi and funeral undertaking sectors. The aim is to also sign partnership agreements in other sectors susceptible to fraud (agriculture and horticulture).

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

The National Social Security Office (NSSO) inspection service, in collaboration with the Labour Inspectorate, organises worksite inspections in every province of the country (10) once a month. These inspections target sites with the highest risk score based on a "datamining" analysis.

The NSSO's inspection service is divided into 10 provincial directorates, each of which has a specialised unit of 4 to 5 inspectors responsible for inspections relating to the determination of the applicable legislation for posted workers or those in a pluriactivity situation. These units support the Labour Auditor's Office.(the labour auditorate carries out the mandates of the public prosecutor's office for all matters within the competence of the labour courts in Belgium).in carrying out investigations into international social fraud organised as a network mainly in the construction sector.

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

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a) Preventing fraud

- The Federal Pension Institution sends an annual paper life certificate to all pensioners domiciled abroad, which has to be legalized locally.
- For those countries with which the FPD has a bilateral agreement through which this exchange of death dates is done electronically on a monthly basis, this obligation is waived for the pensioner (with some exceptions).
- Through this bilateral agreement, the FPD seeks to combat life certificate fraud and reduce unlawful payments to pensioners abroad. In addition, electronic data exchange is an administrative simplification for pensioners domiciled abroad.
- By 2023, the FPD will have bilateral agreements with pension institutions in the following countries: Netherlands, France, Luxembourg, Germany, Spain and Italy.
- The table below shows for 2023 an overview per country of the number of pensioners domiciled there (on January 1), and the so-called matching percentage of the data. The matching percentage is the ratio between the number of benefit recipients from that country for which

electronic data exchange is possible and the total number of benefit recipients with a domicile address in that country. The higher the matching rate, the more automatic exchange is possible, reducing the risk of errors and social fraud.

	Number of retired persons domiciled	Matching percentage	
Netherlands	24 755	99%	-
Italy	27 509	84%	-
Germany	13 694	59%	-
France	66 147	94%	-
Luxembourg	4 520	100%	-
Spain	26 625	77%	-
Total	163 250	87,53%	-

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B) preventing error.

The Federal Pensions Institution has continued its negotiations with foreign pension bodies (neighbouring countries have priority) in order to achieve an electronic exchange of data on pensioners (dates of death, marital status, amounts allocated etc).

-

(b) Specific cooperation and concrete data exchange

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

Sickness funds are responsible for preventive actions, like annual questionnaires on the changes in the situation of persons that can have an impact on social benefits.

RIZIV: Belgian sickness funds are responsible for preventive actions, like annual questionnaires sent to Belgian invalidity beneficiaries residing in another member State in order to identify changes in their personal situation that may impact the right to benefit or the amount of the benefit (family situation, income of persons dependent on the beneficiary, detection of non-declared work reprisal, detection of non-declared foreign social benefits that impact the amount of the Belgian invalidity benefit due to anticumulation rules).

On the parallel side, the Belgian sickness funds also request an administrative check through form E215 from the member state of residence in application of article 87 Regulation 987/2009, in order to detect possible false declarations made by the beneficiaries concerned. When the member state of residence is EESSI-enabled, the Belgian sickness funds will request the administrative check through BUC H10 or P05, depending on the case.

the process of mutual assistance for administrative checks of (invalidity) pensioners based on article 87 of Regulation is not without flaws. Moreover, the process has become complicated since EESSI, as the treatment of requests of administrative checks of (invalidity) pensioners has not been translated into a clear Business Use case (and corresponding SED's).

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

The family benefits register, is a database that allows family benefit funds to systematically receive qualified data from authentic sources. Through permanent cross-checking of granting data against new qualified data, family benefit funds can update their files and make the necessary changes, which allows potential social security fraud to be prevented. In addition, the family benefits register automatically rejects any double payments in respect of the same child for the same period, which allows potential social security fraud to be prevented.

Family Benefits Flanders VUTG:

Through protocols and authorizations, electronic data flows from authenticated sources have been developed so that each distributor of the Growth Package automatically has the necessary information for correctly granting the Growth Package. In this way, as much data as possible is sourced from authenticated sources, rather than data provided by beneficiaries.

In addition, both the Flemish Register of Family Allowances and the registers of other entities are tools to prevent double payments, errors, and (attempts at) fraud. Automatic cumulative checks are carried out when various events occur in a file.

To prevent identity fraud, cases can only be started based on a national registry number or a BIS number (a unique identification number for people not registered in the National Register).

In cooperation with the Belgian Federation of the Financial Sector (Febelfin), the bank account numbers provided by beneficiaries are verified to ensure that the Growth Package payments reach the correct recipient(s).

Inspectors from the VUTG can conduct on-site checks:

- if no automatic data is available;
- if there is suspicion that the official data does not match the beneficiaries' actual situation;
- in certain situations with a higher fraud risk.

These on-site checks focus on domicile fraud and serve a triple purpose: prevention, monitoring compliance with regulations, and combating fraud. The guidelines for on-site checks are contained in *Notification T/1 Guidelines for Home Visits* ([link to guidelines in Dutch](#)).

Finally, the Growth Package regulations allow for the suspension of Growth Package payments in cases where there are serious and consistent indications that the information provided by the beneficiary to receive benefits, or the information the beneficiary collaborated on, is fraudulent, false, or intentionally incomplete. Payments will be suspended until the suspicion is cleared, for a maximum period of six months. This period can be renewed once for an additional maximum of six months (Article 77, §1, and Article 127 of the 2018 Growth Package Decree; Article 3 of the Flemish Government Decision on further rules for supervision, compliance support, and enforcement for citizens and private payment agencies regarding family policy allowances).

AVIQ:

Since January 1, 2019, the Walloon Region has fully assumed responsibility for family allowances. In Wallonia, eligibility for family allowances is now based on residence within Wallonia rather than on the socio-professional situation. The *Agence pour une vie de qualité* (AVIQ) is responsible for regulating family allowances in Wallonia.

To support this, several control mechanisms have been established, as outlined in Article 111 of the Walloon Decree of February 8, 2018, on the management and payment of family benefits. These include the administrative management control of family allowance files by the family benefit funds, financial management control of funds allocated to these institutions, on-site family checks, quantitative and qualitative verification of data from authentic sources, and fraud control for family benefits.

AVIQ's initial approach focuses on a prevention policy to ensure family allowances are granted whenever eligibility conditions are met. This includes verifying residence or domicile in Wallonia, meeting specific conditions, and income thresholds for supplements. The checks aim to confirm that the allowances go to eligible guardians (who are actively raising the child) and to the actual beneficiary children (verifying their residence and meeting conditions specific to the child).

This prevention policy also aims to prevent the payment of family allowances or social supplements to ineligible families, thereby avoiding recovery procedures for undue payments.

The tools supporting this prevention policy include electronic data exchange, the Family Allowances Register, Family Controls, and administrative and financial controls.

The electronic data exchange and Family Allowances Register are now co-managed by the *Organe interrégional pour les allocations familiales* (ORINT), created following a cooperation agreement on May 30, 2018. Wallonia opted to maintain the federal register as a tool to prevent duplicate payments, while Flanders developed its own Flemish register. Concretely, this means that duplicate payment prevention is automated with the German-speaking Community and the Brussels-Capital Region (using automated error codes if a duplicate payment is attempted) but is manual with Flanders (requiring manual checks of the Flemish register).

Additionally, the register allows for the routing of electronic data flows, which simplifies administrative processes.

The Administrative and Financial Control departments verify the quality of file management by family allowance funds and ensure the proper use of funds. AVIQ promotes efficiency by financially holding these funds accountable, ensuring quality service for all families.

The Family Control department is responsible for two types of checks: on-site family inspections and family benefit fraud control.

For specific fraud related to fictitious domiciles, cooperation and the exchange of private data are in place between public institutions and labor inspectors.

A confidential circular from the Ministers of Justice and the Interior, the Secretary of State for Social and Fiscal Fraud Control, and the College of General Prosecutors, dating back to September 2013, supports this cooperation for social fraud arising from fictitious domiciles. When this information impacts family allowance eligibility, it is transferred to the family benefits system through the competent labor inspector or judge overseeing the relevant case.

In Wallonia's family allowances system, the decree provides that:

- **Article 85:** "Payments may be suspended if there are serious, consistent indications that information provided by the social insured to obtain benefits is fraudulent. Suspension will last as long as the suspicion remains unresolved, with a maximum of six months, renewable once."
- **Article 97:** "...By way of exception to the first paragraph, the statute of limitations is extended to five years if undue benefits were obtained through fraudulent means or false or knowingly incomplete statements. This period begins from the date the fund becomes aware of the fraud or the insured's fraudulent actions."

Additionally, under Article 29 of the *Code of Criminal Procedure*, once fraud is proven and substantiated with evidence, AVIQ inspectors are required to report the findings to the labour auditor, who then forwards fraud-related information regarding the implicated social insured to any other Belgian public institution potentially impacted by these fraudulent actions.

Continuing the practices of FAMIFED, AVIQ, like other Belgian public institutions, collaborates with the SIRS on social fraud issues. The SIRS is a specialized service directly accountable to the Ministers of Labor, Social Affairs, Justice, the Minister for Self-employed Workers, and the Secretary of State for Fraud Coordination.

(vérification du domicile ou de la résidence en Wallonie, du respect de conditions spécifiques et de

DGOV-Family and Social Affairs Department of the Ministry of the German-speaking Community:

The uncomplicated interaction between clerks, experts, inspectors, team leaders and department heads - in a small, manageable team - is our greatest asset. Our service is responsible for a largely rural area in which just 80,000 people live. So far, we have hardly been able to detect any fraudulent behaviour. However, we are looking into the more densely populated areas and monitoring the situation in our neighbouring regions and countries. We will be able to benefit from their experience because they will have to develop effective mechanisms to counteract the increasing problematic behaviour of people sooner than we do. However, it must also be said that a more intensive examination of the issue of fraud has not yet been necessary due to the pleasing fact that we have been able to almost completely rule it out.

For Brussels, IRSICARE is in charge of the family allowances.

IRISCARE:

As part of the collaboration among Public Social Security Institutions (IPSS), an electronic data flow system of authentic sources has been developed, coordinated by the *Banque Carrefour de la Sécurité Sociale* (BCSS), established by the law of January 15, 1990. This system allows each IPSS that provides social benefits based on the socio-professional status of the insured person to access, in an automated manner, the necessary information for correctly managing their cases. With the authorization of the Social Security Sectoral Committee, each IPSS can access relevant and legally justified data at no cost.

To prevent errors and fraud, FAMIFED developed and launched the Family Allowances Register in July 2004. This register lists all family allowance files, including beneficiaries, recipients, and those who establish eligibility, as well as the children receiving benefits. By routing authentic data flows through the BCSS, the register acts as an administrative simplification tool and a measure against family benefits fraud. By rejecting any attempt to encode duplicate payments for the same beneficiary child in the same period, the register prevents duplicate payments and thus avoids errors and (attempted) fraud.

For fraud specifically related to fictitious domiciles, cooperation and private data exchange are facilitated between public institutions and labor auditors. This collaboration occurs directly through labor auditors or via the competent municipalities and police zones. On-site checks serve a dual function: to prevent and combat fraud.

A confidential circular from the Ministers of Justice and the Interior, the Secretary of State for Social and Fiscal Fraud Control, and the College of General Prosecutors supports this collaboration against social fraud due to fictitious domiciles since September 2013. It enables cooperation between the judiciary and social benefit-granting institutions based on the socio-professional status of the individuals involved. Judicial institutions can collaborate with agencies like IRISCARE and the family allowance fund network. When such information impacts family allowance eligibility, it is transferred to the family benefits system via the competent labor auditor or the judge handling the case.

For the family allowance regime as a whole and specifically regarding social fraud, some aspects of family allowance regulations were amended in the Program Law of June 28, 2013, to ensure that recent, verified fraud cases can be sanctioned. Key amendments include:

- **Suspension of payments:** “Payments may be suspended if there are serious, consistent indications suggesting that information provided by the social insured to obtain benefits is fraudulent. The suspension will last as long as the suspicion remains unresolved, for a maximum of six months, renewable once.” (*Belgian Official Journal*, June 28, 2013 - Program Law, Brussels, July 1, 2013, Ed.2, No. 184, Title 5 Chapter 3 Article 41).
- **Statute of limitations:** “...By exception to the first paragraph, the statute of limitations is extended to five years if undue benefits were obtained through fraudulent actions or knowingly false or incomplete statements. This period begins on the date the institution becomes aware of the fraud or the fraudulent actions by the insured.” (*Belgian Official Journal*, June 28, 2013 - Program Law, Brussels, July 1, 2013, Ed.2, No. 184, Title 5 Chapter 3 Article 41).

The statute of limitations now starts from the date the fraud is discovered rather than the date of the last payment, facilitating the recovery of fraudulent overpayments.

- **Mandatory reporting of fraud:** According to the *Code of Criminal Procedure*, Article 29, “Any constituted authority, public official, or officer, as well as any cooperating institution in the family benefits sector under the law of April 11, 1995 (establishing the charter of the social insured), who, in the exercise of their duties, becomes aware of a crime or offense, must immediately notify the [prosecutor] in the district where the offense occurred or where [the accused] may be found and must transmit to this magistrate all information, reports, and related documents.” (*Code of Criminal Procedure*, November 17, 1808, No. 1808111701, Book One, Section II, Article 29).

In practice, once fraud is proven and supported by evidence, FAMIFED is required to report the findings to the competent labor auditor, who in turn will transmit fraud information concerning the insured social recipient to any other Belgian public institution potentially affected by the fraudulent actions.

Additionally, IRISCARE, like other Belgian public institutions, collaborates with the *Service d'Information et de Recherche Sociale* (SIRS) on social fraud matters. SIRS is a specialized service reporting directly to the Ministers of Labor, Social Affairs, Justice, the Minister for the Self-employed, and the Secretary of State for Fraud Coordination.

2.1.2.6. Unemployment benefits

RVA-ONEM:

There is an automatic datamatching between pension benefits and unemployment benefits. However, further research is needed to find out whether there is an unauthorised cumulation. After all, if the cumulation of pension and unemployment is allowed in the foreign country, it is also allowed in Belgium. The detection is preventive.

If an application U1 or U2 is suspicious, it will be investigated by a social inspector.

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

From 2017, annual Social Fraud Action Plans have been drawn up and implemented for and by the relevant government departments and inspection services. In doing so, annual strategic and operational objectives were set. For the first time, this Action Plan runs over a period of two years (2023-2024). This is more in line with the strategic approach (cf. four-year strategic plan) and the programme-based approach currently being implemented to combat social dumping. The plan is structured around 7 major strategic objective which in turn are translated into several operational objectives and elaborated into 91 conc

rete actions (mix of new, temporary and recurrent actions). Specifically for social dumping, the focus for the 2nd year is on third-country nationals and Brazilian filières.

Download link:

https://www.siod.belgie.be/sites/default/files/Downloads/Actieplan/SIOD_Actieplan_2023_2024_EN_Small.pdf

2.2.1.2. General steps regarding cooperation and data exchange

- Belgium is an active member of the Benelux organisation, working to ensure that the Benelux recommendation of 23 September 2015 on the fight against social dumping is implemented. Furthermore, in an effort to combat cross-border social dumping, the government is planning to carry out joint checks and improve structural cooperation between the inspectorates of certain countries in order to step up the fight against cross-border social security fraud (following the success of a pilot project).
- SIRS: a special service reporting directly to the Ministers of Work, Social Affairs and Justice, the Minister competent for self-employed workers and the Secretary of State responsible for coordinating the fight against fraud.
- RVA-ONEM
- Implementation of Agreement of 17 November 2008 between the Government of the Kingdom of Belgium and the Government of the French Republic on the development of cooperation and mutual administrative assistance in matters of social security
- Implementation of Agreement of 9 April 2018 between the Rijksdienst voor Arbeidsvoorziening (NEO), the Rijksdienst voor Sociale Zekerheid (NSSO) and the Uitvoeringsinstituut Werknemersverzekeringen (UWV) and the Stichting Inlichtingenbureau (IB), on behalf of the participating municipalities in the Netherlands, on electronic data exchange to improve the enforcement of social security legislation in Belgium and the Netherlands
- Request for information to foreign authorities (other than France & Netherlands) regarding cumulation of pensions with unemployment benefits.
- Request for information to foreign authorities (other than France & Netherlands) regarding cumulation of self-employed activity with unemployment benefits. Request for information to foreign authorities (other than France & Netherlands) regarding cumulation of employment with unemployment benefits.

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

- RVA-ONEM:
If the residence address is known abroad, the recovery request is sent to that address. As far as sanctions are concerned (suspension of the right to benefits), they are also enforced with regards to Belgian unemployment benefits.

2.2.1.4. Other general steps taken to combat fraud and error

- RVA-ONEM:
Participation in actions organised within the scope of ELA.

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

- When determining eligibility for IGO and/or GI, the applicant's resources, as well as those of their spouse, legally cohabiting partner, or other individuals sharing the primary residence, are taken into account. These resources must not exceed a certain threshold to qualify for the benefit.

- To verify the resources, the Federal Pensions Service (FPS) can obtain relevant information about the inheritance of the beneficiary or any inherited assets acquired. Since last year, an electronic data stream has been established between the Flemish Tax Service and the FPS regarding inheritance tax assessments. This data covers the assets and liabilities of the deceased and/or heir for deaths occurring on or after January 1, 2020.
- This information will enable the FPS to make more accurate decisions when initially granting the IGO right, as part of fraud prevention efforts. Additionally, it allows for quicker and more efficient reviews of IGO eligibility in response to changing situations, helping to prevent or reduce the accumulation of undue payments.
-

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

The Belgian government has prioritised the fight against fictitious self-employed workers. In 2016, the competent institute (INASTI — National Institute of Social Insurance for Self-employed Persons) continued to combat suspect affiliations carried out with the clear intention of obtaining the right to permanent residence in Belgium. Affiliations for which either the social insurance fund or the national institute find that the professional activity mentioned clearly does not fall under the social security status of self-employed workers were sent for inspection to the competent inspectorates. Using a data-mining system that calculates the risk of fraud, several anti-dumping front-office checks were undertaken.

NISSE's online A1 application system continues to verify the secondment requirements. NISSE also continues to carry out thorough investigations on the determination of applicable legislation when there is simultaneous activity, with among others thorough fiscal research and more on-site checks by the inspectorates. Contact with foreign liaison bodies continues to be a crucial factor in verifying A1 forms and a withdrawal is asked in case of anomalies. If the foreign body does not accept the demand, the case is transferred to the honest competition / anti-fraud department within NISSE. L'aperçu fiscale donne souvent une image plus claire de la situation de l'intéressé. Toutefois, dans un certain nombre de cas, la taxation fiscale ne correspond pas à la situation réelle, ce qui complique la détermination de la législation applicable.

(b) Specific cooperation and concrete data exchange

- As regards fraud specifically relating to fictitious residence, cooperation and the exchange of private data were planned between various public institutions and prosecutor's offices at the labour courts. Since September 2013, a joint, confidential circular from the Ministry of Justice, the Ministry of the Interior, the Secretary of State for combating social security and fiscal fraud and the Board of Prosecutors-General has supported the introduction of this collaboration on social security fraud stemming from fictitious residence between the judicial authorities and the institutions that grant social security benefits depending on the social and professional situation of the persons involved.
- The judicial institutions can thus cooperate with cooperative organisations, such as FAMIFED and the network of family benefit funds, and where the information has an impact on e.g. the family benefit system, the information is passed on to the system via the competent prosecution department or the examining magistrate for the case in question. Specifically, as soon as a case of fraud is established on the basis of evidence, the cooperative organisation is obliged to notify the competent prosecuting department attached to the employment courts, which will then be responsible for forwarding the information on the fraud regarding the insured person involved to any other public Belgian institution which is likely to be harmed by such fraudulent activity.

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

RVA-ONEM: Investigation seeing a disambiguity between declared employment abroad and received unemployment pay, error was due to a mistake of the payment institutions.

RVA-ONEM: 17 cases detected and 72651, 3 euro was involved.

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

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Family Benefits Flanders:

Home visits to Growth Package beneficiaries make it possible to combat residence fraud in the family allowance sector. These visits are conducted by family inspectors from the VUTG (Flemish Family Allowance Authority). Their powers are defined in the decree of January 19, 2018, concerning government oversight in welfare and health policies (excluding Chapter 2, Section 3, Articles 13, 14, and 16).

These inspections are independent, high-quality, and specifically targeted. Family inspectors operate within a structured framework and adhere to a code of ethics. The guidelines for on-site inspections are outlined in Circular T/1, "Guidelines for Home Visits" (<https://gperia.groeipakket.be/sites/default/files/2022-10/Mededeling%20T-1%20-%20Richtlijnen%20voor%20de%20huisbezoeken%2001.10.2022.pdf>).

Family inspectors carry out inspections:

- when there are serious and consistent indications of fraud;
- systematically, in certain high-risk situations where undue Growth Package payments are suspected;
- through random checks based on data mining to identify situations with a higher risk of fraud.

Inspectors verify that beneficiaries actually live at their registered address by checking energy usage, rental contracts, school records, and other information. They may also request local police to conduct further investigations.

If family inspectors identify fictitious residences, they notify the municipalities, which can then take the necessary steps to update the National Register.

Family inspectors share their findings with other inspection services, both at the federal and community levels, through labor audit offices. This ensures that the results of their inspections can be used not only in the family allowance sector but also in sectors such as unemployment benefits, sickness benefits, and social housing.

The Growth Package Decree provides for an extended statute of limitations for fraud cases. Fraud is considered a more serious offense and may be subject to penalties.

In assessing fraud cases, the VUTG uses a four-eyes principle. The importance of fraud prevention in this sector is further demonstrated by the creation of the fraud platform, intended as a learning network to support payment agencies in assessing fraud.

Family Benefits Flanders:

The VUTG (Flemish Family Allowance Authority) oversees the correct and uniform application of Growth Package regulations by the payment agencies and assesses whether these agencies meet recommended quality standards.

Growth Package payment agencies have established an internal control system that ensures the correct application of the Growth Package regulations and helps to correct errors.

There is ongoing evaluation, monitoring, and follow-up of external information sources used by the sector for the automatic granting of the Growth Package. This system ensures that entitlements are continuously and automatically adjusted as needed.

In the context of automatic entitlement grants, VUTG family inspectors conduct on-site checks to verify that the address information and family compositions in the National Register align with the actual circumstances of the beneficiaries. They report any incorrect address or

family composition information to municipalities, which can then update the National Register accordingly.

AViQ:

Home inspections of social security beneficiaries help combat fraud in the family benefits sector. These inspections are carried out by family allowance funds responsible for paying benefits, and are conducted in the field by AViQ (Walloon Agency for Quality of Life) social inspectors. Their powers are established by the Social Penal Code (Articles 23 to 42 - legal basis: Article 111 of the Walloon decree).

These targeted inspections focus on situations with a high risk of undue family allowance payments. They are initiated at the request of a case manager when there is doubt about the accuracy of the social security declaration or when the actual household situation seems not to match official data from an authentic source.

If inspectors encounter high-risk situations, they conduct the necessary checks to clarify the circumstances. For example, they verify whether individuals are truly residing at their registered address by checking energy bills, rental contracts, passports, and other relevant documents. If further verification is needed, collaboration with local police, through labor audit offices, can be decisive in helping inspectors take a stance. This cooperation may also lead to updates in the National Register.

These social inspections are independent, high-quality, and specifically targeted. Direct communication between social inspectors and various public institutions (such as schools, social welfare centers, trade unions, health insurance funds, registration offices, utility companies, etc.) enables inspectors to base their decisions on strong evidence, such as a lack of school attendance confirmation or extremely low energy consumption, which may indicate prolonged absence from the country.

Additionally, social inspectors regularly work with other inspection services at federal, regional, or community levels, allowing inspection results to be used not only in the family benefits sector but also by organizations such as the ONEM (National Employment Office), INAMI (National Institute for Health and Disability Insurance), and social housing companies.

DGOV-Family and Social Affairs Department of the Ministry of the German-speaking Community:

guarantee maximum control in legislation thanks to our simplified legislation, which has been in for we are less vulnerable to errors and fraud. I see the biggest weakness in the training and study documents receive and the difficulty in being able to check them. If documents have already been checked by a benefits office in a transnational case, we usually accept them if the conditions regarding entitlements that provides us with the information are comparable to ours.

IRISCARE:

Home inspections, specifically focused on situations with a high risk of overpayment of family allowances, are conducted at the request of the case manager if there is any doubt about the accuracy of the social beneficiary's declaration or when the actual household situation appears not to match the official data from an authentic source.

When inspectors investigate high-risk situations, they conduct the necessary verifications to clarify them. For example, they check whether individuals genuinely reside at their registered address by verifying energy bills, rental contracts, passports, and other relevant documents. If this is insufficient, collaboration with local police and labor audit offices can play a decisive role in enabling inspectors to take a position. This cooperation may lead to updates to the National Register.

Social inspections are independent, high-quality, and targeted, while privileged communication between inspectors and various competent public institutions (such as schools, social welfare centers, trade unions, health insurance funds, registration offices, and utility companies) allows inspectors to base their decisions on strong evidence. This includes indicators such as the absence of school attendance confirmation or extremely low energy consumption, which may suggest absence from the national territory.

Furthermore, social inspectors regularly work with other inspection services at the federal, regional, or community levels, allowing inspection results to be utilized not only in the family allowances sector but also by organizations such as the ONEM (National Employment Office), INAMI (National Institute for Health and Disability Insurance), social housing organizations, and others.

AVIQ:

Home inspections of social security beneficiaries combat fraud within the family benefits sector. These inspections are organized by family allowance funds responsible for paying family benefits and are conducted in the field by AVIQ social inspectors. Their powers are defined by the Social Penal Code (Articles 23 to 42, legal basis: Article 111 of the Walloon decree).

These home inspections target situations with a high risk of undue family allowance payments. They are initiated at the request of a case manager when there is doubt about the accuracy of a social security declaration or when the actual household situation appears to differ from official data provided by an authentic source.

In high-risk cases, inspectors conduct necessary checks to clarify these situations. For instance, they confirm whether individuals genuinely reside at their registered address by checking utility bills, rental contracts, passports, and other relevant documents. If more verification is needed, collaboration with local police via labor audit offices can decisively support inspectors in reaching a conclusion, which may also result in updates to the National Register. Social inspections are independent, high-quality, and specifically targeted. Strong contacts between social inspectors and various competent public institutions (such as schools, social welfare centers, trade unions, health insurance funds, registration offices, and utility companies) enable inspectors to base their decisions on substantial evidence. This can include the lack of a school attendance confirmation or very low energy consumption, which may indicate a prolonged absence from the country.

Additionally, social inspectors work regularly with other inspection services at the federal, regional, or community levels, so that inspection outcomes can be used not only within the family benefits sector but also by the ONEM (National Employment Office), INAMI (National Institute for Health and Disability Insurance), social housing companies, and others.

(b) Specific cooperation and concrete data exchange

The creation of Famicontrol, a structured database for controllers.

Pour la Wallonie :

The creation of Wallicontrol, a structured database for controllers.

(c) Recovery of unduly paid benefits and other sanctions

For Wallonia:

In the case of errors and fraud, the insured person is notified of the recovery of the undue amount.

Following notification of the debit, recovery may be made by means of:

- voluntary repayment by the debtor or

- automatic deductions from family benefits due at a later date or sectoral deductions: in principle 10% except in cases of fraud (100% with no possibility of negotiation - of part or all of the debt) or in cases of negligence or omission on the part of the debtor (between 10% and 100%). For debtors abroad, and if the balance exceeds €250, the fund will contact the liaison body to identify the institution that owes family benefits to the person concerned. If the foreign body is from a State in the European Economic Area (EEA) or Switzerland, this recovery is carried out in

accordance with the procedure and legal conditions applicable to the recovery of family benefits wrongly paid by that State.

- Automatic deductions from certain social benefits other than family benefits or inter-sectoral deductions

For amounts of €250 or more, if it turns out that family benefits are no longer owed to the debtor, deductions (10% if the social integration income threshold is covered) may be made from other social benefits: pensions, with the exception of Grapa (guaranteed income for the elderly), unemployment benefit, compensation for incapacity for work or invalidity, compensation for accidents at work or occupational illness, compensation for career breaks.

- If the undue payment or balance is equal to or greater than €50 and no sectoral or inter-sectoral recovery is possible, the case is transferred to the FPS Finance, which proceeds with recovery.

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2.2.2.5. Healthcare and sickness benefits in kind

RIZIV: _____ Invalidity pensions:

-Belgian invalidity insurance is a risk based system, in which the amount of benefit is not calculated on the basis of the total amount of insurance period completed in Belgium (thus not a invalidity 'pension'). This implies a.o. that the right to invalidity benefits is made dependent on the obligation of the beneficiary to claim potential invalidity pension rights that can exist on the basis of other foreign legislations. However, when on behalf of these persons a prorata case file is instructed under article 47 Reg. 987/2009, we sometimes see that persons mistakenly take the Belgian invalidity benefit for granted, and do not cooperate with the foreign institution examining the prorata claim or renounce the claim (f.ex. when it is asked to send elements of proof of their insurance career when no databases are available, or when the person concerned is asked move to the state concerned for an additional medical exam). This is not seldom the case when the financial interest to the foreign pension is only minimal (short career).

- For persons who were lastly insured in Belgium at the moment they became incapacitated for work (which lead to invalidity afterwards), Belgium will pay a provisional benefit which must be considered partially as already an advance on invalidity pensions of other member states. Once the other member state has taken a decision to grant an invalidity pension as well, Belgium will proceed to the calculation of the final amount of the partial Belgian invalidity benefit due under article 46 Regulation 883/2004 and recover the advances via the pension arrears due by the other member state which Belgium always asks to hold in reserve (application of article 72 §2 Reg. 987/2009). It is however sometimes impossible to calculate the exact amount of advances within the two month time frame given by article 72 §2 Reg. 987/2009, causing the other institution to pay its invalidity pension arrears directly to the person concerned. In that case, pensioners are sometimes misinformed that because of the expiration of the two month time delay, Belgium would no longer have a claim on the pension arrears. This is not correct, and Belgium will recover these amounts directly by the pensioner concerned (see also CJEU 21 March 1990 C-199/88, Cabras).

- Persons receiving (prorata) invalidity benefits from Belgium and (an)other member state(s) under article 46 Regulation are confronted with different national legislations that regulate certain situations differently. This is cause of confusion. As such, these persons not always aware that certain changes in their personal situation (f.ex. change of household situation/revenue, starting a salaried or self employed activity,..) impact the amount of the Belgian benefit and should thus be reported to or even authorized by the competent Belgian institution, whereas these situations do not impact at all the invalidity benefits received from the other member state concerned. This is most often the case for persons receiving a prorata benefit for small Belgian career in the past and

who are thus not very familiar with Belgian legislation (however they are informed on their obligations under Belgian legislation in the decision granting the benefit, but possibly do not always apprehend due f.ex. too small knowledge of the language in which the decision is drafted).

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

- (The lack of) exchange of data on deaths or other facts influencing the entitlement to a benefit (e.g. civil status, amount foreign benefits, ...). It was reported that there is rarely a formalised, structured exchange of data with other countries, and that ad hoc exchanges often come with a (significant) delay or even do not take place at all.

Average response time is three months, which is very long when dealing with a case of fraud.

- The Belgian National Institute for the Social Security of the Self-employed (NISSE) encounters difficulties in obtaining information from tax administrations from various Member States. Such information is necessary to verify whether or not the conditions for the posting of a self-employed person are met (e.g. checking whether someone is or has been substantially active in Member State of establishment). With regard to pensions, Belgium states that it is important that there is certainty about the matching between its data and the data provided by a foreign institution (e.g. a change of name after marriage in the United Kingdom, not in Belgium). The creation of a unique European identification number could be helpful.

DGOV- Family and Social Affairs Department of the Ministry of the German-speaking Community: It is not only globalisation and migration that have brought freedom of movement to our border region: this is a component par excellence of the small German-speaking community, where disproportionately more people than elsewhere earn their money outside their place of residence. As a rule, however, this does not lead to any problems because of the excellent cooperation with our German and Luxembourg colleagues - nor does it lead to loopholes for the socially insured to be able to carry out a fraud attempt more easily. Even an unannounced, sudden change of residence in an unknown direction hardly ever presents us with the problem of wrongly granting child benefit today - this thanks to a notification/warning received here from the Belgian registration authorities. We basically do not encounter any real problems here!

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

The exchange of data is sometimes made difficult by national rules on data protection.

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

National rules on periods of limitation cause difficulties in regularisations.

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

Errors often arise from unfamiliarity with the coordination rules in the case of persons working in several Member States.

Persons involved often do not know their status, e.g. when they have a mandate to perform work abroad and believe they are a self-employed person in that country. As a result, they fill in the questionnaires/A1 application forms incorrectly and are wrongfully covered.

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

RIZIV:* at a legal level, it should be pointed out that the notion of 'administrative check' used in article 87 §3 of Regulation (EC) 987/2009 is not defined anywhere in the coordination regulations.

In contrast to a medical check, which is quite straightforward, it is not directly clear which type of administrative information can be asked to check. One must assume that this can concern at least: the address, the family situation, information on working status and professional revenue, granting of social benefits, life certificate.

From the wording of article 87 §3 it is also not exactly clear to what extent the obligations of the member state of residence go when asked to execute an administrative check of one of its residents on behalf of another member state

sometimes administrative check reports E215 are received that are filled in by the beneficiary itself. it is not clear whether the filled in information has been verified on its correctness and approved by the institution of the residence state (by checking the information given by the beneficiary against internal databases).

in practice sickness funds are sometimes experiencing problems to obtain administrative check reports (E215) for Belgian invalidity pensioners, whose only career was in Belgium, who move from Belgium to another member state after becoming invalid. some member states replied that they cannot proceed to administrative checks for these persons as they do not have a pension insurance number in the member state of residence.

*on EESSI level, the implementation of the principle of mutual assistance between member states to carry out administrative checks on (invalidity) pensioners has not been translated into a clear business Use case.

the horizontal BUC H10 'administrative check' implements art. 87 Reg. 987/2009. This BUC is

horizontal and thus applies for all sectors.

the SEDS used for the exchange of information within the framework of this BUC (H130 and H131) are however strongly axed on the sickness and AWOD sectors (for which reason is not exactly clear).

this has led some member states to declare their pension institutions not competent for this BUC (however horizontal). as such Belgium cannot make use of this BUC to request the pension institution of the member state of residence to execute an administrative check of a Belgian invalidity pensioner residing in this member state .

as such, for these cases Belgium must use other, less adapted BUC's, to request information on the administrative status of a person, such as through a BUC P05 (SED P8000) which is not designed for the request of an overall administrative check.

* the reply SED- H131 as such is not an administrative check report. this report should be annexed to the H131. however, a European template for this administrative report replacing the paper form E215 has not been designed. this is surprising as a European template has been designed for the medical check (Detailed medical report replacing the paper E213 form).

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

- A specific problem in implementing the EU coordination rules in the field of invalidity benefits: for persons who were lastly insured in Belgium at the moment they became incapacitated for work (which lead to invalidity afterwards), Belgium will pay a provisional benefit which must be considered partially as an advance on invalidity pensions of other Member States. Once the other Member State has taken a decision to grant an invalidity pension as well, Belgium will calculate the final amount of the partial Belgian invalidity benefit and recover the advances via the pension arrears due by the other Member State.

Nevertheless, it is sometimes impossible to calculate the exact amount of advances within the two-month timeframe given by Article 72(2) of Regulation (EC) No 987/2009, as a result of which the other institution pays its invalidity pension arrears directly to the person concerned. In that case, pensioners are sometimes misinformed that because of the expiration of the two-month time delay, Belgium would no longer have a claim on the pension arrears. This is not correct, and Belgium will recover these amounts directly from the pensioner concerned (see also the case *Cabras*).¹

Persons receiving (*pro rata*) invalidity benefits from Belgium and (an)other Member State(s) under Article 46 of the Regulation are confronted with different national legislations that regulate certain situations differently. This is a source of confusion. This is e.g. the case when

¹ Judgment of 21 March 1990, *Cabras*, C-199/88, EU:C:1990:127.

certain changes appear in their personal situation or due to the fact that Belgium knows a risk-based system.

- A source of confusion.
 - As such, these persons are not always aware that certain changes in their personal situation (e.g. a changed household situation/revenue, starting a salaried or self-employed activity etc) impact on the amount of the Belgian benefit and should thus be reported to or even authorised by the competent Belgian institution, whereas these situations do not at all impact on the invalidity benefits received from the other Member State concerned. This is most often the case for persons receiving a *pro rata* benefit for short periods of work in Belgium in the past and who are thus not very familiar with Belgian legislation (however, they are informed of their obligations under Belgian legislation in the decision granting the benefit, but possibly do not always understand, due to for example poor knowledge of the language in which the decision is drafted).
 - Belgian invalidity insurance is a risk-based system, in which the benefit amount is not calculated on the basis of the total amount of the insurance period completed in Belgium (thus not an invalidity 'pension'). This implies that the right to invalidity benefits is made dependent on the obligation of the beneficiary to claim potential invalidity pension rights that may exist under other foreign legislations. However, when on behalf of these persons a *pro rata* case file is investigated under Article 47 of Regulation (EC) No 987/2009, it can be found that persons mistakenly take the Belgian invalidity benefit for granted, and do not cooperate with the foreign institution examining the *pro rata* claim or renounce the claim (e.g. when asked to send elements of proof of their insurance career when no databases are available, or when the person concerned is asked to move to the State concerned for an additional medical exam). This is often the case when the amount of the foreign pension is only minimal (short career).

3.4. Problems regarding the recovery of unduly paid benefits

Aviq:

In the case of errors and fraud, the social security beneficiary is notified of the recovery of the undue amount.

Following the notification of the debit, the recovery can be made through:

- Voluntary repayments by the debtor, or
- Retention at source on future family benefits or sectoral deductions: typically 10%, except in cases of fraud (100% with no possibility of negotiating any part or the entirety of the debt) or in cases of negligence or omission on the part of the debtor (between 10% and 100%). For debtors abroad, if the balance exceeds €250, the social security office will contact the liaison body to identify the institution responsible for family benefits for the concerned person. If the foreign institution is in a country within the European Economic Area (EEA) or Switzerland, this recovery will take place according to the procedure and legal conditions applicable for recovering overpaid family benefits in that country.
- Retention at source on certain other social benefits, apart from family benefits or intersectoral deductions: For amounts starting at €250, if family benefits are no longer due to the debtor, retention (10% if the social integration income threshold is met) may be applied to other social benefits such as pensions (except for the Grapa - guaranteed income for the elderly), unemployment allowances, disability or incapacity benefits, work accident or occupational disease benefits, career interruption allowances.
- If the undue amount or balance is equal to or greater than €50 and no sectoral or intersectoral recovery is possible, the file is transferred to the Federal Public Service (SPF) Finance, which will handle the recovery.

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

- The analysis and isolation of critical information about clients and the adjustment of the procedure to exchange information in the context of the General Data Protection Regulation.

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

DGOV- Family and Social Affairs Department of the Ministry of the German-speaking Community: The German-speaking Community maintains a portal on its family benefits. Due to our geographical location and the virtual automatic accumulation of cross-border cases that result from this, we have been providing very regular information since 2019 on topics that are intended to help people with connections to several countries to find answers to questions they may have. In addition to the information provided - where we have also addressed the principles of determining preferential rights in accordance with Regulation (EC) 883/2003 - we are particularly sensitising our citizens to address questions to us directly. In this way, we want to provide people with the best possible guidance on which rights to claim, also to protect them from unpleasant surprises later on, such as having to pay back any child benefit they have received. Cooperation with citizens works particularly well, so that we as the authorities can usually rely on citizens to fulfil the obligation to notify us. We believe that our prophylactic communication work contributes to this.

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

A structured system with functional contacts is key in ensuring equal treatment of all (EU) citizens in an open-border Europe. Also a list of similar or closely related institutions would come in handy. For example, as a social inspector in Belgium, who can I contact in the other EU Member States who understands what I need and why? Each country has its own system and structures. There is no list of persons to contact with regard to a specific question. A lot of time and effort is required in order to find the right contact, if one is found at all. Even when successful, there is no guarantee that there will be any answer whatsoever. On the other hand, meetings have taken and will take place in the future in order to set up a more structured collaboration via bilateral agreements. Also with France a project has been set up in order to come to an agreement for better cooperation between the inspection services. A third project will be set up with Luxembourg in the future.

6.2.2. Regarding data exchange

DGOV- Family and Social Affairs Department of the Ministry of the German-speaking Community: In recent years, the German-speaking Community has always expressed the view that it is in favour of contact points in the individual countries that can mediate, or even decide, primarily or exclusively in cross-border cases. This idea certainly stems from the fact that in Belgium - at the time when the federal state was still responsible, i.e. before 2019 - there was an "International Agreements" department that came quite close to our idea of a contact point for transnational cases. However, having such a contact point in all countries is likely to remain an unrealisable dream. We have noticed for ourselves that it is also possible to create these contact cells, even outside the form of specialised services for the mission, if you are willing to invest in them and maintain them, even if it is more costly.

Aviq: For France, we have a contact. When there is a need for exchanging information, we can do upon simple request.

Lessons learned:

A structured system with functional contacts is key in ensuring equal treatment of all (EU) citizens in an open border Europe. Also a list of similar or closely related institutions would come in handy. For example, as a social inspector in Belgium, whom can I contact in the other EU member states that understands what I need and why?

Issues:

Person or office to contact: each country has its own system and structures. There is no list of persons to contact with regards to a specific question. A lot of time and effort is required in order to find the right contact, if one is found at all. Even when successful, there is no guarantee that there will be any answer whatsoever.

The Netherlands has a contact address, but it is difficult to obtain a response nor is it specific for a social inspection. On the other hand, meetings have taken and will take place in the future in order to set up a more structured collaboration via bilateral agreements.

Also with France a project has been set up iNon applicable au régime wallon des allocations familiales.n order to come to an agreement for better cooperation between the inspection services. A third project will be set up with Luxembourg in the future.

Concerns:

In case a foreign institution (or responsible) would request information, how can we verify whether we are even allowed to reply to the demand? As the information is requested via mail, e-mail or telephone, we cannot verify the true identity of the requestor, leading to a concern about privacy.

When our service conducts an investigation, we often have to stop as soon as one of the persons involved claims to live across the border. In those cases, which we often encounter in border regions, we can no longer make inquiries such as a confirmation that that person actually lives in that specific country, whether he/she receives any social benefits, generates an income,... This leads to an unequal treatment of similar cases where, when all involved reside on the same territory, the matter would be fully investigated. Finally, it is sometimes difficult to establish whether a person has a double citizenship/registration and/or benefits from multiple social security systems at the same time.

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

It is very difficult in practice to collect social security contributions from companies that are established in another Member State.

6.3.2. Other issues and concerns

As in 2018 there is a concern regarding cross-border investigations. When a social inspectorate conducts an investigation, they often have to stop as soon as one of the persons involved claims to live across the border. In those cases, which the social inspectorates often encounter in border regions, they can no longer make inquiries such as confirmation that that person actually lives in that specific country, whether s/he receives any social benefits, generates an income etc. This leads to an unequal treatment of similar cases where, when all those involved reside on the same territory, the matter would be fully investigated. Finally, it is sometimes difficult to establish whether a person has double citizenship/registration and/or benefits from multiple social security systems at the same time. The problem remains unchanged.

