



Strasbourg, 9 September 2008

MISSCEO(2008)9

**MUTUAL INFORMATION SYSTEM ON SOCIAL PROTECTION
OF THE COUNCIL OF EUROPE
(MISSCEO)**

**10th Meeting
(Yerevan, 9-10 July 2008)**

MEETING REPORT

I. OPENING OF THE MEETING

1. The 10th annual meeting of MISSCEO was held in Yerevan, Armenia. Ms Anahit MARTIROSIAN, Head of the Division for International Relations of Armenia's Ministry of Labour and Social Affairs, opened the meeting and welcomed the participants. Ms Ana GÓMEZ HEREDERO, in charge of the MISSCEO secretariat, chaired the meeting. She thanked the Armenian co-organisers and introduced the new correspondents: Ms Diana BEQIRI (Albania), Ms Mirha OSIJAN (Bosnia and Herzegovina) and Ms Lyudmyla TKACHOVA (Ukraine). A total of twelve European states and three observer states participated in the preparation of the MISSCEO tables. Sixteen participants representing ten European states were present at the meeting. The list of participants is set out in Appendix I.

II. ADOPTION OF THE AGENDA

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2. The participants adopted the agenda for the meeting, as shown in Appendix II.

III. INFORMATION FROM THE SECRETARIAT

3. Ms GÓMEZ gave a demonstration of the new system for retrieving information from the MISSCEO database on the Internet site. Searches could be performed by item or by country at the following website address: <http://www.coe.int/MISSCEO>. The database, containing the data for 2006 and 2007, had replaced the comparative tables, which were no longer printed. There were plans to produce CD-ROMs containing the MISSCEO data.

The participants showed their considerable satisfaction with the search system.

IV. INFORMATION ON MISSOC AND ON THE ACTIVITIES OF THE EUROPEAN COMMISSION

4. Mr Claude EWEN, MISSOC correspondent for Luxembourg, gave a presentation on recent developments within the MISSOC network; new trends and activities at the level of the European Union, in particular the discussions on flexicurity and on patients' rights in the context of cross-border health care; and MISSOC's influence on MISSCEO. The participants posed questions on the definition of flexicurity at EU level, since there was no common definition, and on cross-border health care.

5. Mr EWEN's presentation is reproduced in full in Appendix III.

V. SHORT DESCRIPTION OF THE GENERAL SET UP OF THE SOCIAL SECURITY SYSTEMS

6. Mr Paul SCHOUKENS, contents co-ordinator for the 2008 edition, proposed that, to supplement the MISSCEO tables, a document be prepared summarising the principal characteristics of the social security systems. The aim would be to make it possible to know at a glance the fundamental characteristics of a given social security scheme: for example, whether it was fundamentally Bismarckian or Beveridgean, or which risks were dealt with in a more Bismarckian or a more Beveridgean manner; whether there was a single scheme for all occupational categories or several schemes. Mr SCHOUKENS also said that some information was lacking, such as the Constitution's legal implications for social security, or information on judicial protection, on implementation of the right to social security and on protection of privacy.

The question was whether the MISSCEO network wished to remedy these deficiencies by adding a brief commentary on these matters, in the form of an appendix to the tables for example.

7. Mr Ali Riza ÖNAY, representing Turkey, gave a presentation of the Turkish social security system, including the matters raised by Mr SCHOUKENS.

8. The participants were in favour of attempting to draw up a summary document and agreed that Mr SCHOUKENS, together with Mrs. Slavkoska, would prepare a draft, based upon the Macedonian system, that would be submitted to MISSCEO for comments and final adoption.

