

SECRETARIAT GENERAL

DIRECTORATE GENERAL I – HUMAN RIGHTS AND RULE OF LAW

DIRECTORATE OF HUMAN RIGHTS

*DEPARTMENT OF THE EUROPEAN SOCIAL CHARTER
AND THE EUROPEAN CODE OF SOCIAL SECURITY*



Strasbourg, 17 July 2012

MISSCEO(2012)24

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

14th meeting

Zagreb, 5 and 6 July 2012
Ministry of Labour and Pensions
Ulica grada Vukovara 78

MEETING REPORT

I. OPENING OF THE MEETING

1. Mr Dario Baron, Assistant to the Minister of Labour and Pensions, opened the 14th meeting of MISSCEO and welcomed participants. The meeting was chaired by Ms Ana Gomez Heredero, who also extended a welcome to those attending. The list of participants appears in Appendix I.

II. ADOPTION OF THE AGENDA

2. The MISSCEO adopted the meeting agenda, as set out in Appendix II.

3. Ms Snjezana Balokovic, Head of the Social Security Co-ordination Directorate in the Ministry of Labour and Pensions provided information on Croatia's accession to the European Union, the negotiations for which had taken place between 2005 and 2011. In the field of social policy, negotiations on bringing Croatian legislation into line with Community law focused in particular on Chapters 2 (free movement of workers) and 19 (social policy and employment). The accession treaty had been signed on 9 December 2011 and currently Croatia had observer status with, among others, the MISSOC network.

III. INFORMATION FROM THE SECRETARIAT

4. The Secretariat reported on developments in the Council of Europe since the MISSCEO's 13th meeting (July 2011), with particular reference to the reform of the Organisation.

The reform of the Council of Europe had led to a new intergovernmental structure and a reorganisation of the Secretariat. As far as social security was concerned, the Committee of Experts on Social Security had been merged with the Governmental Committee of the European Social Charter. As a result, since 2012, monitoring of the application of the European Code of Social Security fell to the new Governmental Committee of the European Social Charter and the European Code of Social Security.

With regard to the structure of the Secretariat, there were now two Directorates General, one covering Human Rights and the Rule of Law (DG-I), and the other Democracy (DG-II), and a Directorate General of Programmes, responsible for co-ordinating all the operational activities of the new Directorates, including external presence and programmes with external funding.

The social security field, including the MISSCEO project, previously part of the Social Policies Department, had since 1 October 2011 become part of the Department of the European Social Charter and the European Code of Social Security under Directorate Genial I – Human Rights and Rule of Law.

Ms Gomez Heredero also said that the 2011 MISSCEO data had been published and were available on the Council of Europe website <http://www.coe.int/MISSCEO>, in the form of a database and comparative tables (in PDF format). Database searches could be performed by topic or country. Also available on the site were the comparative tables, the charts on social protection, and the appendices on self-employed persons. The MISSCEO Info publication was also available on the same website.

Participants took note that because of the reorganisation of duties with the Social Charter and Code Department, Ms Ana Gomez Heredero would no longer be responsible for the MISSCEO Secretariat. In addition, as a result of changing post within the Council of Europe, Ms Angèle Blaes would no longer be responsible for secretarial assistance to MISSCEO.

IV. INFORMATION ON MISSOC

5. Mr Claude Ewen, the MISSOC correspondent for Luxembourg, gave a presentation on the operational experiences of the MISSOC and MISSCEO networks since they were set up, covering both the strengths and weaknesses.

Mr Ewen divided his presentation into 7 sections, beginning with a brief overview of the background to the two networks. The MISSOC network, the information exchange network at European Union level, dated back to 1990, and MISSCEO, the Council of Europe's network, dated back to 1999. Until 1999, the Council of Europe also published comparative tables on social security legislation in its member states. However, with the expansion of the MISSCO network covering the European Union countries, the Council of Europe decided to limit its own publication to those countries which were not members of the European Union and to set up a genuine information exchange network comprising national correspondents and to have this network operate along the same lines as MISSOC. Mr Ewen underlined the complementarity of the two networks, and the considerable differences between them in terms of material and human resources.