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

BULGARIA

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

- Regular monitoring and checks
- Analyzing possible risks
- Training clerks

2.1.1.1. General steps regarding information dissemination

Towards institutions and other parties involved: training of the employers and employees as well as the clerks handling the cases.

2.1.1.2. General steps regarding controlling and monitoring actions

- Communication with foreign institutions
- Cooperation within NCP network

2.1.1.3. General steps regarding cooperation and data exchange

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-

-

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- "Counselling" days regular holding

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2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

Guidelines for the officials in order to be informed on possible risks of fraud/error when receive/issue PDs.

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

Investigations in individual cases in cooperation with institutions in other Member states

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

- Investigations in individual cases in cooperation with institution in other MS
- Cooperation with NCP of the other MS in order to find solution

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

Investigations in individual cases where fraud is suspected in cooperation with foreign institutions

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

Regarding the reporting of fraud and error towards competent institutions, the reporting tools for fraud and error were refined.

2.2.1.2. General steps regarding cooperation and data exchange

Contacts with foreign liaison bodies or the National Contact Point (NCP) of another Member State with the aim of detecting cases of fraud or finding solutions in the case of errors.

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Suspected cases are examined

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

- Unduly paid benefits are subject to recovery together with interest
- In case where unduly paid benefits is a consequence of the person's behavior which could be defined as a criminal action, criminal charges are possible.

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

In cases where notifications under Article 16 of Regulation 987/2009 are submitted on operating in the territory of two or more States, it is verified whether income with a source from another Member State has been declared and, consequently, whether social security contributions due have been paid. Checks are also carried out to verify whether social security contributions based on minimum rates of pay for work in the host Member State have been paid in cases of posted workers.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

- Unduly paid benefits are subject to recovery together with interest
- In case where unduly paid benefits is a consequence of the person's behavior which could be defined as a criminal action, criminal charges are possible.

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

Recovery of unduly paid benefits.

2.2.2.5. Healthcare and sickness benefits in kind

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

- (The lack of) exchange of data on deaths or other facts influencing the entitlement to a benefit.
- Delays in providing information.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

Often lack of evidence and action from the other side. Delays could be mentioned also as a difficulty in a cross-border cooperation.

The need of investigation arises afterwards /e.g. unemployment benefits sector/, when the investigation is made after the unemployed person has finished its work.

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

Difficulties concerning the determination of the place of residence.

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

Lack of possibility to demand amounts transferred to a foreign bank after the person's death. On the other hand this is partly a consequence of lack of death data exchange.

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

Closer interaction leads to a better results

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

CROATIA

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

1. To prevent fraud in cases determined under the Regulations:
 - a. Sickness benefits- further development of sickness IT system which enables easier crossreference of relevant data. Unemployment benefits -to prevent fraud, the Croatian Employment Service has established data exchange systems with several other relevant institutions (Croatian Pension Insurance Institute, The Central Registry of Affiliates).
2. To prevent error in cases determined under the Regulations:
 - a. Same as above for sickness benefits
Unemployment benefits - as above, to prevent error the Croatian Employment Service has established data exchange systems with several other relevant institutions (Croatian Pension Insurance Institute, The Central Registry of Affiliates).

2.1.1.1. General steps regarding information dissemination

Information is provided in the direct contact and upon enquiry, as well as on the web page of Croatian Health Insurance Fund.

2.1.1.2. General steps regarding controlling and monitoring actions

2.1.1.3. General steps regarding cooperation and data exchange

The Croatian Employment Service (HR) has established systems of data exchange with several other relevant institutions (e.g. the Croatian Pension Insurance Institute, the Central Registry of Affiliates).

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

1. To combat fraud in cases determined under the Regulations:
 - a. Sickness benefits in kind and in cash, crossreference of received invoices (E125) from abroad with the health insurance status of a person, or authorized entitlement administrative acts is being made. If there is a discrepancy noted, a possible fraud case is opened and investigated. When fraud/error is officially proven, financial compensation claim is being made against fraudulent party.

In 2022, 164 fraud cases were opened, where it was determined that individuals were using Croatian EHIC in other EU countries, even though they knew their insurance was expired, and that they could not use the EHIC which was issued to them previously, during the time they were insured. Since CHIF had to reimburse the costs to institutions in other EU countries, reimbursement procedure was taken against fraudulent former insured persons, in the total amount of 236.224,45 EUR. Unemployment benefits - no recorded cases of fraud in 2021.

2. To combat error in cases determined under the Regulations:

- a. Sickness benefits - same as above.
 Unemployment benefits -no recorded cases of error in 2021.

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

2.2.1.2. General steps regarding cooperation and data exchange

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

For sickness benefits in kind and in cash, cross-reference of received invoices (E125) from abroad with the health insurance status of a person, or authorized entitlement administrative acts is being made. If there is a discrepancy noted, a possible fraud case is opened and investigated. When fraud/error is officially proven, financial compensation claim is being made against fraudulent party.

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

1. Fraud in cases determined under the Regulations:
 - a. Unemployment benefits -the increased mobility of the workers combined with very limited possibilities for keeping track of their activities in other Member States.
2. Error in cases determined under the Regulations:
 - b. Unemployment benefits -an increasing workload and insufficient number of clerks.

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

- (The lack of) exchange of data on deaths or other facts influencing the entitlement to a benefit. It was reported that there is rarely a formalised, structured exchange of data with other countries, and that ad hoc exchanges often come with a (significant) delay or even do not take place at all.
- GDPR rules on providing medical documentation often prevent discovering fraud for benefits in kind provided outside of the scope of the Regulation 883/04.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

By institutions :

Detailed instructions are being sent regularly by post, they are also published on the internal web site of Croatian Health Insurance Fund and can therefore be accessed whenever by employees of CHIF (there were 4 such instructions sent in 2020).

By health care providers:

We have ongoing initiative to improve health care provider's knowledge of coordination rules. It includes notifications and instructions sent to them by post before the start of each tourist season. This information can also be accessed on specialized web site for the health care providers.

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

Unemployment benefits - main concern is the unreliability of RINA (missing cases, missing SEDs, failed delivery of SEDs, erroneous delivery notifications...).

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

-Secure IT methods and tools providing the highest level of personal data protection are used for data exchange.

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

CYPRUS

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

2.1.1.2. General steps regarding controlling and monitoring actions

2.1.1.3. General steps regarding cooperation and data exchange

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

The Social Insurance Services continued the practice of arranging meetings with prospective employers, as well as with lawyers and accountants in order to inform them of the provisions of the coordination Regulations.

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

In order to prevent fraud and error in the field of applicable legislation, a close link has been made between the central offices and the district offices of Cyprus and an exchange of information on registration of new employers with employees in other Member States has been set up.

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Requiring an annual life certificate from recipients of old-age or survivor's benefits living in another (Member) State in order to verify whether these persons are still alive and thus entitled to those benefits.

(b) Specific cooperation and concrete data exchange

Requests of verification sent to the competent institutions of other Member States (CY). Cases of fraud cannot be completely avoided, but consistent debt recovery also has a preventive function. The basic point is a regular check, at least once a year. What is furthermore reported on is the reporting of the change of residence to the other State, and the notification of the payment of family benefits from the primary competent State to the secondary competent State, especially from the UK.

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

Regarding controlling and monitoring actions, all unemployed persons are required to register both with the Public Employment Services and the Social Insurance Services in person on average every 6 weeks. However, random checks are made whereby the persons are contacted over the phone to go and register the same day. If it is discovered that unemployed persons have been abroad between registrations (without being eligible or having requested the export of unemployment benefits) the benefit is terminated.

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

2.2.1.2. General steps regarding cooperation and data exchange

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

Close collaboration with competent institutions of other Member States in order to combat fraud and error relating to applicable legislation.

(c) Recovery of unduly paid benefits and other sanctions

In a general effort to combat undeclared work, an amendment to the social insurance legislation was adopted which introduced administrative penalties in relation to undeclared work and/or undeclared insurable earnings. Furthermore, the law stipulates that employers/self-employed persons who fail to pay the contributions or comply with other provisions of the law are subject to legal proceedings.

2.2.2.3. Unemployment benefits

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

Information is provided in the direct contact and upon enquiry, as well as on the web page of Croatian Health Insurance Fund.

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

CZECH REPUBLIC

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

Towards institutions and other parties involved: training of the employers and employees as well as the clerks handling the cases.

Within institutions: guidelines and internal controls.

Information concerning the implementation of the coordination Regulations is available on websites of competent institutions and in brochures.

2.1.1.2. General steps regarding controlling and monitoring actions

Clients are notified in good time of non-compliance.

2.1.1.3. General steps regarding cooperation and data exchange

- Experts from the Czech Social Security Administration (CSSA) participate in the Interministerial body for combating undeclared work
- Years ago the Czech Social Security Administration (CSSA) introduced a regular controlling system; if needed performs joint control actions with labour inspectors; provides information to labour inspectors in the context of IMI; and cooperates cross-border with foreign institutions.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

The exchange of information is accelerated by using the EESSI. Communication between institutions is faster and more efficient.

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

Clients are informed in various ways about their responsibilities, both passively by publishing information on the website, making out leaflets, publishing press releases etc, and in the event of a breach of obligations by the client. The client is then notified and fulfilling the obligation is actively required (sanctions may be used).

:

- informing public via all media (websites, brochures, TV, social networks,...) on regulation in force and correct behaviour, using easy language understandable for an average client

- and training of the clerks handling the cases within guidelines and internal controls.

Consistent enforcement of claims has a preventive function against errors that may occur in rare cases. Self-employed persons are made aware of the obligations they are obliged to fulfill.

Unemployment benefits: no steps

sickness benefits in kind: constant check of the personal situation relevant for legislation applicable of the insured persons by questionnaires, seminars organised for the healthcare providers and for the health insurance funds), direct consultations with clients

Clients are informed in various ways about their responsibilities. All information on these obligations is available on the website of the Czech Social Security Administration and some information is published in the form of press releases. In the event of a breach of obligations by the client, the client is notified and fulfilled the obligation is actively required. In case of non-fulfillment of obligations there is a risk of sanctions.

Family benefits: The basic point is a regular check, at least once a year. Reporting the change of residence to the other State. Notification of the payment of family benefits from the primary competent State to the secondary competent State. The exchange of information is accelerated by using the EESSI.

Unemployment benefits: detailed control of information provided
Reimbursement filed: the reimbursement of UB is integrated in IT systems for unemployment benefits.

Unemployment benefits export: to prevent unjustified payment, LOCR asks for mandatory monthly report (U013).

sickness benefits: continual provision of information about the EU social security rules in the healthcare sector.

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

There have been less cases of after-death pension overpayments occurring in relation to pensioners living in Slovakia due to bilateral agreement on electronic exchange of data with the Slovak Social Agency (that has been in force since January 2022). Some self-employed persons fulfill their obligations on the basis of a warning, or voluntarily correct their mistakes. UB: none

- For the purpose of checking facts or data which have impact on the entitlement to benefits and continuation of payments, central databases of the Ministry of the Interior are used.

(b) Specific cooperation and concrete data exchange

See Article 2.1.2.2. b)

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

No preventive measures were introduced in 2016 since no cases of fraud and/or error were observed in the field of healthcare and sickness benefits in kind.

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

No case of fraud and/or error discovered in the field of family benefits.

2.1.2.6. Unemployment benefits

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

2.2.1.2. General steps regarding cooperation and data exchange

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

Most of the overpayments arose after the death of an authorised pensioner or in cases when bereaved persons unduly withdrew money (the pension) from an ATM. Therefore CSSA had to contact the bereaved persons, the specific bank institution, the contact institution in other EU state. There were also cases when CSSA contacted police in order to ask for taking the criminal steps as the person who had withdrawn the pension was unknown. Self-employed persons are encouraged to perform their obligations voluntarily. In the event of non-fulfillment of obligations, the Czech Social Security Administration may ex officio cancel the registration if it falls under a foreign law, or enter it in the register if it is subject to Czech law. UB:

no special steps

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

There have been less cases of after-death pension overpayments occurring in relation to pensioners living in Slovakia due to bilateral agreement on electronic exchange of data with the Slovak Social Agency (that has been in force since January 2022).

Some self-employed persons fulfill their obligations on the basis of a warning, or voluntarily correct their mistakes. UB: none

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

- Recovery of unduly paid benefits.
- Suspension of payments of unjustly paid benefits and/or the withdrawal of benefits.

In the year 2021 several pension cases were detected where the receiving of the pension was unjustified and as a consequence the pension was suspended or withdrawn and the steps were also taken according to Regulation (EC) No 987/2009 in order to offset unduly paid benefits. Most of the overpayments arose after the death of an authorised pensioner or in cases when bereaved persons unduly continued to receive the pension, claiming that they are still dependent, students, single, caring for a dependant child, and also in some cases of invalidity pension, the health condition is the subject of fraud (pretending to have an incapacity). Errors also arose due to incorrect processing by the clerks, possibly leading to unauthorised pension payment or unauthorised non-award of pension. There are regulations on the liability of the clerks (both in internal instructions and in the law).

- Criminal charges as a possible consequence in circumstances where old-age and survivor's benefits were unduly received.
- Unduly paid benefits are also recovered through international cooperation in debt recovery. The exchange of information is accelerated by using the EESSI.

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

Recovery: Requests for information, request for notification a request for recovery are always sent via EESSI if the counter party is EESSI Ready. The exchange of information is accelerated by the use of EESSI.

In year 2021 all institutions were occupied due to Covid-19 measures, which caused a lot of extra workload, especially in the area of social security. We noticed that there were almost no question for verification of PD A1 and significant fall of inspections abroad apparently. Legislation applicable: In the year 2021 the CSSA continued in tight cooperation with the State Labour Inspectorate Office, who requests checking the validity of PD A1s submitted during their inspections. No falsification of PD A1 were found.

(b) Specific cooperation and concrete data exchange

During the whole year 2020 the Czech Social Security Administration (CSSA) continued in tight cooperation with the State Labour Inspectorate Office (SÚIP). This cooperation mainly concerns the investigation of the applicable legislation of mostly Ukrainian employees of Polish companies who pursue activity on the territory of the Czech Republic. In the majority of the cases the PD A1 forms are declared to be forged, and several cases were solved.

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

Self-employed persons who have completed their registration at the CSSA are no longer involved in insurance in the Czech Republic. On the contrary, the self-employed person, who is registered ex officio, is obliged to fulfill the duties of self-employed persons who are being enforced. UB: none

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

The Czech Social Security Administration (CSSA) has not identified any cases of fraud or error in the field of sickness benefits in cash related to the implementation of Regulations (EC) No 883/2004 and 987/2009 in 2021. This situation persists as in previous years without any change. Basically, a regular check is performed at least once a year.

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

Late reporting of employment in another EU country, late notifications of a change of residence to another EU country, and late notifications of the payment of family benefits to the State of residence.

Slow and insufficient communication between institutions of different Member States can lead to risks of fraud and error (e.g. communication of incomplete relevant data or no reaction to request for confirmation of question or statement).

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

Difficulties regarding cooperation between the Member States.

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

The fact that foreign banks (financial institutions in other Member States) are not obliged to communicate information necessary for implementation of social security to the social security institutions, especially data related to deceased pensioner's account (name of person with disposal rights to the account).

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

Difficulties concerning the determination of the place of residence, the determination if an undertaking is carrying out a significant part of its activity in the sending or posting State, and the determination of marginal work.

Although there is Article 11 of Regulation (EC) No 987/2009, Decision U2 and judgments of the Court of Justice of the European Union (CJEU) there are no specific criteria to assess residence, which gives rise to one of the biggest problems in the field of coordination, not just for clients for whom it is difficult to understand it, but also for officers for whom it is difficult to explain it to clients and deal with the consideration of residence. Moreover, it seems that there is no united approach towards this matter across the Member States.

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

No assets for recovery, long-term inability to recover receivables, because debtors are without assets, no pension, unemployment and no bank accounts. Some of them are in insolvency.

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

There is a close cooperation between the Czech institutions and institutions of the neighbouring countries according to the Article 76 Reg. 883/2004 on assistance, e.g. in communication of person's correct address.

With effect from 1 January 2022, the agreement on cooperation in the field of bilateral electronic data exchange between the Czech Republic and the Slovak Republic entered into force.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

Recovery: Requests for information, request for notification a request for recovery are always sent via EESSI if the counter party is EESSI Ready. The exchange of information is accelerated by the use of EESSI.

Legislation applicable: In the year 2023 the CSSA continued in tight cooperation with the State Labour Inspectorate Office, who requests checking the validity of PD A1s submitted during their inspections. No falsification of PD A1 were found.
Sickness Benefits and Maternity Benefits in Cash: In 2023 the Czech Republic has no case of fraud or error in the field of sickness benefits in cash related to the implementation of Regulations (EC) No 883/2004 and 987/2009. This situation persists from previous years without any change.
UB: communication with foreign institution or liaison bodies, better and faster communication thanks to EESSI

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

If there is an enforceable title, it has been certified to send a request for enforcement (SED R 017). The obligation to send the request for information requested by some Member States is unnecessary in these cases. This reduces the time needed to recover the claim.

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

There is much confusion about the GDPR and sending documents with personal data.

6.3.2. Other issues and concerns

In pension cases it occasionally comes to a controversial situation if the insured person (usually) lives in Austria, and the attending physician is also in Austria, but the claim for an invalidity pension is submitted in the Czech Republic, because that is the place of permanent residence of the insured person. In such cases it quite often happens that Austria demands the form E 213 CZ from the Czech Republic even if all the medical reports are available only in Austria (in German). In the Czech Republic the medical reports (sent from Austria) have to be translated from German into Czech. The form E 213 CZ is produced in Czech and sent to Austria, where this form has to be translated again into German. Such procedure seems to be rather pointless, although strictly in accordance with Regulations (EC) No 883/2004 and (EC) No 987/2009, if no other medical reports are available in the Czech Republic

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

There shall be regular close contacts between competent institutions in member states in order to cooperate on bilateral basis, solve more complicated pending cases together and share experience and also to be sure that both institutions understand and proceed accordingly and comply with the Regulations.

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

DENMARK

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

Mass communication measures like mass media campaigns are held in order to promote the general public's awareness of the rules adherent to benefits.

2.1.1.2. General steps regarding controlling and monitoring actions

2.1.1.3. General steps regarding cooperation and data exchange

The formalised, organised as well as ad hoc cooperation with municipalities, governmental agencies and ministries is prioritised. In particular, Udbetaling Danmark (UDK) is enjoying a close cooperation in several forums with Local Government Denmark (KL), who represents all 98 municipalities. There are also meetings directly between UDK and the municipalities.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

Dokumentation for employment is required for every applicant.

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

Data from the Danish Tax authorities, the Central Business Register and the Danish Central Person Register is combined to the information provided by the applicants.

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

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- In order to prevent fraud and error, random checks are carried out for old-age pensioners and early retirement pensioners living abroad. In 2023 the checks were carried out in two Member States (Germany and Spain). They were asked to document residence, marital status and income by providing their annual tax return from their respective tax authority. The control has shown many cases of fraud and error
- A significant step in the prevention of errors was achieved when the procedure of adjusting pension rates to match the level of income for the beneficiary was restructured from a yearly check-up to an automatic monthly check-up on the basis of the Danish National Income Registry (eIndkomst). With this procedure, the built-up of large amounts due for recovery is to a significant extent avoided. It should be emphasised that the cases of recovery in this respect are not to be understood as an evidence of fraud, but rather illustrate errors made by the claimants who may not have been aware of their obligations to inform about changes in circumstances on a continuous basis, although cases of fraud are noticed at an earlier stage.
- To prevent fraud and error related to unreported death of pensioners living abroad, life certificates are sent out once a year by Udbetaling Danmark. However, error may occur in cases where a pensioner passes away after signing the annual life certificate and no report of the death is given to Udbetaling Danmark. To address this issue, Udbetaling Danmark has concluded a number of agreements with other EU Member States to allow for regular exchange of data on death of pensioners living abroad.
- In order to prevent fraud and pensioners living in Denmark are required to use the NEM-konto system, which ensures that payments are made with effect of discharge to the right citizens. For claimants living abroad, the application of the NEM-konto system is voluntary but encouraged. Notably, bilateral agreements with other countries on regular exchange of data on deaths of pensioners living abroad have resulted in substantial cost savings.

(b) Specific cooperation and concrete data exchange

Udbetaling Danmark has bilateral agreements on exchange of data on deaths with Germany, Poland and Switzerland on pensioners living abroad. Agreements with France, Spain and The Netherlands are being implemented.

Furthermore, Udbetaling Danmark exchange data on deaths with the Nordic countries.

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

In Family Benefits the control is mainly a part of the ongoing case processing, i.e. the verification of citizens' eligibility for the allowance, including through affirmative information from other EEA

countries, as well as ongoing monitoring of the requirement of employment. Cases are also selected for control as part of the cross-sector control effort of Udbetaling Danmark.

2.1.2.6. Unemployment benefits

The supporting IT-solutions have been successfully implemented, enabling the transfer of high-quality data on the administration of unemployment benefits to the Danish Agency for Labour Market and Recruitment (STAR). This has allowed for the further development of control and reporting systems, including an online platform, made available by STAR on www.jobnet.dk, which gives claimants access to a set of relevant data about their own situation.

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

- Regular checks and monitoring actions.

As a result of the steps taken payments were stopped or reduced to the right amount, and any overpayments were demanded to be refunded. Notably, data mining initiatives across social security branches and special initiatives focusing on old-age pensions and invalidity benefits have resulted in sizeable refund demands and cost savings. In addition, the various efforts to combat fraud or error in cases determined under the Regulations are assessed to have substantial preventive effects, deterring potential wrongdoers from carrying out fraudulent activities.

- Digital supervising and control in the area of unemployment benefits.

In 2016, the Danish Parliament adopted a new Unemployment Benefit Reform. The purpose of the reform was to establish a modern unemployment benefit system, which enhanced both mobility and security on the Danish labour market for the benefit of both employees and employers. The administration of the unemployment benefit system was to be digital, register-based and automatic, and create room for digital supervision and control. The reform was fully implemented during 2017 and 2018.

During 2018 and 2019, focus has been on developing control- and reporting systems by assessment of risk and materiality and digital analyses regarding administrative actions of the unemployment funds. Controls and reports identify and show errors and flaws in the administration and out-payment of benefits regarding all recipients of unemployment benefits. Results are forwarded to the unemployment funds for further investigation. The funds return the results of the investigations digitally to the Danish Agency for Labour Market and Recruitment evaluation and reporting to management, etc.

During 2020 the Danish Agency for Labour Market and Recruitment has developed and implemented a number of digital reports. The digital reports are reviewed according to an annual plan which is continuously revised.

- The Airport Authority.

In 2018, as part of its supervision in the field of unemployment insurance, the Danish Agency for Labour Market and Recruitment established the Airport Authority. The Airport Authority carries out random inspections at Copenhagen Airport and other airports in Denmark with international

passenger flights. The aim is to prevent payments of social security benefits to citizens who are not entitled to the benefits because they have stayed abroad during a period and therefore have not been available to the Danish labour market (export situations excluded). If there is an assumption of an error payment, it is the unemployment insurance fund or the municipality who paid the benefit to the recipient that decides on the entitlement of the benefit.

2.2.1.2. General steps regarding cooperation and data exchange

The unit for “International Fraud and Error Information” kept working to establish close relations both to other Member States as well as to countries outside the EU/EEA area, aiming at enhancing cooperation and information exchange.

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor’s benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

Udbetaling Danmark exchanges data on deaths of pensioners living abroad with specific EU Member States on a regular basis in order to combat fraud and error.

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

- The implementation of a new digital model for supervision of the administration, calculation and payment of unemployment benefits was initiated in 2017. Following an assessment of risks and materiality, data-based analysis of administrative actions was carried out in 2018 to identify errors in the administration and payment of benefits.

In order to confirm continuous availability, all jobseekers must register for employment at the Public Employment Service (PES), record information about jobseeking in an electronic solution, and during the time of unemployment regularly attend interviews at the PES, both in person and digitally. Unemployed members of an unemployment insurance fund must record information about jobseeking in an electronic solution and during the interview account for their jobseeking and other activities to get a job in the intermediate period. The new digital solution benchmarks the job seeking of all members of unemployment insurance funds and have replaced the previous oversight of jobseekers’ availability, which consisted of manually collected samples through spot checks. The benchmarking

is available for the public at <https://jobindsats.dk/rapportbank/a-kasseindblik/benchmarking-af-dagpengemodtageres-jobsogning/>.

Furthermore the Danish Agency for Labour Market and Recruitment (STAR) has developed a similar digital solution to benchmark the numbers of interviews that that unemployment funds conduct within the deadline imposed by law.

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

Cooperation on information exchange in concrete cases between Udbetaling Danmark (DK) and Försäkringskassan (SE) is ongoing and aims to secure correct payment of benefits in each of the institutions. Personal information like name, address, age, nationality, payments and the right to benefits are exchanged. Cooperation between Denmark and Sweden is valuable because of the level of mobility between the two countries, affecting the number of applications for social benefits.

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

In the field of International Health Insurance, the control, to a great extent, takes place as part of the ongoing case processing, verifying citizens' right to health insurance through ongoing monitoring of income, CPR events, and notifications of moving or other activities.

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

Difficulties regarding cooperation between the Member States.

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

Udbetaling Danmark (DK) finds it problematic that the implementation of the coordination rules does not include procedures for investigating cases of suspected fraud and error across borders. Udbetaling Danmark particularly observes that none of the SEDs seem appropriate for this task and some of the competent institutions in the Member State do not seem to be familiar with cooperating across borders on fraud and error. In this regard there may be a need for information indicating whether a person is residing in one country or the other (such as address or information on economic activity). Such information is not necessarily needed during the application process and for this reason the competent institution may not be able to provide the requested information.

In order to solve the foregoing problem, national Single Points of Contact (SPOCs) would be highly relevant, as a SPOC function should be able to facilitate requests to the correct recipients. In this regard, the NCP group could be a starting point.

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

Difficulties concerning the determination of the place of residence, the determination if an undertaking is carrying out a significant part of its activity in the sending or posting State, and the determination of marginal work.

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

Information about the right to cross-border healthcare under the terms of the Regulation is available on the websites of both The Danish Patient Safety Authority, which is the Danish liaison body under Regulation (EC) No. 883/2004, and the five regional authorities in Denmark.

The Danish Patient Safety Authority and the patient advisors in the regional patient offices also provide guidance to both incoming and outgoing patients and healthcare providers etc. on the right to healthcare benefits according to the coordination rules.

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

No specific information campaigns were introduced in 2023.

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

- Udbetaling Danmark has had positive experiences working together with the NCPs of e.g. Germany, Poland and Switzerland.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

- Udbetaling Danmark believes that an increased use of data mining is an effective tool in combating fraud and error. It is their view that an increased use of objective data from registers will contribute to identifying cases and patterns of fraud as well as strengthen the due process to the advantage of the claimants, by streamlining to a greater extent the administration of social benefits across branches of social security on the basis of objective data.

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

The significant advantages of centralising the exchange of information with other Member States on cross-border fraud and error within a specialised unit that can assist and provide guidance to other national institutions.

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

International Health Insurances should either contact the relevant health providers or involve the national liaison bodies when they experience problems with the interpretation of the coordination rules, in order to resolve problems.

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

ESTONIA

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

2.1.1.2. General steps regarding controlling and monitoring actions

2.1.1.3. General steps regarding cooperation and data exchange

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

In order to prevent error, the Unemployment Insurance Fund (UIF) (EE) makes sure that documents are drawn up properly and contain the necessary information. In case of suspicion, the UIF contacts the source for a double check. To prevent fraud, the UIF makes sure that every document is properly signed and stamped (if needed).

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

The electronic data exchange between EU Member States could be faster, which would help to get information concerning applicant quicker. In this way we could prevent more errors in all branches. Invalid SEDs, contain contradictory information.

(d) Other specific steps

We do not add to electronically issued PD A1 a manual signature or ink stamp. A1 certificates issued in Estonia are valid without any signature and seal. For the authentication each issued PD A1 has a unique serial number (example SKA19056789) in the top right corner on each page. The number is generated by the system. First three letters "SKA" means Sotsiaalkindlustusamet (Estonian Social

Insurance Board), first two digits “19” means the year when the PD A1 was issued and last six digits are sequence numbers. With this number the validity of the PD A1 can be easily verified.

2.1.2.2. Old-age and survivor’s benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

The data of electronically transmitted invoices from the healthcare providers are automatically, electronically checked (CH, EE).

While implementing Regulation (EC) No 883/2004 the insured person’s personal data is processed in accordance with The General Data Protection and the Data Protection Act. There are certain restrictions to accessing and processing a person’s personal data in the EHIF. Only specialists who are engaged in dealing with e-forms/SEDs and implementing Regulation (EC) No 883/2004 have access to the information and not even all of them have the same data available, only the part they need for their work.

(c) Specific preventive measures

In order to prevent error, the EHIF sends its clients a notification via postal address when their health insurance has ended in case they have applied for the EHIC. They can also request an e-mail notification, when their EHIC has expired.

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

2.2.1.2. General steps regarding cooperation and data exchange

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

Cooperation and data exchange initiatives were pursued, although the Estonian Health Insurance Fund currently has no bilateral agreements with other Member States and therefore the majority of the problems are being resolved by e-mail.

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

Healthcare providers and competent institutions of other Member States should not accept the EHIC retrospectively and should ask for a replacement certificate of the EHIC.

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

FINLAND

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

- Towards institutions and other parties involved: Finnish Centre for Pensions trains regularly the employers and employees as well as clerks handling the cases. Dissemination of information to citizens is done via webpages, newsletter, and social media. Information concerning the implementation of the coordination Regulations can be found on web-sites of competent institutions and pages are up-dated regularly.

According to the Finnish Centre for Pensions, thanks to training the employers are more aware of the coordination rules and try to abide by them in time. This makes the application of the rules easier for the administrations, and the employees and employers are more aware of who to contact with their questions and matters and how to do so. Furthermore, the International House of Helsinki provides a wide range of information and public authority services to meet the needs of international newcomers in the Helsinki metropolitan area.

Finnish Centre for Pension has taken part in creating a service channel for foreign employers coming to Finland. This service channel includes information about statutory social insurance payments in Finland and it will be published in Suomi.fi Web Service in 2021.

- Information dissemination towards citizens. Information concerning the implementation of the coordination Regulations can e.g. be found on websites of competent institutions.
- When Kela, the Social Insurance Institution of Finland, issues a decision to receivers of national pension, Kela notifies in the decisions about the clients' obligation of reporting all changes that might have an impact to the benefit.
- In 2022 Finnish Centre for Pension has taken part in creating a guide for foreign employers coming to Finland.. Work in Finland guide was published in Suomi.fi web service. The guide informs foreign employees about their rights and responsibilities when they come to work in Finland. It also tells which authorities to contact.

2.1.1.2. General steps regarding controlling and monitoring actions

Supervision of earnings-related pension insurance is comprehensive and systematic in Finland. This makes it possible to detect cross-border fraud cases.

Concerning the investigations and inspections in individual cases, there is a need for intra-national cooperation between social security institutions and other national institutions, like tax authorities and police authorities.

2.1.1.3. General steps regarding cooperation and data exchange

The Finnish Tax Administration (taxes), the Regional State Administrative Agency (OHS authority) and the Finnish Centre for Pensions cooperate regularly. This cooperation includes inspections, e.g. at construction sites. The Finnish Tax Administration (taxes), the Regional State Administrative Agency (and the Finnish Centre for Pensions cooperate regularly. This cooperation includes

inspections and data sharing. Onsite joint inspections have been conducted at construction sites since it was possible after covid19 restrictions.

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- The Finnish Centre for Pensions is active in the meetings organised between the Nordic institutions as well as other neighbouring countries. Liaison body meetings are arranged on a yearly basis between Nordic countries and between Finland and Estonia. Also Teams-meetings are held in which case handlers discuss questions regarding applicable legislation.
- Finland started using Eessi and RINA in September 2020 which helps to check A1 Certificates issued by other member states if Finnish authorities are suspecting fraud or error.
- Concerning the employers obligation to take out statutory accident insurance, the Workers' compensation center (TVK) has continued close co-operation with national authorities (especially with tax authority) to prevent neglecting the obligation to take out the insurance.
- Data sharing regulations between the Finnish Centre for Pensions and the Regional State Administrative Agency has been improved, which is beneficial for the supervision of (foreign) employees.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

The Finnish Centre for Pensions continuously develops its handling systems and processes in order to decrease the number of errors and to issue the certificates more efficiently. The number of A1 certificate applications handled automatically increased substantially in 2022.

The Finnish Centre for Pensions also assists when other Finnish authorities have questions concerning foreign workers, their A1 certificates or the lack of certificates.

2.1.1.5. Other general steps taken to prevent fraud and error

In the sector of accidents at work and occupational diseases (AWOD), insurance companies / institutions have their own procedures to prevent fraud in the compensation and granting of benefits. No joint actions were taken in the AWOD sector in year 2019 to prevent fraud.

To prevent errors, insurance companies / institutions have their own procedures. Consequently no joint actions were taken to prevent errors in the AWOD sector in year 2021.

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

Electronic systems have been developed further which use the comprehensive and up-to-date registers, for example a Robot now registers all A1 certificates issued by Estonia; the Robot checks if there are overlapping periods with Finnish pension insurance and creates tasks for the handlers when errors or overlapping periods occur. Robot also registers all A1 certificates issued by other Member States if a person has a Finnish personal identity code.

The Finnish Centre for Pensions supervises large construction sites via information received from tax administration. A software application and a robot checks that every worker working on a site is either insured in Finland or has a valid A1 Certificate according to official registers. If irregularities are found, the Finnish Centre for Pensions starts to investigate the matter.

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Pensions (old-age, invalidity and survivor' pensions), Kela the Social Insurance Institution of Finland: Biannual check ups of pensions in international cases. An international case can either be a case where the pensioner resides abroad or a case where the pensioner lives in Finland and receives a pension from abroad that affects the amount of the residence based national pension paid by Kela. In this way, the up-to-date circumstances of these pensioners and their other pension income is checked regularly.

(b) Specific cooperation and concrete data exchange

Exchange of life certificates with Sweden, Norway and Germany.

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

- For family benefits the Social Insurance Institution (Kela) performs annual check-ups (based on the Regulation) in cases that consider two or more paying Member States. Also, if a person moves from one Member State to another, the notification is sent to the other country in question. Lastly, there is a quick reaction to impulses that come from e.g. the Finnish population register about persons moving abroad.
- The possibility of error or fraud can also occur when family benefits are paid on the basis of work and the customer or the other Member State does not announce the termination of employment (or commencement in another country), or omits other benefit-related matters (e.g. changes in circumstances of family members).
- We try to inform the other partner countries (especially Nordic countries and Estonia), if we have some legislation changes than might affect to the handling of the cases.

2.1.2.6. Unemployment benefits

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

2.2.1.2. General steps regarding cooperation and data exchange

- Contacts with foreign liaison bodies or the National Contact Point (NCP) of another Member State with the aim of detecting cases of fraud or finding solutions in the case of errors.

Numerous cases were solved by negotiating with the other Member States' institutions and the cases were closed with an Article 16 agreement.
- Finland has actively tried to influence that data matching in different forms in national and in cross-border situations could be possible and more effective.

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

- To remove negative consequences of cases of fraud or error, prosecution authorities are notified about the possibility of the commitment of a crime in which cases persons concerned can be subject to criminal prosecution.
- In supervising the earnings-related pension insurance in Finland many cases have been taken to the appeal courts in order to have precedents. Many of these cases concern A1 certificates.

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

The Finnish Centre for Pensions contacts foreign institutions about foreign A1 certificates if needed. This cooperation is functioning quite well, especially with neighbouring States. Finnish A1 certificates are issued electronically with an ID number on each page. This makes it difficult to falsify and makes it easy to check whether a certificate is genuine. In 2022 two Finnish A1 certificates appeared to be forgeries. The matter was transferred to police for investigation.

The Finnish Centre for Pensions checked the validity of approximately 350 foreign A1 certificates in 2023. Out of these, 50 forged A1 certificates was identified by the Finnish Centre for Pension together with foreign institutions. Measures have been taken in order to arrange pension insurance in Finland for the persons involved.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

The controlling actions are mainly preventive actions, since there is no statistics available of fraud & error cases that only concern the EU Regulation. Informing the other countries and clients of the changes in the legislation is also important.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

None, since there haven't been any reported cases of fraud and error in sickness benefits in kind in the past few years.

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

Family benefits: All member countries do not notify other member countries about changes e.g. if person/family moves to another member country and that country starts paying benefits, or if the person starts working or there are changes in economic activity. All member countries should carry out their obligation to notify about changes in order to prevent fraud and overpayment. In addition, the differences in legislations of the member states leads to confusion amongst the clients as well as the clerks (e.g. concept of a family).

In the sector of accidents at work and occupational diseases it has been noticed that if all the MSs do not implement the Coordination Regulations in the same way, it can make it possible for example to apply (and receive) twice benefits in kind.

The sector of accidents at work and occupational diseases pointed out that a good co- operation and exchange of information between MSs is needed to avoid errors. In the sector of AWOD some MS do not answer at all to E-forms / SEDs / requests, which makes it difficult to implement the Regulations correctly.

The electronic data exchange between EU Member States could be faster, which would help to get information concerning applicant quicker. In this way we could prevent more errors in all branches. Invalid SEDs, contain contradictory information.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

The Member State of residence is difficult to define in many cases where a person who has moved to another Member State on the basis of work becomes unemployed.

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

Finnish Centre for Pensions has difficulties in receiving answers from some Member States when we check the validity of an A1 certificate in cases where we suspect that the certificate was falsified.

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

The differences in Member States legislations lead to confusion amongst the clients as well as the clerks (e.g. concept of a family).

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

The rules on activity in more than one Member State are hard to understand and difficult to apply. This enables misuse of these rules by some of the employers and the rise of the probability of erroneous decisions by the clerks. The lack of clear rules also means that workers moving around Europe are not aware of their rights and cannot easily predict how their social security will be arranged. The situation of the wholly unemployed person who, according to the Regulation, shall make himself available to the employment services in the Member State of residence, is a paramount example. As there are differences between the Member States in the levels of unemployment benefits, there is some tendency to give false information about one's state of residence and about possibly returning there. Generally, the question about state of residence is quite open to different interpretations and therefore also prone to error.

Different interpretations and lack of clear guidance in some issues of applicable legislation cause problems in some cases. Updating the Practical Guide more often could solve some of the issues. For example, lack of clear rules and a common understanding for situations where determining applicable legislation retroactively is needed, is problematic. Problems in cases of applicable legislation might also cause problems in other branches of social security coordination, e.g. in pensions. The determination of applicable legislation determines which country should pay the pension in the future. If the decision on applicable legislation is unclear, this might lead to problems when the employee is applying for a pension. It also has to be mentioned, that the amount of cases concerning third country nationals is increasing and this issue needs more guidance.

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

- The Platform has been helpful in many cases. The connections in other Member States in the field of social security are very valuable as the problematic cases are usually solved in a short time with help from a colleague from another Member State.
- Finland has taken part to Nordic Teams meetings which are held 4 to 5 times a year. In the meetings clerks discuss questions regarding applicable legislation. They receive information from other countries' best practices, changes in legislation and guidelines, etc. Networking among clerks has been very useful especially in avoiding errors and the use of Teams has speeded up the exchange of information and case handling. Finnish Centre for pensions has also held Teams meetings with Estonia regarding A1 Certificates and to tackle topical issues.

- Networking among clerks in this field should be considered important and seminars and conferences should be organised more often for the clerks as well.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

The existence and use of comprehensive and up-to-date registers (databases) in general (population register, business register etc) and also in the field of social insurance can be seen as a best practice, since this data can be checked when handling A1 certificates or checking the insurance of foreign workers. Finland furthermore mentions that the European Platform tackling undeclared work has increased cooperation at national level. It has been important to participate in different meetings/seminars and meet colleagues.

Family benefits: Best practices: Annual check ups in family benefits, exchange of SED forms, active cooperation and notification of changes between the member countries e.g. active secure e-mail communication with Estonia and Finland. Concerns: required / sufficient information is not given by the other member states and changes are not reported. Statistical cross-runs have not to our knowledge been made between the two countries, although they might certainly be worth doing.

6.1.4. Best practices regarding the dissemination of information

The European Platform tackling undeclared work has proved to be useful to get information about cross-border studies, seminars and best practices.

Nordic countries have arranged regular case-handler meetings online in the sector of applicable legislation and Finland has taken part in these meetings actively. In these meetings there has been discussion on practical aspects and legal interpretations regarding process of issuing A1-certificates. Between Finland and Estonia there are also ad hoc online meetings between case-handlers in the sector of applicable legislation.

In the AWOD sector as a part of EESSI / RINA training the workers' compensation center has provided training to it's member institutions (insurance companies / institutions) regarding the Coordination rules.

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

Data protection issues have come up in many occasions when applying the coordination regulations or when cooperating with other national institutions or foreign institutions. Either GDPR does not allow for data sharing or data matching, or national legislation does not allow it or the coordination regulations are unclear about it. The need for data sharing between institutions and countries is growing. Data sharing is also in main role in the fight against fraud and error. Therefore it would be crucial to update the data sharing rules in national legislations as it is not possible to coordinate data sharing rules on European level. At the same time it would be important to work to improve the rules in the coordination regulations to allow data matching.

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

An European website with all the relevant information on how to insure a person in each Member State is needed. This could be achieved with the help of the NCPs from each Member State, who could collect the information and verify if this information could easily be understood by employers, employees and self-employed persons. This information could then be published by e.g. the European Commission or the European Labour Authority.

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

FRANCE

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

To prevent fraud

The issue of combating fraud is systematically integrated into the strategic objectives of the agreement signed between the public authorities and the Urssaf National Fund. These topics are also included every year in the national guidelines for Control and the Fight Against Illegal Work, the results of which are communicated nationally and regionally by the Urssaf.

To prevent error

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

Acoss : There is a tool to track controls of foreign companies by the Urssaf. An annual report is produced on the actions taken by the Urssaf in the fight against fraud in international mobility.

2.1.1.2. General steps regarding controlling and monitoring actions

Acoss .

2.1.1.3. General steps regarding cooperation and data exchange

Acoss : : Cooperation has been established with various Member States.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

Acoss : 95% of the A1 certificates issued by the Urssaf include a QR code to verify the authenticity of the A1 in case of a control, regardless of the authorities.

2.1.1.5. Other general steps taken to prevent fraud and error

Acoss : The International Mobility Service has a block list to prevent the automated issuance of detachment certificates for high-risk companies or those flagged as such by inspectors, International Mobility managers, or foreign partners.

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

Acoss : Dissemination of specific information within the network via collective letters and management instructions on the applicable legislation.

Externally, information is shared through the usual communication channels: Urssaf.fr, Urssaf's YouTube channel "Urssaf Officiel"

<https://www.youtube.com/watch?v=tmPyNfzJGSM>.

Specific webinars are broadcast to targeted groups.