VI. GENERAL COMMENTS ON COMPARABILITY

9. Mr SCHOUKENS said there had been a substantial improvement in the quality and the comparability of the MISSCEO tables, as compared with previous years. He presented the following general comments, which concerned the tables received in 2008:

- The states often referred to minimum amounts or to concepts such as the "minimum wage"; most of them defined these concepts, but sometimes the explanation was missing and should be provided.
- The question arose whether to include the "social pension" in Table VI "Old-age" or in Table XI "Guaranteeing sufficient resources". It was for each country's correspondent to decide, but the rule was to include the social pension in table VI if it came under the right to social security, and in table XI if it came under social assistance.
- The replies varied in length. Some states provided more detailed information than others. This resulted in what he termed "negative comparability", where, if one country mentioned the existence of certain benefits and another did not, it would be assumed that these benefits did not exist in the second country. This concerned the following items in particular:

"Applicable statutory basis": the rule was not to list each law, but to select a law making it possible to trace the other legislation. Especially when a new law replaces an old act, it must be made sure to have the old act deleted.

"Field of application": Only the most important categories should be mentioned.

Table I "Financing", "Contributions of insured and employers": some countries' information was quite vague. A little more precision was called for, without making the reply too long. Sometimes only reference is made to the fact that a contribution is paid by the employee, or the employer. It could be useful to add a percentage or an amount.

Table II "Health care", "Choice of doctor", "Patient's participation": the correspondent must determine and indicate the key information concerning co-payment by patients. With regard to "beneficiaries" reference to supplementary or voluntary insurance is only to be made when it is used by the majority of the population.

Table VIII "Employment injuries and occupational diseases": it was not always clear whether a country had a specific scheme for employment injuries and occupational diseases. The approaches followed by the countries can be very different here. Some have a full separate system, others do only provide some supplements in the general schemes of health care, sickness, invalidity or death. When there is a full system, the tables in relation to employment injuries and occupational diseases should be

completely filled out. In case of some supplements, it could be good to have the supplements described in the tables of employment injuries and occupational diseases. Some countries leave it to the employer to cover the risk of employment injuries and occupational diseases, this through wage continuation. As this approach belongs more to the field of labour law it is better not to have the tables of employment injuries and occupational diseases filled out. Only when the state has to intervene in case of bankruptcy of the employer, this scheme can be described in the tables.

- With regard to the tables concerning pensions (Table V "Invalidity", Table VI "Old-age" and Table VII "Survivors"), to understand how the old-age pension worked, it was sometimes necessary to consult the table on invalidity: it was preferable to reiterate the information in the corresponding table rather than to use cross-references.
- It was strongly recommended to avoid replies such as "not available", as from the latter it is not clear whether no info is available or whether the scheme is not in place. It is better to say clearly that no rule exist for the given matter.
- Correspondents were also advised to improve the structure of certain replies by drawing up lists of the different categories, where applicable.

10. Mr SCHOUKENS also made a very positive comment on the way in which social security systems in federal states - such as Australia, Canada and Bosnia and Herzegovina - had been described.

11. The participants took note of these proposals, which the secretariat would include in the guide for correspondents.

12. In connection with comparability, the participants broached the question of the different levels (pillars) of old-age protection and decided to hold a discussion on this subject at the 11th meeting of MISSCEO in 2009. This discussion should concern, inter alia, the way in which information on the second pillar was treated in the tables and the differences from the MISSOC tables in this respect.

VII. COMPARATIVE EXERCISE

13. The aim of this comparative exercise was to encourage MISSCEO correspondents to look at the tables from a reader's perspective rather than that of an author.

14. Following the decision taken at the 9th meeting of MISSCEO (Istanbul, 2-3 July 2007), the participants had this year been invited to read, prior to the meeting, Table VIII ("Employment injuries and occupational diseases") and Appendix I on social protection of the self-employed.

15. During the meeting the correspondents formed five groups, each composed of two countries, so as to analyse the tables.

16. The conclusions presented by the groups can be summarised as follows:

- Some countries had a very broad definition of employment injuries, whereas in others it was far more narrow.
- For certain countries the references to the applicable legislation were missing.

- Sometimes table VIII contained too many references to other tables, which made it difficult to understand.
- Some countries had not completed the appendix pertaining to the self-employed.
- Some countries encountered difficulties in deciding what to include in the appendix. The general principle was that if the self-employed were affiliated to the general scheme, they must be included in the tables. The appendix was to be used to describe a specific situation in respect of the self-employed.

