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A/EIC/89B

[REDACTED] IR2  
 [REDACTED] FB1B  
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 [REDACTED] SOL A2  
 [REDACTED] Department of Health and Social Services  
 Northern Ireland

13/5

**EEC SOCIAL SECURITY REGULATIONS:  
 REIMBURSEMENT AGREEMENTS**

I attach for your information a copy of each of the three letters of agreement exchanged between the UK and France on the reimbursement or waiver of reimbursement of the costs of medical benefits provided under EEC Regulations 1408/71 and 574/72. Copies are also being sent to Minister of State (Health), SEHD, Welsh Office, FCO, Gibraltar and [REDACTED] EEC Audit Board Secretariat. The Administrative Commission have also been formally notified of the agreement.

[REDACTED]

12 May 1977

IR1C  
 C507 APE Ent 7346

cc: [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED] } without enclosures



TO THE COMPETENT AUTHORITIES OF THE FRENCH REPUBLIC

Sir

The competent authorities of the United Kingdom of Great Britain and Northern Ireland, and of Gibraltar, have the honour to inform you as follows:-

Articles 36 and 63 of the Regulation (EEC) No 1408/71 of the Council of 14 June 1971, concerning the application of social security schemes to employed persons and their families moving within the Community, lay down that the cost of benefits in kind provided by the institution of one Member State on behalf of the institution of another Member State under Chapters 1 and 4 of Title III of the said Regulation, will be fully refunded.

However, paragraph 3 of each of the said Articles 36 and 63 lays down that two or more Member States, or the competent authorities of those States, as specified in Annex 1 of Regulation (EEC) No 574/72 of the Council of 21 March 1972, fixing the procedure for implementing Regulation 1408/71, may provide for other methods of reimbursement or may waive all reimbursement between institutions under their jurisdiction.

Following examination of the proposals made during discussions between the representatives of the competent authorities of the French Republic and of the United Kingdom of Great Britain and Northern Ireland, and of Gibraltar, it has been agreed that reimbursement of the costs of benefits in kind provided by the institutions under the competence of each authority will be effected as follows:-

1. Reimbursement of the cost arising from the application of:-

Article 22.1.(a).(i),  
Article 22.3 as applied to Article 22.1.(a).(i),  
Article 31.(a) and  
Article 55.1.(a).(i).

of Regulation 1408/71 will be effected by means of a settlement between institutions. This settlement will be effected as follows:-

- a. for France, the costs to be credited will be those shown in the accounts of the institutions;
- b. for the United Kingdom and Gibraltar, the amounts to be credited will be calculated by multiplying a sum equal to the amount credited to the French institutions as in a. above by two corrective coefficients, the numerator of the first representing the number of persons going from France to the United Kingdom and to Gibraltar and the denominator the number of persons going from the United Kingdom and from Gibraltar to France; the numerator of the second representing the British national average cost per family of benefits in kind and the denominator the French national average cost per family of benefits in kind. The coefficients will be derived from agreed data and will be reviewed annually;

TO THE COMPETENT AUTHORITIES OF THE FRENCH REPUBLIC

Sir

The competent authorities of the United Kingdom of Great Britain and Northern Ireland, and of Gibraltar, have the honour to inform you as follows:-

Article 36 of the Regulation (EEC) No 1408/71 of the Council of 14 June 1971, on the application of social security schemes to employed persons and their families moving within the Community, lays down that the costs of benefits in kind provided by the institution of one Member State on behalf of the institution of another Member State under Chapter 1 of Title III of the said Regulation, will be fully refunded.

However, paragraph 3 of the said Article 36 lays down that two or more Member States, or the competent authorities of those States, as specified in Annex I of Regulation (EEC) No 574/72 of the Council, of 21 March 1972, fixing the procedure for implementing Regulation 1408/71, may provide for other methods of reimbursement or may waive all reimbursement between institutions under their jurisdiction.

Following examination of the proposals made during discussions between the representatives of the competent authorities of the French Republic and of the United Kingdom of Great Britain and Northern Ireland, and of Gibraltar, it has been agreed that reimbursement of the costs of benefits in kind provided in accordance with Articles 28, 28a and 29.1.(a) of Regulation 1408/71 will be effected as follows:-

1. Reimbursement of the costs arising from the application of Article 28, Article 28a and Article 29.1.(a) of Regulation 1408/71 will be renounced between the competent authorities of both Member States.
2. This arrangement will be deemed to have taken effect from 1 April 1973 and to have remained effective up to and including 31 December 1976.
3. From and including 1 January 1977 reimbursement of the costs arising from the application of Article 28, Article 28a and Article 29.1.(a) of Regulation 1408/71 will be effected in accordance with the provisions of Articles 93 and 95 of Regulation 574/72:

TO THE COMPETENT AUTHORITIES OF THE FRENCH REPUBLIC

Sir

The competent authorities of the United Kingdom of Great Britain and Northern Ireland and of Gibraltar have the honour to inform you as follows:-

Article 105 of the Regulation (EEC) No 574/72 of the Council of 21 March 1972, fixing the procedure for implementing Regulation (EEC) No 1408/71 of the Council of 14 June 1971, on the application of social security schemes to employed persons and their families moving within the Community, lays down that the costs of administrative checks and medical examinations provided by the institution of one Member State on behalf of the institution of another Member State, will be fully refunded. However, paragraph 2 of the said Article 105 lays down that two or more Member States, or the competent authorities of these States, as specified in Annex I of Regulation 574/72, may provide for other methods of reimbursement or may renounce all reimbursements between institutions under their competence.