(b) Specific controlling and monitoring actions

Acoss : The control of applicable legislation by inspectors is tracked using a specific tool designed to monitor actions referred to as "International Service Provision."

(c) Specific cooperation and concrete data exchange

Acoss : Concrete data exchanges are carried out at the request of inspectors when there is doubt about a situation, asking the institution in the worker's state of residence to clarify the situation.

These exchanges are increasing due to actions also driven by the AET (Agence Européenne du Travail - European Labour Authority).

Simultaneous and/or joint inspections take place in this context

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

–Urssaf Not concerned

(b) Specific cooperation and concrete data exchange

–Urssaf Not concerned

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

–Urssaf Not concerned

(b) Specific controlling and monitoring actions

–Urssaf Not concerned

(c) Specific preventive measures

–Urssaf Not concerned

2.1.2.4. Social and invalidity benefits

–Urssaf Not concerned

2.1.2.5. Family benefits

–Urssaf Not concerned

2.1.2.6. Unemployment benefits

–Urssaf Not concerned

2.2. Steps taken to combat fraud and error and the effect of those steps

To combat fraud

To combat error

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2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

Across : The issue of combating fraud is systematically integrated into the strategic objectives of the agreement signed between the public authorities and the Urssaf National Fund. These topics are also included every year in the national guidelines for Control and the Fight Against Illegal Work, the results of which are communicated nationally and regionally by the Urssaf.

2.2.1.2. General steps regarding cooperation and data exchange

Across :

- Development of a new strategy for handling international mobility cases, based on early information exchange with foreign social security institutions.
- Appointment of dedicated contacts for the fight against fraud, who serve as intermediaries between the Urssaf control agents and foreign social security institutions.
- Centralization of exchanges with these dedicated contacts.
- Capitalization on and dissemination of best practices to regional Urssaf offices.
- Distribution of processing instructions for cases involving foreign companies.
- Participation in workshops and seminars organized by the European Labour Authority (ELA) to foster a better understanding of the issue among different Member States.
- Support for Urssaf inspectors in managing their cases.

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

Across :. Specific follow-up meetings with health insurance are held to review the applicable legislation, especially to verify the situations of self-employed workers in international mobility. Notifications of detachment are made available to providing institutions after the signing of an agreement.

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Urssaf Not concerned

(b) Specific cooperation and concrete data exchange

Urssaf Not concerned

(c) Recovery of unduly paid benefits and other sanctions

Urssaf Not concerned

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

- **Acoss** :. Creation of a Social Security Legislation Control Tool (CLASS) with new provisions enabling the integration of all national actors dedicated to combating fraud.
- Tool for tracking the control of foreign companies by Urssaf inspectors

(b) Specific cooperation and concrete data exchange

- **Acoss** :

- A new strategy for handling international mobility cases, based on early information and exchanges with foreign social security institutions.
- Appointment of dedicated contacts for the fight against fraud, who serve as intermediaries between Urssaf control agents and foreign social security institutions.

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Acoss :

(c) Recovery of unduly paid benefits and other sanctions

Urssaf Not concerned

2.2.2.3. Unemployment benefits

Urssaf Not concerned

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

Urssaf Not concerned

(b) Specific cooperation and concrete data exchange

Urssaf Not concerned

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

Urssaf Not concerned

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

Fraud

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Cnam-CNSE: Systematic reporting of all detected cases of fraud.

Cnaf: Depending on the fraud case, we can:

- Send a warning or a simple notification to the fraudster;
- Impose financial sanctions;
- Pursue legal action.

The operations under the anti-fraud plan were continued in 2021 and 2022.

The Social Security Finance Law for 2023 introduced:

- A 10% increase for fraudulent overpayments.
- The implementation of cyber-investigation powers for specially authorized agents.
- The establishment of a unified procedure for issuing warnings and penalties.

CNAV: Automated death notifications exchanged with EU countries.

Arrangements have been made for monthly automated data exchanges between CNAV and the competent foreign institutions regarding the existence of pension beneficiaries residing abroad. This helps to update the status of identified insured individuals automatically, reliably, and securely without the need for an existence certificate, and allows pension payments to be interrupted once death is confirmed by the foreign institution. Since February 2021, the scope of this project has been extended to retirees from pension schemes that are members of the Public Interest Group (GIP) Union Retraite. This inter-scheme (MCE) system interacts with civil status automated data exchanges in most countries.

Future Step: Exchanges are underway with two non-EU countries to develop an equivalent system.

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Error

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3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

Urssaf Not concerned

Cnam-CNSE (Healthcare):

- Length of stay not defined.
- List of treatments subject to the S2 regulation specific to each state.
- False European Health Insurance Cards (EHIC) issued by Italy that are not reimbursed by that country.

Cnaf:

- European coordination regarding the fight against fraud and errors is very limited. The lack of the right to communicate with third parties, especially banks, is problematic, even though social security bodies are required to pay benefits within the SEPA zone.
- Cnaf conducted a study on the scope of bilateral agreements specifically related to combating fraud within the EU. It was concluded that links should be strengthened (e.g., aligning control powers and the right to communicate between institutions).

CNAV:

- The information exchange process between France and EU member states for fraud suspicion alerts relies on email exchanges that very rarely yield responses. The only partner that responds is Belgium.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

Urssaf Not concerned

3.1.3. Constraints of the national laws on the protection of personal data

Urssaf Not concerned

3.1.4. Other specific problems

Urssaf Not concerned

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

Acoss : : Cooperation level is heterogeneous across Member States. Institutions in certain countries do not always respond to requests for information (e.g., Romania).

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

Acoss : No issues reported.

3.2.3. Constraints on national laws

Acoss : No issues reported.

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

Acoss :. Exchanges help resolve any issues regarding applicable legislation.

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

Acoss : Exchanges help resolve any issues regarding applicable legislation.

3.3.3. Problems arising from the use of PDs and SEDs

Acoss : Exchanges help resolve any issues regarding applicable legislation.

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

Acoss : No issues reported

3.4. Problems regarding the recovery of unduly paid benefits

Urssaf Not concerned

3.5. Problems regarding the EHIC

Urssaf Not concerned

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

Urssaf Not concerned

- Urssaf Not concerned

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

Urssaf Not concerned

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

Urssaf Not concerned

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

-

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

Across :

- Establishment and development of information exchanges with foreign social security institutions regarding the inspection of foreign businesses by Urssaf inspectors.
- Exchange via email and videoconferencing between designated contacts in various countries.
- Effective cooperation with Portugal, Belgium, Italy, Luxembourg, Spain, Poland, Germany, Lithuania.
- Ongoing cooperation development with Romania, Czech Republic.
- Presentation of national best practices: Base Class.

This facilitates smoother relations, better understanding, and effective sanctioning of fraudsters.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

Accoss :

- Development of a new strategy for handling international mobility cases based on early information and exchanges with foreign social security institutions.
- Appointment of dedicated contacts for fighting fraud who act as intermediaries between Urssaf inspectors and foreign social security institutions.
- Centralization of exchanges with these dedicated contacts.
- Capitalization and dissemination of best practices to regional Urssaf offices.
- Dissemination of instructions for handling cases involving foreign businesses.
- Support for Urssaf inspectors in managing their cases.

6.1.4. Best practices regarding the dissemination of information

Accoss :

- Capitalization and dissemination of best practices to regional Urssaf offices.
- Dissemination of instructions for handling cases involving foreign businesses.
- Support for Urssaf inspectors in managing their cases.

6.1.5. Best practices regarding PDs, SEDs and other forms

Accoss : No issues reported

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

Accoss :

- Early information exchange with foreign social security institutions favors the sanctioning of fraudsters, either by Urssaf or by the foreign institutions when the employees involved were not declared based on the French minimum wage to foreign social security institutions.

Cnam-CNSE :

- use of the EHIC by certain States for treatment covered by the Directive and not by the Regulations
- Systematic refusal by some States for high-cost treatment

Cnaf:

- In its current state, European legislation seems sufficient. Improving coordination in the fight against fraud primarily requires intensified computerized data exchanges and cross-border communication rights. Cnaf is aware of the challenges regarding this topic.

CNAV:

- Information exchange cases are few, and the responses received have not allowed the detection of fraud. The decentralized organization does not

seem optimal: requests unrelated to pensions are received, and requests go through services that only act as intermediaries.

- In determining entitlement, some Member States ask for information and documents necessary for processing claims in their countries, which are not included in the regulatory forms (such as payslips, email addresses, work books, etc.).

6.2.2. Regarding data exchange

- No specific details provided.

6.2.3. Regarding the EHIC

Urssaf Not concerned

6.2.4. Other

Acoss : No issues reported

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

Cnaf:

- At present, European legislation appears sufficient. However, improving coordination in the fight against fraud primarily involves intensifying computerized data exchanges and cross-border communication rights. Cnaf remains aware of the challenges in this area.
- In this context, better harmonization among EU countries and simplification of data request forms would be desirable.
- Finally, in this regard, the implementation of a European identification number would be the only operational procedure that could be feasible.

CNAV:

- It would be necessary to have a document specifying for each country the information that can be obtained and those that cannot be communicated. For example, clarifying whether the partner can provide:
 - The insured person's address.
 - The reasons for the refusal to grant a pension subject to residence conditions.
 - The date of death.
 - The amount of salary resources, movable income (e.g., shares), real estate income (e.g., rental income).

Acoss:

- At this stage, the effective implementation of the European electronic wallet should improve the fight against fraud.

Acess :

A ce stade, la mise en production effective du portefeuille électronique européen devrait permettre l'amélioration de la lutte contre la fraude.

6.3.2. Other issues and concerns

- **Acess** : No specific details provided.
-

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

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7.1. Regarding cooperation and data exchange

- **Acess** : At this stage, the effective implementation of the European electronic wallet should help improve the fight against fraud.
-

7.2. Regarding Portable Document A1

- **Acess** : At this stage, the effective implementation of the European electronic wallet should help improve the fight against fraud.
-

7.3. Regarding the EHIC

- **Acess** : No specific details provided.
-

GERMANY

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

- The **GKV-Spitzenverband, DVKA** organizes training for health insurance providers to avoid errors in the application of **Regulation (EC) No 883/2004** and **Regulation (EC) No 987/2009**. The GKV-Spitzenverband's website offers information for insured individuals (tourists, retirees, cross-border workers, students, and trainees, as well as those in minor employment), employers, and service providers. Free information sheets are available in the main languages for healthcare beneficiaries in Germany through the website. Additionally, there are leaflets for tourists about travel destinations and retirees (including health and long-term care insurance). Detailed information for health insurers regarding the regulations is available in a separate section on their website. Documents are also available in various languages to show the proof of the regular consultations necessary for securing quality home care when receiving long-term care benefits abroad (as stipulated in **§ 37 Abs. 3 SGB XI**).

The family benefits office of the Federal Employment Agency has created an organisational framework in order to be able to deal specifically with the issue of "combating systematic unlawful benefit receipt in the family benefits office". One of the main concerns is the implementation of preventive measures aimed at early detection and thus prevention of unlawful benefit receipt already during application processing. These measures include constantly raising awareness among the employees of the family benefits office.

Through internal and external networking as well as very well-founded IT support, it is possible to recognise overarching patterns of offences regardless of the individual case and thus to identify suspected cases at an earlier stage.

- The **Deutsche Rentenversicherung** offers numerous international consultation days both domestically and abroad.

In 2022, the service held 287 consultation days in 16 countries and 60 locations.

The brochure "**Living and Working in Europe**" is available in seven translations.

Additionally, the "**My Time in...**" series of brochures provides country-specific information about pension regulations in neighboring countries.

The **Deutsche Rentenversicherung** website is also available in multiple languages.

Insured individuals were informed through press releases, newsletters, travel emails, personal consultations, flyers, notices in workplaces, and by specific notifications when the EHIC or PRC was sent individually. In general, only their own insured persons were informed.

The measures outlined in section 1.1 by the German Pension Insurance aim to prevent fraud and errors equally. As a measure to prevent errors as defined in the H5 decision, the German Pension Insurance also includes measures for providing information and advice to citizens and for the training of employees.

Providing information and advice to citizens is a legal obligation. In order to fulfill this obligation even in cross-border cases, the German Pension Insurance employs various measures to impart knowledge both about national law and about regulations concerning the coordination of social security systems. One example is the 'International Advice Days.' These are special counseling services for clients with German and/or foreign insurance periods regarding issues in the field of statutory pension insurance. Clients are usually individually advised by the employees of the German Pension Insurance and the respective foreign insurance carrier at the

same location. The following countries conducted International Advice Days in 2023: Belgium, Bulgaria, France, Greece, Italy, Croatia, Liechtenstein, Luxembourg, Netherlands, Austria, Poland, Portugal, Switzerland, Slovakia, Spain, Czech Republic, and Hungary.

The measures for the training of employees consist of information through work instructions and training sessions. The German Pension Insurance carriers form a joint working group to consult on legal issues. Additionally, an internal expert conference is held annually, where current topics of transnational and international law are presented."

Health Insurance: "When we become aware of possible fraudulent legal applications/possible fraud, we try to clarify the matter as comprehensively as possible. For this, we, for example, contact the liaison offices of the affected country or service providers. We also inform the health insurance companies about possible systematic fraudulent legal applications (if the procedure occurs frequently and the health insurance companies are possibly directly affected). We further recommend to the health insurance companies to contact the affected person and the involved foreign carrier to clarify the situation."

"

2.1.1.2. General steps regarding controlling and monitoring actions

Life Certificates for Pension Recipients: Pension recipients are requested to submit a life certificate once a year, to verify whether the conditions for pension payments are still met. If the life certificate is not submitted even after a reminder, the pension payment is interrupted.

Automated Death Data Matching:

The Pension Service of Deutsche Post AG regularly conducts automated death data matching with various EU Member States and third countries on behalf of the German Pension Insurance. For the automated death data matching, we report the following data for the reporting year 2022: In the reporting period of 2022, numerous death data matches were carried out. Approximately 1,272,400 (2021 = 1,281,200) ongoing pension payments to the following countries were included: AT, BE, BG, CH, DK, ES, FI, FR, GR, HR, HU, IL, IT, LU, NL, PL, SE, SI, UK. In 2022, 1,157,600 (2021 = 1,002,300) life certificates were not sent out, as for these individuals the automated death data matching had been set up.

2.1.1.3. General steps regarding cooperation and data exchange

"Counselling Days" are held. These are regular meetings with individuals living in both countries, during which experts from both countries provide advice in individual cases and share information.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

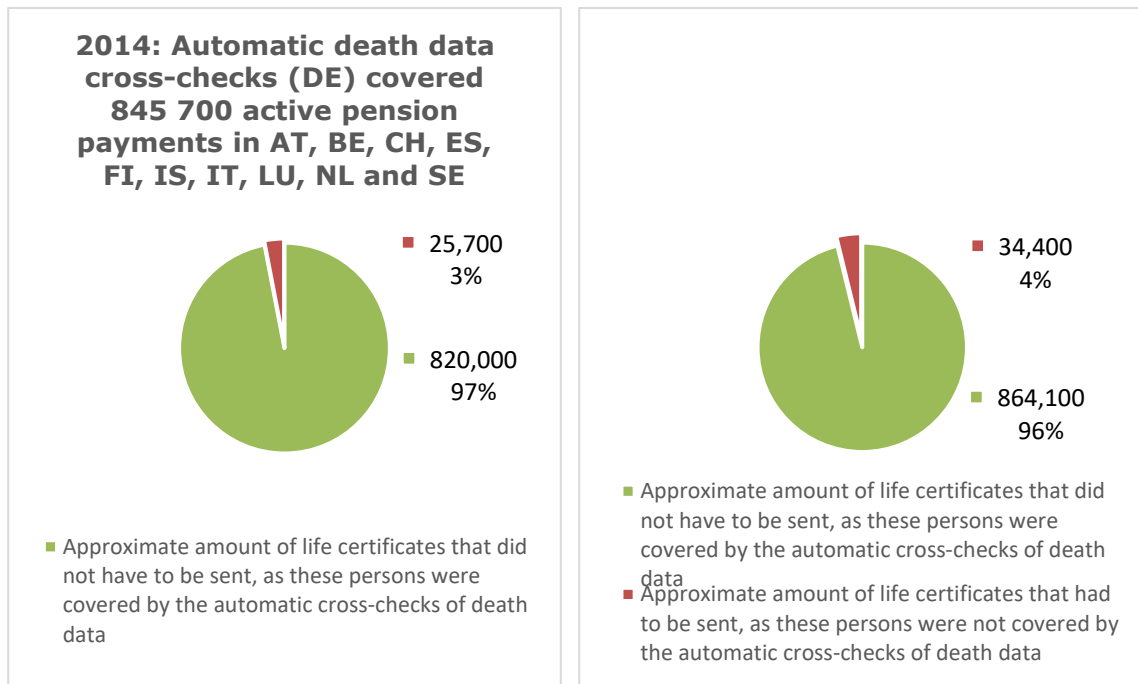
Requiring an annual life certificate from recipients of old-age or survivor's benefits living in another (Member) State in order to verify whether these persons are still alive and thus entitled to those benefits.

The life certificate method is combined with automated cross-checking of registered deaths. The German pensions authority (*Deutsche Rentenversicherung*) has given the pensions service of *Deutsche Post AG* the task of carrying out regular automated cross-checking of registered deaths with various EU Member States and third countries.

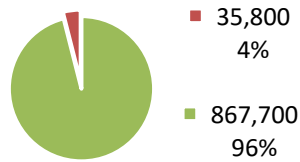
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A1 Database: The German Pension Insurance maintains an "A1 Database" at its data center (DSRV). This database stores the data of all posted worker certificates (A1 forms) where German legal provisions do not apply.

(b) Specific cooperation and concrete data exchange

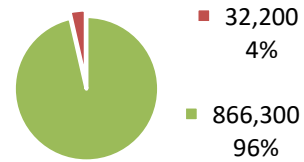


2016: Automatic death data cross-checks (DE) covered 903 500 active pension payments in AT, BE, CH, ES, FI, IL, IT, LU, NL, PL and SE



■ Approximate amount of life certificates that did not have to be sent, as these persons were covered by the automatic cross-checks of death data

2017: Automatic death data cross-checks (DE) covered 898 500 active pension payments in AT, BE, CH, ES, FI, IL, IT, LU, NL, PL and SE



■ Approximate amount of life certificates that did not have to be sent, as these persons were covered by the automatic cross-checks of death data

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

- The information provided to healthcare providers on the DVKA's website and elsewhere has been expanded.
- Training the staff of health insurance institutions and other parties involved.
- Information dissemination towards the citizens: information sheets for those seeking treatment in Germany are available on the internet, free of charge, in the most widely used languages.

(b) Specific controlling and monitoring actions

An improved cooperation with institutions and other parties involved of other Member States led to the prevention of fraud and/or error.

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

In order to prevent fraud and error in the family benefits sector, Germany organised bilateral meetings with the liaison bodies of Austria, Poland, Switzerland and the United Kingdom; informed all child benefits institutions about the new SED forms version 3.2; and organised a meeting with clerks working on cross-border cases in order to exchange experiences.

Family

benefit:

There is nationwide transparency in the context of systematically unlawful benefit receipt. Patterns of offences are communicated and the employees of the family benefits office are sensitised. The permanent adaptation and further development of the IT support enables an increasingly targeted identification of possible cases of unlawful benefit receipt. Synergy effects arise from the maintenance and development of internal and external networks, which can be used to combat unlawful benefit receipt.

Pension:

It is not possible to present the effects of the measures.

Health insurance:

No measurable data available

2.1.2.6. Unemployment benefits

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

"When we become aware of possible fraudulent legal applications/possible fraud, we try to clarify the matter as comprehensively as possible. For this, we, for example, contact the liaison offices of the affected country or service providers. We also inform the health insurance companies about possible systematic fraudulent legal applications (if the procedure occurs frequently and the health insurance companies are possibly directly affected). We further recommend to the health insurance companies to contact the affected person and the involved foreign carrier to clarify the situation."

2.2.1.2. General steps regarding cooperation and data exchange

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

As a measure to prevent errors as defined in the H5 decision, the German Pension Insurance also includes measures for providing information and advice to citizens and for the training of employees.

Providing information and advice to citizens is a legal obligation. In order to fulfill this obligation even in cross-border cases, the German Pension Insurance employs various measures to impart knowledge both about national law and about regulations concerning the coordination of social security systems. One example is the 'International Advice Days.' These are special counseling services for clients with German and/or foreign insurance periods regarding issues in the field of statutory pension insurance. Clients are usually individually advised by the employees of the German Pension Insurance and the respective foreign insurance carrier at the same location. The following countries conducted International Advice Days in 2023: Belgium, Bulgaria, France, Greece, Italy, Croatia, Liechtenstein, Luxembourg, Netherlands, Austria, Poland, Portugal, Switzerland, Slovakia, Spain, Czech Republic, and Hungary.

The measures for the training of employees consist of information through work instructions and training sessions. The German Pension Insurance carriers form a joint working group to consult on legal issues. Additionally, an internal expert conference is held annually, where current topics of transnational and international law are presented."

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

There is nationwide transparency in the context of systematically unlawful benefit receipt. Patterns of offences are communicated and the employees of the family benefits office are sensitised. The permanent adaptation and further development of the IT support enables an increasingly targeted identification of possible cases of unlawful benefit receipt.

Synergy effects arise from the maintenance and development of internal and external networks, which can be used to combat unlawful benefit receipt.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

Family

Rapid sharing of information that detects or identifies fraud.

Pension: "The main issue in cross-border situations in the insurance sector is the intentional failure of employers to report employees. The goal is to avoid paying social security contributions for these employees or, if applicable, to take advantage of the more favorable conditions of the home country's social security system. The rules for determining the applicable law (Articles 11 ff. of Regulation (EC) No. 883/2004) are particularly prone to error. Determining which law applies to a person in cross-border situations depends on numerous factors. The possible case scenarios are described in detail in the legal provisions; however, the actual circumstances can be manipulated, or relevant facts may be concealed. Effective means to control this are limited. For example, if the details about the principal activity of a cross-border multiple-job self-employed person in their home state need to be checked, the question arises as to what resources are available to the institution. Whether an activity is still being carried out can usually be relatively easily determined or proven through the registered business. However, whether this activity is

Benefits:

significant in the home state at the time of posting in the sense of Article 14(8) of Regulation (EC) No. 987/2009 requires a more elaborate examination. The need for such differentiated checks naturally leads to a higher risk of manipulation and errors. Another example is the 'substitution prohibition' applicable to postings (Article 12(1) of Regulation (EC) No. 883/2004), which is hardly effectively controllable in large companies. In the area of benefits, cases of fraud in the form of obtaining benefits dishonestly are more isolated. The main issue here is cases where the death of an insured person or, in the case of survivor's pensions, the remarriage is intentionally concealed in order to continue receiving the respective pension."

. **Health Insurance:** Germany has a dual system of statutory and private health insurance. The barriers to returning from private health insurance to statutory health insurance are relatively high, especially for individuals over 55 years of age. Increasingly, we are noticing that affected individuals specifically attempt to return to the statutory health insurance system through periods of insurance abroad (e.g., by fictitious employment abroad). We have informed health insurance companies in Germany about this suspected misuse of the law. The fraudulent practices are now known to all health insurance companies.

Health Insurance:

In some countries with a healthcare delivery system based on benefits in kind, the density of contracted service providers still seems too low to cover the demand for treatments based on the EHIC (European Health Insurance Card). Therefore, the EHIC is often not accepted, meaning that, upon returning to Germany, reimbursement claims must be submitted. Additionally, the current "transition phase," where processes are partially digital and partially not, causes difficulties. For example, complications can arise with reimbursement under Article 25 of Regulation (EC) No. 987/09 when individuals cannot submit a doctor's prescription for reimbursement because they were provided with e-prescriptions abroad (paper printouts are either not available or not possible). Appropriate solutions must be found for this.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

The exchange of data is sometimes made difficult by national rules on data protection.

Some Member States' institutions reportedly do not comply with requests based on national data protection rules. This not only results in long processing times. Due to the lacking cooperation and the lack of evidence and information resulting therefrom, it also becomes impossible to enforce measures and sanctions.

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

In some States that apply the benefits-in-kind principle, there are still too few contracted healthcare providers to meet the demand for treatment based on the EHIC. This means that the EHIC is frequently not accepted in these States, and an application for reimbursement of costs must be submitted after the insured person has returned to Germany.

In some countries with a healthcare delivery system based on benefits in kind, the density of contracted service providers still seems too low to cover the demand for treatments based on the EHIC (European Health Insurance Card). Therefore, the EHIC is often not accepted, meaning that, upon returning to Germany, reimbursement claims must be submitted. Additionally, the current "transition phase," where processes are partially digital and partially not, causes difficulties. For example, complications can arise with reimbursement under Article 25 of Regulation (EC) No. 987/09 when individuals cannot submit a doctor's prescription for reimbursement because they were provided with e-prescriptions abroad (paper printouts are either not available or not possible). Appropriate solutions must be found for this.

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

The GKV-Spitzenverband (National Association of Statutory Health Insurance Funds), DVKA (German Liaison Agency for Health Insurance), regularly informs the German health insurance funds through publications (circulars, guides, work aids, etc.) and seminars about the application of the regulatory provisions. It also serves as a contact point for questions regarding the prescription law. Depending on the need and subject matter, ad-hoc working groups are formed to facilitate exchange between the liaison office and the health insurance funds (including among the funds themselves). Insured individuals, employers, workers, and service providers can find information, leaflets, and applications for various life situations covered by Regulation (EC) No. 883/2004 on the GKV-Spitzenverband and DVKA websites. For example, the leaflets show how to access healthcare services in the respective member state using the EHIC.

Service providers are generally informed through their respective umbrella organizations. However, the GKV-Spitzenverband and DVKA maintain contact with the relevant representatives of the umbrella organizations of service providers and provide them with all relevant information. In collaboration with the respective umbrella organizations, the GKV-Spitzenverband and DVKA have developed leaflets on the medical care of patients insured abroad. These leaflets are regularly updated and contain comprehensive information on the procedure when presenting the EHIC or the PRC (Provisional Replacement Certificate). Service providers can access this information at www.dvka.de ("Service Providers").

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

-

A1 Database:

During the recording process, routine checks identify formal errors in the certificates, which are then sent back to the issuing institution for correction. Control authorities have access to the database via an automated retrieval procedure. This allows them to check the A1 certificates presented during inspections in a timely manner, even on-site. The database is primarily used by the inspection authorities to detect cases of abuse in the posting procedure and to combat undeclared work.

Death Data Matching:

The automated matching process, which replaces the labor-intensive procedure for collecting life certificates, reliably and, most importantly, promptly prevents pension overpayments. Additionally, this relieves pensioners from having to return life certificates and foreign authorities from having to confirm these life certificates. As highlighted in the reports of previous years, the German Pension Insurance expressly supports and vigorously pursues the expansion of this cooperation.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

GREECE

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. *General steps regarding information dissemination*

2.1.1.2. *General steps regarding controlling and monitoring actions*

2.1.1.3. *General steps regarding cooperation and data exchange*

2.1.1.4. *General steps regarding PDs, SEDs and other (E-)forms*

2.1.1.5. *Other general steps taken to prevent fraud and error*

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. *Applicable legislation*

(a) *Specific information dissemination*

(b) *Specific controlling and monitoring actions*

(c) *Specific cooperation and concrete data exchange*

(d) *Other specific steps*

2.1.2.2. *Old-age and survivor's benefits*

(a) *Specific controlling and monitoring actions*

(b) *Specific cooperation and concrete data exchange*

2.1.2.3. *Healthcare and sickness benefits in kind*

There is real time auditing and controls on the spot, supporting documentation controls using high tech and statistics methodologies, the doctor's e-prescribing behaviour is monitored and the competent institution EOPYY has installed patients' chronic and rare diseases platform registries.

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

Several instructions were developed by the competent institution DYPA in particular to follow the procedures and forms to be used by the unemployed persons.

– Several measures can be mentioned here:

- There is a detailed bilingual post at DYPA PORTAL, concerning the coordination of unemployment benefits within the EU, i.e. at: [www.dypa.gov.gr/Benefits and Provisions / Unemployment Benefits / Unemployment benefit within the E.U.](http://www.dypa.gov.gr/Benefits%20and%20Provisions/Unemployment%20Benefits/Unemployment%20benefit%20within%20the%20E.U.)
- The procedures concerning the insured-unemployed persons who move from one EU Member State to another are included into the DATA SYSTEM of DYPA.
- Instructions are sent to the competent employees of DYPA not to accept Portable Documents without stamps and signatures and to send them back in order to be properly signed and stamped

– DYPA is connected to EESSI (electronic Exchange of Social Security Information), the European IT system provided by EU Regulations 883/2004 & 987/2009, which uses a common secure infrastructure for cross-border data exchange between social security institutions (among others regarding unemployment sector), across Europe. DYPA has replaced the paper-based exchange of information with the electronic one through EESSI, achieving thus reliable communication and less fraud and error

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

2.2.1.2. General steps regarding cooperation and data exchange

2.2.1.3. *General steps regarding the recovery of unduly paid benefits and other sanctions*

2.2.1.4. *Other general steps taken to combat fraud and error*

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. *Old-age and survivor's benefits*

(a) *Specific controlling and monitoring actions*

(b) *Specific cooperation and concrete data exchange*

(c) *Recovery of unduly paid benefits and other sanctions*

2.2.2.2. *Applicable legislation*

(a) *Specific controlling and monitoring actions*

(b) *Specific cooperation and concrete data exchange*

(c) *Recovery of unduly paid benefits and other sanctions*

2.2.2.3. *Unemployment benefits*

2.2.2.4. *Family benefits*

(a) *Specific controlling and monitoring actions*

(b) *Specific cooperation and concrete data exchange*

(c) *Recovery of unduly paid benefits and other sanctions*

2.2.2.5. *Healthcare and sickness benefits in kind*

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

PD A1 is inadequately protected against forgery. As a counter-measure to fraudulent PDs A1 the Greek Public Employment Service (OAED) proposed a solution which is in their view easy to implement and to the point: the PIN (Personal Identification Number) of the person concerned must be added on all pages of the PD A1 along with the signature and seal of the competent institution on the bottom of all pages and in the adjoining points of the pages.

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

HUNGARY

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

- extension of electronic means of identification (by phone, by photo)
- introduction of new electronic identification
- linking of central registers e.g. register of identity and address and register of persons with a social security number,
- possibility of electronic authorisation,
- central register of electronic powers of attorney,
- to ensure the use of electronic mandates by public authorities,
- the possibility for the client to electronically decide how to contact the Office.

2.1.1.1. General steps regarding information dissemination

Promote e-government in general information to clients. When somebody applying for a social security benefit, applicants are properly informed about their rights and obligations. Dissemination of information to citizens is done via webpage of Hungarian State Treasury. Information concerning the implementation of the coordination Regulations can be found on web-sites of competent institutions and pages are up-dated regularly. Towards institutions and other parties involved: training of the employers and employees as well as the clerks handling the cases.

2.1.1.2. General steps regarding controlling and monitoring actions

Implementing automatic control mechanisms into the procedure, e.g. automatically checking the method of contact and the validity of the power of attorney before each procedural step. The Office will receive an electronic confirmation of the delivery of the mail, of the failure of the delivery and of the reason for the failure.

Concerning the investigations and inspections in individual cases, there is an intra-national cooperation between social security institutions.

2.1.1.3. General steps regarding cooperation and data exchange

Developing technologies to increase the number of identified persons to be exchanged.

Developing cooperation with other Member States.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

The data content of SEDs is difficult for the clerks to process because of their complex structure. Data in SEDs are automatically summarised in the form of extracts to ease the use and to avoid errors.

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

Two information/campaign days were organised to present best practices (for the representatives, clerks of county government offices). To prevent error, the NIHIF dedicated two technical workshops to provide information about newest IT developments and to provide assistance for using the new IT system applications (target organisations: competent institutions) in connection with applicable legislation.

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Incoming SEDs are automatically sent to the national specialised system to ensure that all incoming messages are processed.

Persons are identified on the basis of their identity and address details through the register for identity and address.

The Procedures of pension insurance bodies rely on its special decision-making procedure. It is a double decision-making procedure (on separate clerk and revision levels) which is complemented – when necessary – with additional (supervisor and leader) levels. This multiple level system in most cases is sufficient to filter false statements, also to avoid fraud and error.

(b) Specific cooperation and concrete data exchange

We exchange data with Germany on a monthly basis. We match the names, the addresses and there is also an exchange data on the fact and date of death.

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

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- To prevent fraud, the Hungarian State Treasury maintained its practice of asking information about the benefits paid by other Member States. In case of need for further clarification or verification, the Hungarian State Treasury reaches the competent institution of the other Member State requiring the clarification of the individual and particular situation as well as the verification of any facts and/or events relevant to applying national legislation.
- In every single case relevant information was double-checked. Additionally, in the course of the granting procedure, all claimants are informed in writing by the Hungarian State Treasury of the consequences set forth by law, if any information relevant to the award of the benefit – which the claimant is aware of – is not reported to the competent institution.
- The final decision taken on the claim clearly describes the roles and responsibilities of the beneficiaries in combating and preventing errors, as well as the legal and financial consequences they have to face in case of failing to comply with their obligation of cooperating with the authorities. The Hungarian State Treasury (invalidity benefits) stated that the number of overpaid and undue benefits could be further diminished.

2.1.2.5. Family benefits

The Hungarian State Treasury maintained its enhanced measures to appropriately inform persons concerned about their reporting duties. The Hungarian State Treasury furthermore automatically verifies with the competent institutions of the other Member State concerned any relevant information about benefits being provided to the persons concerned before beginning to pay family benefits under Hungarian legislation. The competent institution if a person moves from one Member State to another and started to work in an EEA country, or the entitlement in Hungary ends, the notification is sent to the other country in question.

2.1.2.6. Unemployment benefits

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

- extension of electronic means of identification
- introduction of new electronic identification
- linking of central registers e.g. register of identity and address and register of persons with a social security number,
- possibility of electronic authorization,
- central register of electronic powers of attorney,
- to ensure the use of electronic mandates by public authorities,
- the possibility for the client to electronically decide how to contact the Office.

2.2.1.1. General steps regarding controlling and monitoring actions

Implementing automatic control mechanisms into the procedure, e.g. automatically checking the method of contact and the validity of the power of attorney before each procedural step
The Office will receive an electronic confirmation of the delivery of the mail, of the failure of the delivery and of the reason for the failure.

2.2.1.2. General steps regarding cooperation and data exchange

Developing technologies to increase the number of identified persons to be exchanged.
Developing cooperation with other Member States

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

Pensions paid without a legal basis can be recovered if the client is responsible for the unjustified payment. It must therefore be examined in each case whether it was the conduct of the office or the client that led to the undue payment. If it was the client's conduct, a decision will be issued imposing the obligation to repay. In the event of non-compliance, recovery is carried out by the tax authority. An exception is the case of undue payments due to the death of the client, which can always be recovered from the person who proved to have paid them. In the case of payments abroad, this is difficult to verify, as the involvement of the foreign authorities is always necessary.

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

According to the legislation the Pension Payment Directorate in the Hungarian State Treasury carries out a data reconciliation for the person living or staying abroad every calendar year, in the month of March. The form (certificate of life) sent out for this purpose must be duly completed, signed and certified by a notary public or a foreign authority or a representative office of Hungary within one month.

In certain cases, the client may also complete the annual reconciliation using an electronic form in March of the year in question. If the holder carries out the annual reconciliation using an electronic form, the postal reconciliation as described above is only required every three years.

The fact of moving abroad must be notified and the person concerned is obliged to report it.

(b) Specific cooperation and concrete data exchange

The communication of the fact of death abroad is speeded up by using electronic data exchange. With Germany, which is the country with the largest number of clients Hungary has, the previous practice of data exchange has been changed to reduce overpayment due to the lack of information. Exchange of the fact of death on monthly basis, exchange of the amount of pension benefits once a year.

(c) Recovery of unduly paid benefits and other sanctions

- centralization of pension recovery claims (competent institution is the Hungarian State Treasury)
- recovery claims are enforceable as taxes,

The involvement of the national tax authorities may be requested

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

In order to enhance the effectiveness of combating potential errors in case of unemployment benefits, according to the information provided by the MNE, the Hungarian Employment Authority recovers/reclaims the unduly paid benefit from the person when the latter did not fulfil his or her reporting obligation necessary when starting to work abroad during the period of the unemployment benefit being provided under Hungarian legislation. In cases where EU forms (e.g. PD U1) were filled

in with some misspellings by other Member States' competent institutions, the Hungarian Employment Authority requested a reviewed/modified certificate from the foreign authorities concerned.

Clarification of legislation

Our practice described below is a continuation of practice already undertaken in previous years. In case of unemployment benefits, the Hungarian Employment Authority recovers/reclaims the unduly paid benefit from the person when the latter did not fulfil his reporting obligation necessary when starting to work abroad during the period of unemployment benefit being provided under Hungarian legislation.

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

The risk of fraud and error is even greater in the case of family benefits, i.e. in the children allowance granting procedure.

The problem of knowing the exact address of the client remains, which is particularly important for the assessment of the supplementary residence – Article 58 of Regulation (EC) No. 883/2004 – and for data reconciliation

Lack of data on actual place of residence is a major problem.

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

In some cases, the significant delay in notifications of a termination of entitlement to benefits in kind is due to information coordination problems between the national institutions competent for pensions and those competent for sickness insurance. However, such anomalies are in their opinion also the result of failure by the insured parties themselves to timely provide information about any change in their personal and/or family circumstances, such as a change of residence, in accordance with Regulation (EC) No 883/2004. As this inappropriate conduct by those concerned has no financial implications for them, they have no interest in changing it, even though it has economic repercussions for both the competent institutions and the institutions of the place of residence.

The risk of fraud and error is even greater in the case of family benefits, i.e. in the children allowance granting procedure. Currently, data exchange is performed by the submission of hard

copies; the stated proceedings are therefore unjustifiably long-lasting and result in overlapping of benefits and undue payments.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

- The rules on activity in more than one Member State are hard to understand and difficult to apply. This enables misuse of these rules by some of the employers and the rise of the probability of erroneous decisions by the clerks.
- Many persons pursuing activities in more than one Member State are not aware of their notification (reporting) duties and pay social security contributions in more than one Member State.

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

All pensioners living abroad are requested on a yearly basis (generally via forms sent each year in March) about the data necessary to check whether the person concerned is still alive and entitled to a benefit.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

The Hungarian State Treasury (pension benefits), has a well-functioning cooperation with other Member States' counterpart organisations, especially with regard to data exchange on deaths. The Hungarian State Treasury is planning to further enhance the current methods of data exchange on death events (which is an international best practice taken up and followed by the Hungarian State Treasury in this particular field), e.g. progressing from currently used technical data means to sPAD procedures in connection with Germany (the Member State with which Hungary has the most cases in this sector). This progress would certainly result in reducing the number and amount of undue payments.

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

IRELAND

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

The Department of Social Protection (DSP) conduct information and media campaigns aimed at increasing public awareness of customers' obligations to claim their correct entitlement and inform the Department of changes in their circumstances which can impact on their payments. These have, however, been curtailed during 2021 due to Covid-Related priorities.

2.1.1.2. General steps regarding controlling and monitoring actions

DSP relies on its Compliance and Anti-Fraud Strategy 2019-2023 regarding controlling and monitoring actions. It ensures that a clear and strategic approach in preventing and detecting social welfare fraud and error underpins the work of the Department.

The overall aims of the Strategy are:

- To prevent fraud and error entering the social welfare system;
- To discourage non-compliance with the social welfare system;
- To detect instances of suspected fraud and error as quickly as possible; and
- To have appropriate governance and oversight arrangements in place.
- The Strategy consists of four pillars (Prevent, Deter, Detect, Account) that are leveraged to ensure that suspected fraud and non-compliance in our welfare system is kept to a minimum. Overall, across the 4 pillars, 26 areas of control activity are in place.

2.1.1.3. General steps regarding cooperation and data exchange

The Department continued to develop its control responses in a number of ways, including continued collaborations with both domestic and international partners, joint operations with other enforcement agencies, data analytics and the sharing of data and expertise.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

DSP continues to promote the use of an electronic application format for PDA1s given it eliminates internal error risks associated with transposing data fields from paper applications. Instead, information captured in application forms comes directly from the applicant worker [or their employer].

(b) Specific controlling and monitoring actions

DSP adopts a 'right first time' approach to its' decision making and operations with responsibility for applicable legislation matters relating to applicable legislation are centralised. The centralisation of decision making contributes towards higher quality decision making and specialization amongst the officers working in that area.

(c) Specific cooperation and concrete data exchange

DSP retains an outdoor inspectorate presence which can be tasked - if the circumstances of an individual application require - to conduct physical investigations where doubts exist around applications.

(d) Other specific steps

DSP has working relationships with other Governmental agencies that it can call upon if more 'in-depth' control activity is needed to ensure the quality of decision making [e.g., the Labour Inspectorate of the Workplace Relations Commission and the Revenue Commissioners].

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

The EU entitlement section of the HSE website is being reviewed and redesigned in order to increase ease of use and navigation by citizens. This section of the website provides information to Irish insured persons on their health entitlement in other Member States; and to people from other States either visiting or changing residency to Ireland.

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

2.2.1.2. General steps regarding cooperation and data exchange

Contacts with foreign liaison bodies or the National Contact Point (NCP) of another Member State with the aim of detecting cases of fraud or finding solutions in the case of errors.

The European Platform to combat cross-border social security fraud and error proved to be an extremely useful tool for sharing information on practices, procedures and experiences of Member States in the area of fraud and error. Not only did the Platform assist in acting as the point of entry for incoming enquiries from other NCPs concerning fraud and error, it also enabled countries to report systematic difficulties that are causing delays and errors.

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

Cooperation with Member States resulted in a number of criminal prosecutions in cases of cross-border fraud during 2018. These prosecutions act as a deterrent to future fraudulent activities.

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

We had ongoing liaisons with social security institutions across the EU at both the initial application stage and further reviews. We have designated contacts in the DWP Newcastle upon Tyne and Belfast for urgent queries and have developed individual contacts in other EU countries.

Decision H12 of 19/10/2021 is an additional EU legislative provision scheme areas of the Department use in the context of new claims (and means-tested claim increase) processing and claims reviews, for currency conversion of non-Euro denominated income streams and capital amounts.

(b) Specific cooperation and concrete data exchange

We received Data Match Listings from the UK of UK state pension recipients which were used for scheme and allowance reviews.

EU 987/2009 Art 72 is the basis for mutual customer claim reviews, and inter-institutional cooperation on the raising and recovery of overpayments where possible.

(c) Recovery of unduly paid benefits and other sanctions

The Department has everyday liaisons with social security institutions across the EU under Art 72, to facilitate mutual customer claim reviews, the raising of overpayments and, where possible, debt recovery by offset against available foreign scheme arrears.

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

DSP strictly applies what is prescribed in the Regulations and in the codified Decisions of the Administrative Commission as primary tool to combat fraud and error.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

Not applicable to the applicable legislation area as recovery action(s) take place within the traditional scheme area(s).

2.2.2.3. Unemployment benefits

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

We received a monthly report listing EU claims where employment had closed or benefit payment stopped or where a change of address to another State had been made and these claims were reviewed and other member state informed of any change in competency.