17. This exercise again proved very useful and should be continued in the same format. Therefore, for the 11th meeting in 2009, the correspondents decided to examine Tables IX ("Family benefits") and XI ("Guaranteeing sufficient resources").

VIII. EVOLUTION OF NATIONAL SOCIAL PROTECTION SYSTEMS. INFORMATION FROM THE CORRESPONDENTS ON THESE DEVELOPMENTS

Document MISSCEO Info 2007

18. The national correspondents for Albania, Armenia, Croatia, Serbia, "The former Yugoslav Republic of Macedonia", Turkey and the Russian Federation presented a considerable number of interesting developments that had taken place in their social protection systems in 2007 and the first half of 2008.

19. Two national reports describing developments had been sent to the secretariat. With a view to preparing a publication, it was agreed that correspondents who had not yet done so would send their contributions to the secretariat by 1 September 2008.

IX. PREPARATION OF THE 2008 EDITION

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20. The participants discussed the last technical and administrative aspects of the preparation of the 2007 edition, which described the state of national legislation at 1 January of the same year.

21. MISSCEO agreed on the following time-table:

- a. The MISSCEO correspondents who had not yet sent their contributions would do so by 15 September 2008.
- b. Correspondents who had received comments from Mr SCHOUKENS would send their revised contributions to the secretariat by 15 September 2008.
- c. The final versions of the national contributions should be ready by 31 October 2008.
- d. The MISSCEO data for 2008 (English version) would be transferred into the database in November 2008.
- e. The MISSCEO data for 2008 would be translated into French in November 2008.
- f. The MISSCEO data in French would be transferred into the database in December 2008 or January 2009.

X. PLANNING OF THE 2009 EDITION

Document MISSCEO(2008)4

22. The information set out in the tables should describe the situation as at 1 January 2008.

23. The secretariat presented the following time-table for preparation of the 2009 edition:

- a. The secretariat would send the requests for national contributions in January 2009.
- b. The MISSCEO correspondents would update their national contributions by 2 May 2009.
- c. The comments on the national contributions must be ready by 1 June 2009.
- d. The 11th meeting of MISSCEO would be held during the first full week of July 2009.

XI. ANY OTHER BUSINESS

24. None

XII. DATE OF THE NEXT MEETING

25. The 11th meeting of MISSCEO would take place during the first full week of July 2009. The venue remained to be decided.

Appendix I**LIST OF PARTICIPANTS****CORRESPONDENTS / CORRESPONDANTS****ALBANIA / ALBANIE****Ms Diana BEQIRI**

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Appendix II

AGENDA

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Appendix III

Presentation given by Mr Claude EWEN at the meeting of MISSCEO

I will divide my intervention in three parts

1. RECENT DEVELOPMENTS IN THE MISSOC NETWORK

As you know, last year there was a change of the Missoc secretariat: the "Institut für Sozial und Gesellschaftsforschung" (ISG) in Cologne was replaced by "Bernhard Brunhes International" (BBI) based initially in Paris. The main task of the new secretariat was to find its own way without losing the achievements of the old team.

The main priorities for the coming years have been defined as mixture of continuity and innovation.

At the last meeting in Ljubljana in May 2008, the new secretariat made a report about its activities in the first year and then also gave an overview about its medium and long term strategy. I will take up the most important points and summarize the state of affairs in the MISSOC project as it stands now.

The underlying principles of the MISSOC activities are the following:

- balance between continuity and innovation
- boost identity and visibility
- correct understanding of the role of the MISSOC secretariat
- quality control
- partnership with national correspondents
- efficient contact with the European Commission
- complementary team with well qualified staff.

The action performed by the new secretariat during the first year of their contract is really impressive. In order to compose a well balanced team and to activate it, new members of staff were recruited. All proposed experts have been involved in the work and there was a new BBI office set up in Brussels.

The hand-over from the old secretariat had to be done. For this purpose all documents and procedures have been conceived and filed in a way to ensure continuity towards the future.

I will now talk about the three important instruments that are the MISSOC-Tables, the MISSOC-Info and the MISSOC-Analysis

As for the MISSOC-Tables, the actions performed were related to a new database with three priorities

- compatibility with the European community database
- a normalized database
- user-friendly lay-out.

