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EU Social Security Law

A Commentary on EU Regulations 883/2004 and 987/2009

C.H.BECK · Hart · Nomos

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edited by

Prof. Dr. Maximilian Fuchs
Prof. Dr. Rob Cornelissen

2015

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Preface

Social security coordination constitutes a cornerstone of the European Union. The fact that the social security schemes of the Member States differ widely makes their coordination on the European level a complicated matter. In the wake of the extension of the EU to new Member States during the first decade of the new millennium a new legal base was created for EU social security coordination. Regulation (EC) No. 883/2004 and the Implementing Regulation (EC) No. 987/2009 replaced the former Regulation (EEC) No. 1408/71 and the Implementing Regulation (EEC) 574/72.

These Regulations are of importance to the overwhelming majority of EU citizens. In fact, they offer protection to all EU workers, and to the members of their families and their survivors, who cross the internal borders of the Union be it for professional or private reasons.

The appearance of this commentary comes at a good moment in a period characterized by a heated debate in many Member States about access to benefits for workers and non-active persons coming from other Member States. This commentary provides explanatory comments, Article by Article of the current Regulations mentioned above. In doing so, it highlights, in a systematic way, the spirit and purpose of the Articles. It presents the relevant case-law of the Court of Justice of the European Union and includes the relevant Decisions and Recommendations of the Administrative Commission. The commentary extends to related instruments, such as the importance of the EEA Agreement, the EU-Switzerland Agreement on free movement of persons, and the Association Agreement with Turkey for social security coordination.

The law of EU social security coordination is stated as on 1st June 2015.

Maximilian Fuchs Rob Cornelissen

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List of Abbreviations

AG	Advocate General
Art.	Article
BGBl.	Bundesgesetzblatt
BTSZ	Belgisch Tijdschrift voor Sociale Zekerheid (The same articles are published in French by RBSS)
CDE	Cahiers de Droit Européen
cf	see, compare
CFI	Court of First Instance
CJEU	Court of Justice of the European Union
C.M.L.R.	Common Market Law Reports
CMLRev	Common Market Law Review
Dr. Soc.	Droit Social
DVBl.	Deutsches Verwaltungsblatt
EBLR	European Business Law Review
EC	European Community
ECHR	European Court of Human Rights
ECLR	European Competition Law Review
ECR	European Court Reports
ed.	Editor
EEA	European Economic Area
EFTA	European Free Trade Association
EJIL	European Journal of International Law
EJML	European Journal of Migration and Law
EJRR	European Journal of Risk Regulation
EJSL	European Journal of Social Law
EJSS	European Journal of Social Security
ELJ	European Law Journal
E.L.Rev.	European Law Review
EP	European Parliament
ESC	European Social Charter
et al	and others
et seq.	following
EU	European Union

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EuGRZ	Europäische Grundrechte-Zeitschrift
EULF	The European Legal Forum
EuZW	Europäische Zeitschrift für Wirtschaftsrecht
ibid.	cited in preceding footnote
ILO	International Labour Organization
infra	see below
IR	Implementing Regulation, Reg. No. 987/2009
JCMS	Journal of Common Market Studies
JTT	Journal des Tribunaux du Travail (containing mainly articles in French, some articles in Dutch)
NATO	North Atlantic Treaty Organization
NJW	Neue Juristische Wochenschrift
NZS	Neue Zeitschrift für Sozialrecht
OJ	Official Journal
OMC	Open Method of Coordination
p.	page/s
para.	Paragraph
RAE	Revue des Affaires Européennes
RBSS	Revue Belge de sécurité sociale (The same articles are published in Dutch by BTSZ)
RDSS	Revue de droit sanitaire et social
REDS	Revue européenne du Droit Social
Reg.	Regulation
RISS	Revue international de sécurité sociale
RMC	Revue de l'Union Européenne (former Revue du marché commun)
RSV	Rechtspraak Sociale verzekeringen (Case-law in social security)
RTDE	Revue trimestrielle de droit européen
SEW	Tijdschrift voor Europees en economisch recht (Journal for European and economic law)
SGb	Die Sozialgerichtsbarkeit
supra	see above
SZS	Schweizerische Zeitschrift für Sozialversicherung und berufliche Vorsorge

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TEU	Treaty on European Union
TFEU	Treaty on the functioning of the European Union
TRA	Tijdschrift voor Recht en Arbeid (merging in 2009 the old Journals SMA (Sociaal Maandblad Arbeid) en Tijdschrift voor Sociaal Recht)
TSR/RDS	Tijdschrift voor social recht – Revue de droit social (Articles in Dutch or French with only a short summary in the other language)
ZESAR	Zeitschrift für Europäisches Sozial- und Arbeitsrecht
ZIAS	Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht

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