In addition, a control certificate issued to each customer every 6 months to confirm ongoing entitlement due to employment or residence. Where required, claims were reviewed and other member state informed of any change of competency.

When required, we also undertook claim reviews on a state basis, e.g. change of policy/additional payment in another member state and other member state informed of any change of competency.

(b) Specific cooperation and concrete data exchange

Exchange of information on individual claims prior to and following award. Exchanges consisted of confirmation of family circumstances prior to decision and outcome of decision in the state following decision. These exchanges minimised the risk of fraud and error.

(c) Recovery of unduly paid benefits and other sanctions

Withholding of arrears for reimbursement of overpayment and/or recovery of overpayment under Article 72 of Implementing Regulation 987/2009 are implemented where required.

2.2.2.5. Healthcare and sickness benefits in kind

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

(The lack of) exchange of data on deaths or other facts influencing the entitlement to a benefit.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

Difficulties regarding cooperation between the Member States.

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

The determination of applicable legislation is fundamentally complex in terms of the level of proof / verification required in order to satisfy the applications / decision piece can be extensive. DSP routinely cross-checks tax authority payroll/self-employment notifications and where company/employer doubts exist, DSP references Company Registrations Office reports and submissions.

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

Applications more often indicate habitual residence through prior social insurance and Revenue records but where these are not visible, the applicant(s) must provide documentary evidence. The significant activity of an undertaking in the sending State can be inferred from payroll records, which indicate the date of establishment of the undertaking, the number of employees engaged and the solvency of the entity. Activity carried out in posting State and claims of marginal activity are accepted as declared on the application.

3.3.3. Problems arising from the use of PDs and SEDs

Applications submitted with little notice before the commencement of work in receiving Member States and workers are prevented from commencing work until in receiving the PDA1 is held. This can give rise to argument and is problematic for all parties, especially given that PDA1s can be issued retrospectively. While EESSI is a good platform, the completion of SEDs is quite labour intensive and time consuming.

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

Risks of fraud and error related to the use of the EHIC.

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

The Health Service Executive in its obligation to confirm and record information on entitlement documents (EHIC, temporary certificates) assists all healthcare providers on what is required to facilitate reimbursement from other Member States. The Health Service Executive has systems in place to promptly identify deficiencies in data collection or inappropriate use of EHIC and provide feedback to healthcare providers, to ensure greater compliance in the future. Healthcare providers are in receipt of guidance and this supports them in making decisions to what is appropriate use of EHIC by persons visiting from other Member States.

The Health Service Executive continually strives to improve its interaction with institutions in other Member States. This co-operation greatly assists in resolving issues regarding eligibility, residency, etc. The Health Service Executive has a central email contact for institutions and healthcare providers in Ireland. This email facility provides guidance, support and leads to resolving issues in determining eligibility, etc. The Health Service Executive continues to enhance the reimbursement process for claims based on EHIC entitlement. This process provides an analysis of all claims and will lead to identification of fraud and error regarding EHIC claims. The Health Service Executive has a central contact for persons resident in other Member States applying for an EHIC. This applies to pensioners, employed persons and family members of insured workers.

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

Not only did the NCP network assist in acting as the point of entry for incoming enquiries from other NCPs concerning fraud, it also enabled countries to report systematic difficulties that are causing delays and errors.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

The implementation of the GDPR ensures the same level of protection of personal rights with regard to data dissemination and can contribute effectively to preventing and combating fraud and error, including in matters of social security.

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

ITALY

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

Reference year (2023)

SOCIAL INCLUSION AND CIVIL INVALIDITY DIRECTORATE of INPS

Control activity on the effectiveness of residence in Italy regarding the social allowance

With regard to the verification of the requirement of effective residence in Italy of the social allowance recipients, the verification activities reported in the message of June 4, 2008 no. 12886. In particular, in the event that facts or situations that give rise to doubts about the permanent stay in Italy become known, checks and controls are activated such as, for example, the assessment at the municipality of residence in Italy by means of the relevant police authority; the acquisition of statements from the consulate; the acknowledgment of the entry and exit visas affixed to the passport. Furthermore, in addition to what is expressly reported therein, for citizens having citizenship of an EU country, the exchange of information through the EESSI procedure (Exchange of Social Security Information) must be added.

Welfare benefits. Monitoring on subjects declared untraceable

With regard to the beneficiaries of welfare services declared untraceable by the Municipalities of residence, who have notified the Institute through the INA-SAIA flow (National Index of Registers), operational indications have been given to the INPS offices for the precautionary suspension of the service .

The Service Lines connected to the social and health requirements are re-quired to cautiously suspend the assistance service and to proceed with the recovery of sums unduly received from the date of unavailability indicated by the Municipality at the last installment extracted and paid. After one year from the suspension, the service will be eliminated by the offices.

Control activity on residence and stay requirements regarding citizenship income

With regard to Citizenship Income, the verification of residence and stay requirements is left to the Municipalities, which operate according to the procedures set out in the Agreement sanctioned in the session of 4 July 2019 at the State - City and Local Autonomy Conference and specific indications provided by the Ministry of Labor and Social Policies and communicated to INPS through the Platform for the management of Pacts for social inclusion (GePI Platform). Where news of the absence of the aforementioned requirements is received, at a centralized level, the revocation or forfeiture of the service is proceeded, depending on the case, with consequent recovery of the undue sums.

In order to enhance the anti-fraud activity, a system of additional controls has been introduced which are placed in the phase immediately following that of the presentation of the application - and therefore preliminary to the eventual recognition of the benefit - and concern lists of applications drawn monthly which, in based on the data held by INPS, they are characterized by the risk of the absence of the "residence" requirement.

The procedure for carrying out these checks implies the suspension of the centralized investigation of applications at risk, for a maximum period of 30 days, upon expiry of which the rejection or acceptance of the application is determined.

Reference year (2023)

SOCIAL INCLUSION AND CIVIL INVALIDITY DIRECTORATE of INPS

Initiatives undertaken in the reporting year to combat fraud and errors

- Control activities on the effectiveness of residence in Italy regarding the allowance social

During the year 2022, enforcement actions regarding the undue receipt of benefits will be carried out welfare and emergency measures to the detriment of the State, have intensified through the strengthening of checks on the requirements regarding the social allowance with regard to residence legal in the national territory continuously for at least 10 years (art. 20 c. 10 of the decree law 25 June 2008 n. 112).

To this end, INPS has issued circular no. 131 of 2022, followed by the message Hermes n. 1268 of 2023, containing operational indications to the local offices on the verification of this requirement. It was therefore envisaged that the 10-year time span would be divided into two five-year period, applying the following criteria for each five-year period:

- No interruption of continuity due to stay abroad for periods of less than six months continuous, and in any case less than ten months in total;
- The hypotheses of fulfillment of military obligations, serious and documented reasons are reserved health, or other relevant reasons such as pregnancy and maternity, professional training or secondment for work reasons abroad.

Furthermore, it has been provided that the competent offices must, regardless of nationality of the applicant, obtain the historical certificate of residence from the Municipalities. It was stated that, where the historical registry search reveals absences or discontinuities between the dates, the offices must request from the interested party any documents useful for verifying the requirement. If the documentation proves insufficient, the Institute's archives and data may be used coming from the municipal registry office. It was further clarified that the requirement is considered satisfied in the presence of the relevant one certification from the Police Headquarters, attached to the application or subsequently transmitted by the interested party. Otherwise, in the case of EU citizens, the permit does not satisfy the requirement long-term stay, even in the event of continuity of the release dates, for which the location is in any case required to verify the actual stay of the applicant.

- Control activity regarding citizenship income

During the year 2022, a significant part of the checks previously carried out following the acceptance of the application, they were made operational in the preventive phase. From Below, the initiatives undertaken are reported, separately for the access requirements to the performance:

- Verification of the core veracity resulting from DSU which is the declaration necessary to calculate the ISEE (Equivalent Economic Situation Indicator) for the purposes of accessing subsidized social benefits

For ISEE (Equivalent Economic Situation Indicator) purposes, the family unit of the person who assumes the role of declarant in the DSU is generally made up of the subjects who make up the registered family on the date of presentation of the DSU. There are, however, exceptions which mean that family units, in many cases, do not coincide with those resulting from the family status (art. 3 of Prime Ministerial Decree no. 159 of 2013 and paragraph 5 of art. 2 of the decree -law no. 4 of 2019, converted by law no. 26 of 2019) and therefore also by the ANPR.

Starting from November 2022, on all new applications for Citizenship Income presented to INPS, the outcome of the checks carried out by comparing the self-declared family unit in the DSU and that resulting in the databases of the INPS will be taken into account during the preliminary investigation

phase. Resident Population Registry (ANPR). In the event that any discrepancy emerges from this comparison on the composition of the nucleus, the RDC application is automatically placed in suspension in order to allow the competent territorial offices to ascertain the actual untruthfulness of the nucleus itself.

□ Applications submitted by individuals under the age of 26, who declare themselves to be a single member of the family unit

By law, a person under the age of 26 is considered a member of the main household provided that he or she is not married, has no children and is dependent according to the TUIR rules.

From November 2022, the control on "single-component" families under the age of 26 with respect to the DSU/ISEE rules also takes place in advance on all new applications submitted which are therefore suspended upon the occurrence of the conditions set out in art. 2, paragraph 5, letter b) of Legislative Decree no. 4/2019 and subsequent. mod., awaiting checks by the office operators, and then rejected in the event of a negative outcome of the review.

□ Checks on economic requirements

1. Checks on the performance, at the time of the application for RDC, of employed work by 1 or more members of the family unit (art.3, paragraph 10, Legislative Decree no. 4/2019; INPS circular 43/2019, paragraph 4). The performance of the work activity is identified through the data extracted from the INPS "UNILAV" archive, taking into consideration the Mandatory Communications to the Ministry of Labor with the exception of those reported in paragraph 4 of circular 43/2019. Starting from January 2022, applications intercepted by this check are automatically "rejected".

2. Checks on the presence in the family unit requesting the benefit of 1 or more members who, in the 12 months prior to the application, have resigned voluntarily (art.2, paragraph 3, legislative decree no. 4/2019; INPS circular 100/2019, paragraph 1). The voluntary resignations that have occurred are identified through the data extracted from the "UNILAV" archive, taking into consideration the Mandatory Communications to the Ministry of Labor sent in the 12 months prior to the submission of the RdC application. From these Communications, those concerning resignations during the probationary period and in a protected period, and those for just cause are excluded. Starting from January 2022, applications intercepted by this check are automatically "rejected".

□ Checks on the absence of convictions

The applicant and the members of the team must not be subjected to a personal precautionary measure, even adopted following validation of the arrest or detention, nor must they have been definitively convicted, in the ten years preceding the request, for the crimes listed in the article 7 of legislative decree no. 4/2019 converted by law n. 26/2019.

In compliance with the provisions of the art. 1, paragraph 75, of law no. 234 of 2021, pending the signing of a specific agreement between INPS, the Ministry of Labor and Social Policies and the Ministry of Justice for the full exchange of data, an operational protocol was adopted on 30 May 2022 with the Ministry of Justice - DAG, aimed at ensuring controls on the requirement in question, so as to allow the Institute to order, pursuant to Article 7, paragraph 10, of Legislative Decree 4/2019, the revocation of any RDC received or to do not recognize the benefit.

• Civil disability benefits. Monitoring of subjects declared untraceable

With regard to the subjects holding welfare benefits declared unavailable by the Municipalities of residence, who have notified the Institute via the INA-SAIA flow (National Register Index), the control activity continues by the territorial offices, which proceed with the precautionary suspension of the service if it is not possible to find a residence address by consulting the data present in the Institute's archives (ICRIC, ICLAV, ACCAS/PS) for the last 3 years, communications sent or received for various reasons and in general through consultation of INPS procedures.

In this regard, the procedure in use has been implemented so that the information on the state of unavailability also definitively passes through ARCANET and automatically feeds specific lists reported to the Territorial Director, to be processed by the Offices.

If the activities reported above do not allow the actual residence on Italian territory to be ascertained, the Service Lines connected to the socio-health requirements are required to suspend the welfare provision as a precaution and to proceed with the recovery of the sums unduly received from the date of unavailability indicated by the Municipality in the the last installment extracted and placed for payment. After one year from the suspension, the service will be eliminated by the Offices.

2.1.1.2. General steps regarding controlling and monitoring actions

- The National Institute of Social Security (Istituto Nazionale della Previdenza Sociale, INPS) implements data matching and data mining on its own databases by means of its own IT system which manages instances of fraud and error and the associated risk analysis. Italy also made further implementations of the Unified Payments Control System (SCUP), which more specifically blocks payments on the basis of blacklists supplied by different sources (communication from the judicial authorities and the Central Directorate for Revenue and Contributions, risk scenarios from an anti-fraud platform, data checking at headquarters, communication from the Ministry of Justice) through matching with payments to be made. Letters have been sent to the possible newly known residence abroad asking to return the EHIC. Periodically, requests are furthermore sent to entitlement holders residing abroad to fill in self-certifications that their entitlement conditions are unchanged.

The Unified Payments Control System (*SCUP*) does not automatically block the tax number but selects relevant benefits and excludes non-relevant movements, e.g. social security contributions.

2.1.1.3. General steps regarding cooperation and data exchange

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

2.1.1.5. Other general steps taken to prevent fraud and error

An electronic application for social benefits was set up through which several data have to be included such as the civil status, income abroad, the residence entry in the population register, and the requirement to be in paid employment or self-employment in Italy and to have sufficient financial means for themselves and their family in order not to become a burden on the social security system of the host Member State during their stay.

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

Reference year (2021)

SOCIAL BUFFERS DIRECTORATE

a. fraud in cases determined under the Regulations:

Postal exchange of social security information (Paper SEDs and other forms) with countries not yet ready to exchange information through EESSI prevents a prompt action against fraud.

b. error in cases determined under the Regulations:

EU Institutions using imprecise letters when exchanging information or asking the insured to fill in the form by himself/herself. In Horizontal sector, we often receive SEDs asking information instead of sending the proper sector BUCs. In Recovery sector, we sometimes receive SEDs lacking IPE.

In Family benefits sector, we often receive attached E forms in an unfilled SED and very often receive SEDs lacking:

1. the other parent's birthdate,
2. children's data,
3. information about the employment of parents,
4. information about paternity and maternity of children,
5. general information about family components and overuse of free-text sections.

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

The close cooperation between the services of the INPS has made it possible to effectively combat fraud involving fictitious jobs created solely in order to receive undue social security benefits to the detriment of the INPS's revenue. Experience and methodical data analysis made it possible to seamlessly structure and update risk indicators to take account of developments in the phenomenon, intended to promote the identification of the jobs/employers concerned and standardise the administrative controls in order to enable the adoption of measures for the suspension of contributions to the individual insurance account. In order to facilitate the development of schemes to maximise the potential for finding misconduct involving manifest fraud, it was considered necessary to deploy procedural systems with a maximum level of automation for control of information flows designed to create ex post individual positions or to cancel others that have been transmitted previously.

Furthermore, it was considered necessary to inform the worker of the effect that such a change has on their insurance account. This will result in greater transparency and potential indirect control on the part of the employee/self-employed/insured person as a party to the social insurance relationship.

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

- The main initiatives taken by Italy in the past years include:

Checks on Death Notices

To reduce the risk of undue payment of benefits, INPS constantly monitors the electronic transmissions of deaths and changes in the marital status of residents in Italy (by the municipal registry offices and medical examiners). Furthermore, complex operations of verification of existence are scheduled periodically, by means of comparison with the data contained in the archives of the Registry of Italian Municipalities.

Furthermore, in the framework of synergies between INPS and the Finance Police, a memorandum was signed. In particular, the Finance Police periodically sends the INPS lists of persons who hold retirement benefits but who, according to their database, have died. The peripheral structures of the INPS, which are territorially competent, from time to time carry out the necessary investigations on

the reported positions, in collaboration with the municipalities of residence that also verify the actual identity of the subjects. In the event of undue perception, the necessary debt management operations are initiated and if the conditions are met, the eventuality is reported to the judicial authority.

Reference year (2023)

PENSIONS DIRECTORATE

Initiatives undertaken to reduce the risk of pension payment after the pensioners' death. Special attention is paid to the verification of the pensioners' existence in life. The risk of undue payments, connected with the lack, abroad, of an institutional system available for social security institutions, which guarantees the completeness and updating of the pensioners' death information, shall be taken into account, as well as the timeliness in acquiring them.

Several initiatives, aimed at reducing the risk of paying pension installments after the beneficiary's death, have been implemented over the years. Below is a description of the main initiatives.

- **Verification of the existence in life of the pensioners residing in foreign countries, made by the bank which provides for the payment service of Italian pensions abroad**

To pay pensions abroad, INPS relies on the service provided by Citibank NA. According to the contract that regulates the service, Citibank, in compliance with the obligation to guarantee the regularity of payments, is required to annually carry out the general verification of the existence in life of all the recipients of outstanding benefits.

This verification, based on criteria that guarantee its effectiveness and that allow for the minimization of possible inconvenience to pensioners, contributes to ensuring the correctness of payment flows. At the same time, it constitutes a valid tool for preventing and combating the phenomenon of undue benefit payments, since any payments recovery outside the national territory after the death of the pensioner, is in many cases quite difficult.

Citibank NA starts the verification of the existence in life by sending to the pensioner the explanatory letter of the procedures for returning the certificate together with the standard certificate itself. The certificate of the pensioner must be countersigned by the so-called "acceptable witnesses", identified among:

- o officials of Italian diplomatic representations abroad;
- o public officials authorized, by the legislation of the pensioner's country of residence, to certify their existence in life (for pensioners hospitalized or living in rest houses, the certificate can be countersigned by the head of the facility; for inmates by the director of the prison facility; for those who are unable to move from home due to health problems by the attending physician).

The process of verifying existence in life can be completed as follows:

- a. hard copy modality: the certificate of existence in life, countersigned by a so-called acceptable witness, must be sent by ordinary mail to the specifically dedicated Citibank NA po box (with all the supporting documentation in original annexed);
- b. telematic modality, through the web portal provided by Citibank NA: the operators of the "Patronati" who, due to domestic legislation, have a professional profile equivalent to a public official, are authorized to certify the existence in life of pensioners through the web portal. The officials of the diplomatic missions and consular offices, indicated by the Italian Ministry of Foreign Affairs and International Cooperation, can also use the same telematic modality.
- c. going in person at the Western Union agencies to withdraw a pension installment. The pensioners who have not completed, in the modalities described above, the verification of existence in life within the prescribed time limits (generally four months), will have the payment in cash of a pension installment at a Western Union agency. The withdrawal of the pension installment made by the pensioner in person will be considered a valid proof of existence in life as the Western Union Agencies verify the personal identity of the pensioner before paying the pension installment.

Changes introduced following the Covid-19 pandemic

Following the travel restrictions due to the pandemic, INPS and the Italian Ministry of Foreign Affairs and International Cooperation shared a project that provides pensioners with the possibility to relate with consular offices through a video call service. This method allows interested pensioners to complete the process of verifying existence in life by forwarding to the local consular authority a digital copy of the certificate including, in addition to their personal details and data unique identifiers provided by INPS and Citibank NA, the telephone number and e-mail address.

Then, the pensioner will be contacted by the consular office through the provided e-mail address to initiate a video call using the most popular applications (Skype, Zoom, Microsoft Teams, Webex); if only the telephone number is present on the certificate, the pensioner will be contacted via

WhatsApp. In this way, the consular office will be able to ascertain by sight the existence in life of the pensioner and check his/her identity from the data recorded in a valid personal identity document that the pensioner will be required to exhibit, in original, during the video call. Finally, the officer of the consular office will certify the existence in life according to the hard copy or telematic modalities already described.

It should be underlined that the verification of existence in life through the video call service is an added modality and does not replace the usual modalities of the certificate transmission.

The above cited different verification systems are combined to both limit the inconvenience to pensioners and ensure the effectiveness of the assessment. In fact, this verification system of existence in life has made it possible to obtain fair results in terms of containing the risk of payments to subjects other than the beneficiary.

However, the annual basis of the verification can be identified as a falling point. For this reason, INPS is constantly looking for further verification tools, in addition to the checks made by Citibank, such as collaborations with other public bodies and with the Patronati, to acquire the death reports. In particular, to reduce the burden of obligations for pensioners and to improve the efficiency of verifications, initiatives are underway aimed at creating systems for exchanging death information of common beneficiaries with social security institutions of other countries.

According to the provisions of European Regulations for the coordination of social security systems, technical-procedural agreements have been signed by INPS with the social security institutions of Germany, Switzerland, France and Poland and Belgium, to electronically exchange the death data of pensioners.

As part of these technical-procedural agreements, which are currently fully operational, the exchange of personal data of the common beneficiaries is planned to compare and align the death data available in the respective archives of the Institutions involved.

Initiatives taken to reduce the risk of post mortem collections

Particular attention is paid to the issue of ascertaining existence in life, taking into account the risk of making undue payments related to the lack abroad of an institutional system accessible by social security institutions that guarantees the completeness and updating of information on the death of pensioners and the possible delay in acquiring knowledge of the event.

Over the years, many initiatives have been carried out aimed at limiting the risk of disbursement of pension installments relating to periods subsequent to the death of the legitimate beneficiary. Here is a description of the main initiatives.

- Verification of the existence of pensioners abroad by the payment service provider
For the payment of pensions abroad, INPS uses the service as a Citibank provider. On the basis of the contract governing the service, the Bank, in compliance with the obligation to ensure the regularity of payments, is required to carry out a verification of the existence of the pensioner at the time when the first payment of the pension takes place and, annually, a generalised check of all holders of existing services.

The general verification is based on:

1. the Bank's request for certificates from the pensioner endorsed by "acceptable witnesses", identified by the officials of our diplomatic representations or by public officials qualified by the legislation of the country of residence of the pensioners to attest the existence in life (for pensioners hospitalised in health or rest facilities the certificate can be countersigned by the person in charge of the facility, for prisoners by the director of the prison facility, and for those unable to move from home due to health problems by the attending physician). The original certificate must be sent to Citibank via the postal service, or telematically via a specifically designed web portal where:
 - a. the officials of the Italian diplomatic representations and the representatives of the employers who in some countries, including Great Britain, also have the role of public officials can attest to the existence in life through the online service made available by Citibank;
 - b. authorised operators of Charitable Offices (patronages) can directly upload in the Citibank information system electronic copies of the modules or certificates of existence and of supporting documents, duly completed and signed as appropriate, avoiding the mailing.
2. the location of one or more pension installments at branches of a local operator ("Support partner") for personal collection by the pensioner: payment is mostly located at Western Union counters.

The different assessment systems are used in a combined manner so as to limit the inconvenience to pensioners and guarantee the effectiveness of the assessment.

To avoid uncertainties about the methods to be followed to provide proof of existence in life, a communication is sent to pensioners which, with clear procedures, provides detailed indications regarding the actions to be taken and the Authorities to which they can appeal.

This system of verification of existence in life has allowed us to obtain fair results in terms of limiting the risk of payments to parties other than the beneficiary.

However, a limit is constituted by the annual frequency with which the check is carried out. For these reasons, INPS is constantly looking for additional verification tools.

In fact, to facilitate the acquisition of death information by the Institute, in addition to the Bank's audits, additional initiatives have been adopted based on partnerships with public institutions and patronages.

- Collaboration with the Ministry of Foreign Affairs

At the end of 2012, a process was implemented where the Ministry of Foreign Affairs provides information about the death of pensioners residing abroad. While awaiting the realisation of the computer applications that will allow the transmission of data in real time, at the moment bimonthly information is supplied about all new deaths of pensioners who have a position in the Consular Registers.

- Collaboration with the Ministry of Interior

A specific agreement was signed between the Institute and the Ministry of the Interior to regulate access, in real time through an application cooperation system, by the INPS to the information contained in the national registry archives.

- Bilateral cooperation with EU or EEA Member States

To reduce the burden of compliance for retirees and to improve the efficiency of audits, the INPS has adopted various initiatives aimed at creating information exchange systems on the death of pensioners with different social security institutions of other countries. In accordance with the request of the Administrative Commission with Decision 105/75, Italy regularly exchanges information on pensions in agreements integrated with minimum treatment, with Germany, France and Belgium. As is known, the integration is reabsorbed in relation to the pro-rata amounts eventually paid by foreign insurers. In this way the INPS recovers the sums exceeding the amount due with an obvious economic saving.

In line with the rules of the European Regulations for the coordination of social security systems, with the H5 Decision of 18 March 2010 of the Administrative Commission for the coordination of social security and with the rules provided by the Social Security Conventions stipulated by Italy, technical and operational agreements were signed by INPS with the social security institutions of Australia, Germany, Switzerland, Great Britain, the Netherlands, Poland and Belgium. Currently, therefore, with such countries, regular telematic exchanges of data take place through the mutual transmission of request and response files.

During 2019, the Institute also concluded the stipulation of technical-procedural agreements with the institutions of France, Croatia and Luxembourg. While negotiations are underway with the institutions of Slovenia and Spain for the stipulation of similar agreements.

With these technical-procedural agreements, the institutions involved undertake to ensure the alignment of the respective archives relating to common customers and, in order to avoid payments of benefits not due because of the possible death of the beneficiary, the exchange of personal data is planned regarding services borne by both institutions, in order to compare and align the death data available in the respective archives and adopt the consequent measures.

Thanks to exchanges of information with other EU countries, in the course of 2019 it was possible to eliminate about 1.106 pensions for deaths in Germany, about 1.030 pensions for Swiss residents, about 33 pensions for residents of Poland, about 822 pensions registered to individuals resident in France, about 308 pensions registered to individuals residing in Belgium and about 132 pensions registered to individuals residing in Austria.

Payments abroad

In order to avoid undue payments in the event that the service is paid by crediting a current account of a foreign bank, limited to payments to be made within Europe, specific operational indications have been provided. In particular, it was envisaged that the beneficiary, in order to receive payment by crediting a current account with a credit institution of one of the EU or EEA countries, whether it is a first application or a change in the payment method of a service already being provided, must present the financial identification form, prepared by the European community, available at:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial-id_en.cfm#it

Payment blocking Anti-fraud platform – Unified Payments Control System (SCUP)

In the reference year, further implementations of the Unified Payment Control System (SCUP) were carried out. This system covers all types of payments, both for retirement and non-pension benefits. The SCUP system blocks payments connected to an IBAN code, based on black lists fed by different sources (Communications from the Judicial Authority, Central Directorate for Revenue and Contributions, Anti-fraud platform risk scenarios, Data verification at the Head Office, Communication from the Ministry of Justice) through the intersection with the lots of the departing payments. The system makes it possible not to automatically block the tax code, but to select the

services of interest to exclude those in which it does not detect, for example, the contribution position.

– The Ministry of Foreign Affairs has been implementing an IT procedure for the transmission of information about the death of pensioners residing abroad through which all death notices regarding pensioners registered by consulates abroad are being collected on a two-monthly basis. Furthermore, a specific agreement has been concluded between the Istituto Nazionale della Previdenza Sociale (INPS, National Institute of Social Security, NISS) and the Ministry of the Interior to regulate the former's real-time access to information in the national population registers. Also further initiatives based on partnerships with public institutions and workers' social assistance bodies have been developed in order to facilitate the acquisition of information on deaths by the INPS. According to the most recent reporting, also, as well as bilateral cooperation with EU or EEA Member States has been developed. Lastly, specific controlling measures with respect to the payment were introduced (through the presentation of the use of an identification form and a Unified Payment Control System (SCUP)).

Reference year (2020)

PENSIONS DIRECTORATE

Initiatives taken to reduce the risk of post mortem collections

Particular attention is paid to the issue of ascertaining existence in life, taking into account the risk of making undue payments related to the lack abroad of an institutional system accessible by social security institutions that guarantees the completeness and updating of information on the death of pensioners and the possible delay in acquiring knowledge of the event.

Over the years, many initiatives have been carried out aimed at limiting the risk of disbursement of pension installments relating to periods subsequent to the death of the legitimate beneficiary. Here is a description of the main initiatives.

- **Verification of the existence of pensioners abroad by the payment service provider**

For the payment of pensions abroad, INPS currently uses the service as a Citibank provider. On the basis of the contract governing the service, the Bank, in compliance with the obligation to ensure the regularity of payments, is required to carry out a verification of the existence of the pensioner at the time when the first payment of the pension takes place and, annually, a generalised check of all holders of existing services.

The general verification is based on:

1. the Bank's request for certificates from the pensioner endorsed by "acceptable witnesses", identified by the officials of our diplomatic representations or by public officials qualified by the legislation of the country of residence of the pensioners to attest the existence in life (for pensioners hospitalised in health or rest facilities the certificate can be countersigned by the person in charge of the facility, for prisoners by the director of the prison facility, and for those unable to move from home due to health problems by the attending physician). The original certificate must be sent to Citibank via the postal service, or telematically via a specifically designed web portal where:

- a) the officials of the Italian diplomatic representations and professional profiles, who in some countries, including Great Britain, also have the role of public officials can attest to the existence in life through the online service made available by Citibank.

In this regard, it should be noted that in consideration of the health emergency due to the spread of the Covid-19 pandemic, the INPS and the Ministry of Foreign Affairs and International Cooperation have shared a project that provides the possibility for pensioners involved in the verification of existence in life to contact consular offices through a video call service.

- b) authorised operators of Charitable Offices (patronages) can directly upload in the Citibank information system electronic copies of the modules or certificates of existence and of supporting documents, duly completed and signed as appropriate, avoiding the mailing.

2. the location of one or more pension installments at branches of a local operator ("Supportive partner") for personal collection by the pensioner: payment is mostly located at Western Union counters.

The different assessment systems are used in a combined manner so as to limit the inconvenience to pensioners and guarantee the effectiveness of the assessment. To avoid uncertainties about the methods to be followed to provide proof of existence in life, a communication is sent to pensioners which, with clear procedures, provides detailed indications regarding the actions to be taken and the Authorities to which they can appeal.

This system of verification of existence in life has allowed us to obtain fair results in terms of limiting the risk of payments to parties other than the beneficiary.

However, a limit is constituted by the annual frequency with which the check is carried out. For these reasons, INPS is constantly looking for additional verification tools. In fact, to facilitate the

acquisition of death information by the Institute, in addition to the Bank's audits, additional initiatives have been adopted based on partnerships with public institutions and patronages.

- **Collaboration with the Ministry of Foreign Affairs**

At the end of 2012, a process was implemented where the Ministry of Foreign Affairs provides information about the death of pensioners residing abroad. While awaiting the realisation of the computer applications that will allow the transmission of data in real time, information on all new deaths of pensioners enrolled in the Consular Registers is currently provided through monthly flows.

- **Collaboration with the Ministry of Interior**

A specific agreement was signed between the Institute and the Ministry of the Interior to regulate access, in real time through an application cooperation system, by the INPS to the information contained in the national registry archives.

- **Bilateral cooperation with EU or EEA Member States**

To reduce the burden of compliance for retirees and to improve the efficiency of audits, the INPS has adopted various initiatives aimed at creating information exchange systems on the death of pensioners with different social security institutions of other countries.

In accordance with the request of the Administrative Commission with Decision 105/75, Italy regularly exchanges information on pensions in agreements integrated with minimum treatment, with Germany, France and Belgium. As is known, the integration is reabsorbed in relation to the pro-rata amounts eventually paid by foreign insurers. In this way the INPS recovers the sums exceeding the amount due with an obvious economic saving.

In line with the rules of the European Regulations for the coordination of social security systems, with the H5 Decision of 18 March 2010 of the Administrative Commission for the coordination of social security and with the rules provided by the Social Security Conventions stipulated by Italy, technical and operational agreements were signed by INPS with the social security institutions of Australia, Germany, Switzerland, Great Britain, the Netherlands, Poland, Belgium, France, Croatia and Luxembourg. Currently, therefore, with such countries, regular telematic exchanges of data take place through the mutual transmission of request and response files.

With these technical-procedural agreements, the institutions involved undertake to ensure the alignment of the respective archives relating to common customers and, in order to avoid payments of benefits not due because of the possible death of the beneficiary, the exchange of personal data is planned regarding services borne by both institutions, in order to compare and align the death data available in the respective archives and adopt the consequent measures.

Thanks to exchanges of information with other EU countries, in the course of 2019 it was possible to eliminate about 1.106 pensions for deaths in Germany, about 1.030 pensions for Swiss residents, about 33 pensions for residents of Poland, about 822 pensions registered to individuals resident in France, about 308 pensions registered to individuals residing in Belgium and about 132 pensions registered to individuals residing in Austria.

(b) Specific cooperation and concrete data exchange

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

Identification of risk indicators in welfare and civil disability benefits

Preliminarily, it should be noted that, also for the year 2019, the risk indicators already identified in previous years remain.

As is known, the legislator based the verification of the state of need on the calculation of income "net of tax and social security contributions, of any nature, including those exempt from taxes and those subject to withholding tax or with substitute tax, as well as alimony payments paid in accordance with the civil code "(art. 3, paragraph 6, law 335/1995).

The elements on which to base the assessment of poverty were made official in Annex 1 to Circular 195/2015 (as amended by msg 4023/2016), under the item "relevance 7: Social allowance, art. 3, paragraphs 5 and 6, of Law no. 335/1995 and s. m. and i. ".

The difficulties therefore concern the relationship between the analysis of the income flow of the applicant for the benefit (and any spouse), and the state of need, declared by the citizen who submits the social allowance application.

Article. 3, paragraph 6 of law 335/1995 and circular 195/2015 establish a net perimeter around the requirements for access to the service, with the consequence that, even in the presence of the personal requirements, the absence of the aforementioned income can only constitute a basis for the recognition of the service, whatever the "known situations" are that are subjectively considered incompatible with the state of need.

For the sake of completeness of the analysis, it should be noted that, according to some first instance judgments, the "proof of means" provided for by art. 3, paragraph 6, of law 335/95, should be integrated with an assessment of the general standard of living, through the enhancement of elements that are not income, such as deposits on current accounts, vehicles with high operating costs, payments of large lease payments, maintenance of relatives, the "real estate compendium", company investments.

Checks on social allowances

During 2019, control actions continued to combat the phenomenon of fraud with regard to social checks.

Controls are carried out both for the first settlement and for subsequent payments, to avoid the disbursement of undue benefits due to lack of status, or failure to meet the requirements initially present, as well as to avoid errors in determining the increases on the benefit.

The controls are internal (letter a) and external (letter b):

- a) those that are carried out directly by the Institute at the time of payment of the application (both in the first settlement and subsequently);
- b) those that are carried out together with the various law enforcement agencies.

With regard to internal controls (letter a), this activity is carried out by checking the consistency of the requirements declared by the applicant, by checking all the information available in the archives of the Institute and in those accessible to the Institute.

In particular:

- on the status of citizenship and residence permits, by accessing the municipal registry office or by requesting information from the competent authorities
- for information on income, by accessing the various sections of Punto Fisco;

- for information on the marital status of the subjects, verifying the presence or absence of separation sentences;
- for the verification of the presumption of self-sufficiency, the renunciation of the maintenance allowance and / or deeds of donation such as to impoverish one's assets, put in place immediately before the request for social allowance, are highlighted.

These last hypotheses have been recognized, first by the jurisprudence and subsequently by internal provisions, as an implicit affirmation of lack of the state of need, overcoming the principle that allows the finding of the condition on the basis of the individual's income only.

In fact, jurisprudence has recognized, in certain circumstances, the absence of economic hardship through the manifestation of a condition of economic self-sufficiency, regardless of the extent of income. It is the hypothesis of the renunciation of the maintenance allowance in the separation between the spouses or the donation of assets of one's own assets, which causes a serious impoverishment of the same, occurring within a short period of time from the presentation of the social allowance application.

This jurisprudential interpretation and the subsequent codification in specific provisions of the Institute is aimed at avoiding fraud (achievable through the pre-establishment of fictitious income conditions for the sole purpose of obtaining the welfare benefit).

Internal controls are also carried out indirectly through audit campaigns.

In this regard, note the 2019 audit campaign on the process of disbursement of the social allowance in order to verify:

- compliance with the law and internal provisions;
- uniform application on the territory;
- riskiness.

In 2019, the process covered by the campaign is also included in the operational program on the subject of "Evolution of the Control System and Verification of Conformity of Production Processes", with the aim of defining a risk management model, and put production processes in greater safety by reducing the economic impacts deriving from improper or incorrectly rejected services.

During the checks, it emerged that the conditions existing at the time of the first disbursement no longer exist later, with the consequent need to eliminate the service. This feedback led to the formulation of suggestions by the DC Audit to avoid the provision of undue services.

For example, it could be useful to draw up a sort of operational check list of controls for the use of operators, containing all the procedures and archives, and documentation to verify the possession of the requirements for the social allowance. Furthermore, with regard to the permanence of the requirements for the social allowance, it would be appropriate to introduce a best practice, (for example an agreement with the Revenue Agency to obtain the details of the assets disposal documents and not the mere summary accessible on the Tax Office by INPS operators, or the formation of lists, at established intervals, to verify the permanence of the requirements that give the right to disbursement, for example by calling, at the INPS office competent for residence, of the recipients of the social allowance, with suspension of payment in case of non-presentation without justification for the invitation. After one year from the suspension, the service will be eliminated by the offices.

This would allow a structured and systemic control of paid services, with a double benefit:

- identification and repetition of undue payments;

- but above all the elimination of services lacking requirements with savings on future unpaid accruals.

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

Welfare benefits. Monitoring on subjects declared untraceable

With regard to the holders of welfare services declared untraceable by the Municipalities of residence, who have notified the Institute via the INA-SAIA flow (National Index of Registers), what was reported in previous years is confirmed, in particular the operational instructions given to the offices for the precautionary suspension of the service, if it is not possible to find a residential address through:

- The declarations of responsibility (ICRIC, ICLAV, ACCAS/PS) sent by the interested party in the last three years;
- The results of any other communications sent to or received by the owner of the service.
- Consultation of INPS procedures (for example: PIN management, Paying office changes, Ordinary checks InvCiv2010, CIC), in order to verify the presence of alternative addresses or telephone numbers.

The procedural implementations required are still in progress so that the information on the state of unavailability is also permanently transited into ARCANET and automatically feeds specific lists reported to the Territorial Director, to be processed by the offices.

2.2.1.1. General steps regarding controlling and monitoring actions

2.2.1.2. General steps regarding cooperation and data exchange

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

- In collaboration with the Guardia di Finanza (Finance Guard), Municipal Police and Judiciary Police, the checks on the actual presence in the Italian territory of the social benefit recipients have been intensified.

The checks are aimed in particular at bringing out the presence of fictitious residences on the part of subjects who regularly collect economic services by crediting a current account or through a person appointed to collect them. Thanks to the introduction of the request for telematic social allowance – which provides for the obligation for EU citizens to enter information regarding the registration in the registry office of the residence – the control activity on the requirements for the right to housing was further strengthened.

- The territorial offices were instructed to cautiously suspend the welfare services of those subjects for which the municipalities of residence have declared non-availability through the INA-SAIA flow (National Registry Index), if as a result of further checks the impossibility of finding a valid residential address is confirmed in the Institute's databases.

The venues will also have to proceed with the recovery of amounts unduly received from the date of unavailability indicated by the Municipality of residence, with provision in the head office.

After one year from the suspension provision, the service will be eliminated with a central provision of the Institute.

In the course of the year 2018 further administrative analyses and procedural implementations were carried out for the management of the indication "untraceable and homeless". In particular, Administrative DB was implemented to make information available to the management procedures of the various service requests received by INPS. Furthermore, operational instructions were given to the territorial structures for the administrative activities to be performed to avoid the provision of welfare benefits to untraceable subjects.

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

With regard to the problems concerning the posting of foreign workers in Italy, the Institute requested and obtained access to the data contained in the Model UNI EU Detachment.

The release of the IT platform for the presentation of the A1 models and the availability of the data contained in the UNI EU Detachment Model will certainly allow a more profitable intelligence activity aimed at the emergence of risk situations to be subjected to a Supervisory assessment. Therefore,

systematic interventions will be envisaged aimed at combating the fraudulent use of posting, both as regards the contractual aspects/working conditions and those of social security.

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

(The lack of) exchange of data on deaths or other facts influencing the entitlement to a benefit.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

The exchange of data is sometimes made difficult by national rules on data protection.

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

Difficulties regarding cooperation between the Member States.

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

- The level of cooperation with some institutions abroad is closer and more effective than with others, and that this cooperation helps to prevent cases of error or even fraud through the computerised transmission of applications and information, limiting human intervention and potential interference with the regularity of the production process.
- Exchanging information even via the phone is valuable since it probably generates an increased sense of responsibility. It also proposes that in order to achieve a closer and more effective coordination between the unemployment insurance schemes and the employment offices of all the Member States, a legislative provision should be adopted in which the employment offices of these States provide, to all those who register as jobseekers, a questionnaire containing all the information necessary to identify whether the person is already receiving unemployment benefits in another Member State and if s/he has fulfilled the obligations for the exportability of the service.
- It is ideal that the European platform to combat cross-border social security fraud and error, was used to feed a daily, agile and informal flow of information, opinions, practices and ideas.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

In 2017 a Memorandum of Understanding was approved between the Ministry of the Interior - Department of Public Security - and the INPS for the financing of the new Business Intelligence System of the INPS, necessary to support the analyses to combat fraudulent activities. At the beginning of 2018, the Institute therefore launched the Project for the creation of a New Business Intelligence System aimed at strengthening and optimising the supervisory action on the prevention of and fight against irregular phenomena and illegal – for example on undeclared work and fictitious work, criminal infiltration – of the labour market. In this perspective, a new Business Intelligence System is being developed that processes massive data deriving from INPS and other PP.AA. (public administrations), allows the identification of potential risks of fraud, blocking the provision of economic services to potentially fraudulent subjects as well as ascertaining the fraud committed and proceeding with the recovery of the sums evaded or paid for, as far as its authority is concerned, unemployment, sickness, maternity, ANF and a concurrent abatement of the judicial dispute that weighs on the operational efficiency of the Institute. This first analysis activity led to the identification of a first set of indicators, currently being implemented.

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

The recent creation of the SED F003. Information about the payment of family benefits regarding the priority right could prove a useful tool, with the launch of EESSI, for preventing and combating fraud and error, both in unemployment benefits and family benefits. Accordingly, the new SED, confirming the payment of family benefits by the Member State of residence, shows any Italian welfare recipient residing in another Member State who has not communicated their transfer abroad despite their obligation to do so.

Year 2022

Ammortizzatori sociali (Department for Social Buffers) - Within the framework of the coordination of social security systems, (Regulation EC 883/2004 and 987/2009) in the sector of family benefits, we experienced EESSI as an effective tool for checking the benefit system.

Especially, we would like to draw attention to a notification (SED F003) that is an information of payment about the priority right regarding the payment of family benefits.

In other words, it is the case when a family unit moves in another Member State and claims family benefits.

This business process is a powerful new tool in detecting fraud and overpaying of benefits.

Thanks to such forms, we discovered several cases of overpayment of:

- Unemployment benefits to people employed in another Member State.
- People receiving simultaneously non-contributory benefits in different Member States, for the sector of family benefits, we experienced EESSI as an effective tool for checking the benefit system.

Especially, we would like to draw attention to a notification (SED F003) that is an information of payment about the priority right regarding the payment of family benefits.

In other words, it is the case when a family unit moves in another Member State and claims family benefits.