As to the actions planned, the MISSOC-Tables updated on 1/1/2008 will be published in a database and PDF format. For the update on 1/7/2008 a review of table XII is planned, as well as further improvements of the function of the database, for instance an automatic insertion process, an auto-distillation of actualized files and a comparison of data over time.

As for the MISSOC-Info, the actions performed for the preparation of MISSOC-Info I about the evolution in national legislation has well progressed. The country reports have been translated and a draft synoptic report has been presented at the Ljubljana meeting in May.

The MISSOC-Info II will deal with family benefits and a draft questionnaire was drawn up. Meanwhile all the national correspondents have received the final version of the questionnaire and the dead-line for delivering their report is the 14th of July 2008.

The secretariat was very pleased about the good responsiveness of national correspondents and will try to give them in the future more guidance on template and content of MISSOC-Info. It is important to clarify the role of the secretariat in reviewing the contributions from national correspondents and to achieve coordination of MISSOC-Info's with other ongoing initiatives of the European Commission.

As for the MISSOC-Analysis it has to be pointed out that this is a new product. In the beginning consultations took place between the secretariat and the European Commission in order to launch new initiatives in the field of analysis. The identified theme was flexicurity. A draft MISSOC-Analysis was prepared for and discussed at the Ljubljana meeting. The methodology and final outcome of this new product will be subject to in-depth evaluation. It is a demonstration on how to make use of information contained in the MISSOC-Tables. The major responsibility lies on the MISSOC secretariat, thus it is a limited workload for the national correspondents. It is investigated how to make a link between MISSOC-Analysis and MISSOC-Info's in the future.

I will come back to the theme of flexicurity which was chosen as first subject of this new MISSOC product. Furthermore in the third part of my intervention where I will speak about influences of the MISSOC network on the MISSCEO network, we can discuss if creating also a MISSCEO-Analysis instrument, would be a good idea.

Another very important element among the tasks of the new secretariat, which was highlighted at the Ljubljana meeting, is the new communication policy. In this field, a communication strategy has been developed, a MISSOC home-style designed, the website extended to different languages, a MISSOC brochure presented and the concept of a MISSOC newsletter is in discussion. The new secretariat wishes to have more pro-active networking and a better dissemination of information in the coming years.

The overall conclusions presented at the Ljubljana meeting are the following:

The time schedule and the work plan initially fixed for the first year of activity was quite well respected, but the new MISSOC secretariat is still gathering experience and is conscious that inception requires quite substantially time, energy and resources. A better understanding of MISSOC mechanisms, context, role of national correspondents and of the European Commission is of importance for the secretariat which, as a matter of priority, intends to increase effectiveness and speeding up.

The responsive attitude of national correspondents was particularly underlined. It is remarkable that 100% of table updates and country reports were sent in, as well as an overall respect of deadlines and instructions by the national correspondents was noted.

The new secretariat will try to introduce innovations and improvements over the four coming years and its strategy will be based on three principles:

- balance with continuity
- participatory approach
- availability of resource.

On the other hand the secretariat is conscious that coherence and comparability can still be improved in the future, essentially for two points:

- development of glossary (for the use of the secretariat, external translators and national correspondents)
- more detailed guidelines and refined templates.

The secretariat is also conscious about the fact that translations are critical for the quality of final products and that's why the following measures have been taken:

- in-house native language speakers in secretariat
- proofreading by native language speaking experts
- structural partnership with a translation agency.

Finally it is evident to say that close liaison with the European Commission offers advantages. That's why organization of ad-hoc meetings whenever needed will be arranged.

Consultations with various units within DG EMPL is important in order to increase the relevance and the profile of MISSOC within European Commission.

It is a fact that the MISSOC secretariat can count on a huge amount of human and material resources and this has always been an important advantage in comparison with the functioning of your MISSCEO network.

