

**Agreement between the United Kingdom and France on the specific methods of  
determining the amounts to be reimbursed for benefits in kind pursuant to  
Regulations (EEC) No. 1408/71 and 574/72**

The competent authorities of the French Republic,

The competent authorities of the United Kingdom and Northern Ireland and of Gibraltar,

Having regard to Articles 36 (3) and 63 (3) of Regulation (EEC) No. 1408/71 which state that two or more Member States or the competent authorities of these Member States may provide for other methods of reimbursement than those referred to in Articles 36 (1) and (2) and 63 (1) and (2) or waive all reimbursement between the institutions that come within their jurisdiction;

Having regard to Articles 93 (6), 94 (6), 95 (6) and 96 (referring in particular to Article 93 (6)) of Regulation (EEC) No. 574/72 which state that two or more Member States or the competent authorities of these Member States may agree on other methods of determining the claims than those provided for by paragraphs (1) to (5) of the said Articles;

Having regard to Article 102 (5) of Regulation (EEC) No. 574/72 which states that the competent authorities of two or more Member States may agree on other time limits for refunds or other procedures for the payment of advances;

Having regard to the exchange of letters of 25 March and 28 April 1977 between the competent United Kingdom and French authorities on the waiver and the specific refund of the costs of benefits in kind granted under certain provisions of Regulation (EEC) No. 1408/71;

Whereas on 27 February 1992 the competent French authorities denounced the exchange of letters of 25 September 1980 and 27 January 1981 between the competent United Kingdom and French authorities with effect from 1 July 1992 on the mutual waiver of the refund of the costs of benefits in kind granted under Articles 28, 28a and 29 (1) (a) of Regulation (EEC) No. 1408/71;

have agreed as follows:

#### Article 1

The amounts to be refunded by the United Kingdom institutions for benefits in kind granted by the French institutions and which are referred to in Articles 93 and 96 of Regulation (EEC) No. 574/72 shall be determined for the financial years after 1996 pursuant to the provisions set out in Article 93 (1) and to which Article 96 above-mentioned refers in relevant cases.

#### Article 2

As derogation from the provisions of Article 94 (1) to (4) of Regulation (EEC) No. 574/72 the amounts to be refunded by the United Kingdom institutions for benefits in kind granted by the French institutions pursuant to Article 19 (2) of Regulation (EEC) 1408/71 (family members residing in a Member State other than that of the worker) shall be determined for the financial years after 1996 pursuant to provisions of Article 93 (1) of Regulation (EEC) No. 574/72 and relevant claims shall be presented with individual records E 125 of actual expenditure.

#### Article 3

The amounts to be refunded by the French institutions for benefits in kind granted by the United Kingdom institutions pursuant to Articles 22 (1) (a), 22 (3) (applied to the situations referred to in Article 22 (1) (a)), 22a (applied to the situations referred to in Article 22 (1) (a)), 31 and 55 (1) (a) shall be determined for the financial years after 1996 by multiplying a value equal to 5 % of the average daily health care cost per person residing in the United Kingdom by the total duration, in calendar days, of the length of stay of visitors from France to the United Kingdom.

The value of 5 % mentioned in the previous paragraph may be modified by joint agreement between the designated bodies authorities at the beginning of each financial year.

#### Article 4

The amounts to be refunded by the French institutions for benefits in kind granted by the United Kingdom institutions referred to in Articles 93, 94 and 96 of Regulation (EEC) No. 574/72 and other than those in Article 3 above shall be determined for the financial years after 1996 by multiplying the relevant French claims of the same financial year by a coefficient equal to the ratio of the United Kingdom and French claims, also for the same financial year, for articles referred to in Article 3 above.

#### Article 5

As of the day of entry into force of this Agreement the United Kingdom shall settle fully each French claim as set out in Articles 1 and 2 above and submitted half-yearly after deduction of claims (E 125) disputed by the United Kingdom party within 9 months starting from the date of the submission of the claim.

The submission date of the claim shall be defined as the date on which the the United Kingdom body designated in Article 102 (2) of Regulation (EEC) No. 574/72 receives the letter of submission of these claims sent by registered mail from the corresponding French body.

Claims (E 125) disputed by the United Kingdom party (rejections) shall be examined by the French party as soon as possible and shall either be accepted or confirmed (resubmitted).

Accounts relating to French claims shall be settled no later than the 36th month after their submission. Disputed claims may only be re-submitted up to one month before the final settlement of accounts.