This business process is a powerful new tool in detecting fraud and overpaying of benefits.

Thanks to such forms, we discovered several cases of overpayment of:

- Unemployment benefits to people employed in another Member State;
- People receiving simultaneously non-contributory benefits in different Member States,
- Incorrect ISEE indicators for assessing the eligibility to welfare benefits.

Considering that the majority of EU social security Institutions was EESSI ready in 2022, we expect to improve such communications and reduce fraud occurrence in Unemployment and Family benefit sectors when all the institutions will be EESSI ready.

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

Its regularity is a prerequisite for ensuring EU citizens' social security rights associated with freedom of movement in the EU, and for allowing the relevant institutions to carry out their tasks in a proper and uniform manner within a reasonable timeframe.

Forms were exchanged electronically in the reporting year — Business Use Cases (BUCs) — with regard to family benefits and unemployment, which will prevent and resolve many of the current issues.

As is known, one of the fundamental tools to prevent fraud and errors is the tracking of the practices managed by the EU institutions in the field of social security. With some institutions, for example the German and French ones, a closer and more effective collaboration has already existed for some time, which has helped to prevent cases of errors or even fraud through the telematic transmission of requests and information.

Therefore, the EESSI system (Electronic Exchange Social Security Information), operational since **3 July 2019**, assumes a strategic role, to the realization of which the Institute is strongly committed. In fact, the activities related to the application of EU legislation referred to in Regulations (EC) no. 883/2004 and n. 987/2009, affect institutional processes in a transversal way, concerning the Pensions, Social Security and Revenue sectors, as well as the sector for the recovery of contributions and undue benefits.

With the entry into force of the European EESSI system, an EESSI ready State, including Italy, uses Structured Electronic Documents (SED) inserted in predefined telematic flows (Business Use) for the exchange of data and information. Cases-BUC, with undoubted benefits in terms of speed and safety.

Based on the sector or related BUC, the practices in question are managed through the RINA platform, provided by the European Commission, and made available on the Institute's intranet site or with national applications duly modified or developed. The applications provided for the exchange, through the connection with the European database so-called "Institution Repository (IR)", allow the operator to identify the competent recipient institution.

In order to ensure the operation of the EESSI system, special training programs have been prepared for the personnel involved and an organizational support structure has been defined.

Furthermore, as is also known, "access points" have been set up for each Member State, defined as electronic contact points for one or more social security sectors. INPS has been designated as an "access point" for retirement and income support benefits of a social security and welfare nature and, therefore, through its technological structure, it will allow professional funds to send and receive information through EESSI. The Institute, in order to fulfill the obligations under EU legislation and to facilitate interconnection with the cash registers, has identified three possible ways of interacting with its systems, implemented in three agreements. Each professional fund can choose the communication method to be adopted, taking into account the relative costs and the technical characteristics of each.

Finally, on **25 July 2019**, the presentation of the ESSN - European Social Security Number platform was concluded, which uses the Quorum blockchain technology to ensure the unique identification of citizens within the EU and to combat the phenomenon of fraud. The final phase of the presentation saw the creation of the connection with EESSI. The initiative involved, in addition to INPS, also the Polish social security institution ZUS. The results will be presented to the European Commission to help build a European blockchain infrastructure.

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

Members of National Contact Points (NCPs) and other actors should be encouraged to make increased use of the European Platform to combat cross-border social security fraud and error so that information and suggestions are shared more widely. A flexible and informal daily flow of information, views, practices and ideas would be ideal. To ensure more flexible use of the platform, it would also be useful if each country could enter data and receive feedback in its own language.

7.2. Regarding Portable Document A1

To prevent any cases of irregularity/fraud, the elimination of Portable Document U1 and the preferred use of SED U001 is a radical solution to the Ministry of Labour and Social Policy, and via the latter to the Administrative Commission, pending the amendment of the document to put personal data on each page, given that it does not guarantee exchange of information between the respective institutions in accordance with the provisions of EU regulations. Pending possible elimination, consideration should be given to the possibility of setting up a shared database for consulting the forms in question, even though the launch of EESSI could solve these issues.

7.3. Regarding the EHIC

Reference year (2021)

SOCIAL BUFFERS DIRECTORATE

A joint Fraud task force including different INPS Central Departments and EU Institutions could work together and act both for identifying key priorities for tackling fraud and for using available tools in social security coordination (such as the F003 form).

LATVIA

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

The State Social Insurance Agency's employees participate in various conferences with great pleasure and are interested in experience of other Member States. Agency has improved its official website also in 2022 and information about the rights to social benefits/pensions as well as applicable legislation is more transparent to everyone. Agency make meetings and events with the purpose to inform society about implementation of the EU Regulations and domestic legislation and impact on services. Expert meetings are organized to identify impacts and find solutions to specific problems at national level. Adjustment of the procedure to exchange information in the context of the General Data Protection Regulation.

2.1.1.2. General steps regarding controlling and monitoring actions

2.1.1.3. General steps regarding cooperation and data exchange

Bilateral agreements with other EU Member States on the exchange of information on pension receivers electronically. Existing agreements facilitate and accelerate information exchange between Latvia and neighbouring countries, and also serve as tools for prevention of possible fraud and error.

For example the Agreement between the National Social Insurance Board of the Republic of Estonia and State Social Insurance Agency of the Republic of Latvia on exchange of information on pension receivers in electronic form was signed on 14 January 2016. A similar agreement with Lithuania has been in force since 2011. These agreements facilitate and accelerate information exchange between Latvia and its neighbouring countries.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

Information about legislation and possible consequences in case of fraud is available to social service customers.

Requesting the service the customer is provided with full-fledged consultations and customers receive regular support for any issue related to their case. Information about the agency's services, legislation and other current activities is available, customers receive explanations about possible consequences.

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Agency tackles information on beneficiaries (state social benefits, family benefits), who have registered address abroad. Before payment of benefits such list of beneficiaries is produced and verified in order to prevent overpayment of benefits. This control is possible due to exchange of data with the Office of Citizenship and Migration Affairs. An annual life certificate from recipients of old-age, disability or survivor's pension living in another Member State in order to verify whether these persons are still alive is required. If the certificate is not received, the payment is suspended from 1st January until information is received. Regular check and monitoring activities.

(b) Specific cooperation and concrete data exchange

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

Agency tackles information on beneficiaries (state social benefits, family benefits), who have registered address abroad. Before payment of benefits such list of beneficiaries is produced and verified in order to prevent overpayment of benefits. This control is possible due to exchange of data with the Office of Citizenship and Migration Affairs. An annual life certificate from recipients of old-age, disability or survivor's pension living in another Member State in order to verify whether these

persons are still alive is required. If the certificate is not received, the payment is suspended from 1st January until information is received. Regular check and monitoring activities

2.2.1.2. General steps regarding cooperation and data exchange

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Verification of foreign addresses of beneficiaries before paying out benefits has significantly reduced the number of overpayments of benefits thus combating fraud/error cases. This also applies to the overpayment of early retirement pensions if the beneficiary starts working in another country. Agreements with the competent institutions of Estonia and Lithuania concerning the electronic exchange of information on pension beneficiaries (changes of residence or death) help to obtain the necessary information more quickly and effectively, thus significantly reducing the risk of fraud/error. EESSI (RINA) allows information to be exchanged much faster. During the pandemic, many people returned to permanent residence in Latvia and Agency had difficulties determining their current place of residence and paying services according to the place of residence.

(b) Specific cooperation and concrete data exchange

Verification of foreign addresses of beneficiaries before paying out benefits has significantly reduced the number of overpayments of benefits thus combating fraud/error cases. This also applies to the overpayment of early retirement pensions if the beneficiary starts working in another country. Agreements with the competent institutions of Estonia and Lithuania concerning the electronic exchange of information on pension beneficiaries (changes of residence or death) help to obtain the necessary information more quickly and effectively, thus significantly reducing the risk of fraud/error. EESSI (RINA) allows information to be exchanged much faster in bonus to prevent the overpayments of social benefits.

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

Specific problems arise when implementing Article 11 of EU Regulation 883/2004. According Part 1 of Article 11 persons to whom this Regulation applies shall be subject to the legislation of a single Member State only. Latvia is tackling the issue by cooperating with other EU Member States to find the best solution in every case. Sometimes there are issues with information stated in applications and implementation of EESSI guidelines but most of cases are solved quickly.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. *Unemployment benefits*

2.2.2.4. *Family benefits*

(a) *Specific controlling and monitoring actions*

(b) *Specific cooperation and concrete data exchange*

(c) *Recovery of unduly paid benefits and other sanctions*

2.2.2.5. *Healthcare and sickness benefits in kind*

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

Specific problems arise when implementing Article 11 of EU Regulation 883/2004. According Part 1 of Article 11 persons to whom this Regulation applies shall be subject to the legislation of a single Member State only. Latvia continuous to discuss the issue by cooperating with other EU Member States to find the best solution in every case. Sometimes there are issues with information stated in applications and implementation of EESSI guidelines but most of cases are solved quickly.

3.3.1. The determination of the applicable legislation itself

According to the Law on State Social Insurance the State Social Insurance Agency of Latvia can transfer person's social insurance contributions made in another Member State to Latvia or vice versa if a person has paid social contributions in two or more Member States at the same time. Therefore, some problems arise which can lead to error in cases determined under the Regulations. First of all, not every EU Member State has legislation which allows transfer of social insurance contributions. Secondly, there are practical problems with defining the applicable legislation (in other words, which Member State will transfer the social insurance contributions and for which insurance periods).

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

The State Social Insurance Agency has used social media and organised meetings and events with the purpose of informing society about the implementation of the EU Regulations and the impact on pensions, and other benefits.

The State Social Insurance Agency's employees participate in various conferences with great pleasure and are interested in experience of other Member States. Agency has been improving its official website step by step in 2023 and information about the rights to social benefits/pensions as well as applicable legislation is more transparent to everyone. Agency make meetings and events with the purpose to inform society about implementation of the EU Regulations and domestic legislation and impact on services. Expert meetings are organized to identify impacts and find solutions to specific problems at national level. Adjustment of the procedure to exchange information in the context of the General Data Protection Regulation.

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

To improve information exchange by for example new bilateral or multilateral agreements between the EU Member States (for example, agreements on the exchange of information about persons' place of living (change of residence), employment periods, deaths etc).

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

LITHUANIA

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

Providing information for insured persons and competent institutions is one of the most important measures in the prevention of fraud and errors implementing the coordination regulations.

There are no special prevention measures related to cases determined under the coordination regulations. We apply general measures established by national legislation.

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

- Information dissemination towards citizens: information concerning the implementation of the coordination Regulations can e.g. be found in websites of competent institutions. When applying for a social security benefit, applicants are properly informed about their rights and obligations. Also mass communication measures like mass media campaigns are held in order to promote the general public's awareness of the rules adherent to benefits.
- The information related to the applying for the EHIC, persons' right to receive necessary healthcare staying in another Member State is periodically updated on website, Instagram and Facebook of the National Health Insurance Fund (NHIF). Short video records, leaflets are created in order to reach a broader audience in public areas.
- In addition, the information concerning the entitlement to benefits in kind is consistently disseminated through different channels (mass communication measures, information, brochures, etc.).
-

2.1.1.2. General steps regarding controlling and monitoring actions

Specialists of the competent institutions verify information provided in SEDs, PDs, or other documents. It is always checked if documents are properly filled and signed. In case of suspicion regarding the credibility of the information presented, the relevant EU Member State competent institution is contacted. Lithuanian competent institutions also check information about the employer or person concerned available from different registers and other institutions' databases (e.g. tax authorities, register of Lithuanian residents).

By signing the application form the person confirms that information and documents provided with the application form are correct. The applicant is provided with the list of circumstances which can influence entitlement to benefit and about which he or she must inform the competent institution.

National legislation foreseen sanctions for providing false information or documents and for falsification of documents.

Unemployment benefits

After persons return to Lithuania and present portable documents related to a designated unemployment social insurance benefit in another EU Member State, it is always verified if the documents are properly filled, signed and stamped. In case of suspicion on the credibility of presented information, the relevant EU Member State competent authority is contacted. There is also a control mechanism in the data entry system that compares the unemployment status period with the information provided in the PD/SED documents and warns in case of any discrepancies. Joining the EESSI system also helps to exchange information more securely, as required by the rules on social security coordination.

EHIC and sickness benefits in kind

There is obvious information in the application form for the European Health Insurance Card (EHIC) for persons' acknowledgment of the sanctions in the cases of inappropriate use of the EHIC and for persons' commitment not use the valid EHIC in the cases if they are not longer insured under the compulsory health insurance scheme in Lithuania.

The NHIF issuing the portable documents S1 produce the booklet with comprehensive information about the persons' right to receive healthcare in the country of residence on behalf of Lithuania as well.

2.1.1.3. General steps regarding cooperation and data exchange

Meetings with competent institution specialists were organised to discuss individual cases and share best practices, e.g. to ensure uniform application and interpretation of coordination rules between territorial divisions of the competent institutions.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

Specialists of the competent institutions verify information provided in SEDs, PDs, or other documents. They always check whether documents are properly filled and signed. In case of suspicion as to the credibility of the information presented, the competent institution is contacted. Lithuanian competent institutions also check information about the employer or person concerned available from different registers and other institutions' databases (e.g. tax authority, register of Lithuanian residents). For the issuing of some PDs and SEDs, the Lithuanian competent institutions use an electronic application. When the information in the document is partly filled out by computerised procedure from electronic databases, missing data are completed by hand.

The NHIF uses the IT system for the issuance of entitlement documents and invoices in order to improve and facilitate the revision of the data and to speed up the process of exchanging information between competent authorities. Every year some variations and developments are performed to improve the operation of that IT system and avoid the human errors. Moreover, the NHIF exchanges all entitlement documents (S045, S072, S041, etc.) and invoices (S080) via EESSI. The possibility to exchange information electronically speeds up the process of exchanging information between competent authorities.

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Requiring an annual life certificate from recipients of old-age or survivor's benefits living in another (Member) State in order to verify whether these persons are still alive and thus entitled to those benefits.

Amendments allowing recipients of social security pensions to confirm their identity and the fact that they are living in a foreign country during an on-line video call entered into force on 1 October 2024.

(b) Specific cooperation and concrete data exchange

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

- In order to prevent cases of the inappropriate use of the EHIC, the (NHIF) informs its citizens about the sanctions related to such inappropriate use.
- The Minister of Health of the Republic of Lithuania has approved the Sectoral Programme for Prevention of Corruption in the Health System, which seeks to improve the anticorruption evaluation of the drafts of the legal acts, the publicity of public and administrative services and decision-making, and the publicity of procedures at the healthcare institutions.

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

The information related to the applying for the EHIC, persons' right to receive necessary healthcare staying in another state is periodically updated in website, Instagram and Facebook of the NHIF. Short video records, leaflets are created in order to reach a broader audience in public areas.

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

The NHIF expects to minimize the number of cases of the inappropriate use of the EHIC. A common reason of such frauds is the assumption that the validity of the EHIC does not depend on the insurance period. However, the EHIC cannot be used if the person is not insured under the compulsory health insurance scheme despite the validity period indicated on the EHIC is not expired. The information about the sanctions related to the inappropriate use of the EHIC can help to prevent the mentioned frauds in the future.

2.2.1.2. General steps regarding cooperation and data exchange

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

Companies which post workers in accordance with Article 12 of the Regulation No. 883/2004 are inspected once a year (if they apply that year). Applications to issue of A1 certificates are divided according to the workload of employees, applications from the same company are processed by different employees. If it is determined that the posting does not meet the requirements set in the Regulation No. 883/2004, or was posted differently, the A1 certificates are revoked.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

(The lack of) exchange of data on deaths or other facts influencing the entitlement to a benefit.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

In the field of applicable legislation – difficulties regarding determination if the undertaking carries out significant part of its activity in the sending Member State due to ambiguous criteria.

Slow exchange of information, especially in the field of family benefits and regarding confirmation of pension insurance periods. Sometime competent institutions need to wait for an answer from other Member State for half a year or even more.

3.2.1. The lack of/difficulties regarding cooperation

In certain cases SEDs sent by post were returned as the address of the receiving institution was changed.

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

Difficulties concerning the determination of the place of residence, the determination if an undertaking is carrying out a significant part of its activity in the sending or posting State, and the determination of marginal work.

3.3.3. Problems arising from the use of PDs and SEDs

There were some cases when paper SED were received when the competent institution was already connected to the EESSI, especially regarding family benefits.

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

Better spread of information is efficient measure to prevent fraud and errors. It means that more people are informed, then fewer mistakes will occur.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

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6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

LUXEMBOURG

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

- The General Inspectorate of Social Security (IGSS - Inspection Générale de la sécurité sociale) announced at the beginning of 2020 to launch an "Anti-Fraud" program

Sickness insurance (CNS): The CNS actually informs and sensitizes providers of healthcare and insured people to the existing rules in matters concerning them. If isolated and inconsistent billing practices of healthcare providers are detected, CNS estimates that this is due to an incomprehension of the billing rules. Therefore, a letter explaining the correct billing rules is sent to this healthcare provider so that (s)he can make the necessary corrections and avoid that this behavior reappears and is considered to be fraudulent.

From time to time, the CNS sends information circulars to healthcare providers on billing rules.

Information on the rights and obligations of insured people and healthcare providers is also provided on the CNS website.

The annual activity report of the social security in Luxembourg also shows statistics (pending court proceeding, number of criminal complaints filed in by the CNS, amount of damage detected and stopped etc. ...) about the actions taken by the CNS in terms of combatting fraud. These statistics can play a preventive role as they may intimidate other actors tempted to fraudulent conduct. In collaboration with the institutions representing healthcare providers, guidelines have been established in order to prevent fraud and error of practitioners.

- Accidents at work and occupational diseases insurance (AAA): The year 2023 was marked by the organisation and holding of a specific internal training session dedicated to raising awareness of the need to combat abuse and fraud, illustrated with specific examples in order to acculturate AAA staff to the need to combat abuse and fraud. The AAA has also recruited qualified staff to strengthen its department dedicated to combating abuse and fraud.
- Applicable legislation (CCSS): New methods of document analysis were applied in 2020 which led to the detection of supplementary fraud files in 2023. The annual report statistics already show a high number of complaints filed by the CCSS in the context of fight against fraud. Different steps were already taken, such as regular team meetings, typical case studies, preparation of standard letters and report templates led to a better interaction inside the team, as well as with various CCSS services. Several trainings were held in 2023 to improve agents skills.

2.1.1.2. General steps regarding controlling and monitoring actions

- Family benefits (CAE): Regular checks and monitoring activities, which can lead in individual cases to an investigation. CAE also has a special control task force which also deals with cross-border fraud and error and is entitled to make home visits if necessary.

- Accidents at work and occupational diseases insurance (AAA) : collection of specific data using an Excel table to ensure follow-up of files and to establish statistics.
- Sickness insurance (CNS): regular checks are carried out regarding deviant billing practices that may lead to specific investigations.

Also the authenticity of documents and forms submitted by policyholders is systematically checked.

2.1.1.3. General steps regarding cooperation and data exchange

- Family benefits (CAE): CAE makes regular electronic data exchanges especially with France in order to reduce manual handling of client files. The purpose of these exchanges are actually to inject the french paid amounts in order to determine the differential difference to be paid by the CAE. This electronic data exchange will be extended to other countrys in order to automatize data checks in relation with childcare benefits.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

- Family benefits (CAE): During the year 2020, CAE prepared the implementation of EESSI and went live with certain countries in april 2021. The full implementation of EESSI is scheduled until the end of 2021.

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

Applicable legislation (CCSS): Different precautionary measures were put in place in previous years to help preventing fraud on a daily basis and still support it to this day. Those measures were introduced in generally fraud intensive areas, such as international transportation businesses, as well as on specific topics like workers who live at a significant distance from their working place or workers who are registered at the same address as their employers. In fact, those measures are used by agents in order to fight and prevent fraud.

Sickness insurance (CNS): The CNS has carried out a large scale survey among insured persons for a targeted category of healthcare professionals in order to find out about and understand their billing practices and, consequently, correct deviant practices and penalise abusive and fraudulent practices.

Accidents at work and occupational diseases insurance (AAA): A working group has been set up to analyse the risks associated with commuting accident claims with no third parties involved, and a new specific procedure has been created for the detailed and in-depth investigation of this type of case, which is now handled by the department dedicated to combating abuse and fraud.

(c) Specific cooperation and concrete data exchange

Applicable legislation (CCSS): Establishing contact with the national social security institutions and other national administrations made it feasible to collect more information that is relevant and lead to a better collaboration in the context of fraud combat.

CCSS has also established contact with international social security institutions, such as SVB (dutch), ONSS (Belgian) and URSSAF (French) to enhance cooperation for specific cases and to prevent crossborder social fraud.

- Accidents at work and occupational diseases insurance (AAA): In compliance with the RGPD, the AAA collaborates in particular with the CCSS, by asking it to check the reality of the commercial activity in Luxembourg of companies which do not respond to requests for additional information, and with the other social security institutions (SSS) by transferring to them the anonymous denunciations received falling within their competence and by communicating to them the information and documents requested by the Examining Magistrates within the framework of the analysis of the criminal complaints lodged by these other institutions.

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

Pension insurance (CNAP): The CNAP annually requests a life certificate from any pension beneficiary residing abroad in order to ascertain his or her state of life and thus entitlement to the pension in question. In addition to this information, additional data that may have an impact on the amount of his pension are also to be provided (such as the resumption of an employed/self-employed activity, the accuracy of the address, a possible change of marital status/partnership). In order to obtain such information more quickly and easily (after or with a view to the award of a pension), CNAP has also set up an electronic exchange with the competent pension institutions of several countries on the basis of the following agreements:

-Vereinbarung zwischen der Deutschen Rentenversicherung (DRV) (Deutschland) und der Caisse Nationale d'Assurance Pension (CNAP) (Luxemburg) über die Einrichtung und Nutzung von elektronischen Online-Auskunftsverfahren für den Zugriff auf Versicherungsdaten und Rentenzahlbeträge

-Vereinbarung zwischen der Deutschen Rentenversicherung (DRV) (Deutschland) und der Caisse Nationale d'Assurance Pension (CNAP) (Luxemburg) über einen automatisierten Sterbedatenabgleich via Renten Service der Deutschen Post

-Convention de partenariat relative aux signalements décès réciproques par voie électronique entre la Caisse Nationale d'Assurance Vieillesse des Travailleurs Salariés (CNAV) (France) et la Caisse Nationale d'Assurance Pension (CNAP) (Grand-Duché de Luxembourg) (signed on 12.07.2016)

-Convention de collaboration administrative entre le Service fédéral des Pensions (SFP) (Belgique) et la Caisse nationale d'assurance pension (CNAP) (Grand-Duché de Luxembourg) sur l'échange électronique de montants de pension et prestations de vieillesse apparentées, ainsi que sur l'échange électronique de fichiers de données portant sur des paiements de pension en vue de la comparaison de données de décès (signed on 20.04.2017)

T-echnical-Operational Agreement between Caisse Nationale d'Assurance Pension (CNAP) and Istituto Nazionale della Previdenza Sociale (INPS) on electronic data exchange (signed in January 2020)

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2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

-Family benefits (CAE): CAE is also convinced that a strong collaboration between all concerned administrations must be initiated and the databases have to be connected in order to share punctual informations on specific fraude files. The luxembourgish and the european legal framework must be adapted in order to allow more specific collaboration between the social security administrations and the rest of the concerned institutions.

2.1.2.6. Unemployment benefits

Unemployment benefits (ADEM): The ADEM believes that the key to an effective prevention of fraud is a good collaboration between the different institutions that are competent in the same field. Indeed, access to relevant information detained by other institutions can allow to detect possible fraud attempts before any benefits are granted or paid. Therefore, there is for example a regular concertation amongst ADEM (board members, data protection officer and the different departments) in order to detect where the existing data exchange might need to be extended or adjusted in order to allow an appropriate collaboration between the different institutions (mainly with institutions of social security), in respect of the objectives in regard to data protection laid down by the GDPR. Furthermore, the matter of preventing fraud is also taken into consideration when elaborating new form (for example in case of legislative reforms). Indeed, ADEM puts effort in the prevention by providing relevant generalized information regarding the consequences of possible fraud attempts to all jobseekers who introduce their application.

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

Applicable legislation (CCSS): Specific cases of fraud in the context of courtesy affiliation where determined. Based upon its characteristics a broader field of similar cases can be identified. There has been effort over the last years to increase the public understanding of the different national and international procedures and prevent errors due to lack of knowledge

Sickness insurance (CNS): The CNS draws up action plans with priorities for each year, does regular checks and monitoring actions, as well as investigations in individual cases.

During 2022, CNS continued with its routine work to issue warning letters informing healthcare providers and/or insured people about potential disciplinary or even criminal proceedings that will be instituted against them the next time gross misconduct would reoccur.

Regarding insured people, the CNS imposed some administrative fines and tried to recover undue payments as far as possible. On the other hand, CNS also filed complaints against healthcare providers and/or insured people who violated penal rules. In 2022, around 23 files have been passed on to the prosecution services.

Accidents at work and occupational diseases insurance (AAA): Several measures have been taken, such as the submission of denunciations to the Public Prosecutor's Office and of criminal complaints; the transmission of files for jurisdiction to the social security institution and other state authorities affected by fraud (CNS, CCSS, CNAP, ADEM); the follow-up of files and representation at correctional hearings with possible filing of a civil claim; the transmission to the CCSS of files for

investigation into the reality of the exercise of a commercial activity by companies and the transmission of files to the ITM (labour and mining inspectorate) for jurisdiction.

. Furthermore, the AAA systematically classifies without action the files of policyholders who have not responded to requests for information and additional documentation as part of the examination of their work/travel accident declaration.

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2.2.1.1. General steps regarding controlling and monitoring actions

2.2.1.2. General steps regarding cooperation and data exchange

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

- Pension insurance (CNAP): In 2019, the CNAP created the "Fight against abuse and fraud" department to meet the new obligations introduced in 2018 in Article 408bis of the Social Security Code, which require the CNAP to determine the rules of governance to be applied in the performance of its missions and towards stakeholders, in which the policy to combat abuse and fraud plays a central role. This department is in charge of both the prevention and the fight and recovery of abuses and frauds. The continuous improvement of the CNAP's internal processes, including the use of more efficient IT tools, facilitates the detection of errors and fraud and helps to avoid them in the future.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

- Sickness insurance (CNS): During 2023, CNS carried out an investigation on certain home care services charged to the CNS while the insured person was in hospital. The CNS asked for the reimbursement of these unduly charges expenses.

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

-Unemployment benefits (ADEM): In case where an agent of ADEM suspects fraud attempt in a file, that information is transferred to the legal department and, in particular, to the control agents. Their investigation consists of exchanging information either with other national institutions or, when necessary, with the competent authorities of other Member States.

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

-Family benefits (CAE): If CAE states that benefits were unduly paid, CAE takes all the legal measures to recover the money. Clients are first invited several times to reimburse the unduly paid benefits. If no result is reached, CAE sends enforcements titles and works together with its international network of recovery departments in family benefits to recover the money. CAE also applies national compensations between ISS institutions.

2.2.2.5. Healthcare and sickness benefits in kind

Sickness insurance (CNS): During 2023, CNS continued to carry out public surveys in which patients have been asked if they were really attending the sessions that healthcare providers charged under the third-party payment system to CNS. Such surveys raise awareness among healthcare providers of the importance of issuing invoices that comply with the billing rules or risk to be penalized.

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

-Family benefits (CAE): The coordination of family benefits policies in an european field is not easy. Every country has its own family policies which are not always compatible. Every change in legislation has an impact on the other European countries in cross border files. The basket discussion between family allowances and parental allowances is not yet solved in the european regulation n°883/2004. This often leads to different interpretations in concrete handling of the files.

Accidents at work and occupational diseases insurance (AAA) : the use of the GDPR as a systematic means of refusing to communicate data useful for the prevention and fight against fraud leads to an increased risk of developing cases of fraud, especially cross-border fraud and also a risk of double compensation for policyholders

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

- Accidents at work and occupational diseases insurance (AAA) : The restrictive application of the provisions of the GDPR and the Luxembourg national law on data protection by social security institutions or other entities unfortunately deprives of any substance Article 412 of the Social Security Code relating to mutual administrative assistance and constitutes a real obstacle to the active fight against fraud.

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

-Family benefits (CAE): International cooperation is rather hard to implement. Very often it is already difficult to identify the person in charge of the subject and the language barriers are often difficult to overcome. A lot of countries put the accent only on the national files and often minimize the efforts in treating international files as they represent only a small part of their clients.

-Sickness insurance (CNS): Cross-border cooperation takes place on a case by case basis on specific issues. There is no generalized cooperation or automatic exchange of data.

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

Sickness insurance (CNS): Luxembourg is a small country with many cross-border issues. The legislation of each country concerning the entitlement to certain benefits differs e.g. with regard to certificates of incapacity for work, teleconsultations, reimbursement of certain benefits...

It can sometimes prove problematic to know which legislation is applicable, or whether the rules of the issuing country have been complied with, in order to benefit from a right in Luxembourg.

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

Family benefits (CAE): SED's are often not used in the same way. A lot of countries only use the free text box and prefer writing in their mother language which complicates work.

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

Family benefits (CAE): Several European countries make only small efforts concerning international recovery claims. They oft ignore the legal obligation of interbranche recovery and . Very often the recovery claims are transferred to central recovery institutions where the follow up of the claim is difficult to realize.

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

Sickness insurance (CNS):

-Informing staff via the intranet; via FAQs about handling cross-border situations in the scope of Regulation (EC) No 883/2004

-Informing citizens through the CNS website, newsletter and FAQ about the rules and rights existing in social security matters.

-Informing healthcare providers via website(s); via letters by post; via e-mail or phone; via personal advice and support

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

Sickness insurance: CNS also gives specific information in its postal response to people with a concrete problem.

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

Sickness insurance: Regular meetings to improve the collaboration in a Benelux-Context.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

Sickness insurance (CNS): Although this is already difficult on a national level, it is even more complicated to determine exact indicators permitting to detect fraud in an international context. We think the detected cases represent only a small part of the irregularities.

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

-Accidents at work and occupational diseases insurance (AAA) : It would be appropriate to insert a photo ID on the social security cards issued by Luxembourg.

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

-Unemployment benefits (ADEM): Based upon the experience of data exchange, ADEM regrets that without specific agreements between Member States, the possibilities of exchange are very limited (often based upon goodwill of the institutions) and this, presumably, due to data protection. Since the Regulations aim at coordinating some matters of social security throughout the European Union, a simplification of the possible exchange between Member States would allow to follow the common objective of avoiding fraud more efficiently

-Family benefits (CAE): There are a lot of institutions which hesitate to exchange electronic data due to data protection arguments. As cross border files get more and more frequent and also in order to prevent fraud, each country should give itself the legal basis to work more and more with electronic data and to exchange them on demand with the other countries of the European Union.

-Pension insurance (CNAP): The exchange of data with certain foreign bodies is sometimes difficult, notably because of a lack of knowledge or uncertainty on their part as to the data protection requirements to be applied or because of very restrictive national data protection legislation in those countries. CNS had been contacted by a private Belgian health insurer. Although the exchange of information regarding a person insured by both (CNS and the Belgian health insurer) could be beneficial for both parties in order to detect or rebut a potential fraud, it is unclear if data protection regulations will not defend the information.

-Accidents at work and occupational diseases insurance (AAA) : the use of the GDPR as a systematic means of refusing to communicate data useful for the prevention and fight against fraud leads to an increased risk of developing cases of cross-border fraud and also a risk of double compensation for policyholders.

6.3.2. Other issues and concerns

- Applicable legislation (CCSS): Cross-border cooperation often encounters lengthy processing times due to the lack of efficient collaboration procedures. Language barriers can be another reason for those lengthy processing times.
- Accidents at work and occupational diseases insurance (AAA): There is a near impossibility/great difficulty to carry out checks personally as a social security body affected by fraud on the reality of a frontier worker's incapacity for work, or to be able to check whether the frontier worker is engaged in another paid, employed or self-employed activity in a frontier country. The lack of automatic display of whether the frontier worker is receiving a benefit in a frontier country is also a problem which can lead, where applicable, to double compensation.

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

-Applicable legislation (CCSS): The implementation of efficient collaboration between different authorities/countries can lead to a better tackling of fraud and error.

-Accidents at work and occupational diseases insurance (AAA): Holding regular meetings between all the fraud departments of the various ISSs and other bodies providing relief assistance (ADEM, assistance judiciaire (legal aid), ACD, CSSF, RCSL) and exchanging specific data in cases affecting various bodies, so as improving the exchange of information between the above-mentioned protagonists and having a list with one contact person per body can lead to a better tackling of fraud and error

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

Sickness insurance (CNS): There are risks of fraud and error related to the use of the EHIC. It should be possible that EHICs are electronically readable.

As it is very difficult to call in EHICs especially when people have left the country without leaving a trace of their new address, Luxemburg is often confronted to refund application of other Member States about health care applied after the actual period of affiliation of the concerned people.

On the other hand, the form E 125 mostly does not specify the details of the care provided. Health insurers therefore have to pay costs of benefits in kind without having insight into the care provided.

In some cases, CNS contacted former insured people in order to inform them that they were not entitled anymore to show their EHIC to the healthcare provider in another Member State as they weren't affiliated anymore to the Luxemburgish social security system by that date. In order to refund the undue payments done by CNS, most of the concerned people claim (for reasons of proving the financial damage) for invoices established by the healthcare provider in that other Member State. But most of the time, none were attached to the E125 form.

Accidents at work and occupational diseases insurance (AAA) : Due to document dematerialization (use of simple copies and scanned documents), there is a real risk of fraud concerning Luxembourg identity cards. It would be appropriate to summon the insured to the CCSS counter to take an identity photo and insert it on their social security card. If necessary, the insured person summoned to the counter should also produce their identity documents in original, in order to verify their authenticity.

MALTA

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

During the year under review, the Maltese competent authority carried out a training refresher course for the customer care staff in order to keep them abreast with the latest developments in the field. Another training course was carried out in connection with the EESSI system in order to provide users with a better understanding of the system. Both training sessions are carried out on an annual basis.

2.1.1.2. General steps regarding controlling and monitoring actions

2.1.1.3. General steps regarding cooperation and data exchange

The data exchange system with UK was implemented for the year under review as well thus ensuring that the data regarding the mutual beneficiaries is continuously updated in order to prevent cases of fraud and error.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

During the year under review, the Maltese Social Security institution continued its work on the online systems for electronically generated PDs (A1 and U1) to adopt a more updated software whilst also reviewing its procedure to render the process more streamlined.

The Maltese Competent Institution responsible for Healthcare Benefits in Kind is currently online with all BUCs and is using PDs and SEDs which transfer the data in a more secure manner by means of the EESSI system ('Electronic Exchange of Social Security Information'). The software used has data encryption facilities.

2.1.1.5. Other general steps taken to prevent fraud and error

The Maltese Competent Institution responsible for Healthcare Benefits in Kind organises regular training to local healthcare providers with regards to health entitlement guidelines to encourage best work practices.

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

Continuous updating of guidelines for staff for the determination of applicable legislation in order to generate awareness on the procedure required prior to issue a determination and the consequent A1 document.

(c) Specific cooperation and concrete data exchange

In 2021 the Maltese competent Institution responsible for Healthcare Benefits in Kind has continued working towards a legal basis to make use of the data from other government entities (particularly ID Malta) to check whether a person (client) is entitled to the exemption from payment of healthcare fees.

(d) Other specific steps

The issuance of the A1 documents was automated by means of an online system whereby applications are received electronically, vetted and where applicable, the required form is issued bearing a unique sequential number which certifies its authenticity.

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Requiring an annual life certificate from recipients of old-age or survivor's benefits living in another (Member) State in order to verify whether these persons are still alive and thus entitled to those benefits.

The Maltese Social Security institution reached an agreement with local banks whereby persons who have a garnishee order placed on their local bank account/s will not have their pensions withheld due to the same garnishee order. This would avoid issuing cheque payments which would be cashed through alternative cashing points which are not always traceable. In so doing, national as well as international government funds can be accounted for and counteract any possible fraudulent activity.

(b) Specific cooperation and concrete data exchange

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

Even during the pandemic, the Maltese Competent Institution responsible for Healthcare Benefits in Kind delivered training to the local (Maltese) Health Care providers so to update them on the latest Health Entitlement Guidelines. Training also covered Article 4 of Regulation No 883/2004 concerning Equality of Treatment.

On various occasion the Maltese Competent Institution responsible for Healthcare Benefits in Kind informed the citizen about their rights and obligations in regards to health care benefits by means of participation in various TV Programmes and in Europe Day activities.

(b) Specific controlling and monitoring actions

The competent (health) institution has increased its payments verification process sample to 100% with the ultimate aim of preventing fraud and error. The increase in the payments verification process, from a sample based on a 100% verification effectively meant a substantial increase in the payment process; such a procedure promoted better management and led to bilateral agreement of queried claims.

In cases of difficulties, an improved cooperation with institutions and other parties involved of other Member States led to the prevention of fraud and/or error. In cases of difficulties, an improved cooperation with institutions and other parties involved of other Member States led to the prevention of fraud and/or error.

(c) Specific preventive measures

The Maltese Competent Institution responsible for Healthcare Benefits in Kind keeps open communication with other EU member states and also with the local Health Care Service Providers.

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

Since the introduction of EESSI, information received through the system, even if in respect of other branches of social security, is vetted against the family benefits system and many cases with outstanding dues have been located through such means. Once identified, the recovery procedure is initiated for these cases.

2.1.2.6. Unemployment benefits

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

2.2.1.2. General steps regarding cooperation and data exchange

General intra-national cooperation and data exchange with the aim of combating fraud and error. The IT infrastructure in the social security field is interconnected with that of other entities, such as the Public Employment Service, the Inland Revenue Department and the Public Registry. This feature enables the verification of the actual registration of the employment activity as well as the payment of the relative contributions.

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

Article 133 of the Social Security Act (Cap.318) empowers the Director of Social Security to make any necessary investigations, and request persons and/or entities to provide information so that the benefit being claimed will be calculated and determined correctly. Consequently, an agreement with the local banking institutions has been concluded whereby details of bank accounts are provided to the Department in cases of applications for non-contributory benefits. In so doing, cases of fraudulent declarations of earnings are immediately identified. The applicant gives his consent upon application.

2.2.1.4. Other general steps taken to combat fraud and error

Training given by the Maltese Competent Institution responsible for Healthcare Benefits in Kind also covered Article 4 of Regulation No 883/2004 concerning Equality of Treatment.

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

An annual life certification system is in place in respect of pensioners resident outside of Malta.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

In order to prevent error, Malta heightened its due diligence process by introducing more stringent measures for the issuance of A1 documents. Such measures include increased liaison with the national Transport Authority in cases involving mariners and aircrew, requests for company profiles and company information in cases of posting of workers, as well as individualised questionnaires for self-employed persons.

As regards identity verification, applications for social security numbers and benefits have to be supported by an official document for identification. Such documents are vetted against the Public Registry database in order to verify authenticity. Indeed, this can be applied only in the case of Maltese nationals and Maltese residents who are issued a Maltese Identity Card. In the case of foreign nationals, the foreign identification document or passport is requested, in its original format, in order to avoid abuse. Moreover, the system has an inbuilt mechanism whereby upon the creation of a new person in the database, the user is alerted when another person with the same surname and date of birth already exists on the system. This avoids cases of double registration.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

The issuance of the U1 documents was automated by means of an online system whereby applications are received electronically, vetted and where applicable, the required form is issued bearing a unique sequential number which certifies its authenticity.

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

The increase in the payments verification process, from a sample based to a 100% verification effectively meant a substantial increase in the payment process, such a procedure promoted better management and led to bilateral agreement of queried claims.

In cases of difficulties, communications were sent to the EU/EFTA Member States (and agreement reached) before payment is issued. Normally, this promoted improved mutual cooperation between Malta and the other EU/EFTA Member States.

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

Malta looks forward to eventually having an electronic version of the EHIC, which could include actual real-time information about the validity of the card, and thus eliminate possible abuse and fraud.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

The rules on activity in more than one Member State are hard to understand and difficult to apply. This enables misuse of these rules by some of the employers and the rise of the probability of erroneous decisions by the clerks.

Many persons pursuing activities in more than one Member State are not aware of their notification (reporting) duties and pay social security contributions in more than one Member State. Malta stated that the high risk of fraud and error in these situations is also related to the fact that the institutions rely mainly on the information provided by the applicants (employer and employee) which, in some cases, is not easily verifiable.

A practical example is the condition of one month prior affiliation required in order to apply the posting rule. Sometimes the institution has no means of verifying whether the worker was actually physically present in the country prior to the commencement of the posting period. Although on paper workers are registered as employees of the company, this could also be fictitious in order to conform to the posting conditions.

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

The Maltese Social Security institution is encountering requests for recovery in respect of persons who were never in a cross-border situation with Malta but merely have a bank account in Malta. The provisions of Article 84 of Regulation 883/2004 are not clear in this regard and following a discussion on this matter in the framework of the Administrative Commission no conclusive decision has been reached. This is creating an added burden to the Maltese institution given that the person concerned is not in Malta and cannot be reached directly.

3.5. Problems regarding the EHIC

Malta notes that the major problem regarding the EHIC card is that the card in itself is subject to forgery and the lack of a validity start date.

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

The Competent (Health) Institution increased its validation controls. Both the internal (in-house) and the external checks (via direct clarification/communications with other EU/EFTA Member States) have been substantially increased so that 100% verification performance was achieved.

Training given by the Maltese Competent Institution responsible for Healthcare Benefits in Kind to the local health service providers. Training also covered Article 4 of Regulation No 883/2004 concerning Equality of Treatment.

On various occasions the Maltese Competent Institution responsible for Healthcare Benefits in Kind informed the citizen about their rights and obligations in regards to health care benefits by means of participation in various TV Programmes and in Europe Day activities.

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

The Competent (Health) Institution increased its validation controls. Both the internal (in-house) and the external checks (via direct clarification/communications with other EU/EFTA Member States) have been substantially increased so that 100% verification performance was achieved.

The Competent (Health) Institution has EHIC public information campaigns, including various participation in television Programmes and national news features. In May 2022 the Maltese Competent Institution participated with a stand at the Europe Day activities held at a national level.

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

- Through cross-border cooperation most issues are managed without the need for contestations and litigations.
- A fruitful data exchange takes place with the UK, which is the Member State where the largest amount of Maltese pensioners resides. This exchange between Malta and the UK, which is based on a bilateral agreement, functions on the basis of an annual exchange of data on mutual pensioners residing in either country, and subsequent exchanges every 6 weeks. The information being exchanged includes the rate of the pension payable by either country in order to counteract cases of undeclared income, changes in marital status, as well as information about pensioners that passed away during the course of the year. Similar agreements with other countries are in the pipeline.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

The Maltese Social Security institution is currently implementing an application which enables the user to verify which legislation applies vis-à-vis the relative working situation. It is envisaged that this tool will encourage transparency and provide information whilst at the same time reduce the number of queries received by the national institution.

An IT system was developed and is currently being used by the Maltese Competent Institution responsible for Healthcare Benefits in Kind to advice on the citizen's health entitlement status. This system is connected to JobsPlus, the Common Database and eventually to ID Malta's database. The system shares information to validate the individual's entitlement to safeguard their rights and thus proactively deal with potential abuse and/or fraud. This is a transparent system which places the citizen's rights at the forefront.