2. NEW TRENDS AND ACTIVITIES ON THE EUROPEAN UNION LEVEL

a) Discussion about flexicurity

Originally conceived as a Dutch or Danish phenomena combining flexible employment protection legislation with a high level of social security benefits, flexicurity has now become a leading concept in the field of European social policy. Current social policy debates around flexicurity address the challenge of reconciling adequate and efficient social security provision, on the one hand, with structural changes that demand more flexible and deregulated labour markets, on the other hand. The concept of flexicurity reflects the idea that flexibility and security are not contradictory, but can in many situations be mutually supportive.

In this sense, flexicurity is needed to achieve the objectives of the renewed Lisbon Strategy for growth and jobs which aims at combining economic and employment growth with greater social cohesion. This means in particular more and better jobs, while modernizing the European social model at the same time. It involves the deliberate combination of flexible and reliable contractual arrangements, comprehensive lifelong learning strategies, effective active labour market policies and modern adequate and sustainable social protection systems. Modern social security systems should provide adequate income support, encourage employment and facilitate labour market mobility and secure transitions from job to job. This includes broad coverage of social protection provisions that help people combine work with private and family responsibilities. The debate on flexicurity deals therefore with the issue of a further interconnection between work and welfare issues on the so-called activating welfare state.

However, if the European Union is to make full use of its potential of human resources, the economic, the employment and the social developments must go hand in hand. In order to help the Member States in the process of finding ways to achieve this, the guidelines for growth and jobs indicate pathways upon which Member States can build their policies. These policies should

include active inclusion policies that target increasing labour supply at the same time as strengthening society's cohesion.

Within this context, Member States should take measures in order to remove barriers to the labour market, for example, by ensuring effective job search assistance as well as access to vocational training and other active labour market measures. Member states should also guarantee available and affordable social services and provide adequate levels of minimum resources to all. This type of measure should be complemented by other strategies to ensure that taking up work pays. Unemployment, poverty and inactivity traps should be removed. In addition, Member States should develop new sources of jobs in response to collective needs, for example through the expansion of the social economy in order to create a supportive work environment for vulnerable groups by providing services for individuals or local businesses which are not met by the market economy.

In developing and implementing their policies based on this flexicurity strategy, Member States should pay special attention to promote the active inclusion of young and older people as well as disadvantaged groups such as the low-skilled, people with disabilities, immigrants and ethnic minorities. As far as the last three groups are concerned, Member States should intensify their actions to combat discrimination.

b) Proposal for a community framework on the application of patients rights in cross-border healthcare

Issues relating to patients rights in cross-border healthcare have been discussed in various fora and for a long time at the European Community level. These discussions go back to the creation of a high level group which task was to reflect on patient mobility and healthcare developments in the European Union in 2003. In this reflection process, the Commission brought together health ministers from across the Union together with representatives of patients, professionals, providers and purchasers of healthcare and the European Parliament. They agreed to a wide-ranging report which identified the need to improve legal certainty in this area.

Following this, the Commission's proposal for a directive on services in the internal market in 2004 included provisions codifying the rulings of the Court of Justice in applying free movement principles to health services. This approach, however, was not accepted by Parliament and Council, and the final text of this directive excluded health services from its scope whilst stating that "it is important to address this issue in another Community legal instrument in order to achieve greater legal certainty and clarity".

In 2006-2007, the Commission held, on the basis of a communication, a broad public consultation regarding community action on health services; the results of which have provided a solid basis for developing and shaping the new framework. As part of that consultation, the European Parliament and the Council urged the Commission to come up with appropriate proposals to address the existing uncertainty in the field of patients rights in cross border health care.

On the basis of this public consultation and in order to fulfill the Commission's commitment given to the other institutions, the Commission has been developing a draft proposal for a directive on the application of patients' rights in cross-border healthcare and an accompanying communication. Since January 2008 internal discussions as well as further contacts with stakeholders have taken place and these have enabled the Commission services to determine how to bring more precision and clarity to some aspects of the implementation of the European Court of Justice case law. The proposal has been finalized and has been adopted by the college of commissioners as part of the broader package of social measures proposed by the Commission last week.

This theme about patients rights in cross border health care will be one of the high lights in the discussion in the social field that will take place after the summer break.