#### Article 6

Upon receipt of the payment as under paragraph 1 of Article 5 above and corresponding to the settlement of the French claim for the second half of a given financial year the French party shall pay to the United Kingdom party an advance equal to 95 % of the total United Kingdom claim for the latest financial year known.

The United Kingdom shall notify the French party of claims for each financial year as soon as the average health care costs per person-resident for the said financial year have been established.

Upon receipt of this statement of claims, the French party shall settle the amount due after deduction of the advance payment already made.

The submission date of the claim is defined as the date on which the French body designated under Article 102 (2) of Regulation (EEC) No. 574/72 receives the statement of claims sent by registered mail from the corresponding United Kingdom body.

#### Article 7

For the refunds for benefits in kind referred to in Article 95 of Regulation (EEC) No. 574/72 the following methods shall be applied by both parties:

1) From the submission date of the lists in respect of the financial year beginning 1 January 1997, each of the two designated bodies shall send to its counterpart the individual records of monthly lump-sum payments (E 127) in respect of a calendar year as soon as the list for the financial year has been drawn up, even if the average costs for the year under consideration have not yet been published.

Moreover, each designated body shall pay an advance equal to 80 % of the amount obtained by multiplying the last agreed average costs by the number of monthly lump-sum payments resulting from the E 127 records submitted.

The advance shall be paid at the latest within the ninth month following the submission of the list.

The submission month of the list is defined as the month within which the letter referring to the submission of the list, sent by registered mail, is received by the body named by the debtor.

2) Each designated body, after carrying out the examinations that it deems to be necessary, shall notify on the one hand rejections of the disputed E 127 records at the latest within the 24th month after the submission of the list concerned and, on the other hand, shall pay before the end of the sixth month after publication of the applicable average costs the difference between the amount of claims made on the basis of these average costs and the amount of the advance payment, taking into consideration the disputed E 127 records whose rejection has already been notified.

After the average costs of the two countries for the relevant financial year have been published, accounts pertaining to that financial year shall be settled at the latest at the end of the eighteenth month following the last date of publication. Rejected claims may only be re-submitted up to one month before the accounts are to be settled.

3) The provisions of the first three paragraphs as set out under 1) shall not be applicable to additional claims. Relevant E 127 records shall be rejected at the latest within the 24th month following the submission of the additional list concerned.

Additional claims shall be settled in full after deduction of the amounts corresponding to disputed E 127 records whose rejection has been notified at the latest within the thirty-sixth month after the submission of the additional lists, if the relevant average costs have been published, or within the month after the publication of the latest average costs concerned, if that is after the thirty-sixth month following that of the submission of additional lists.

#### Article 8

The two parties agree that the provisions set out in Article 100 (late claims) of Regulation (EEC) No. 574/72 shall not apply during the validity of this agreement.

They shall ensure that their institutions of the place of stay or residence draw up the individual E 125 and E 127 records in accordance with the provisions of Regulation (EEC) No. 574/72 and the decisions of the Administrative Commission on Social Security for Migrant Workers.

The liaison bodies shall develop an automated system to process the claims in order to improve their joint management and to accelerate their settlement as well as the settlement of the disputes regarding these claims.

#### Article 9

The liaison bodies shall set up a settlement schedule of the reciprocal claims arising prior to the financial year 1997.

#### Article 10

The exchange of letters of 25 March and 28 April 1977 between the competent authorities of the United Kingdom and France on the waiver of reimbursement and the specific reimbursement of the costs of benefits in kind pursuant to certain provisions under Regulation (EEC) No. 1408/71 shall be revoked and replaced by the present Agreement on the date of its coming into force and with effect to the claims established for the financial years after 1996. ...

#### Article 11


The present Agreement shall come into force on the 1st day following its signature date. It has been concluded for a period up to the end of the calendar year following that of its signature and shall continue in force by tacit agreement from year to year unless denounced in writing by either of the contracting parties to the other at least three months before the end of the current calendar year to take effect at the end of that calendar year.

In the event of denunciation the provisions of this Agreement shall nevertheless remain applicable to the claims notified prior to its termination date.

Done in duplicate at Brussels, this 8th day of December 1998, in the English and French languages, both texts being equally authoritative.


For the competent authorities of the  
United Kingdom of Great Britain and  
Northern Ireland and of Gibraltar:



  
Head of Section  
International and Industry Division  
Department of Health

For the competent authorities of the French  
Republic:



  
Head of European and International  
Affairs Division  
Directorate of Social Security  
Ministry of Employment and  
Solidarity