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

Although data exchange in individual cases is very effective, bulk data requests remain very difficult to establish, due to differences in privacy legislation and general restrictions.

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

The area which is most subject to cases of fraud and error is the area of the applicable legislation. Ideally, each Member State should adopt the best practices found in the Belgian system, which is the most focused in this area. Maybe a concerted effort at EU level in this regard could result to be very effective in combating fraud and error.

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

Malta looks forward to eventually having an electronic version of the EHIC, which could include actual real-time information about the validity of the card, and thus facilitate its use and eliminate possible abuse and/or fraud.

THE NETHERLANDS

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

- The Dutch government launched the website www.workinnl.nl in 2020 to provide information for migrant workers about the arrangements that come with working and living in the Netherlands including their rights and obligations in the field of social security.
- When applying for a social security benefit, applicants are informed about their rights and obligations. In 2022, information regarding rights and obligations on the website of Uitvoeringsinstituut Werknemersverzekeringen (UWV) has been translated in the seven most common languages spoken by clients, including Ukrainian.

2.1.1.2. General steps regarding controlling and monitoring actions

- To prevent and counter abuse of mobile workers by their employers, the so called “Roemer Committee” (2020) has advised several recommendations concerning housing, care, municipal registration, multidisciplinary team for cross border enforcement and a legal base for certification for employers who allocate mobile workers. These recommendations were embraced by the Dutch parliamentary coalition agreement (2021) and in 2022, the first steps towards an action plan were taken. In 2023 the preparations for this multidisciplinary team have continued, working towards the start of the team on the first of January 2024.
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- The Sociale Verzekeringsbank (SVB) and UWV report only about ‘fraud’ and not about ‘error’. Under administrative law there is no distinction and UWV and the SVB handle very few criminal law investigations yearly. In order to prevent fraud and error, UWV and the SVB inform clients about their obligation to report changes in their place of residence, living situation, and income. In 2022, UWV has also looked at possibilities to further optimise client processes with regard to fraud and error.
- As a supplementary step, the SVB has experimented with lessons learned from the behavioural sciences on reminders. Experiments have shown that a reminder helps to stimulate clients to report important information and changes in their living situation. The SVB has implemented a regular reminder in combination with the annual financial statement that is sent to all clients..

2.1.1.3. General steps regarding cooperation and data exchange

Within the Benelux, the social security organisations, together with the European Labour Authority (ELA), have been working on joint inspections. This also concerns the use of information gathered during a joint cross border inspection. The legal base concerns the administrative agreement between Belgium and the Netherlands and the EU-regulation on the coordination of social security.

Further on (on a more general base) there are exploratory talks with other Member States to enhance the sharing of data (about income and being alive). UWV and the SVB want to enhance these negotiations with other Member States because this data is important to determine the entitlement to a benefit and the legitimacy of payments. Within this context, ELA can play a facilitating role. In 2022, UWV has increased the number of data exchanges.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

2.1.1.5. Other general steps taken to prevent fraud and error

The SVB conducted research into the question whether fraud and/or could have been prevented by preventive measures. On this basis, the information and communication aimed at the elderly at home and abroad has been intensified. When the situation calls for it, for example when digital forms are repeatedly incorrectly completed, the SVB contacts the person concerned by phone.

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

See paragraph 2.1.1.3. (on a more general base): there are exploratory talks with other Member States to enhance the sharing of data. The cooperation between social security organizations within the Benelux can be seen as a best practice in this manner.

In 2018, organizations from Belgium (RVA) and the Netherlands (UWV) entered into an agreement that allows file comparisons to take place. The RVA is, among other things, responsible for unemployment benefits in Belgium.

Through the file comparison, the RVA can check whether a person who has received income from benefits, wages or pension in Belgium has received unemployment benefits or income from work in the Netherlands for the same period. The results of the file comparison are being further investigated on both sides of the border. Initially from the Belgian side. UWV examined these files in more detail and resulted in 40 cases. The outcome of this consultation is that data exchange and approach will continue in the same manner. UWV prepared yet a file to share with the RVA.

As a result of this successful collaboration, UWV aims to enter into partnerships with multiple countries in the future.

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

The Dutch Ministry for Social Affairs and Employment monitors yearly the level of knowledge beneficiaries have of the obligations they have with regard to the benefits they receive. In addition the SVB has started a similar yearly monitor with regard to old-age pension beneficiaries who live outside the Netherlands. The SVB has started in 2023 with old-age beneficiaries who live in Germany. Results show that the level of knowledge in Germany is adequate. The SVB will expand the monitor in 2024 to Belgium, Spain and the United States of America.

(b) Specific cooperation and concrete data exchange

- The SVB gives high priority to creating electronic data exchanges regarding deaths of its clients in other countries, since this kind of data exchange prevents fraud and error and reduces the administrative burden on clients to supply annual life certificates. In their view, the process of creating electronic data exchanges is advancing slowly. However, cooperation with several Member States is improving.
- Within the EU, the SVB currently has death data exchanges with Belgium, Germany, Italy, Poland, Spain and the United Kingdom (in the context of administering Regulation 883/2004). There are negotiations and preparations for exchanges going on with several other countries.

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

No specific steps taken: health care insurers have general policies to combat fraud and error, but not specifically aimed at cross border health care.

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

- UWV has a taskforce 'health fraud' which investigates signals concerning possible unlawful paid sickness and invalidity benefits.
- From mid-2022, UWV has investigated abuse and improper use of sickness benefits. Research has shown that false and/or falsified medical documents from another member state were used when applying for a sickness benefit from UWV. The expertise of the ELA was used to carry out this study. For example, the ELA has facilitated the establishment of various contacts with sister organisations from various Member States. UWV is currently organizing a study visit to discuss the outcome of the taskforce and providing a learning opportunity for the parties involved..

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

- In 2020, UWV and the Belgium RVA started a project that has the aim to exchange data about unemployment benefits and income. This project was continued in 2022.

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

In 2022, UWV, together with the Ministry of Social Affairs and Employment, has continued to follow-up on the recommendations done by an external party after conducting an assessment over the previous years in which an inventory was made of risks related to fraud and error in relation to international coordination of social security and the application of Regulation 883/04, some of which are mentioned in this report.

2.2.1.2. General steps regarding cooperation and data exchange

UWV conducts research and international data exchange concerning clients who are living abroad. UWV and SVB also perform administrative checks (in some cases house visits) abroad. In 2020, due to the COVID-19 pandemic, it was no longer possible to travel abroad and perform these types of checks. Instead, UWV has tested video calls and phone calls as an alternative. Starting from autumn 2021, and continuing in 2022, UWV and the SVB resumed the administrative checks abroad. Due to capacity needed for other projects, less administrative checks abroad have been performed by UWV in 2022 than usual. However, the cooperation with the Social Attaché in Spain was further strengthened and collaboration with the Spanish sister organisations intensified.

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Suspected cases of fraud regarding old-age and survivor's benefits are examined. For this purpose, the SVB has an Enforcement Department with about 100 fraud investigation officers for national investigations and further has an International Verification Unit (IVU), which checks old-age pension and survivor's benefit clients in other countries.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

The SVB has intensified its efforts to combat fraud regarding applicable legislation. A dedicated team investigates possible bogus constructions in collaboration with partners in the Netherlands and sister organizations abroad. Last year 45 employer investigations were completed with 32 requests made to withdraw the foreign A1 declaration.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

-Research shows that only a small percentage of the people who export their unemployment benefit actually find work abroad. Therefore, in 2022, UWV has looked at ways to promote reintegration in collaboration with social security institutions abroad. Making use of the EURES network is one of the possibilities that were explored.

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

-Health care insurers have general policies to combat fraud and error, but not specifically aimed at cross border health care.

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

- The service for clients and the enforcement of UWV is focused on an optimisation of compliance with the standing regulations and the prevention of breaking these regulations (offences). To achieve this goal, in internal situations (clients working/living in the Netherlands), UWV uses the data of authentic data bases/registers. For determining the benefit UWV does not depend on clients for data concerning their situation (work and income).

- The main difference between national and international clients (clients living abroad) is that in the international domain there's no coherent and structured digital data exchange (between the competent institutions). UWV has to negotiate with respective countries about the exchange of data. This requires a lot of time, effort and human resources. Beside this, there may be technical / infrastructural problems that have to be overcome. Another bottleneck is the fact that competent institutions do not automatically dispose of foreign personal identification numbers, which are required to exchange data. Furthermore, UWV has no database/knowledge of addresses abroad. Among other things, this can be problematic in case of the recovery of undue/incorrect payments and the address of the debtor is not known.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

Data exchange might in individual cases work very well. However, bulk data requests are very difficult to establish, due to differences in privacy legislation and general restrictions (see also 3.1.1.). A structural exchange of data about for example income and deaths will make it easier to detect and prevent fraud and error. UWV is examining the legal possibilities for data exchange in a safe and lawful manner.

3.1.4. Other specific problems

Among other things, the conditions of the General Data Protection Regulation (GDPR) make specific cooperation and concrete data exchange difficult (as for example within recovery procedures).

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

-The lack of updated contact information of Member States' social insurance institutions makes cross-border cooperation difficult. In certain cases, SEDs sent by post were returned as the address of the receiving institution was changed.

-Part of the exchange issue seems to be that it is unclear where to address specific questions. This causes delay in investigations and therefore the effect of efforts to reduce the violation of rules.

-Regarding administrative checks, competent institutions encounter the fact that in many cases they have no powers or competence in other Member States to carry out such checks. In many cases, the competent institutions have to rely on the co-operation with institutions of other MS. This may be time-consuming. In fact, it also entails constraints. Often, competent institutions in other MS do not dispose of the information needed to be able to verify the entitlement to a Dutch benefit. F.e. the household composition is a relevant factor in assessing entitlement to an old age pension. Many institutions in other MS do not have insight in the household composition of beneficiaries. Also, details about income are often difficult to retrieve.

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

Form E 125 does not specify the cost and nature of the care provided. Health insurers therefore have to pay costs of benefits in kind without having insight into the care provided. This makes the use of the EHIC card sensitive to error and fraud. For example, it is not possible to see if the EHIC was presented for unplanned care or for planned care, whether or not consciously. In addition, because the EHIC lacks the date of insurance, a healthcare provider or the institution of the place of stay cannot verify if someone is insured on the date the healthcare service was provided. The EHIC card is easy to falsify, as it lacks security measures.

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

- The National Contact Point Platform allows to share best practices and information within the domain of applied data analysis to combat social security fraud.
- Within the Benelux the social security organizations together with the European Labour Authority (ELA) are working on possibilities to make joint inspections possible. This concerns also the use of information gathered during a joint cross border inspection.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

- The SVB suggests that all NCPs always respond to posts on the NCP European Platform.
- It is important that Regulations 883/2004 and 987/2009 respond to the need of institutions when combatting fraud and error, such as the facilitation of bulk data exchange or co-operation in the field of export of unemployment benefits (co-operating to help beneficiaries get back to work).

7.2. Regarding Portable Document A1

7.3. Regarding the EHC

NORWAY

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

Helfo is subject to national legislation regarding dissemination of information, among other things confidentiality provisions, the users duty to provide information, and the consequences arising of providing incorrect or lacking information.

The above-mentioned also applies for the Labour and Welfare Administration (NAV), regarding their administration of the Norwegian National Insurance Scheme.

2.1.1.2. General steps regarding controlling and monitoring actions

In 2023, the directorate for the Norwegian Labour and Welfare Administration has introduced an action plan against overpayments and benefit fraud. The plan's overall objective is to reduce overpayments where the primary strategy is prevention.

The preventive measures will contribute to a more secure and effective benefit administration. The goal is also to limit overpayments caused by errors and misunderstandings from the recipient's side. The measures lined up in the action plan are used, among others, by departments responsible for developing new systems.

The action plan lists 17 measures that includes:

- Introduction of a system that automatically reduces the benefit based on registered income (instead of relying on self-reporting).
- Using more of the existing data NAV has to pre-fill digitalized applications.
- Map fraud patterns and analyze the causes of benefit fraud through studies to be able to measure and ensure that the measures stated in the action plan have the desired impact.
- Contribute to the development of regulations to ensure NAV has sufficient legal basis to conduct the control measures necessary. This includes data compilation and administrative sanctions as an alternative to criminal prosecution.

Recipients of unemployment benefits and work assessment allowance have to submit status forms every two weeks in order to receive unemployment benefits. They are provided with detailed information on what to submit and about the consequences if they provide incorrect or lacking information

2.1.1.3. General steps regarding cooperation and data exchange

NAV cooperates with other member states by exchanging for example information on recipients' work situation, entitlement of benefits and place of residence to prevent that recipients receive benefits in several member states at the same time. NAV exchanges information on circumstances relevant for unemployment benefits.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

2.1.1.5. Other general steps taken to prevent fraud and error

Plans made for the implementations of a change regarding the electronically issued PDs to correspond with the guidelines given in recommendation H2.

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

All information regarding applicable legislation for individuals is transferred to the tax authorities, which are responsible for collecting national insurance contributions.

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Requiring an annual life certificate from recipients of old-age or survivor's benefits living in another (Member) State in order to verify whether these persons are still alive and thus entitled to those benefits.

(b) Specific cooperation and concrete data exchange

NAV exchanges information on deaths electronically with Sweden and Denmark.

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

Provisions given in the National Insurance Act regulates this.

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

NAV sends H001 forms via EESSI to other member states when information is required on work, place of residence, or other circumstances relevant for paying out unemployment benefits. Furthermore, SED U10-U13 is regularly exchanged in export of unemployment benefits cases to communicate with other member states on circumstances that may affect the right to benefits.

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

Investigation of tips about possible cross border social security fraud from various actors, including the public and border control.

2.2.1.2. General steps regarding cooperation and data exchange

Helfo is EESSI ready, which entails that all documents are issued in compliance with EESSI.

The Labour and Welfare Administration carried out international data sharing via EESSI, for example in cases where clients wrongly have received unemployment benefits from Norway while living in another EEA-state.

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

The Norwegian Health Economics Administration (Helfo) is obliged to consider the terms of repayment in every case of false refunds. Notwithstanding whether the false refunds are made as a result of flaws in casework or wilful or negligent misinformation or omission of information by the recipient.

Generally, the recipient is required to exercise a high level of cautiousness.

The Norwegian Labour and Welfare Administration is obliged to consider the terms of repayment in every case of overpayments, cf. the National Insurance Act article 22-15. Notwithstanding whether the overpayments are made as the result of flaws in casework or wilful or negligent misinformation or omission of information by the recipient.

Generally, the recipient is required to exercise a high level of cautiousness.

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

Cases are monitored manually and the right to benefits is evaluated regularly.

(b) Specific cooperation and concrete data exchange

- NAV receives address information automatically from the population register.
- All schools are obliged to inform NAV if a child does not attend school.
- NAV requests information about the situation in other EEA-countries using SED/EESSI. Different SEDs are used to request information the needed. We do not send bulk requests in the family sector.

NAV requests information from banks.

(c) Recovery of unduly paid benefits and other sanctions

Unduly paid benefits can be recovered if the recipient understood or should have understood that he/she was not entitled to the payment.

If incorrect information about circumstances that are significant for the right to single parent benefit is given, the recipient can be banned from the right to benefits for up to three months the first time and up to six months in the case of repetitions during the last three years. The same applies if the recipient has failed to provide information of importance for the right to benefit.

2.2.2.5. Healthcare and sickness benefits in kind

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

In some cases the Labour and Welfare Administration have experienced long processing time on their request for confirmation of insurance periods. They have also experienced lack of response on questions asked in their requests. Another experience is that their requests have been met by demands of information they are unable to provide, as it concerns data on work and other circumstances carried out in the requested EEA-state.

Exchange of data with regards to unemployment benefits only occurs online via EESSI.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

Incorrect contact information and lack of updated competent institution numbers in the member states, can in some cases make cross-border cooperation difficult.

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

More bilateral agreements would be useful for investigation.

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

The cooperation with other Member states have improved since the introduction of EESSI. Information on circumstances that could have an impact on whether a person is eligible for benefits is shared more easily and quickly. In case of export of unemployment benefits to other Member states for 3 months, SED U010/U013 can be issued electronically which reduces the risks of error in pay-out in case of changed circumstances.

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

The rules on activity in more than one Member State, sometimes cause challenges and can be difficult to apply correctly. This enables the rise of the probability of erroneous decisions by the clerks.

Many persons pursuing activities in more than one Member State are not aware of their notification (reporting) duties and pay social security contributions in more than one Member State. The risk of fraud and error in these situations is also related to the fact that the institutions rely mainly on the information provided by the applicants (employer and employees) which, in some cases, is not easily verifiable.

As there are differences between the Member States in the levels of unemployment benefits, there is some tendency to give false information about one's state of residence and about possibly returning there. Generally, the question about state of residence is quite open to different interpretations and therefore also prone to error.

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

Incorrect use of benefit rights that can result in wrongful coverage or double coverage/ use of parallel coverage rights.

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

There is continuous ongoing work to improve information provided to private users and health care workers, both written and electronic communication.

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

There is continuous ongoing work in Helfo to improve Helfo's website, and letter templates used for all communication with private users and health care providers.

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

Not exchanging information through insecure e-mail. Exchange through sTesta and EESSI.

6.1.3. Best practices regarding internal cooperation and data exchange

NAV has officers that are specialised in detecting fraud regarding cash benefits.

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

Helfo is EESSI ready.

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

Helfo experiences challenges with certain countries following up payments and receiving payments in case where an incorrect payment has occurred. Payments are often not clearly marked with the case number, and it creates extra work to gather the necessary information.

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

The Norwegian Labour and Welfare Administration takes part in the European Benefit Fraud Network Group, organised as a sub-group of the NCP network. This sub-group exchanges knowledge about methods, trends and examples that are of important value in tackling fraud and error, also in domestic cases. More such sub-groups should be established. More frequent dialogue would also be useful.

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

POLAND

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

- Towards institutions and other parties involved: training of the employers and employees as well as the clerks handling the cases.

- Popularisation of knowledge about the social security system in Poland and the rules of (EU or bilateral) coordination, includes:
 - sending annual information about changes in the Polish legislation concerning pension benefits to foreign liaison insurance institutions in the EU/EFTA Member States to be used in current work or shared both with other national institutions and citizens (ZUS customers living abroad);
 - participating in the “Counselling Days”, which are regular meetings with the Polish community living in the EU/EFTA Member States – during the meetings experts from ZUS advise in individual cases and share information about both the social security system in Poland and the rules of coordination;
 - publications for customers (leaflets in Polish and English available in all ZUS offices and on the ZUS website, guides and the information website, including a newsroom);
 - tutorials for persons who are preparing for the consular exam;
 - cooperation with academic society, practising lawyers, TV or radio stations and journalists (conferences, tutorials, research and publications).

ZUS DMR - in the reference year 2023 ZUS DMR continued the following activities to combat repeating or detected frauds/errors, to prevent future detected frauds/errors, as well as to identify the risk of undetected frauds/errors.

Introducing electronic exchange of data

- in the field of electronic exchange of information about deaths in order to avoid overpayments of benefits following a beneficiary's death, ZUS, DRZ continued the exchange with Croatia, Germany, Sweden, UK, Netherlands, Italy, Denmark and Spain;
- further analysis of justification of implementation of projects concerning exchange of information about deaths and benefits' amounts with other countries were carried out as well as risk analysis for these fields.

Ongoing cross-area initiatives:

- direct meetings with the representatives of liaison institutions from the particular EU/EFTA Member States to exchange information concerning changes in national legislation or institutional structure, contact details of persons indicated in each institution for the purpose of direct contact in questionable cases, as well as to resolve legal or procedural (bilateral) issues;
- support for the subordinate territorial units which act as competent institutions: conducting training sessions and meetings, issuing guidelines and procedures, replying to ad hoc queries and doubts, carrying out inspections aimed to combat and prevent frauds and errors in the field of cases they handle.

Other regular preventive actions

- > "Certificates of Life" sent annually to ZUS pensioners (in Polish and in the language of the receiving country) residing abroad in case when electronic exchange of information on deaths is not yet launched.
- > Data matching, including:
 - identity verification allowed by access to PESEL register (Polish PIN);
 - adjustment of insurance database and benefits database;
 - adjustment of data from various benefits databases.
- > Cooperation with ZUS Customer Service Centre in the scope of providing current legal and procedural information, to be forwarded to customers.
- > Popularization of knowledge about the social security system in Poland and the rules of (EU or

bilateral) coordination, including:

- sending annual information about changes in the Polish legislation concerning pension benefits to foreign liaison insurance institutions in the EU/EFTA Member States to be used in current work or shared both with other national institutions or citizens (ZUS customers living abroad);
- participating in the “Counselling Days”, which are regular meetings with the Polish community living in the EU/EFTA Member States - during the meetings experts from ZUS advice in individual cases and share information about both the social security system in Poland and the rules of coordination;
- publications for customers (leaflets in Polish and English available in all ZUS offices and ZUS website, guides and the information website, including newsroom);
- tutorials for persons who are preparing to the consular exam;
- cooperation with academic society, practicing lawyers, TV or Radio stations and journalists (conferences, tutorials, researches and publications).

In September 2023, we implemented the next phase of modification of the EESSI National Application (AKE) to automate some processes related to the issuance of PD A1. Exchange of good practices through conferences and meetings in Poland and abroad.

ZUS DZS - no input

NFZ - The International Affairs Department of the Central Office of the National Health Fund (DWM NFZ) Polish liaison body for the benefits in kind continued its activity in the area of preventing frauds in cases determined under the Regulations, as presented in the previous questionnaire.

The activities of the regional branches of the National Health Fund (NFZ) to reduce the frauds are mainly conducted when verifying if the claims sent by the liaison bodies of the other EU/EFTA Member States on the settlement forms are justified. As a part of the verification it is examined if the person was entitled to the benefits during the period when the benefits in kind were provided. In justified cases the received claims are contested in order to clarify the matter with an institution of another EU/EFTA Member State. When a claim cannot be contested, it is settled by the NFZ, and then the recourse proceedings are being initiated against the person involved.

DWM NFZ did not carry out any particular tasks dedicated to prevent frauds, apart from the information activities referred to in Question 4.

BESW - control, granting of benefits on the basis of original documents , systematic work, good organisation of work, knowledge and experience of employee.

WBE - verification of entitlement to benefits, control of education

ZER - no input

MRPiPS - to inform clients about the conditions for granting benefits and the circumstances resulting in the loss of the right to them and about the criminal responsibility for making false statements and the need to report any changes concerning the family situation that affect the entitlement to benefits,

- organizing training for employees in the area of coordination rules aimed at correctly collecting, verifying and transmitting the necessary data regarding family benefits clients to foreign institutions and in the area of coordination rules,
- greater access to information (e.g. on the employment situation or the income situation of the applicant and his/her family members),
- cooperation with a liaison institution in order to fine-tune transparent procedures and to

speed up administrative proceedings,

- verifying eligibility for benefits abroad before deciding on the award of temporary benefits,
- verification in external systems of statements submitted by the applicant when applying for benefits before the authority makes a decision and during their payment,
- keeping clients and foreign institutions informed of changes in regulations regarding Polish family benefits.

KRUS - since 2014 KRUS has been using the European Online Information System of German Old-Age and Disability Insurance (EOA) which makes it possible to verify correctness of payment of allowance due based on Art. 58 of the Regulation (EU) no 883/2004. Moreover, it is also applied to conduct audits in order to check the correctness of granting the already paid old-age and disability benefits, verify beneficiaries' address details, control life and residence of beneficiaries residing in Germany and obtain information on persons registered in the German system who are at the same time subject to farmers' social insurance. Thus, it is possible to avoid overpayment of farmers' old-age and disability benefits. Each year KRUS sends the form "Certificate of Life and Residence" to old-age and disability pensioners residing in the territory of another member state in order to establish whether there are grounds for continuing payment of a benefit.

ZUS DMR - in scope of ZUS DMR competence please, refer to our reply under point 1.1 a.

ZUS DZS - no input

NFZ - The International Affairs Department of the Central Office of the National Health Fund (DWM NFZ) Polish liaison body for the benefits in kind has a website with instant information about the rules applicable under the regulation, as well person rights and obligation. Additionally, individuals who applies for rights under the regulations receives a feedback information from the regional branches of NFZ with the rules applicable for them, i.e. correct use of EHIC card, entitlement for S2 or S1 documets.

BESW - control, employees trainings, procedures

WBE - use of the European Online Information System of the German pension insurance (EOA)

ZER - no input

MRPiPS - quicker exchange of detailed information making it possible to identify the beneficiary,

- to use available information channels tools and IT systems to verify the situation of citizens and also in order to eliminate the possibility of making an error,
- processing of all applications submitted by benefit recipients for the same benefit period in order to provide a foreign institution with full information on entitlement to family benefits in Poland for a given period on SED forms,
- constant exchange of information with foreign institutions through EESSI.

KRUS - since 2014 KRUS has been using the European Online Information System of German Old-Age and Disability Insurance (EOA) which makes it possible to verify correctness of payment of allowance due based on Art. 58 of the Regulation (EU) no 883/2004. Moreover, it is also applied to conduct audits in order to check the correctness of granting the already paid old-age and disability benefits, verify beneficiaries' address details, control life and residence of beneficiaries residing in Germany and obtain information on persons registered in the German system who are at the same time subject to farmers' social insurance. Thus, it is possible to avoid overpayment of farmers' old-age and disability benefits. Each year KRUS sends the form "Certificate of Life and Residence" to old-age and disability pensioners residing in the territory

of another member state in order to establish whether there are grounds for continuing payment of a benefit. KRUS takes actions aimed at eliminating errors made by its employees by increased supervision over the correctness of handling matters by KRUS local offices operating as competent institutions, ongoing verification of records, and trainings for KRUS employees. However, KRUS has little influence on the occurrence of errors made by beneficiaries. In order to reduce the number of such errors, KRUS local offices may publish relevant articles in local press, send leaflets to beneficiaries and organize meetings with beneficiaries.

2.1.1.2. General steps regarding controlling and monitoring actions

2.1.1.3. General steps regarding cooperation and data exchange

The outcome of the monthly electronic exchange of information about deaths of ZUS beneficiaries in the year 2023 was as follows:

- in concern to those residing in Germany (82 186) the said electronic exchange of information resulted in 1 330 708 euro savings being an amount of benefits which were not overpaid because of 519 identified deaths in the reference year;
- in concern to those residing in Sweden (7 756) the said electronic exchange of information resulted in over 113 820 euro savings being an amount of benefits which were not overpaid because of 122 identified deaths in the reference year;
- in concern to those residing in Croatia (128) the said electronic exchange of information resulted in over 1 514 euro savings being an amount of benefits which were not overpaid because of 1 identified death in the reference year;
- in concern to those residing in United Kingdom (9 896) the said electronic exchange of information resulted in over 233 121 euro savings being an amount of benefits which were not overpaid because of 95 identified deaths in the reference year;
- in concern to those residing in the Netherlands (3 276) the said electronic exchange of information resulted in over 90 341 euro savings being an amount of benefits which were not overpaid because of 30 identified deaths in the reference year;
- in concern to those residing in Italy (3 235) the said electronic exchange of information resulted in over 20 831 euro savings being an amount of benefits which were not overpaid because of 20 identified deaths in the reference year;

- in concern to those residing in Denmark (1 263) the said electronic exchange of information resulted in over 19 807 euro savings being an amount of benefits which were not overpaid because of 29 identified deaths in the reference year;
- in concern to those residing in Spain (2 030) the said electronic exchange of information resulted in over 376 654 euro savings being an amount of benefits which were not overpaid because of 14 identified deaths in the reference year;

The Social Insurance Institution, in order to eliminate the overpayment of pension benefits after the death of a benefit recipient, enters into agreements with foreign institutions on the electronic exchange of information on deaths. These agreements are concluded with the institutions of the following countries: Germany, the United Kingdom, Australia, Croatia, Sweden, Italy, the Netherlands, Denmark, Spain.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

2.1.1.5. Other general steps taken to prevent fraud and error

ZUS, DZS reported that the following steps were taken to prevent fraud:

- trainings for employees, contribution payers and customers organised by ZUS regarding legal provisions applicable to the granting of rights and payment of benefits in case of sickness and maternity;
- handling of cases concerning payment of benefits (approval);
- carrying out functional and internal inspections at Allowances Sections of ZUS branch offices (WZ O/ZUS);
- providing subordinate units with written explanations, guidelines on the rules concerning benefits by ZUS, DZS, providing customers with written explanations by the WZ O/ZUS, optimising procedures and rules of proceedings;
- ZUS, DZS supervision over the implementation of WZ O/ZUS tasks, e.g. in the field of detecting overpayments and recovering unduly collected benefits;
- substantive ZUS, DZS support for the ZUS Call Center (COT – Telephone Service Center);
- cooperation with Polish and foreign institutions.

KRUS takes actions aimed at eliminating errors made by its employees by increased supervision over the correctness of handling matters by KRUS local offices operating as competent institutions, ongoing verification of records, and trainings for KRUS employees. However, the Fund has little influence on the occurrence of errors made by beneficiaries. In order to reduce the number of such errors, KRUS local offices may publish relevant articles in local press, send leaflets to beneficiaries and organize meetings with beneficiaries.

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

Information leaflets are available on the website and in the customer service rooms of ZUS. Moreover, training is provided for clients and ZUS employees.

(b) Specific controlling and monitoring actions

www.lang.zus.pl/A1

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These improvements have resulted in a significant reduction in the risk of fraud and error.

ZUS DMR - in regard to pension area please refer to our reply under point 1.1.

In the area of applicable legislation - in AKE EESSI (national implementation of EESSI) we have introduced automatic checks. In 2022 we prepared a special online service to check the validity and truthfulness of the A1 portable document issued by the competent institution. We cooperate with foreign institutions in the area of verification of the fact that a particular PD A1 has been issued. We provide quick checks as to the confirmation of the fact that a PD A1 has been issued between 1 to 2 business days (in some cases in a next few days) with regard to quick checks as to the confirmation of the fact that a PD A1 has been issued.

ZUS DZS - no input

NFZ - The International Affairs Department of the Central Office of the National Health Fund (DWM NFZ) Polish liaison office is conducting activities of the regional branches of the National Health Fund (NFZ) to reduce the frauds are mainly conducted during the period when the benefits in kind were provided. In justified cases the received claims are controlled and claims are initiated against the person involved.

DWM NFZ did not carry out any particular tasks dedicated to prevent frauds, apart from the information activities related to the prevention of frauds.

BESW - no frauds were detected

WBE - enforcing unduly paid benefits from beneficiaries or family members (heirs), correspondence with social security institutions.

ZER - no input

MRPiPS - trying to get as many information from the external institutions as possible in order to make corrections to the existing procedures in order to check if there is a possibility to improve them and avoid fraud in the field of domestic law using the possibility of conducting environmental interviews and relying on declarations of the beneficiaries. - effective attempt to establish direct contacts with institutions of the countries with which we most often conduct cooperation. - verification of entitlements after the granting decision is issued during the benefit period and during the payment of the benefits. - constant monitoring of ongoing cases, - to inform foreign competent institutions about cases that in our opinion were unjustly settled.

KRUS - no data available (no case of frauds have occurred)

ZUS DMR - in regard to steps taken by ZUS DMR, please, refer to our previous replies.

ZUS DZS - no input

NFZ - The International Affairs Department of the Central Office of the National Health Fund (DWM NFZ) Polish liaison office is conducting activities of the regional branches of the National Health Fund (NFZ) to reduce the frauds are mainly conducted during the period when the benefits in kind were provided. In justified cases the received claims are controlled and claims are initiated against the person involved. Additionally, feedback information is provided to individuals by the regional branches of NFZ with the rules and procedures.

BESW - control, further training of employees, procedures

WBE - correspondence with beneficiaries

ZER - no input

MRPiPS - to use available information channels to verify the situation of citizens, IT tools and systems, and formatting of documents. - meetings with representatives of foreign institutions to develop good practices and ensure smooth communication. - offering comprehensive information on SED forms to the foreign institution on the basis of the documents, - sending foreign applications/foreign forms provided directly by clients to the institution of another country for authentication.

KRUS - since 2014 KRUS has been using the European Online Information System of German Old-Age and Disability Insurance (EOLIS) to check the correctness of granting the already paid old-age and disability benefits, verify beneficiaries' address details. Thus, it is possible to avoid overpayment of farmers' old-age and disability benefits.

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

- Requiring an annual life certificate from recipients of old-age or survivor's benefits living in another (Member) State in order to verify whether these persons are still alive and thus entitled to those benefits.

The Pension Benefit Institution of the Ministry of the Interior and Administration (Zakład Emerytalno-Rentowy Ministerstwa Spraw Wewnętrznych i Administracji – ZER MSWiA) performs checks on deaths annually, and on whether education is continued (in the case of survivor's pensions for children who are still learning). Furthermore, the ZER MSWiA provides information on the website and at the information desk. This allows to reach a larger number of beneficiaries. The Military Pension Office (Wojskowe Biuro Emerytalne - WBE) also sends life certificates to beneficiaries and checks the continuation of education. This prevents overpayment of pension benefits and unjustified payments of benefits, respectively. The Pension Office of the Prison Service (Biuro Emerytalne Służby Więziennej - BESW) performs checks, awards benefits based on original documents, and focuses on systematic work, a good organisation of work, and employee knowledge and experience.

In addition to procedures in order to verify whether a beneficiary residing abroad is still alive, Member States also reported on control systems with other objectives.

- The Pension Benefit Institution of the Ministry of the Interior and Administration (Zakład Emerytalno-Rentowy Ministerstwa Spraw Wewnętrznych i Administracji - ZER MSWiA) adopts internal procedures and provides trainings that help to avoid errors. It furthermore performs control and audit. The Polish Military Pension Office (Wojskowe Biuro Emerytalne - WBE) uses the access to data of the German pensions authority (Deutsche Rentenversicherung), which allows to check working people and thus to avoid overpayments of benefits. The Pension Office of Prison Service (Biuro Emerytalne Służby Więziennej - BESW) uses control, training of employees and procedures.
- In order to prevent fraud and error, in the field of competencies of the Social Insurance Institution (Zakład Ubezpieczeń Społecznych, Departament Świadczeń Międzynarodowych i Wsparcia Rodzin - ZUS DMR) of Poland identified cases of error or fraud were analysed to avoid them in the future.
- ZUS, DZS organized trainings for employers; were handling cases regarding payment of benefits (approval); carried out functional and internal inspections at Allowances Sections of ZUS branch offices (WZ O/ZUS); provided subordinate units with written explanations, guidelines on the rules concerning benefits by the ZUS DZS, providing customers with written explanations by the WZ O/ZUS, optimization of procedures and rules of proceedings; supervised over the implementation of WZ O/ZUS tasks, provided support for ZUS Call Center and cooperated with Polish and foreign institutions; organized trainings for heads of Allowances Sections of ZUS branch offices

(b) Specific cooperation and concrete data exchange

The Social Insurance Institution (Zakład Ubezpieczeń Społecznych, Departament Świadczeń Międzynarodowych i Wsparcia Rodzin - ZUS DMR) also continued the exchange with Germany, Sweden, Croatia and the UK, signed an agreement with the Netherlands, Italy and Denmark, and started the exchange with the Netherlands and Italy. Works are ongoing to conclude agreements with Spain and France. The Social Insurance Institution furthermore continued works on an internal project which will enable such exchange with other countries. Finally, the justification of

implementing projects concerning the exchange of information about deaths and benefit amounts with other countries were further analysed.

Since 2014 KRUS has been using the European Online Information System oGerman Old-Age and Disability Insurance (EOA), which makes it possible to verify the correctness of payment. Moreover, it is also applied to conduct audits in order to check the correctness of granting the already paid old-age and disability benefits, verify beneficiaries' address details, check life and residence of beneficiaries residing in Germany and obtain information on persons registered in the German system who are at the same time subject to farmers' social insurance. Thus, it is possible to avoid overpayment of farmers' old-age and disability benefits.

Direct meetings with the representatives of liaison institutions from other EU/EFTA Member States to exchange information concerning changes in national legislation or institutional structure, contact details of persons indicated in each institution for the purpose of direct contact in questionable cases, as well as to resolve legal or procedural (bilateral) issues.

ZUS DMR - similarly to previous years ZUS DMR continued the following actions:

- the effectiveness of the steps taken was monitored on a regular basis;
- reports were generated monthly or quarterly in regard to different areas (for example overpayments);
- compilation of these data, as well as the results of the inspections carried out both by the supervising department or an external body were used to evaluate the work of the territorial offices, solve problems and create strategies to avoid them;
- analysis of the potential risks were drafted.

No figures with breakdown into frauds and errors are available.

The reliable impact is that of the launched electronic exchange of information on deaths of beneficiaries living in another Member State that reduces number of overpayments and reduces their amounts. The outcome of monthly electronic exchange of information about deaths of ZUS beneficiaries in the year 2023 is as follows:

- in concern to those residing in Germany (82 186) the said electronic exchange of information resulted in 1 330 708 euro savings being an amount of benefits which were not overpaid because of 519 identified deaths in the reference year;
- in concern to those residing in Sweden (7 756) the said electronic exchange of information resulted in over 113 820 euro savings being an amount of benefits which were not overpaid because of 122 identified deaths in the reference year;
- in concern to those residing in Croatia (128) the said electronic exchange of information resulted in over 1 514 euro savings being an amount of benefits which were not overpaid

because of 1 identified death in the reference year;
– in concern to those residing in United Kingdom (9 896) the said electronic exchange of information resulted in over 233 121 euro savings being an amount of benefits which were not overpaid because of 95 identified deaths in the reference year;
– in concern to those residing in the Netherlands (3 276) the said electronic exchange of information resulted in over 90 341 euro savings being an amount of benefits which were not overpaid because of 30 identified deaths in the reference year;
– in concern to those residing in Italy (3 235) the said electronic exchange of information resulted in over 20 831 euro savings being an amount of benefits which were not overpaid because of 20 identified deaths in the reference year;
- in concern to those residing in Denmark (1 263) the said electronic exchange of information resulted in over 19 807 euro savings being an amount of benefits which were not overpaid because of 29 identified deaths in the reference year;
- in concern to those residing in Spain (2 030) the said electronic exchange of information resulted in over 376 654 euro savings being an amount of benefits which were not overpaid because of 14 identified deaths in the reference year;

As far as applicable legislation is concerned - due to the conducted actions and information trainings, persons and companies gain the necessary knowledge about the regulations in the scope of social security coordination. This increases understanding of the consequences of providing improper data, which become the basis for the issuing of PD A1. Entrepreneurs are aware of inter-institutional verification and inspections of the conditions for posting, posting of self-employed activity or activity simultaneously pursued in two or more Member States.

ZUS DZS - no input

NFZ - no input

BESW - no frauds were detected

WBE - annual verification of entitlement avoids overpayment of pensions, verification of education prevent unjustified payment of benefits

ZER - no input

MRPIPS - improvement of the electronic verification system,
- limiting the participation of a person (beneficiary) in administrative proceedings (verification of family or material situation of a person through direct contact with relevant institutions in Poland),
- increasing clients' awareness of informing the relevant institutions of changes affecting the granting of benefits (return/exit of a family member abroad,
- increased customer awareness of immediately notifying the relevant institutions about a family member's departure (return) abroad,
- using IT channels to provide local institutions with the information and guidelines aimed at improving our cooperation.

KRUS - no data available

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

In 2023 NFZ organized trainings for health care providers aimed at updating their knowledge on handling EU patients (webinar, information leaflets). We paid attention to proper verification of eligibility documents.

(b) Specific controlling and monitoring actions

Specific controlling and monitoring actions to prevent fraud and error in the field of healthcare and sickness benefits in kind.

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

A correct identification of persons in the PESEL register (Universal Electronic System of Population Register) is required before issuing a decision.

2.1.2.6. Unemployment benefits

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

Investigations in individual cases.

2.2.1.2. General steps regarding cooperation and data exchange

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

Recovery of unduly paid benefits, and/or prosecution authorities are notified about the possibility of the commitment of a crime in which cases persons concerned can be subject to criminal prosecution.

2.2.1.4. Other general steps taken to combat fraud and error

The Social Insurance Institution (Zakład Ubezpieczeń Społecznych, Departament Świadczeń Międzynarodowych i Wsparcia Rodzin - ZUS DMR) monitored the effectiveness of the steps taken on a regular basis, that reports were generated monthly or quarterly with regard to different areas (e.g. overpayments), that the compilation of these data, as well as the results of the inspections carried out both by the supervising department or an external body were used to evaluate the work of the territorial offices, to solve problems and to create strategies to avoid them and that analyses of potential risks were drafted in order to combat fraud and error.

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

To combat error in cases determined under the Regulations, the Agricultural Social Insurance Fund (KRUS) used the European Online Information System of German Old-Age and Disability Insurance, which makes it possible to verify the correctness of the payment of allowances due based on Article 58 of Regulation (EU) No 883/2004. Moreover, it is also applied to conduct audits

in order to check the correctness of granting the already paid old-age and disability benefits, verify beneficiaries' address details, check the life and residence of beneficiaries residing in Germany and obtain information on persons registered in the German system who are at the same time subject to the farmers' social insurance.

(c) Recovery of unduly paid benefits and other sanctions

Recovery of unduly paid benefits.

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

The National Health Fund (Narodowy Fundusz Zdrowia – NFZ) continued its claim verification activity in the area of combating fraud and error in cases determined under the Regulations.

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

- False or unreliable statements and concealment of information, e.g. failure to declare entitlement to family benefits abroad, income, traveling abroad, as well as false reporting of the employment period. Lack of honesty on the part of clients - withholding information or providing incorrect information (e.g. no person working abroad).
- Impossibility of getting assistance from some Member States concerning deaths of beneficiaries due to the lack of access to institutions' registers, which results in a need to continue to send life certificates in paper form.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

Difficulties regarding cooperation between the Member States.

The lack of updated contact information of Member States' social insurance institutions makes cross-border cooperation difficult. In certain cases SEDs sent by post were returned as the address of the receiving institution was changed.

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

- For what concerns the determination whether the undertaking carries out a significant part of its activity in the sending or posting State, it is found that ambiguous criteria lay the foundation for error and fraud. Particularly, the criteria of the number of staff in the posting State and the criterion “about 25%” of the turnover achieved by the undertaking in the country where it is situated.
- Difficulties in the determination of marginal work occur especially when carrying out a self-employment activity in one Member State and being an employee in another. The explanation of what marginal activity is, can be found in the Practical Guide. These explanations are, however, not relevant to situations covered by the above Article.
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3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

It is a problem that national regulations or practice prevent the return of benefits transferred to the bank account of people entitled to benefits after their death.

3.5. Problems regarding the EHIC

The National Health Fund (NFZ) identifies cases in which the EHIC is used in order to enable an institution to settle the cost of medical benefits provided prior to the validity period of the card. An end date can, however, be found on the EHIC; the health insurance can end before this date. Data exchange on this matter is quite slow.

The National Health Fund (NFZ) identifies cases in which the EHIC was issued in the way not complied with S2 decision eg. country code didn't meet EU standard, the EHIC number had more characters than defined in S2, the EHIC's format was different that required. These cases could be not only potential frauds but also they impacted health care provider's reporting process where all reported data must meet S2 requirements. Finally, in most cases Polish competent institutions have asked for PRC.