3. INFLUENCE OF THE MISSOC NETWORK TO MISSCEO

In the discussion about the influence that the MISSOC network had in the past on your work in the MISSCEO network and in order to give a response to the question if this influence should go on in the future, I want to outline two subjects that seems very important to me.

a) New instrument called MISSOC – Analysis

As I told you in the first part of my intervention, the MISSOC-Analysis is a new output of the MISSOC network and was presented for the first time at the Ljubljana meeting in May 2008. This document intends to provide an analytical overview of significant developments in selected fields of social protection and to explore how these developments relate to changes in social protection legislation over time. In addition to providing accurate information, the MISSOC-Analysis should also contribute to the activities within the Open Method of Coordination (OMC) in the field of social protection and inclusion.

The MISSOC-Analysis document is based on information found in the MISSOC tables, and is, as such, an exercise about how these regular updates of social security legislation can be used in a more policy-oriented way. The data from the MISSOC tables are described and contextualised against the background of the theoretical policy framework set by key documents in the field of European social policy. The MISSOC-Analysis also intends to be a concrete instrument for policy-making by linking overall developments and mechanisms to existing practices in the participating countries. The first MISSOC-Analysis looks to the prevailing context and to the developments that took place between 2004 and today in the field of the selected theme: flexicurity.

The experts from the MISSOC secretariat have drafted a paper in consultation with the European Commission and some national correspondents from countries that have participated in the exercise. Prof. Yves Jorens, in his quality as scientific mentor in the MISSOC secretariat, took leading responsibility in developing this document.

I am aware of the fact that it is much easier to create and develop such new instruments for a secretariat working with numerous experts and collaborators as it is the case for MISSOC. This cannot be said for the Council of Europe which is confronted to a lack of human resources. But nevertheless the question is put forward if you should also try to do a MISSCEO-Analysis in the framework of your network.

b) Revision of table XII about long term care

During the meeting in Ljubljana the MISSOC group had a very interesting debate about the opportunity and the necessity of reforming table XII about long term care.

You are surely aware that some countries are speaking about “dependency”, but at the european level the term mostly used is “long term care”.

The question if it is useful to put information in the tables about the benefits provided to persons who in their daily life need the help of a third party has been discussed at length. At the beginning of this discussion, a certain number of countries opposed the idea to put information about long term care into the tables, arguing that these kinds of benefits are not part of social security, and thus do not have their place in the MISSOC-tables.

In 2000, in the famous Molenaar case, the Court of justice of the European Community decided that the German “Pflegeversicherung” (long term care insurance) does fall in the field of social security and that the coordination rules foreseen by regulation 1408/71, in particular under the

chapter about health care benefits, have to be applied. This meant for MISSOC that a small box in the table II about of health care was created and reserved for these long term care benefits.

This was not a satisfactory situation because the legal basis for those benefits differ in the various countries. You can find different conceptions for these long term care benefits. Some countries put those benefits in the field of health care, other countries consider them as part of pensions because a supplement is granted, other countries organize a system based on social assistance by way of help given by local authorities, and finally a few countries have introduced a special insurance scheme for dependency.

Starting from this point, you can easily understand that the MISSOC correspondents agreed at that time to make a new table about this matter. But you can believe me that it was no easy task to fill in all those different forms of legislation in one only table.

This is the explanation why the actual table XII is not very detailed and presents a lot of unsatisfactory points. That's why the MISSOC secretariat launched the discussion in Ljubljana whether it would be a good thing to reform and modernize this table XII. As I told you, we had a very good and fruitful discussion and an open minded debate during the meeting. The conclusion was that there is a clear interest to change the structure of table XII. The MISSOC secretariat has taken note of all the comments given and will develop its ideas. It will come out with proposals for the next MISSOC meeting. It can be expected that final decision will be taken at the next meeting in october in Paris.

Of course, if the MISSOC network decides to change table XII, this would mean for you as MISSCEO network to accept this changes too, just following the same lines as in the past, in maintaining a parallelism between the MISSOC tables and those of MISSCEO.