Following examination of the proposals made during discussions between the representatives of the competent authorities of the French Republic and of the United Kingdom of Great Britain and Northern Ireland, and of Gibraltar, it has been agreed that reimbursement of the costs of medical and administrative controls arising under Article 105 of Regulation 574/72 will be effected as follows:-

1. Reimbursement of the costs of medical and administrative controls arising under Article 105 of Regulation 574/72 will be renounced between the competent authorities of both Member States.
2. This arrangement will be deemed to have taken effect from 1 April 1973 and to have remained effective for a period of one year from that date. Thereafter it will remain effective from year to year unless terminated in writing by the competent authorities of either Member State six months before the expiry of any such yearly period.

I would ask the competent authorities of the French Republic to let me know whether the arrangement described above meets with their agreement.

ACCORD CONCERNANT LES PRESTATIONS DE SOINS MÉDICAUX ET D'URGENCE EN MER, EN GIBRALTAR

Monsieur,

Dans votre lettre du 25 mars 1977, relative aux articles 26 et 53 du Règlement (CEE) n° 1400/71 du Conseil du 7 juin 1971, vous avez proposé que les autorités compétentes de la République française et celles du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, et de Gibraltar, procèdent au remboursement des prestations en nature fournies par les institutions relevant de leur compétence, conformément aux dispositions des chapitres 1 et 4 du Titre III du Règlement n° 1400/71, de la manière qui est indiquée ci-après :

1. Le remboursement des coûts résultant de l'application de

l'article 22, § 1, lettre a), sous i),

l'article 22, § 3, appliqué aux cas visés par l'article 22, § 1, lettre a), sous i),

l'article 31, lettre a), et

l'article 35, § 1, lettre a), sous i)

du Règlement n° 1400/71 sera effectué par voie de règlement entre institutions. Ce règlement sera effectué comme suit :

- a) pour la France, les montants à créditer seront ceux qui figurent dans les comptes des institutions ;
  - b) pour le Royaume-Uni et Gibraltar, les montants à créditer seront calculés en multipliant une somme égale au montant porté au crédit des institutions françaises, comme il est indiqué au point a) ci-dessus, par deux coefficients correcteurs; le numérateur du premier représente le nombre de personnes qui se rendent de France au Royaume-Uni et à Gibraltar, et le dénominateur le nombre de personnes qui se rendent du Royaume-Uni et de Gibraltar en France; le numérateur du second coefficient représente le coût moyen britannique des prestations en nature, par famille, et le dénominateur, le coût moyen français des prestations en nature, par famille. Ces coefficients seront calculés sur la base de chiffres déterminés d'un commun accord et seront révisés annuellement.
  - c) pour chaque année, l'autorité compétente au crédit de laquelle aura été porté le montant le moins élevé, paiera à l'autorité compétente de l'autre Etat membre un montant égal à la différence entre ces deux montants.
2. Les autorités compétentes des deux Etats membres renonceront au remboursement des coûts résultant de l'application de

l'article 19, § 1, lettre a),

l'article 19, § 2 appliqué aux cas visés par l'art. 19 § 1, lettres

l'article 22, § 1, lettre b), sous i),

l'article 22, § 1, lettre c), sous i),

l'article 22, § 3, appliqué aux cas visés par les articles 22, § 1, lettre b), sous i), et 22, § 1, lettre c), sous i),

l'article 25, § 1 lettre a),  
l'article 25, § 3, appliqué aux cas visés par l'article 25, § 1  
lettre a),  
l'article 25,  
l'article 29 § 2, lettre a),  
l'article 52,  
l'article 55, § 1 lettre b), sous i), et  
l'article 55 § 1, lettre c), sous i)  
du Règlement n° 1408/71.

3. Le présent accord est censé être entré en vigueur le 1er avril 1977 et être resté applicable pendant une période d'un an à compter de cette date. Ensuite, il sera reconduit d'année en année, sauf dénonciation par écrit par les autorités compétentes de l'un ou l'autre Etat membre, six mois avant l'expiration de la période annuelle prise en considération.

J'ai l'honneur de vous confirmer que les autorités compétentes de la République française approuvent les dispositions qui précèdent et que votre lettre, ainsi que ma réponse sont considérées comme constituant en cette matière, l'accord des autorités compétentes, et vous remercie de votre obligeance.

Pour les autorités compétentes  
de la République Française

[REDACTED] (le 28-4-1977)

[REDACTED]



AUX AUTORITES COMPETENTES DU ROYAUME-UNI DE GRANDE-BRETAGNE ET  
D'IRLANDE DU NORD, ET DE GIBRALTAR

Monsieur

Dans votre lettre du 25 mars 1977 relative à l'article 105 du Règlement (CEE) n° 574/72 du Conseil, du 21 mars 1972, vous avez proposé que les autorités compétentes de la République française et celles du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, et de Gibraltar, procèdent au remboursement des frais de contrôle administratif et médical de la manière qui est indiquée ci-après :

1. Les autorités compétentes des deux Etats membres renoncent au remboursement des frais de contrôle médical et administratif visés à l'article 105 du Règlement n° 574/72.
2. Le présent accord est censé être entré en vigueur le 1er avril 1977 et être resté applicable pendant une période d'un an à compter de cette date.  
Ensuite, il sera reconduit d'année en année, sauf dénonciation par écrit par les autorités compétentes de l'un ou l'autre Etat membre, six mois avant l'expiration de la période annuelle prise en considération.

J'ai l'honneur de vous confirmer que les autorités compétentes de la République française approuvent les dispositions qui précèdent et que votre lettre, ainsi que ma réponse, sont considérées comme constituant, en cette matière, l'accord des autorités compétentes, et vous remercie de votre obligeance.

Pour les autorités compétentes  
de la République française

(le 28-4-1977)