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

NFZ - NFZ conducts information activities. The information appears periodically in the media, in the form of articles, broadcasts. The activity is focused on periods before holidays. At this time some regional branches of the NFZ extend working hours if necessary.

Additionally, employees of the regional branches of the NFZ are involved in events on healthcare/insurance/social themes, during which they present information on coordination regulations with regard to benefits in kind. The knowledge is also transmitted via the website and in direct or telephone contacts with the insured persons.

The information on services provided on the basis of EHIC and other entitlement documents, as well as accounting rules for the benefits provided to EU patients is permanently accessible for health care providers on the website of the Polish liaison body. Similar information is accessible on the websites of the regional branches of the NFZ. If there are any questions or concerns, both employees of regional branches and the central office of the NFZ provide clarification for health care providers on an ongoing basis.

MRPiPS - providing reliable information to beneficiaries.

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

The Agricultural Social Insurance Fund (*KRUS*) had positive experiences with the processing of applications for old-age and disability pensions with German competent institutions. Throughout the years *KRUS* has considerably improved its methods of cooperation with these institutions. Multiple meetings of representatives of Polish and German liaison bodies and competent institutions contributed to this to a large extent and helped to eliminate difficulties as well as improve the flow of information when processing old-age and disability cases.

ZUS DMR - focuses on taking opportunity to share good practices and gained experiences with other social insurance institutions in Poland and in other EU/EFTA Member States and to introduce new measures, when possible.

ZUS DZS - no input

NFZ - As the best practices it is worth mentioning bilateral meetings and exchange of information on the issues and possible areas of mistakes or frauds. Issues remains the same as in the previous years, i.e. no access to benefits in kind on the basis of EHIC due to insufficient knowledge of health care providers regarding benefits under provisions of coordination, EHIC with asterisks (***) instead of patient's data, use of EHIC to obtain planned treatment.

Another problem is related to a request to present E112/S2 forms for post hospital treatments or necessary treatments when the patient stay is long.

BESW - contacts with foreign institutions are sporadic and do not pose problems.

MRPiPS - sending so-called: reminders in case of prolonged lack of answers from foreign institutions,

- multiple meetings and contacts between representatives of competent institutions, which helped eliminate challenges and improve the flow of information when processing family benefit cases,
- imprecise answers given by foreign institutions/ or lack of answers,
- providing information on SED forms about entitlement to family benefits, indicating the type of benefit (classic, parental) to which a given benefit belongs, and a complete information of the amounts and periods of the benefit granted, also providing complete information of periods of employment abroad (or equivalent),
- regular and timely exchange of full information between the institutions of the individual Member States, taking into account the procedures provided for this purpose,
- conducting inspections in the field of compliance with procedures for the protection of personal data.

KRUS - as far as implementation of EU regulations is concerned, the following issues may be indicated as major problems related to cooperation with foreign institutions:

- long waiting time for handling the applications for old-age and disability benefits by foreign institutions as well as E 205 forms/SEDs P5000,
- failure, on the part of competent foreign institutions, to provide answers to some of the inquiries made by *KRUS*,
- Delays in submitting, by competent foreign institutions, decisions on refusing the right to old-age and disability benefits and E 210 forms/SEDs P6000 in relation to applications for

foreign old-age and disability benefits filed by KRUS, which, in turn, makes it impossible to complete the international procedure.

Based on KRUS's experience gained so far, the Italian, French and Greek institutions are those most difficult to cooperate with.

KRUS has positive experience as regards processing of applications for old-age and disability pensions with German competent institutions. Throughout the years KRUS has considerably improved its methods of cooperation with these institutions. What to a large extent contributed to this fact were multiple meetings of representatives of Polish and German liaison bodies and competent institutions. Mutual agreements as well as exchange of information and experience helped to eliminate difficulties as well as improve the flow of information when processing old-age and disability cases. The European Online Information System of German Old-Age and Disability Insurance (EOA), to which KRUS has been given an access, enables to use, on a regular basis, information on German insurance history of applicants and the amount of German benefits received by them, which to a large extent facilitates examining applications for farmers' old-age and disability benefits and accelerates the process of issuing decisions in such cases.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

The European Online Information System of the German Old-Age and Disability Insurance (EOA), to which *KRUS* has been given access, enables *KRUS* to use, on a regular basis, information about applicants' German insurance history and the amount of German benefits received by them, which to a large extent facilitates examining applications for farmers' old-age and disability benefits and accelerates the process of issuing decisions in such cases.

ZUS DMR - within the H5NCP Network ZUS DMR will continue with the initiative regarding problems with recovering overpaid benefits paid to foreign bank accounts after the death of a pensioner. In our view, this issue needs to be re-examined in the light of the amendment of the coordination regulations. We maintain the position that a specific solution is needed for this problem. ZUS DMR maintains the idea of creating a thematic database on combating cross-border fraud and error on EC websites, containing information on initiatives also taken in other international fora - e.g. ISSA and ESIP.

In scope of applicable legislation, the provisions on coordination of social security systems should be more precise and not allow for different interpretation by various member states. The Practical guide, which is intended to be an interpretation of the rules, can create doubts (e.g. the amount of turnover of the posting undertaking).

Establishing contact persons in each country who can be contacted in the event of a problem in determining the competent institution.

Where a request or a letter is received by the wrong institution within a Member State, the forwarding of that letter by the institution receiving the letter to the competent institution should be a part of the principles of loyal cooperation.

Where a request or a letter is received by the wrong institution within a Member State, the forwarding of that letter by the institution receiving the letter to the competent institution should be a part of the principles of loyal cooperation.

ZUS DZS - no input

NFZ - Adding start date on the EHIC card. Implementing a possibility to present PRC on device as a secure and signed electronically pdf file, which can be downloaded by the insured person at the hospital. More controls over workers who start working and do not get insured and use the entitlement documents from previous competent MS.

BESW - we didn't encounter such cases

MRPiPS - reliable application of procedures and applicable regulations,

- introduction of a provision (good practice), which stipulates that family benefits should be transferred directly to the bank account number of a person who actually takes care of the child,

- standardising terminology and wording that can be used in all Member States (e.g. in English),

- monitoring the introduction of the obligation to use SED forms by all EU, EEA and Switzerland countries, under which the forms will provide complete information on: address of family members in Poland (with postal code), the date of submitting the application abroad, periods of professional activity (taking into account the types of professional activity resulting from the F1 decision), decisions for individual children in the family, specifying the name of the type of benefit to which the benefit belongs and the periods and amounts of the benefit,

- regular updating of the table available on the website missoc.org in order to inform other Member States about any changes in legislation in a given country, to inform about changes in the criteria/amounts of family benefits available in a given country,

- respect for EU regulations by all Member States in the field of each time informing about decisions made on benefits,

- organize working meetings between interested institutions to exchange information and share experiences.

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

The Counseling Days': these have been organised for many years in cooperation with the Embassy of the Republic of Poland. Also, it mentions broad access to information on EU regulations concerning the coordination of social security systems for all interested parties: constantly updated information is available on the ZUS website and on the websites of the embassies and consulates of the Republic of Poland.

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

The need to raise awareness of Polish citizens working abroad about the functioning of ZUS and its inspections of insured persons and contribution payers, and the need to further inform and promote cross-border cooperation and information exchange among EU liaison institutions.

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

The Social Insurance Institution (Zakład Ubezpieczeń Społecznych, Departament Zasiłków – ZUS DZS) reported that the following issues were faced when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) No 987/2009 on the coordination of social security systems:

- the reluctance of foreign institutions to cooperate with the liaison institution, competent institutions and the institutions of the place of residence;
- failure by foreign competent institutions to respond to the official letters from the liaison institution, competent institutions and the institutions of the place of residence (total failure of deadlines or slow response); and
- difficulties in determining the institution competent to consider the case.

Based on the experiences of the Agricultural Social Insurance Fund (KRUS) gained so far, the Italian, French and Greek institutions are those most difficult to cooperate with.

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

The Social Insurance Institution (*Zakład Ubezpieczeń Społecznych, Departament Świadczeń Międzynarodowych i Wsparcia Rodzin – ZUS DMR*) proposes for consideration that the provisions on the coordination of social security systems should be more precise and should not allow for different interpretation by various Member States. The Practical Guide, which is intended to be an interpretation of the rules, often creates doubts itself (e.g. the amount of turnover of the posting undertaking). In addition, ZUS has asked to consider building a thematic (held on the European Platform to combat cross-border social security fraud and error) database covering good practices referring to other issues identified by the Member States and reported over the years both in the context of the questionnaire to this report (and maybe also the questionnaires themselves accompanied with the statistical reports per reference year) and other AC notes. This database could be supplied by a kind of library with all the respective FreSsco reports and any other EU or international documents referring to issue of preventing or combating fraud and error in the field of EU social security coordination.

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

PORTUGAL

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

2.1.1.2. General steps regarding controlling and monitoring actions

2.1.1.3. General steps regarding cooperation and data exchange

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

The procedures manual for cases of reimbursement of expenses has been updated and strengthened, and the random monitoring of cases has been introduced.

This has resulted in (i) a decrease in the number of contested claims by the debtor Member State, and (ii) a decrease in the number of objections from national insurance companies which should reimburse the amounts paid to institutions of other Member States.

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

For cash benefits and benefits in kind relating to accidents at work and occupational diseases, guidelines have been strengthened regarding (i) the turnover among personnel in the distribution of cases; (ii) case reviews by a second person; (iii) an update of the procedures manual for requests for clarification and correction in case of doubts or a lack of necessary elements. For cash benefits relating to accidents at work and occupational disease, guidelines have been strengthened regarding requests for information to the other Member State where, in the context of occupational disease pension procedures, it is established that there has been an activity in that Member State.

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

The IEFP (Institute of Employment and Vocational Training) performs quality checks, with an annual periodicity, of the registered information in the IEFP relating to the unemployed person in another Member State (export of unemployment benefits) who is seeking employment in Portugal. Also, it organises trainings of the IEFP staff, more specifically on mobility and unemployment benefits. These measures have raised the awareness of the staff and has reduced the number of requests for support (clarification) about rights and duties of the unemployed, administrative procedures and exchange of information between the IEFP and the competent institution in the other Member State.

In the past, Portugal also detected that PDs U1 were issued by employers rather than by competent institutions of other Member States. The Institute of Social Security platform reported such cases to Liaison Bodies and competent institutions of those Member States and alerted all Portuguese competent institutions to reinforce attention to this aspect. As a result of this action, in 2018 a significant decrease was noted in registered cases of PDs U1 issued by non-competent entities (only 1 case).

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

2.2.1.2. General steps regarding cooperation and data exchange

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

Regular checks of PDs A1, whereby the authenticity of the presented document is verified and posting conditions are being double-checked.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

In the field of accidents at work and occupational diseases (provision of benefits in kind), competent institutions sometimes issue or request PDs A1 (former E123), omitting or not identifying injuries resulting from an accident at work or occupational disease, based on the need to protect personal data. Such practice increases the risk of error insofar as it may lead to the provision of undue benefits (not in conformity with the type of injury actually involved).

It is expected that, with the implementation of the electronic data exchange and the mandatory fulfilment of the field associated with the type of injury, this constraint will be overcome.

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

A more frequent cross-border use of e-mail between institutions, enabling a more efficient exchange of information, is a best practice.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

A massive information exchange (e.g. regarding PDs A1 issued) is done through the transmission of compressed and encrypted electronic files, which the receiving competent institution accesses using a password provided in advance.

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

Some competent institutions still fail to provide all the necessary information, in particular in the attestation of entitlement to benefits in kind under the AWOD insurance. It believes that this situation should be in principle solved with the future use of SEDs. Furthermore, Portugal states that the main issue with payments to pensioners living abroad are the lack of information mechanisms for pensioners' deaths and difficulties in claiming undue payments.

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

The promotion of regular meetings between NCPs and representatives of institutions and services with competence in the different areas of social security coordination, thus constituting an "internal network" with their NCP.

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

ROMANIA

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

2.1.1.2. General steps regarding controlling and monitoring actions

National House of Public Pensions/NHPP (Romanian H5 National Contact Point):
International pensions:
For uniformity of interpretation/application, the Directorate for International Relations within CNPP (National House of Public Pensions) coordinated, as liaison body, from a methodological point of view, the implementation of EU Social Security Coordination Regulations by the territorial pension offices (42 territorial pension offices).
Applicable legislation to migrant workers:
The Directorate for International Relations within NHPP, as competent institution, double-checked the posting conditions met by the Romanian companies that have posted employees abroad, every time after receiving a request from a control/similar institution from another Member State. In this respect, NHPP has recently established collaboration with the National Agency for Fiscal Administration.

General Direction Work Accidents and Occupational Diseases:
For uniformity of application of EU Social Security Coordination Regulations, in the field of accidents at work and occupational diseases, the National House of Public Pensions coordinated from a methodological point of view the territorial pension offices.

National Agency for Payments and Social Inspection:
payment and social Inspection
Transmission of recovery decisions on unduly payments according to art. 72 from the Council Regulation no. 987/2009 laying down the procedure for implementing Regulation no. 883/2004.

National Health Insurances House (NHIH):
health insurances
During 2023, NHIH provided methodological guidance to the competent institutions for the application of Regulations (EC) no. 883/2004 and 987/2009 on the coordination of social security systems, so that the health insurance houses from Romania benefited from a good implementation of the provisions of the coordination regulations, the result being the fight against error in order to apply the regulations.

National House of Public Pensions/NHPP (Romanian H5 National Contact Point):
International pensions:

o Uniformity of applying the provisions of European Regulation;
 o Faster solving of the beneficiaries request;
 o Improving the process of paying of the pensions rights by avoiding the payment to a death beneficiary.

Applicable legislation to migrant workers

o Uniformity of applying the provisions of European Regulation;
 o Faster solving of the beneficiaries request.

General Direction Work Accidents and Occupational Diseases:
 Uniformity of applying the provisions of European Regulation
 Answers to requests for information received from competent institutions regarding the application of the provisions of the coordination regulations

National Agency for Payments and Social Inspection:
 payment and social Inspection

We recovered part of the family benefits unduly paid with the assistance of other Member States and the other part was sent to our fiscal administration authority for enforcement.

National Health Insurances House (NHIH):
 health insurances:

During 2023, the information regarding the provisions of the coordination regulations on the institution website was permanently updated: CNAS:<https://cnas.ro/state-membre-ue-see-elvetia-regatul-unit/>; NHIH responded to requests for information, received from competent institutions, healthcare providers and citizens, regarding the application of the provisions of the coordination regulations.

2.1.1.3. General steps regarding cooperation and data exchange

The National Agency for Payments and Social Benefits (NAPSB) cooperated with institutions from France and Ireland that reported suspected cases. In order to prevent error, the NAPSB requested necessary information from the institutions from other Member States before approving the payment.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

The Directorate for International Relations within the National House of Public Pensions (Casa Nationala de Pensii Publici, CNPP), continued the collaboration with similar institutions from other Member States in order to combat undeclared work, through the exchange of relevant information (e.g. with Belgium, Germany, France, the Netherlands), as well as with the Romanian National Tax Administration Agency, within the Ministry of Public Finance and with the Labour Inspection/Territorial Labour Inspectorates, through the exchange of concrete information/annual databases, in order to

verify the compliance by the Romanian companies which provide temporary personnel on the territory of other Member States with the conditions imposed by the relevant European legislation.

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Requiring an annual life certificate from recipients of old-age or survivor's benefits living in another (Member) State in order to verify whether these persons are still alive and thus entitled to those benefits.

On top of such a life certificate, also a declaration of honour has to be filled in and returned to the territorial pension houses, in order to prevent the creation of different pension dossiers relating to the same beneficiary.

(b) Specific cooperation and concrete data exchange

No agreements and arrangements were concluded with other Member States for the purpose of communicating information related to the death of pensioners.

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

Investigations in individual cases.

2.2.1.2. General steps regarding cooperation and data exchange

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

Regular checks of PDs A1, whereby the authenticity of the presented document is verified and posting conditions are being double-checked.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

National Health Insurances House (NHIH):
 The competent institutions have informed the providers of medical services with whom they are in contractual relations, about the recognition and easy acceptance of the EHIC/PRC and its technical characteristics; Both the competent institutions and the liaison body promoted, during the year 2023, information regarding the provisions of the coordination regulations on their websites: <http://www.cnas.ro/>

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

National House of Public Pensions
 General Direction Work Accidents and Occupational Diseases
 There were no problems regarding the confidentiality and protection of personal data. NHPP respected and applied the principles of mutual trust and administrative cooperation with similar bodies in the Member States.

National Health Insurances House (NHIH)
 During 2023, as part of its activity as a liaison body for the coordination of social health insurance, NHIH respected and applied the principles of mutual trust and administrative cooperation with similar bodies in the Member States. There were no problems regarding the confidentiality and protection of personal data.

National Agency for Payments and Social Inspection:
 payment and social Inspection
 There are some cases when the migrant workers are handed or requested European forms or other documents on paper , even if we all use Rina (EESSI). Also there are delays regarding the communication between the institutions. We consider the best solution to reduce fraud and error is to use only the electronic data exchange between member states institutions that started to be implemented since January 2021. Some requests for information are still coming via classic post, on paper. Also, the replies should be received in due time.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

The National Agency for Employment makes necessary efforts to develop a good and tight cooperation with institutions from other Member States. More in particular, efforts are made in responding to requests to investigate possible entitlements to Romanian benefits of persons who are already recipients of similar or other benefits in the respective Member States. However, the outcomes of such cooperation are often hard to achieve as long as the requesting Member State cannot provide sufficient information enabling them to precisely identify the person subject to investigation.

6.3.2. Other issues and concerns

National Agency for Payments and Social Inspection:
payment and social Inspection
There are still cases when the migrant workers are handed European forms that are supposed to be exchanged only between the competent institutions. Also there are delays regarding the communication between the institutions. Hopefully with EESSI all the change of information will be faster and better.

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

SLOVAKIA

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

Applicable

For the area of applicable legislation, the Social Insurance Agency regularly carries out checks concerning compliance with the conditions laid down by the EU coordination regulation in relation to issued PD A1 forms for posting or simultaneous activity in case of employers, employees and self-employed persons (although due to coronavirus pandemic measures, the scope and method of carrying out these checks have been temporarily adjusted).

legislation:

Pensions:

In 2023, the Social Insurance Agency continuously monitored specific proceedings on social insurance benefits and continuously cooperated with the social security institutions of the EU Member States in resolving problems related to the applicable legislation. The Social Insurance Agency checked the legality of the procedure in pension proceedings pursuant to Act no. 461/2003 Coll. on Social Insurance, as amended by later regulations and coordination regulations of the European Union. Following checks were performed:

1. Checking correctness in relation to the rejection of a widow's pension claim application, a widower's pension claim application and an orphan's pension claim application and compliance with the time-limit for proceedings in this area at the Pension Benefits Unit
2. Checking the correctness of the award of a partial old-age pension and compliance with the deadline for proceedings in this area at the Foreign Agenda Department
3. Checking the correctness of the award of an early old age pension and compliance with the time limit for proceedings in this area at the Pension Benefits Unit.

Sickness

and

Maternity

When claiming a sickness and maternity cash benefit, based on a form issued by an attending physician in another EU Member State, the Social Insurance Agency finds difficulties in assessing whether it is a relevant certificate for claiming the benefit also in the issuing State. In order to verify whether it is a relevant form of the Member State concerned, Member States have been asked to submit models of national forms. However, in practice, in case these forms were modified we are not updated on this fact.

Medical

Assessment

Activity

The Social Insurance Agency performs health status checks of temporarily incapacitated sickness benefit beneficiaries provided by foreign institutions, if the temporary incapacity for work has been recognized by the attending physician in the Slovak Republic. A report on the result of the check is then sent to the institution concerned in accordance with the rules on cooperation.

Family benefits: The national legislation of Slovakia stipulates the notification obligation for recipients of benefits about the facts that affect the right to family benefits. We cooperate with relevant foreign institutions with which we exchange information in order to prevent fraud and errors.

2.1.1.1. General steps regarding information dissemination

2.1.1.2. General steps regarding controlling and monitoring actions

Applicable

For the area of applicable legislation, the Social Insurance Agency communicated very intensively with clients, especially electronically, by telephone and in paper form, in order to eliminate the negative impact that the world-wide situation could have on their situation. At the same time, the clients were notified on temporary changes and measures taken in the area of determining the applicable legislation at the time of the coronavirus pandemic in order to eliminate misunderstandings that could have a negative impact on their cross-border work

legislation

2.1.1.3. General steps regarding cooperation and data exchange

Pensions

In order to prevent errors in 2023, the Social Insurance Agency continues to decide on the entitlement, amount and payment of a pension with an international element by two professional employees, a professional clerk and a approver.

The approver checks the correctness of the processing by the professional clerk. The amount of the pension is determined in the pension insurance information system, which contains control mechanisms. In practice, automated processes are used as much as possible. The data are also obtained by connecting to the information systems of other offices, which provide the data necessary for the performance of the activities of the Social Insurance Agency. Pensions abroad are remitted automatically. The pension transfer is executed and checked every month after verifying the accuracy of the data needed for the pension transfer. In cash, pensions abroad are remitted by Deutsche Bank checks of unlimited validity, which are reimbursed only to eligible persons. In order to determine the legitimacy of the payment of pensions abroad, the Social Insurance Agency carries out regular checks of living

Medical	Assessment	Activity
<p>The Social Insurance Agency performs health status checks of temporarily incapacitated beneficiaries of sickness benefits provided by foreign institutions, if the temporary incapacity for work has been recognized by the attending physician in the Slovak Republic. A report on the result of the check is then sent to the institution concerned in accordance with the rules on cooperation.</p>		

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

Sickness	and	maternity
<p>When claiming sickness and maternity cash benefit through a form issued in the territory of another Member State, it is difficult to correctly evaluate the data confirmed in it, as forms use the official language of another Member State. In order to prevent errors, translation of these forms must be ensured.</p>		

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Requiring an annual life certificate from recipients of old-age or survivor's benefits living in another (Member) State in order to verify whether these persons are still alive and thus entitled to those benefits.

The Social Insurance Agency (SIA) of Slovakia checked the legitimacy of pension proceedings. Based on the results of the checks, shortcomings were resolved and consequences followed against case handlers in charge. Aiming at the prevention of fraud and error, the international pension agenda is secured by two civil servants. The pension amount is determined by automated equipment which has various built-in control mechanisms and the transfer of foreign pensions is computerised. Pensions in cash are remitted via cheques of the Deutsche Bank, of which the validity is unlimited, and they are paid only to authorised persons.

The pension remittance is checked every month after having checked the correctness of data needed. In order to check pension eligibility pay-out to beneficiaries abroad, SIA regularly performs controls of living.

Pensions

Performing out checks helps eliminate the identified shortcomings. The forms used to claim benefits are standardized and valid in each Member State, each Member State completing them in its national language. The information provided in the forms is confirmed by the competent institution of the Member State of social security without the entry of other entities into this process. If additional discrepancies are found, the issuing institution is contacted directly in order to confirm the accuracy of the data. Measures referred to in point 1.1. help prevent fraud and errors in pension insurance as follows:

1. Automated processes eliminate the human factor failure in assessing entitlement to pensions
2. Multiple pre-pension checks eliminate the human factor failure in assessing entitlement to pensions
3. the obligation to prove the living of pensioners prevents the undue pension payment in case the pensioner has died.

(b) Specific cooperation and concrete data exchange

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

Sickness and maternity
Sickness and maternity cash benefits - the sample forms of individual Member States, which are used for the purpose of claiming sickness and maternity cash benefit, have been requested by the Social Insurance Agency from EU Member States and are available to Social Insurance Institution branches which assess claims to these benefits. On the basis of the sample forms, it is possible to verify whether the insured person is not claiming the sickness benefit unjustifiably.

(c) Specific preventive measures

2.1.2.4. Social and invalidity benefits

- **Social Insurance Agency:**
-
- In order to prevent fraud and errors in the case of sickness and maternity cash benefits, it would be appropriate to set up a central database on which individual EU Member States would publish the relevant national forms for claiming sickness and maternity cash benefits in a given Member State.
- There is an ongoing cooperation between the Social Insurance Agency (SIA) and the social insurance organisation for the self-employed of the Republic of Austria (SVA), aiming at

precluding overpayment of sickness benefits paid to sickness insured persons in Austria residing in the territory of the Slovak Republic.

Mutual exchange of information about the health condition has also been improved by designating contact persons at bilateral meetings and email communication (e.g. with the Czech Republic, Austria, the United Kingdom) taking into account data protection.

To prevent that untrue or forged medical reports are sent from abroad, the SIA gives priority to receiving the medical information directly from the contact institution before getting it from the insured person (in which case the correctness and authenticity is difficult to verify).

- Based on a request from SVA, SIA examines the temporary incapacity duration and also checks whether the person in question undergoes an adequate treatment provided by a specialist.

In the case of doubt that the SIA incapacitated beneficiary pursues gainful activity abroad while receiving sickness benefits due to sickness (pretending the sickness in order to receive sickness benefits and at the same time legally pursuing employment abroad), the SIA requests the liaison body in the respective EU Member State to provide information on whether this person is registered as an insured person, so that the fraud is either confirmed or denied.

- From the point of view of data protection, email communication is limited to sending reminders or exchanging basic information to solve concrete cases. Information related to persons, including details on the health status is sent exclusively via regular post to the partner institution. It is expected that these procedures will become faster and better after the introduction of EESSI.

2.1.2.5. Family benefits

National legislation establishes the reporting obligation on the facts and circumstances that are relevant for payment of family allowances. On the basis of forms and letters from foreign institutions, specific cases are investigated in accordance with the coordination Regulations. Payment of family allowances in case of Member State citizens immigrating to or residing in Slovakia is investigated in EU Member States.

2.1.2.6. Unemployment benefits

The forms used to claim unemployment benefit are standardized and valid in each Member State, with each Member State completing them in their national language. The information provided in the forms is confirmed by the competent institution of the Member State of social security without the entry of other entities into this process. In accordance with recommendation No H2 of 10.10.2018 concerning the inclusion of authentication elements in portable documents issued by an institution of a Member State proving the status of a person for the purposes of applying Regulations (EC) No 883/2004 and Regulation (EC) No 987/2009 of the European Parliament and of the Council, authentication elements have been introduced in order to prevent falsification of portable documents for the documents. The electronic exchange of the relevant SEDs within EESSI and their electronic completion via the information systems prevents and avoids any fraud or errors.

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

2.2.1.2. General steps regarding cooperation and data exchange

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Pensions

Cooperation of the Social Insurance Agency with social insurance institutions of other States of the European Economic Area and the Swiss Confederation referred to in point 1.2. prevents:

1. awarding a pension in an illegal amount,
2. granting a pension to an unauthorized person,
3. the overpayment amount of the pension.

(b) Specific cooperation and concrete data exchange

The Pension Insurance Section of Social Insurance Agency (SIA) cooperated with social insurance institutions of other (EEA) Member States and the Swiss Confederation, most intensively with the social insurance institutions of Austria, the Czech Republic and Hungary. This cooperation concerns notifications of pension amounts, deaths of beneficiaries or changes of residence.

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

The Social Insurance Agency:

The forms used to claim unemployment benefit are standardised and valid in each EU Member State and are completed in national language by each Member State. The information contained in the forms shall be certified by the competent social security institution of the Member State, without the involvement of other entities in this process.

In accordance with Recommendation H2 of 10 October 2018 concerning the inclusion of authentication elements in portable documents issued by an institution of a Member State proving the status of a person for the purposes of the application of Regulations (EC) No 883/2004 and (EC) No 987/2009 of the European Parliament and of the Council, authentication elements in forms drawn up manually or electronically are in practice introduced in order to avoid falsification of these documents. In addition, each document issued shall be registered in such a way that its authenticity can be easily and quickly verified by the issuing institution.

When assessing entitlement to unemployment benefit, the Social Insurance Agency fully implements Decision No H5 of 18 March 2010 concerning cooperation to combat fraud and error in the framework of Council Regulation (EC) No 883/2004 and (EC) No 987/2009 of the European Parliament and of the Council on the coordination of social security systems, in particular in the event of any doubt concerning e.g. the identification of persons, it shall cooperate with the institutions of the Member States and verify the information provided by the person concerned or the validity of the document issued. In order to avoid errors, the forms issued are subject to a process of checking validated data. The electronic exchange of information between Member States through the relevant structured electronic documents within EESSI and the electronic completion of these documents through information systems, effectively prevents fraud and eliminates the risk of errors.

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

Recovery of unduly paid benefits as a step taken to combat fraud and error in the area of family benefits.

2.2.2.5. Healthcare and sickness benefits in kind

Sickness and maternity
Sickness and maternity cash benefits - the sample forms of individual Member States used for the purpose of claiming sickness and maternity cash benefit have been requested by the Social Insurance Agency from EU Member States and are available to the branches of the Social Insurance Agency which assess claims to these benefits. On the basis of the sample forms, it is possible to verify whether the insured person is not claiming the sickness benefit unjustifiably. The electronic exchange of the relevant SEDs within EESSI and their electronic completion via the information systems prevents and avoids any fraud or errors.

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

(The lack of) exchange of data on deaths or other facts influencing the entitlement to a benefit. It was reported that there is rarely a formalised, structured exchange of data with other countries, and that ad hoc exchanges often come with a (significant) delay or even do not take place at all.

Pensions

The Social Insurance Agency has not identified any areas of concern regarding the implementation of the European Union coordination regulations.

Cash sickness and maternity benefits, unemployment benefits
Given that entitlement to cash sickness and maternity benefits is claimed by means of a certificate from the attending physician issued and certified also in another Member State, when assessing

entitlement to a benefit on the basis of such a form, it is difficult to correctly assess the information contained therein for a number of reasons - each form is specific (several versions of such a form are available in some Member States), it is in the official language of the Member State using it, it contains information relevant to the needs of the Member State concerned, there are different ways of validating the form, etc. for these reasons, the assessment of a claim on a foreign endorsement causes problems and may lead to errors.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

Cross-border cooperation for the purpose of sharing data with the protection of personal data continued to be intense in 2023. With the launch of EESSI, cooperation is more intensive now, more efficient and faster, and there will be no delays in the delivery of documents. In the case of an exchange of data in relation to a data subject, the data shall be provided in written form by post or electronically via RINY for data protection reasons. If it is suspected that a sick person insured by the Social Insurance Agency who is incapable of work and to whom the Social Insurance Agency pays sickness benefits on account of illness is engaged in gainful activity abroad during the period of incapacity for work (it is suspected that he/she is only feigning the illness, in order to extract sickness benefits from the Social Insurance Agency while legally employed abroad), the Social Insurance Agency shall contact the contact institution (liaison body) in the Member State concerned to ask whether they have registered the person as insured in their registers, in order to confirm, if appropriate, whether the person is insured in their registers or whether the person is not insured. to confirm the identity of the person concerned, in order to rule out any suspicion of fraud. Mutual communication in the exchange of health information is facilitated by the designation of contact persons at bilateral meetings and by communication via e-mail (e.g. with the Czech Republic, Austria, the United Kingdom). However, in terms of data protection, e-mail communication is limited to sending urgent requests or exchanging basic information needed to deal with specific cases. Information concerning persons, including health data, is sent by official mail to the specific address of the partner institution. In order to prevent cases of false, falsified medical reports from abroad, the Social Insurance Institution prefers to send medical information via the contact institution rather than receiving medical reports directly from the insured person, where it is not possible to verify their authenticity and accuracy.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

– **Social Insurance Agency:**

The communication when exchanging information related to a person's health condition is made easier by designating contact persons during bilateral negotiations and then using e-mail (e.g. with the Czech Republic, Austria, United Kingdom). Due to personal data protection rules the e-mail communication is limited to sending reminders, or exchanging basic information needed to solve concrete cases. Information related to persons, including their health condition, are sent by regular post to the postal address of the partner institution in question. This is found to be problematic. Slovakia is expecting much improvement and advancement after the introduction of EESSI.

Aiming at preventing cases when untrue or forged medical reports are sent from abroad, priority is given to receiving the medical information directly from the contact institution before getting it from the insured person (in which case the correctness and authenticity is difficult to verify).

The personal data transfer outside the territory of the Slovak Republic is possible to execute via available means providing protection and safety. The legislative framework is created by rules in the area of personal data protection.

In the case of the exchange of personal data in relation to sickness and maternity cash benefits, these data are required and provided in writing for reasons of personal data protection by post.

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

In order to prevent fraud and errors in the case of sickness and maternity cash benefits, it would be appropriate to set up a central database on which individual EU Member States would publish the relevant national forms for claiming sickness and maternity cash benefits in a given Member State.

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

SPAIN

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

Instructions are produced for the Provincial Offices , administrators are provided with constant support to enable them to clear up doubts on the application of EU law and information is published on the National Institute of Social Security intranet site. Furthermore, an online messaging service reports on all new additions and updates to the application, and it is available to all of the Institute's provincial and local offices for cross-border management of outgoing and incoming healthcare documents.

2.1.1.2. General steps regarding controlling and monitoring actions

2.1.1.3. General steps regarding cooperation and data exchange

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

An inter-institutional online messaging service is maintained, incorporated in the ASIA and IRIS national computer applications in the National Institute of Social Security, through which all new changes and updates made in these applications are reported, and which is accessed by all the provincial and local offices of this Institute for international management of health care forms, both in issuing and receiving.

2.1.1.5. Other general steps taken to prevent fraud and error

To prevent errors, different channels of access to information are established, which are continuously updated so that the Spanish institutions (Provincial Offices) have the necessary knowledge in the matters that raise the most doubts regarding their processing and resolution: preparation of instructions addressed to the Provincial Offices, continuous support to our managers to resolve doubts about the application of community regulations, information published on the websites.

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. *Old-age and survivor's benefits*

(a) Specific controlling and monitoring actions

The National Institute of Social Security (INSS) carries out a verification of the benefits amount in order to control supplements referred to in article 58 of Regulation (EC) No. 883/2004. Consequently, the INSS sets an appointment with the beneficiaries at its Information Centers, so as they prove their residency.

INSS carries out a pensions' beneficiaries death control by proof of life. Beneficiaries of pensions have to resign a certificate that states they are currently alive until 31 march every year

(b) Specific cooperation and concrete data exchange

Data Exchange collaboration agreements have already been concluded between the INSS Spain, and liaison bodies from other Member States. The electronic exchange of data reports information (residence, benefits amount or death) on pensioners of both states. Thus, old age, survivors pensions control can be possible.

2.1.2.3. *Healthcare and sickness benefits in kind*

(a) Specific information dissemination

To prevent fraud in cases determined under the Regulations, citizens are still informed about the use of the EHIC through an information campaign which is disseminated and updated periodically through the website of the Spanish Social Security (www.seg-social.es) and through information sheets issued to insured parties alongside the EHIC. Spain has observed an increase in the number of insured persons who, after a change of their personal or employment situation, are seeking information on the continued validity of the EHIC obtained before the change of their circumstances, in order to avoid any potential economic liability for undue use of the EHIC. They have also noted greater autonomy on the part of the Spanish institutions in terms of management and processing of healthcare under EU regulations, resulting from the dissemination of updated information in this regard.

Discussions have been initiated with a number of Member States with the aim of introducing variations or distinguishing elements in the receipts of applications for entitlement to the EHIC or the Provisional Replacement Certificate of the Card in order to reduce the confusions and difficulties that may arise during the processing by the competent institutions, given the similarity between the said receipts of application and the entitlement certificates.

(b) Specific controlling and monitoring actions

Data exchange collaboration agreements allow to obtain information, so that benefits in kind control be possible.

(c) Specific preventive measures

Conversations are being started with some Member States in order to introduce variations or distinctive elements in the receipts for the application for the right to a EHIC or the Provisional Certificate to replace the EHIC, in order to reduce the confusion and difficulties that may arise in the processing by the competent institutions due to the great similarity of said vouchers with the health care entitlement certificates.

The INSS has increased communications with the Employment competent institution (State Public Employment Service, SEPE) in matters of unemployment benefits and with the Social Security General Treasury (TGSS), so as to control the unemployment benefit with the A1 form issuance.

2.1.2.4. *Social and invalidity benefits*

Data Exchange collaboration agreements have already been concluded between INSS (Instituto Nacional de la Seguridad Social), Spain, and liaison bodies from other Member States. The electronic exchange of data reports information (residence, benefits amount or death) on pensioners of both states. Thus, invalidity pensions control be possible.

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

In order to prevent U1 misuse, no U1 document requests are accepted by any other mean than those in which identity can be proved (electronic certificate or Eid). PD U1 supplied by workers from other MS containing presumably mistaken or not clear information are double-checked by our clerks, by requesting confirmation from the competent institution via EESSI SED U003/U001.

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

To remove consequences concerning negative results of death control, INSS will suspend pensions, which could be rehabilitated again when certificate of live is presented (3 months backdated effects).

2.2.1.2. General steps regarding cooperation and data exchange

Contacts with foreign liaison bodies or the National Contact Point (NCP) of another Member State with the aim of detecting cases of fraud or finding solutions in the case of errors.

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

To remove negative consequences of cases of fraud or error: the recovery of unduly paid benefits.

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Death pension beneficiaries' control and control of supplements referred to in article 58 of Regulation (EC) No. 883/2004

(b) Specific cooperation and concrete data exchange

Bilateral data sharing agreements with other Member States to detect cases of fraud involving pensions.

(c) Recovery of unduly paid benefits and other sanctions

Recovery of unduly paid benefits as a specific step to combat fraud and error. The only recovery process of unduly paid benefits, which is competence of INSS, refers to the deduction provided for in Article 72.1 of Regulation 987/09, i.e., the payment of the amount of the

first payment of a Spanish pension to the competent institution of another Member State which requests it because it has paid undue benefits.

The application of Article 78 of Regulation (EC) 987/09, is the General Treasury for Social Security (TGSS) competence.

The exchange of data between States on deaths under bilateral agreements has made it possible to immediately detect the death of pension recipients and, consequently, the suspension of pensions.

2.2.2.2. *Applicable legislation*

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

Through the set of measures aimed at combating fraud and error, it has been possible to identify cases of change of residence not communicated to the competent institution, and as long as the beneficiary has not established the requirement of legal residence in Spain, it has allowed the undue receipt of the minimum supplement provided for in Article 58 of Regulation (EC) No 883/2004 to cease.

2.2.2.3. *Unemployment benefits*

To combat the fictitious companies' existence, internal actions have been carried out to deal with this practice:

Cancellation of periods of social security contributions by the Social Security General Treasury (TGSS) when these cases are detected.

Cross-referencing between the databases of unemployment benefit beneficiaries and the information available in the Treasury's database of these cases detected of fictitious companies and fraudulent registrations of workers who have accessed the unemployment benefit.

These cases of fraud are all reported to the Labor and Social Security Inspectorate.

To combat fraud with portable documents, the CSV is implemented in the internal national application on all pages of the document to ensure that the form has been issued by the competent institution. The PD form informs about the headquarters where the authenticity of the document can be consulted.

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. *Healthcare and sickness benefits in kind*

. Among the measures adopted can be distinguished:

Directly with the insured: In relation to benefits in kind, the claim is established to the interested party for the expenses originated as a result of a fraudulent use of the right forms, in accordance with the provisions of article 76 of the Regulation (CE) no. 883/04.

Directly with the Institutions: Bilateral data exchange agreements are negotiated with other States, in order to detect situations of fraud in the matter of pensions and healthcare.

Regarding Healthcare: Bilateral collaboration with Liaison Bodies of other Member States is maintained, for the correct application of the priority rules for benefits in kind established by Article 25 of Regulation CE 883/04, in order to obtain information regarding to pensioners from other States who, however, have the right to health care recognized by Spain when residing in our country.

Regarding Pensions: Intensification of bilateral agreements with other Member States for the control of the allocation of the minimum allowance provided for in Article 58 of Regulation (EC) No 883/04 and, where appropriate, recover amounts for undue benefits.

Cooperation and data exchange initiatives were also pursued.

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

(The lack of) exchange of data on deaths or other facts influencing the entitlement to a benefit. It was reported that there is rarely a formalised, structured exchange of data with other countries, and that ad hoc exchanges often come with a (significant) delay or even do not take place at all.

In some cases, the significant delay in notifications of a termination of entitlement to benefits in kind is due to information coordination problems between the national institutions competent for pensions and those competent for sickness insurance. However, such anomalies are in their opinion also the result of failure by the insured parties themselves to timely provide information about any change in their personal and/or family circumstances, such as a change of residence, in accordance with Regulation (EC) No 883/2004. As this inappropriate conduct by those concerned has no financial implications for them, they have no interest in changing it, even though it has economic repercussions for both the competent institutions and the institutions of the place of residence.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

- French institutions do not always provide accurate information about periods of unemployment benefits already received in France, periods which according to the regulations should be discounted from the new unemployment benefits granted in Spain. Required to clarify when the claimant ensures otherwise, these institutions replay that they are not competent to provide that information.
- Spain reports that it is a common practice in the agricultural sector for the U1 forms to be delivered by the companies instead of the institutions.
- Regarding reimbursement requests, there are cross and non cross border workers who are in the scope of article 65.1 and ask for unemployment benefits in the Member State of residence instead of the competent Member State and after Spain has received reimbursement requests.

We have spoken with some of these countries so that in these situations, to look up U1 PD and not to grant unemployment benefits when option 3.7 is marked and the explanation: “Workers in the scope of art. 65.1 R. 883/2004. Decision U3” is written.

Specific problems in implementing the EU coordination rules which may lead to (at least risks of) error, in cases determined under the Regulations: regarding the reimbursement of unemployment benefits, Article 70 of Regulation 987/2009 states: “the institution of the place of residence shall request reimbursement of unemployment benefits pursuant to Article 65(6) and (7) of the basic Regulation from the institution of the Member State to whose legislation the beneficiary was last subject. The request shall be made within six months of the end of the calendar half-year during which the last payment of unemployment benefit, for which reimbursement is requested, was made ».

SEPE, the Spanish competent institution for unemployment benefits reimbursement, has identified several Member States claiming for unemployment benefits reimbursements long after the end of the claimed reimbursement periods. i.e., the date of last payment and date of end of reimbursement period are frequently several months apart.

3.2. Problems regarding cross-border investigation and cooperation in general

Problems are caused by the delay with which the institutions of other States communicate the notifications of withdrawal of entitlement to health care from their pensioners resident in Spain.

In relation to the management of entitlement to benefits in kind, the problems caused by the delay with which the institutions of other States communicate the notifications of withdrawal of the right to health care of their pensioners resident in Spain remain in force.

The competent institution intends to accept with retroactive effect the date of withdrawal notified with excessive delay, in breach of the provisions of the last paragraph of point 3 of Decision S6 (OJEU 27.04.2010). Sometimes, the reason for this significant delay in the communication of notifications of withdrawal is due to problems of coordination of information between national institutions competent for the payment of the pension and for those of health insurance. Those anomalies are also caused by the failure of the insured persons themselves not to inform in due time of the change in their personal or family circumstances, as provided for in the third subparagraph of Article 76(4) of Regulation (EC) No 883/04. Such undue action on the part of the parties concerned does not entail economic repercussions for them, and there is no great interest on their part in altering that conduct, which, however, has economic consequences for both the competent institutions and those of the place of residence.

As is known, until the date of receipt of the notification of discharge (E-108/S016) the institution of the place of residence has no knowledge of the variation in the entitlement of that insured person, which prevents the institution from processing his discharge from the National Health System.

As long as the insured have in their possession the Spanish internal document certifying the right to health care and there is no cancellation in computer systems, duly accredited insured persons can continue to use, and in fact do (fraud), the National Health System, without financial compensation for the Spanish State.

3.2.1. The lack of/difficulties regarding cooperation

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

Difficulties concerning the determination of the place of residence.

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

Problems are caused by the delay with which the institutions of other States communicate the notifications of withdrawal of entitlement to health care from their pensioners resident in Spain.

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

- Citizens are still informed about the use of the EHIC through information campaigns on the EHIC and through information sheets issued to insured parties alongside the EHIC.
- Provincial Offices are provided with constant support to enable them to clear up doubts on the application of EU law and information is published on the National Institute of Social Security's intranet site.
-

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

- Bilateral data agreements with other Member States
- The launch of the EESSI corporate mail service, (eessi.inss-sscc.internacional@seg-social.es), which allows consultation and exchange of information between competent social security institutions on issues related to health care in application of EU legislation.

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

- Regarding the reimbursement of benefits, there are cross and non cross borders workers in the scope of art. 65.1 R. 883/2004 applying for unemployment benefits in Member State of residence instead of the MS of employment. They are granted of these benefits in their countries of residence and reimbursement requests are introduced to the Spanish institutions. We have kept conversations with some of these countries for, in these situations to look up U1 PD and not to grant unemployment benefits when option 3.7 is marked and the explanation:“Workers in the scope of art. 65.1 R. 883/2004. Decision U3” is written. So our regional units have been informed about it.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

- The use of digital encryption methods to safeguard confidentiality and protect personal data when sharing data with institutions in other Member States.
- On the other hand, the General Law on Social Security provides for the reserved nature of the data obtained by the Social Security Administration, without being able to be transferred or communicated to third parties, except for exceptions assessed in the Law.

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

Mobility restrictions and lockdown in Spain during COVID global crisis led citizens to ask for PD U1 documents by email. In 2022, restrictions are almost over, and public services are fully available for citizens again, so PD U1 requests in which claimants' identity can be proved are required again. In case claimants no longer live in Spain, the competent institution granting unemployment benefits in the country the claimant moved to, can request unemployment benefits insurance periods on behalf of him/her by secure EESSI means.

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

Lack of effectiveness in terms of information exchange with some countries regarding portable documents (delays) in the area of UB.

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

Suggestions or proposals to improve the fight against fraud and errors in the field of social security include the conclusion of Memorandums of Understanding between Member States, allowing them to exchange information on their legislation and usual practices in the handling and management of procedures, as well as cooperation between competent institutions.

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

In order to prevent the fraudulent use of the European Health Insurance Card in relation to private insurance, it is suggested that citizens be informed of health care rights.

SWEDEN

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

Steps taken to prevent fraud and error are in Sweden not related specifically to the coordination rules on social security but to all situations where there is a risk of fraud and error linked to social security, i.e., both to national and cross-border situations.

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

Information regarding the citizens obligations (to provide correct information) is stated in the decision on the right to a benefit as well as on the website of the Agency in question.

2.1.1.2. General steps regarding controlling and monitoring actions

It is difficult to make a distinction between fraud and error, the Swedish Social Insurance Agency and the Swedish Pension Agency however work actively to prevent internal processing errors and reduce the risks of incorrect payments. The importance of sharing information internally is e.g., highlighted. Case handlers involved in fraud control investigations participates as a natural part of efforts to improve the case handling of benefits provided by the Agency, allowing them to contribute with knowledge and experience in the preventive work to avoid incorrect payments.

A strategic future-focused unit has been set up within Swedish Social Insurance Agency to identify possible future crime set ups and modus operandi. Different types of benefit fraud are being analysed and measures to prevent fraud are being proposed. Work to improve methods to prevent incorrect payments are constantly being developed. Since 2020 it is for example possible to through specific data-selections select different types of cases, before as well as after payment of the benefit, to better understand the reasons for the errors. Based on the results of the studies rules and routines are updated for the case-handlers, to avoid future errors.

To obtain a better understanding of the extent of fraud and error the Swedish National Financial Management Authority (ESV) has been given the task to support and promote cooperation between the institutions regarding amongst other the use of digitilisation to secure correct payments from the welfare system, as well as to regularly analyse the efficiency of the institutions (Förordningen [2021:663] om arbetet med att säkerställa korrekta utbetalningar från välfärdssystemet).

2.1.1.3. General steps regarding cooperation and data exchange

The Swedish Social Insurance Agency and the Swedish Pension Agency continues to participate regularly in several initiatives to tackle fraud within the welfare system. There is ongoing collaboration with other authorities on various levels. Collaboration occurs with for example the police and prosecutors, the Swedish Migration Agency, the Swedish Tax Agency and the Swedish Work Environment Authority.

The initiative “Resilience of Authorities Responsible for Payments and Enforcement” was introduced in 2020. Collaboration within this initiative aims to strengthen the authorities’ overall ability to prevent and counteract welfare fraud. Nine Working Groups have been set up within the framework of the initiative with the aim is to create general and long-term conditions to combat welfare fraud. 24 authorities as well as municipalities are currently taking part in this collaboration.

During 2023, the Swedish Pensions Agency carried out information efforts with case managers at the Swedish Enforcement Authority and the Swedish Social Insurance Agency to share experiences and

knowledge about incorrect payments, but also to increase the exchange of information between the agencies in order to reduce incorrect payments.

The Swedish Unemployment Insurance Inspectorate (IAF), The Swedish Public Employment Service and the Swedish Federation of the unemployment funds participate in a project lead by the Swedish Pension Agency concerning possibilities of expanding the exchange of data within the Nordic countries.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

2.1.1.5. Other general steps taken to prevent fraud and error

No exact data are available yet from the Swedish Public Employment Service , but it is clear that centralizing the control procedure has had a clear impact on the detection, of and acting upon, circumstances that may lead to suspension of benefits.

2.1.2. Specific steps taken to prevent fraud and error

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Life certificates are being sent every year to persons not residing in Sweden. The life certificates requires identification of persons who do not have a known civil registration address.

In preventive purposes the Swedish Pensions Agency has also improved the information regarding penalties in case of intentional fraud. The number of controls have increased. The agency is also using risk profiling to find cases. Education has furthermore been provided, internally as well as externally, to other agencies, to clarify which information that is important for the Pension Agency,

(b) Specific cooperation and concrete data exchange

The Swedish Pensions Agency has electronic exchange of data (personal circumstances – date of death, civil status) with Finland, Poland, Sweden, Denmark, Norway, (the United Kingdom), Germany and Spain through Memoranda of Understanding.

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

*(b) Specific controlling and monitoring actions**(c) Specific preventive measures**2.1.2.4. Social and invalidity benefits**2.1.2.5. Family benefits**2.1.2.6. Unemployment benefits*

The routines applied for EU-cases with the Swedish unemployment funds are the same as for national cases. If there is a reason to question the SED or certificate, the case worker will contact the issuing institution to check if the information is correct. Internal audits are performed. Most unemployment insurance funds have furthermore clerks who are experienced and used to handling EU-cases, which makes it easier to find errors in documents and it reduces the risk of errors in processing. The applicant receives information in the application procedure that he/she is obliged within 14 days to notify any changes in his/her circumstances that may affect the right to benefits.

The Swedish Public Employment Service has continued to develop spot checks to ensure the quality of auto-matic reviews. The Swedish Public Employment Service has centralized the handling/contact with job seekers travelling to Sweden with PD U2. An expert group of ten employment officers manages all contacts with the jobseekers, which reduces the risk of fraud and errors

The monitoring of jobseekers' activities has been continually developed during recent years, partly by the centralization of the control. Much of the development has focused on quantity, i.e. how many job applications the jobseekers report each month. During 2023, development has begun to also better ensure that jobs applied for are suitable jobs for the jobseekers, thereby focusing also on the quality of the jobseeking efforts.

Furthermore, a monitoring routine has been set up to detect such cases in which the Swedish Public Employment Service has data which does not correspond with data that the unemployment insurance funds may have, regarding the date for registration as unemployed etc.

2.2. Steps taken to combat fraud and error and the effect of those steps**2.2.1. General steps taken to combat fraud and error**

Steps taken to combat fraud and error are in Sweden not related specifically to the coordination rules on social security but to all situations where there is a risk of fraud and error linked to social security, i.e., both to national and cross-border situations.

The Social Insurance Agency and the Pension Agency provide the possibility to digitally report any suspicions of fraud. The reporting can be made internally and externally, by the public or other public authorities.

2.2.1.1. General steps regarding controlling and monitoring actions

The Social Insurance Agency and the Swedish Pension Agency have managed to prevent wrongful payments by using different parameters. In cases where the Agency suspects a person to have wrongfully acted deliberately, the special unit for checking cases normally follows up on the case with a thorough investigation, primarily retroactive. This has in some cases shown more error, with recovery and sometimes police reports as a result.

The Swedish unemployment funds use as principal special case workers responsible for the EU-cases. The special case workers make it easier to identify errors in the documents.

The Swedish Public Employment Service has centralized, and to some extent automatized the control procedures that it exercises, partly to both prevent and to combat fraudulent behaviour among jobseekers who receive either unemployment benefit, or activity support for participation in labour market programmes. As part of the centralized and automated control procedures, randomized checks are carried out, to ascertain the validity of the data jobseekers provide regarding their job seeking activities. The individual persons are informed about these checks beforehand, in order to prevent wrongful statements.

At the Swedish Social Insurance Agency, a more efficient case handling of refunds of incorrect payments has been introduced.

2.2.1.2. General steps regarding cooperation and data exchange

The Social Insurance Agency and the Swedish Pension Agency have expanded their cooperation with other Swedish agencies that handle different benefits/allowances or information that could be of interest in control investigations, e.g., the Swedish Tax Agency, the Swedish Board of Student Finance, the Swedish Migration Agency, the Swedish Public Employment Service, and Swedish Work Environment Agency.

The Agencies also have an ongoing cooperation with the Swedish Prosecution Authority and the Swedish Police. Due to legislative acts on the obligation to notify other agencies (lagen [2008:206] om underrättelseskyldighet vid felaktiga utbetalningar från välfärdssystemet, lagen [2024:307] om uppgiftsskyldighet för att motverka felaktiga utbetalningar från välfärdssystemen samt fusk, regelöverträdelser och brottslighet i arbetslivet) the agencies are required to notify other in the act specifically mentioned agencies if they have a reason so suspect that a benefit/allowance has been provided on a wrongful basis or that certain information is needed to secure a reduce the risk of a wrongful payment.

If the agencies are involved in specifically decided cooperation on organized crime they can within the framework of this cooperation also exchange classified information (lagen [2016:774] om uppgiftsskyldighet vid samverkan mot viss organiserad brottslighet).

In 2022 two regional centres were set up to intense the work against work-related crime. The police, the Swedish Economic Crime Authority, the Swedish Migration Agency, the Swedish Tax Agency and the Swedish Work Environment Authority and the Swedish Social Insurance Agency are amongst other involved in the work.

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

The Swedish Pensions Agency has in a preventive purpose worked with informing about the penalties in case of intentional fraud. Regarding intentional fraud the Swedish Pensions Agency has increased the controls as well as studying risk profiling. Life certificates are sent every year to those who are not residing in Sweden. Cooperation with other authorities continues and is further developed.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

The Swedish Public Employment Service has continued to develop spot checks to ensure the quality of automatic reviews. The Swedish Public Employment Service has centralized the handling/contact with job seekers travelling to Sweden with PD U2. An expert group of ten employment officers manages all contacts with the jobseekers, which reduces the risk of fraud and errors.

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

To combat fraud, cooperation on information exchange in concrete cases between Udbetaling Danmark (DK) and Försäkringskassan (SE) is ongoing and to secure correct payment of benefits in each of the institutions. Personal information like name, address, age, nationality, payments and the right to benefits are exchanged. Cooperation between Denmark and Sweden is valuable because of the level of mobility between the two countries, affecting the number of applications for social benefits.

(c) Recovery of unduly paid benefits and other sanctions

The Swedish social Insurance Agency has together with other agencies carried out checks in several branches. Examples of businesses that have been checked are berry picking, car washes, butcheries, construction, beauty salons and restaurants.

2.2.2.5. Healthcare and sickness benefits in kind

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

The Swedish Pension Agency experiences a lack of exchange of data on deaths or other facts influencing the entitlement to a benefit. is the data exchanged with other countries is rarely a formalised or structured, and ad hoc exchanges often come with a (significant) delay or even do not take place at all.

The issue of a person's identity and the difficulty of obtaining information regarding a person's whereabouts, as regards work and residence, are becoming increasingly difficult to manage. Regulation (EC) No 883/2004 clearly states the principle and the importance of good cooperation between the Member States. Yet in practice there are problems related to e.g., case-handling times and the possibilities of obtaining information from other Member States.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

According to the Swedish Social Insurance Agency as well as the Swedish Pension Agency an ever-increasing problem is the issue of false, duplicate and stolen identities. Since the rules of confidentiality is strict, it is difficult to acknowledge in what way information can be shared between the Member States. One way of tackling the issue could be to clarify in what way different national rules restricts the possibility of sharing information.

Even though EESSI has improved the situation, case handling time and the difficulties to obtain information from other Member States still causes difficulties, not the least for the individual person.

According to the unemployment insurance funds it is difficult to know if the PDU1 has been forged or distorted. The document normally contains a stamp on the last page. Another problem is that people can apply for compensation in several Member States without it being detected through coordination.

3.2.1. The lack of/difficulties regarding cooperation

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

Case handlers in the Nordic countries meet several times a year to exchange information about and discuss legislative and practical issues as well as current matters within the field of applicable legislation, pension, family benefits, sickness benefits and unemployment benefits. The Nordic cooperation has shown that personal contacts with partners in other countries are very important and have often led to better cooperation and common solutions.

The Swedish Social Insurance Agency is an active part in two information services that provide information to commuters between Sweden and Denmark (Öresund Direkt, Malmö) or between Sweden and Norway (Grense-tjänsten, Morokulien). The Swedish Public Employment Service, The Swedish Unemployment Insurance Inspectorate and the Swedish federation of the unemployment funds also contributes to these services.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

Can EESSI influence the cooperation in the future and be of better assistance in relation to fraud and error?

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

SWITZERLAND

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

Central Compensation Office (CCO):

- Periodic meetings of the LFA Committee with representatives of all CCO divisions (in particular specialised services against fraud in Old-Age, Survivors and Disability insurance branches and specialised services in litigation.
- Please note the COVID-19 pandemic had a limited impact on the functioning of the LFA Committee which could take place through Skype meeting.

2.1.1.2. General steps regarding controlling and monitoring actions

2.1.1.3. General steps regarding cooperation and data exchange

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

2.1.1.5. Other general steps taken to prevent fraud and error

CCO: Setting up of specialized contact points with the foreign social security administration in order to provide assistance in case of late death announcement.

Promoting the introduction of a fraud prevention clause in the framework of the elaboration of the new social security conventions with Bosnia and Herzegovina and the United Kingdom.

2.1.2. Specific steps taken to prevent fraud and error

CCO:

Not covered by CCO, not applicable (n.a)

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

Central Compensation Office (CCO)

Requiring an annual life certificate from recipients of old-age or survivor's benefits living in another State in order to verify whether these persons are still alive and thus entitled to those benefits.

Special actions :

- Extraordinary verification concerning pensions of couples separated by judicial decision.
- Adaptation of several processes in the field of Swiss disability insurance in order to improve the fight against fraud according to the revision of the Swiss legislation in 2019 (Federal Law on the Coordination of Social Insurance).

(b) Specific cooperation and concrete data exchange

Central Compensation Office (CCO):

- Electronic monthly exchange of dates of death with Germany, Italy, Spain and France.
- The agreement on the exchange of dates of death with France (CNAV) went into production in January 2021. An agreement with Croatia (HZMO) was signed in June 2021. Discussions are continuing with the Netherlands (SVB) and Austria (PVA). Exploratory discussions with Portugal (CNP) have started.

Optimisation of metrics related to the electronic death notification.

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

Training the staff of health insurance institutions, health care providers and other parties involved.

(b) Specific controlling and monitoring actions

The data of electronically transmitted invoices from the healthcare providers are for example automatically, electronically checked. Incorrect invoices are rejected.

Accident Insurance (SUVA): Es finden unregelmässig und in geringer Anzahl Echtheitsüberprüfungen von eingereichten Dokumenten bzw. vom geschilderten Unfall im Ausland statt. Die weiteren Tätigkeiten beschränken sich auf die Schweiz, in Einzelfällen werden die Verbindungsstellen beigezogen.

(c) Specific preventive measures

In order to prevent fraud and error, about 90% of their invoices are directly paid to the medical institutions, physicians etc and only 10% to the patient. In addition, payments are never done by cheque or in cash. They pay only – without exceptions – via bank or post accounts.

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

Unemployment insurance (SECO):

Persons who receive unemployment benefits are obliged to report to the unemployment insurance fund on a monthly basis whether they have earned any income. They must disclose interim earnings and submit pay slips. They sign to confirm that all details are correct and acknowledge that false information may lead to withdrawal of benefits and charges.

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

Central Compensation Office:

Implementation of an algorithmic checking system for invoices enabling the detection of duplicates in order to prevent incorrect payments.

2.2.1.2. General steps regarding cooperation and data exchange

Central Compensation Office (CCO):

Special control of the operational follow-up of penal cases identified by the Contentious department.

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

Central Compensation Office (CCO):

The anti-abuse scheme has been introduced in more than 160 cases (old age, survivors' and disability pensions).

2.2.1.4. Other general steps taken to combat fraud and error

CCO: Cross-referencing lists of penal cases with business cases in the field of pensions.

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

CCO: Special action concerning the control of pensions of couples separated by judicial decision.

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

Unemployment insurance:

Regular data comparison of unemployment insurance benefits with the central compensation office of the old-age and survivors' insurance determines and sanctions undeclared income. The regional employment offices check the employability of the insured persons in regular counselling sessions, job allocations and orders for labour market measures. They can also check and impose sanctions if an insured person engages in undeclared work in Switzerland or abroad.

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

Health Insurance: objection to the invoice; establishments of the facts; file a complaint if necessary.

Accident Insurance: Die aktive Rolle der Suva wird in der Öffentlichkeit wahrgenommen und erhöht die Sensibilität für dieses Thema.

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

CCO:

- Difficulties to verify civil status, home address, study careers, the parent-child relationship, and the lack of a generalised automatic data exchange of death (entire EU).
- Delays in the transmission of requests and insufficient understanding of Swiss insurance periods in different countries, especially regarding the "co-assurance" system (i.e. automatic insurance status on behalf of the spouse's contributions according to the Swiss legislation).

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

CCO: Switzerland's position regarding the applicability of the “GDPR” Regulation and the total revision of Swiss data protection legislation pursued in parallel by the legislator may temporarily slow down some potential synergies with European partners.

3.1.3. Constraints of the national laws on the protection of personal data

The exchange of data is sometimes made difficult by national rules on data protection.

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

CCO: Please see above

3.2.1. The lack of/difficulties regarding cooperation

The legal department of the Federal Social Insurance Office encounters difficulties in obtaining the responses necessary for dealing with cases that fall within the scope of Title IV of Regulation (EC) No 987/2009.

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

- Difficulties related to the lack of responses from foreign institutions;
- Difficulties in obtaining documents to identify the identity of the heirs;
- Practice shows that often the follow-up of recovery cases or concerning investigation in case of deceased persons is no longer the responsibility of the foreign social security institution but of another authority in the country. It can therefore become very complicated to pursue claims under Chapter III of Title IV of Regulation No 987/2009 with a foreign body that is not a part to the social security system. The coordination between the different areas of administration is not clearly ensured.

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

The LOB Guarantee Fund reported a problem that arises in occupational pension schemes when employers who have their head office in a Member State, employ people in Switzerland and are obliged to insure them under an occupational pension scheme (in Switzerland). If these employers fail to pay the contributions that are due, it is very difficult to recover the contributions abroad (particularly because pension funds are not able to issue any injunction to levy the contributions).

3.5. Problems regarding the EHIC

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

Health Insurance: Information on our website for healthcare providers and insured persons.

Accident Insurance: Verstärkte aktive Medienarbeit und Sensibilisierung.

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

Health Insurance: Information on our website for healthcare providers and insured persons.

Unemployment Insurances: The insured persons are informed about the coordination rules on relevant Internet portals (such as www.arbeit.swiss):
<https://www.arbeit.swiss/secoalv/fr/home/service/publikationen/gesetze.html>.

Accident Insurance: Z.B. automatisierte Rechnungskontrolle: Das automatisierte System der Rechnungsprüfung erkennt anhand von selbst erlernten Mustern, wenn eine bestimmte Leistung in der vorliegenden Fallkonstellation sehr selten vorkommt und sortiert diese Rechnung zur detaillierten Prüfung aus.

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

CCO: The implementation of the exchange of death data with Italy, Germany and Spain and France.

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

Unemployment insurance:

Regular checks of domiciliation

- One respondent reported that they regularly check the actual domiciliation of the insured persons and thus avoid double indemnity payments between Switzerland and France.

6.1.3. Best practices regarding internal cooperation and data exchange

CCO: Despite their marginal significance, a few specific cases have also generated some useful synergies in the fight against undeclared working.

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

Unemployment insurance:

RINA

- Parallel treatment methods via RINA and via the classic postal route lead to double work. The technological level of the countries is very different. The idea behind RINA is very good. In its implementation, however, RINA is somewhat user-unfriendly. The answers to inquiries take quite long. Since only numbers are requested, communication with other countries is easy though.

Different "communication" practices

- E.g., on the PDU1, in point 2.3.1, some institutions usually indicate the average salaries paid. Other Swiss unemployment funds do not complete this field, which greatly simplifies the research work and reduces the time invested in completing the PDU1. Finally, for France, Pôle emploi in Besançon accepts this practice, whereas Pôle emploi in Belfort refuses the PDU1 if the average salaries are not indicated. As far as respective canton is concerned, the original PDU1 is always transmitted to the insured, either in person or by post, but never by e-mail. However, "it would appear" that a copy of the PDU1, sent by e-mail to Pôle emploi, is accepted by France, even though Regulation 883 prohibits it.

6.2.3. Regarding the EHIC

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

Feedback from the perspective of the Unemployment Insurance

There are problems in cooperating with countries that do not proceed in the sense of EESSI, because they are either organised differently or made mistakes when they implemented EESSI.

- 10 countries with UnemploymentBenefit (UB) institutions have less or no way to give us an answer to our U005 requests (family information related to unemployment). In 2021, Switzerland

submitted the requests via paper to a competent FamilyBenefit (FB) institution. From June 2022, our Swiss institutions will be able to use the FB process via RINA to obtain this information.

1. Denmark
 2. Germany
 3. France
 4. Austria
 5. Poland
 6. Portugal
 7. Romania
 8. Slovakia
 9. Spain
 10. Hungary
- Conclusion: we CH make a workaround because the foreign countries do not follow to the EESSI specifications. The additional effort with paper was 50%, via EESSI we are below 10%.
- Italy has been sending us U009 confirmations via post when exporting benefits since 2019 and there is no communicated end to foresee.
- INPS does not accept our clients.
 - Our clients go to various employment agencies. However, those are not connected to EESSI.
 - Our clients have a significant extra workload because those non-EESSI organisations are difficult or impossible to find in the CAI.

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

Unemployment insurance:

Central Database with all social insurance numbers

- Equip all enforcement bodies with a system as standard so that social insurance numbers can be checked and thus no more certificates can be issued with or without a fictitious social insurance number. One such system is, for example, the TeleZAS3.

Harmonization of rules, processes and forms

- To avoid abuses, it was suggested by one canton to clarify the rules for the establishment of PDU1. Furthermore, harmonized processes in suspected cases would be helpful.

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

Local Health Boards (LHBs) in Wales process requests for treatment under the S2 route and Cross-Border Directive route in adherence to the "All Wales Procedure for Welsh Patients Accessing Treatment in Countries of the European Economic Area" in line with EU Directive 2011/24/EU. No S2s were issued by LHBs in Wales in 2019. LHBs act in compliance with their

Standing Financial Instructions and in accordance with the National Fraud Initiative (NFI). Cases of fraud identified will be escalated as necessary by LHBs to NHS Counter Fraud Services Wales.

UNITED KINGDOM

2. Steps taken throughout the reference year (2023) to prevent and combat fraud and error in cases determined under the Regulations

2.1. Steps taken to prevent fraud and error and the effect of those preventive steps

2.1.1. General steps taken to prevent fraud and error

2.1.1.1. General steps regarding information dissemination

Training is provided to employers and employees in NHS institutions and other parties involved and the clerks handling the cases. Administrations across the United Kingdom run a number of on-going initiatives (e.g. presentations, newsletters, posters, leaflets, e-learning modules etc.) to train front-line staff in healthcare to identify patients who should have a European Health Insurance Card (EHIC) S2, S1 or A1 and to correctly recognise and record these where appropriate.

For example, they conduct presentations to National Health Service (NHS) staff in England and circulate newsletters, posters and leaflets to raise awareness of potential NHS fraud risks, including overseas visitors. They also developed a suite of e-learning modules to train overseas visitors managers, finance and frontline staff (including administrators, clinicians and nurses). They also organize annual mandatory training and a series of workshop sessions aimed at improving staff understanding of the impact of fraud, whilst also informing them about legislation changes that may impact them. Criteria for eligibility and escalation routes is made available in the public domain on the NHS.net website. The NHS in England ensures that their staff are aware of escalation routes for suspected fraud and that staff are only able to approve applications with appropriate supporting paperwork which appears to be genuine.

Clear operational procedures are applied within teams when processing applications and making decisions in accordance with eligibility criteria in the public domain (nhs.net). We have also taken additional steps for increased transparency over escalation routes and when discretionary funding will be applied.

The Welsh Government advises patients of the EHIC and how to apply for it free of charge alongside the importance of arranging comprehensive travel insurance in response to related correspondence queries. Under the UK-EU Trade and Co-operation Agreement (TCA), the EU Cross Border Directive ("Directive 2011/24/EU") has been discontinued apart from transitional cases in progress on 31 December 2020 and Welsh Government continues to provide appropriate guidance and information to citizens in line with the latest reciprocal healthcare position. Welsh Government has worked together with the Welsh Ambulance Services NHS Trust to develop reciprocal healthcare pages on the NHS 111 Wales website, which has details on all of the available funding routes. These pages include the S2 leads for each LHB in Wales. Welsh Government also signposts enquiries to applicable UK Government guidance and websites. Clear operational procedures are applied within teams when processing applications and making decisions in accordance with eligibility criteria in the public domain (nhs.net). We have also taken additional steps for increased transparency over escalation routes and when discretionary funding will be applied.

2.1.1.2. General steps regarding controlling and monitoring actions

Regular checks and monitoring activities, which can lead in individual cases to an investigation. The way these checks and monitoring activities are performed differ from Member State to Member State (e.g. concerning intensity, quantity, used sources/data and used systems). The NHS in England ensures that their staff are aware of escalation routes for suspected fraud and that staff are only able to approve applications with appropriate supporting paperwork which appears to be genuine. If Overseas Visitor Managers have reason to suspect fraud they are expected to report this to the NHS Counter Fraud Authority.

Local Health Boards (LHBs) in Wales act in compliance with their Standing Financial Instructions and in accordance with the National Fraud Initiative (NFI). Cases of fraud identified will be escalated as necessary by LHBs to NHS Counter Fraud Services Wales.

In Scotland, there is a partnership agreement between NHS Scotland Counter Fraud Services (CFS) and all NHS Scotland Health Boards. Each Board has a nominated a senior officer as Fraud Liaison Officer (FLO). The FLO will liaise with CFS on all matters relating to NHS Scotland financial crime. The Partnership Agreement forms a key element of the Scottish Government's determination to prevent and reduce fraud in Scotland. CFS, in partnership with the Health Boards, work proactively to be integral in embedding an anti-fraud culture into Scotland's Health Service and to deliver a health impact by reducing losses from financial crime. The aim of this work is for NHS Scotland staff, patients, primary care practitioners, contractors or suppliers and the wider public to have a knowledge of financial crime and its impact and to reinforce that financial crime against NHS Scotland is unacceptable.

2.1.1.3. General steps regarding cooperation and data exchange

Specialist intelligence and statistics teams collaborate on a range of initiatives that centre on the analysis, prioritisation and progression of fraud-related allegations and this through fraud risk assessment and intelligence alerts. The purpose is to develop an intelligence-led capability, working together across the public sector and external organisations to share information, identify risks and develop proactive, joined-up approaches to countering fraud.

That work includes:

- Fraud Risk Assessment – Where information from customers is systematically gathered and analysed and a statistically based risk assessment of their vulnerability to fraud.
- Intelligence Alerts – Where received information about the latest methods being used by organised groups to commit fraud-related crime is shared with partners and provides counter fraud avoidance advice and guidance, where appropriate.

2.1.1.4. General steps regarding PDs, SEDs and other (E-)forms

2.1.1.5. Other general steps taken to prevent fraud and error

2.1.2. Specific steps taken to prevent fraud and error

A system of continuous review of practices, monitoring and evaluating outcomes to enhance and develop pre-emptive and re-active processes.

2.1.2.1. Applicable legislation

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

(c) Specific cooperation and concrete data exchange

(d) Other specific steps

2.1.2.2. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

2.1.2.3. Healthcare and sickness benefits in kind

(a) Specific information dissemination

(b) Specific controlling and monitoring actions

NHSBSA has consolidated this process by producing a more comprehensive list of evidence which is accepted to support an application. This helps to establish residency status for all applicants. A digital file upload facility has also been introduced, whereby applicants can upload evidence documents more easily. These measures, combined with staff training around identifying fraudulent documents, have made the application process more robust in terms of identifying possible fraud and reducing the risk of error

This was a cross-Government group, which included the Overseas Healthcare Team (part of DWP) and the NHSBSA. The services provided by OHT were undergoing a transition phase to the NHSBSA, which is still ongoing. The DHSC Anti-Fraud Unit also provided guidance and recommendations on the prevention and detection of fraud. Part of this was a proposal to establish an investigative process for the prosecution of EHIC fraud and error, which has no precedent under English case law. The NHS BSA can also recall EHICs that it believes should no longer be valid. However, it has been impossible to progress the strategy further whilst preparations for EU Exit are ongoing, as well as with the full transition from OHT to BSA yet to be completed. DHSC is looking to restart the process in the Autumn of 2019.

Specific analysis:

a) Multiple Addresses

In 2017 a review took place of the analysis of addresses where a large volume of European Health Insurance Cards (EHICs) were associated with the address. This analysis involved over 2,500 different address IDs to understand why an address may require large numbers of EHICs, such as residential care homes and army barracks.

Based on this analysis, a number of addresses were highlighted as requiring further consideration and are now required to provide evidence of residency in order for an EHIC to be issued to the applicant. If this information is not provided an EHIC will not be issued. This process has been reviewed further in readiness for the UK's withdrawal from the EU and residency checks as well as other verification checks will be integrated into EHIC applications.

A full review of all current processes has also been undertaken and will inform the redesign of our internal and external systems as well as form the basis of proactive exercises we plan to undertake.

b) Multiple Use of Unique Identifiers

Whilst analysing addresses which had a high number of EHICs associated to them, analysis was also undertaken into the multiple use of Unique Identifiers. Where it was established that an identifier had been used on several occasions, this was passed to the NHSBSA Fraud Team to progress and a indicator placed on the addresses associated requiring evidence of the identifier and residency at the address.

c) Unofficial websites

In 2019 the Office of Fair Trading (OFT) ruled that websites charging customers a fee for EHIC applications must make it clear to customers that their website is not affiliated with government, the Department of Health and Social Care or the NHSBSA. In addition, these websites must clearly advise customers that they can apply directly to the NHSBSA for an EHIC without charge. The NHSBSA are committed to working alongside the Department of Health and Social Care in relation to unofficial "EHIC copycat" websites that exaggerate the nature of the services they provide, or

deliberately underplay the services that people can get free of charge from the official EHIC site. To ensure compliance with this ruling, the NHSBSA report any misleading advertisements to the National Trading Standards (NTS) with criminal prosecutions then being considered by NTS. The NHSBSA are also working collaboratively with multiple government agencies through a cross government working group to address these websites.

Several organisations have a role to play in preventing such websites making misleading claims and charging individuals for a service that should be free of charge. The NHSBSA are working, and will continue to work, with the Advertising Standards Authority (ASA), Internet Search Providers, Local Police Forces, National and Local Trading Standards, NHS England, Office of Fair Trading (OFT), various government departments, Information Commissioners Office and Social Media Providers such as Twitter and Facebook a to raise awareness of this issue and to ensure enforcement action is taken where appropriate. The NHSBSA will continue to ensure that any lessons learned from this work forms an integral consideration in any digitisation projects or service redesigns such as EHIC.

The NHS BSA continues with this preventative work.

Local Health Boards (LHBs) in Wales process requests for treatment under the S2 route and Cross-Border Directive route in adherence to the "All Wales Procedure for Welsh Patients Accessing Treatment in Countries of the European Economic Area" in line with EU Directive 2011/24/EU. No S2s were issued by LHBs in Wales in 2019. LHBs act in compliance with their Standing Financial Instructions and in accordance with the National Fraud Initiative (NFI). Cases of fraud identified will be escalated as necessary by LHBs to NHS Counter Fraud Services Wales.

'GHIC'. This allows DHSC and NHSBSA to take trademark enforcement action against websites trading using the term which is a useful additional tool. We are in the process of extending this trademark protections to other countries worldwide, including the EU. DHSC and the NHSBSA will continue to ensure that any lessons learned from this work forms an integral consideration in any digitisation projects or service redesigns such as EHIC.

Teams within NHSBSA have worked collaboratively to identify misleading websites and in 2022 worked with National Trading Standards to gather exhibits, draft a witness statement and provide details of victims impacted by one such site. This resulted in a high-profile court case which resulted in lengthy custodial sentences for the perpetrators

(c) Specific preventive measures

The Department for Health and Social Care (DHSC) holds bi-monthly meetings with stakeholders to discuss fraud risks and measures to mitigate them. DHSC and NHSBSA have built upon a review of fraud and error in 2021 to better understand these risks and arrive at recommendations for mitigating them. We regularly review these risks in line with policy changes and arising issues. This has led to agreeing some specific preventative measures which will be implemented over the following year. These include increased monitoring of data to pro-actively identify potential fraud and error (particularly for EHIC/GHIC and S1), strengthening the evidence base to make it easier to prosecute for fraud and strengthening residency checking for EHIC/GHIC.

2.1.2.4. Social and invalidity benefits

2.1.2.5. Family benefits

2.1.2.6. Unemployment benefits

2.2. Steps taken to combat fraud and error and the effect of those steps

2.2.1. General steps taken to combat fraud and error

2.2.1.1. General steps regarding controlling and monitoring actions

Each UK territory has its own counter-fraud organisations or teams that investigate fraud and error in healthcare. Their role is to prevent, deter and detect any potential fraudulent activity by overseas visitors.

The main counter-fraud bodies are the NHS Protect in England; the Criminal Intelligence Unit in Gibraltar; the Counter Fraud Services in Scotland; the Local Counter Fraud Specialists in Wales; and the Counter Fraud and Probity Services team in Northern Ireland.

2.2.1.2. General steps regarding cooperation and data exchange

2.2.1.3. General steps regarding the recovery of unduly paid benefits and other sanctions

2.2.1.4. Other general steps taken to combat fraud and error

Continuously performing a review of practices, monitoring and evaluate outcomes to enhance and develop pre-emptive and re-active processes.

2.2.2. Specific steps taken to combat fraud and error

2.2.2.1. Old-age and survivor's benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.2. Applicable legislation

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.3. Unemployment benefits

2.2.2.4. Family benefits

(a) Specific controlling and monitoring actions

(b) Specific cooperation and concrete data exchange

(c) Recovery of unduly paid benefits and other sanctions

2.2.2.5. Healthcare and sickness benefits in kind

-In England, the NHSBSA work with the DHSC to review changes to its forms to ensure that information provided by the customer is provide an in accurate way. The NHSBSA are working to integrate more verification checks into its application processes to help combat user error. In England, where an allegation of fraud is made, the NHSBSA works collaboratively with the DHSC to understand how the fraud was enabled and uses the information to inform improvements in the design of its application forms and systems.

-Unofficial websites

The NHSBSA has worked with external agencies to advise on elements of sites which are deemed to be misleading result in enforcement action being taken and has worked alongside enforcement agencies to ensure all known EHIC unofficial websites contain a disclaimer advising customers that the website is not affiliated with the NHSBSA or any government body and that the cards can be obtained free of cost directly from the NHSBSA.

-Local Health Boards (LHBs) in Wales process requests for treatment under the S2 route and Cross-Border Directive route in adherence to the "All Wales Procedure for Welsh Patients Accessing Treatment in Countries of the European Economic Area" in line with EU Directive 2011/24/EU. No S2s were issued by LHBs in Wales in 2019. LHBs act in compliance with their Standing Financial Instructions and in accordance with the National Fraud Initiative (NFI). Cases of fraud identified will be escalated as necessary by LHBs to NHS Counter Fraud Services Wales. NHS BSA

3. Specific problems in implementing the eu coordination rules which may lead to (at least risks of) fraud and error

3.1. Problems regarding the (lack of) exchange of data between Member States

3.1.1. The lack of/difficult exchange of data or facts that influence the entitlement to a benefit

The NHS cited a lack of consistency for medical and financial information supporting sickness benefits between Member States as a difficulty for determining planned treatment benefits due. There are two problems coming out of this. Firstly, difficulties accurately translating documentation to understand the treatment provided, what has been paid for, how it was paid and coverage that would normally be provided to a citizen of the Member State giving treatment. This can make it time consuming to verify between Member States. Secondly, a lack of consistency in format can make it more difficult to verify that supporting medical and financial documentation is genuine. This leads to an increased risk of fraud and error.

The introduction of RINA has resulted in a standardized format for data sharing and a timelier electronic exchange of data. As more Member States/Institutions increase utilization of RINA, this should result in a decreased risk of fraud and error.

3.1.2. The lack of / unknown / inconsistent legal bases for the international exchange of data

3.1.3. Constraints of the national laws on the protection of personal data

3.1.4. Other specific problems

3.2. Problems regarding cross-border investigation and cooperation in general

3.2.1. The lack of/difficulties regarding cooperation

3.2.2. The lack of procedures for the investigation of suspected cases of fraud and error across borders under the coordination rules

3.2.3. Constraints on national laws

3.3. Problems regarding the applicable legislation

3.3.1. The determination of the applicable legislation itself

3.3.2. The determination of the place of residence / whether an undertaking is carrying out a significant part of its activity in the sending or posting State / of marginal work

Since the UK withdrew from the European Union, there have been cases of customers claiming UK healthcare benefits through EHIC/GHIC, despite maintaining residency status in EU Member states for immigration purposes. EHIC/GHICs do not provide data on a person's immigration status but we are working to determine the extent of incorrectly claimed UK sickness benefits and identify the appropriate next steps.

3.3.3. Problems arising from the use of PDs and SEDs

3.3.4. Problems arising from ignorance of beneficiaries regarding the applicable legislation

3.4. Problems regarding the recovery of unduly paid benefits

3.5. Problems regarding the EHIC

Some Member States have introduced digital EHIC cards in the last year and, while we are supportive of this development, there is a concern that the lack of guidance over whether these should be accepted and that this may create a fraud risk.

Customer awareness of when they are entitled to use an EHIC or GHIC card is an issue, particularly for customers who have moved to live in a Member State but continue to use their card to access services in the country. The UK is taking steps to make it more difficult to get a card if not entitled and increase awareness that customers should be using an S1 form if entitled to one. However, it is acknowledged that this behaviour is engrained in certain expat communities and may be hard to change.

Websites charging users to apply for an EHIC card remain an issue although we have had some success combatting these websites through the UK's GHIC trademark.

5. In the field of benefits in kind, Steps taken in the reference year (2023) to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens

5.1. General steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

5.2. Specific steps taken to promote compliance by institutions and healthcare providers with the coordination rules and to provide information to citizens in the field of benefits in kind

6. Best practices, lessons learned, issues or concerns (including regarding privacy and data protection) when dealing with cross-border cooperation and information exchange within the framework of Regulations (EC) No 883/2004 and (EC) no 987/2009 on the coordination of social security systems

6.1. Best practices

6.1.1. Best practices regarding the cross-border cooperation and data exchange between Member States

6.1.2. Best practices regarding data protection in the context of cross-border data exchange

6.1.3. Best practices regarding internal cooperation and data exchange

6.1.4. Best practices regarding the dissemination of information

6.1.5. Best practices regarding PDs, SEDs and other forms

6.2. Lessons learned

6.2.1. Regarding cross-border cooperation

6.2.2. Regarding data exchange

6.2.3. Regarding the EHIC

NHS Protect is aware of various instances of EHICs being used by individuals who have either never been resident in the UK (and who are not insured by the UK through other means), or by individuals who were no longer entitled to apply for, or use a UK EHIC. They have completed a major piece of work examining and identifying any areas for improvement on all their administrative systems relating to EEA healthcare payments, including the EHIC, with specific emphasis on fraud and error. They are now reviewing the potential opportunities identified by this work and examining steps to take to

improve the system further through a more radical redesign of their EEA systems. They hope this will help them in being able to quantify the number of cases of fraud and error.

They have already tightened the system and now require additional proofs of entitlement and residency. All applicants are required to confirm a mandatory declaration, which includes an acknowledgement of possible penalties for misuse. The acceptable proofs of entitlement and residency have also been tightened as a result. If such details are not provided the application is not processed. Individuals are also asked to sign a mandatory declaration stating that any significant changes in circumstances (that will have an effect on eligibility and/or entitlement) need to be disclosed. The declaration also clarifies that information from the form may be used by other NHS and government organisations for the purpose of the prevention, detection and investigation of fraud and error, including for the prosecution of fraud. If the declaration is not signed, the application is not processed further and the card is not issued.

An e-mail registration portal was added to the online application process for EHICs, which means that applicants resident in the UK must provide an e-mail address and log in to access the application. This provides for further validation of the applicant and applies only to online applications.

The NHS Business Services Authority (NHSBSA) also monitors the practices of the fee-paying/copycat websites, to ensure compliance with regulatory authority guidance, reporting non-compliance when this is identified. The NHSBSA gathers insight from members of the public and uses this to identify ways of improving the service.

The UK is also in the process of producing a cross-government Fraud and Error Guide that will formalise the protocols currently in place and provide extra guidance for frontline staff on how to process clear cases of fraud and misuse of the system and recover funds.

6.2.4. Other

6.3. Issues and concerns

6.3.1. Issues and concerns regarding cross-border cooperation and data exchange

6.3.2. Other issues and concerns

7. Examples of, or proposals or suggestions for measures to improve the overall tackling of fraud and error in the field of social security coordination which national contact points can operationalise without the need for changes to national or EU law

7.1. Regarding cooperation and data exchange

7.2. Regarding Portable Document A1

7.3. Regarding the EHIC