Mr Ewen also referred to the enlargement of the MISSOC network, as additional countries acceded to the EU and the European Economic Area, and the reduction of MISSCEO. The reason for this was that a relationship – not direct but undeniable – had been established between the information on national legislation contained in the comparative tables and the application of Community regulations to the co-ordination of social security systems. Today, MISSOC had 31 participating countries, whereas MISSCEO had 16 (including three non-European countries). In Mr Ewen's view, the advantages and disadvantages of this could be summed up by the saying "Quantity does not necessarily mean quality". This could be debated at length as regards MISSOC, but for MISSCEO, he concluded that while it had lost out on quantity, this was certainly not the case as regards quality.

Mr Ewen also spoke of the increase in the activities of both networks and made particular reference to the comparative tables, the MISSCEO documents and MISSOC-Info, the guides, MISSOC-Analysis and the newsletters.

The comparative tables formed the backbone of the activities of MISSOC and MISSCEO. Looking back, it was clear that there had been a quantitative increase, qualitative improvements in the comparative tables-related activities and a move from paper format to electronic format. In order to increase the quality of the comparative tables, both networks had invested a great deal in terms of reflection and action. By way of example, Mr Ewen mentioned the correspondents' guide, originally a MISSCEO instrument subsequently adopted by MISSOC, peer-exchange whereby correspondents could ensure that the information entered had been properly understood, and the very positive role played by the Secretariat suggesting more appropriate wording in a comparative exercise in which it was essential to move away somewhat from exclusively national terminology.

MISSOC-Info, which described developments in the social situation in participating countries, was for a long time MISSOC's flagship publication, just as MISSCEO-Info still was for MISSCEO. The thematic MISSOC-Info publications had now been abandoned but there was a bi-annual publication entitled MISSOC-Analysis which focused on a topical issue. This was drafted by academic experts working for the Secretariat, in close collaboration with the Commission.

Lastly, Mr Ewen referred to a fairly recent publication, the MISSOC guides. These described legislation in simple terms, written in straightforward language which was more accessible to European citizens. Initially linked to the activities of the European Commission in connection with the application of co-ordination regulations (EC) 1408/71 and (EC) 883/2004, this role had now been taken over by the MISSOC network.

6. Mr Michael Coucheir, Team Leader of the MISSOC Secretariat, gave a presentation on the current situation regarding MISSOC. This was the first year of the new MISSCO Secretariat contract, but the team remained virtually the same, with just a number of changes among the academic experts. He also referred to certain innovations in the new contract. The MISSOC meetings were held on a biannual basis and always in the country holding the presidency of the European Union. The tables were also updated twice a year, in January and July.

The January 2012 Tables (plus organisational chart and appendix) had been published on the missoc.org site on 29 June 2012. The files for the July 2012 update had been sent on 18 June and included the reviewed guidelines for Table III on Sickness-cash benefits, discussed at the Copenhagen network meeting. Some minor changes had been made to the cross-cutting introductions to Tables III, VIII and X.

Mr Coucheir mentioned one of MISSOC's most recent publications, the Guides to Social Security Systems which had been published in late November 2011 in English, French and German, and translated by the EU's Translation Centre into 19 European languages in March 2012 (the translations in Icelandic and Norwegian would be available in autumn 2012). These Guides would be updated once a year.

With regard to the MISSOC reports, the *MISSOC Info* focusing on social protection developments in 2011 had been written by Professor John Ditch who had based his work on the MISSOC tables and other sources, such as EU documents. Professor Jean-Philippe Lhernould was responsible for drafting Analysis 1 looking at the social protection aspects of active ageing. The publication in three languages was scheduled for late August. Professor Grega Strban would be responsible for Analysis 2 dealing with gender differences in the social security field.

Certain communication tools had been updated (for example, the feedback formula and the brochure) and negotiations on the possible migration of missoc.org to the EC data centre had been held with the corresponding units of DG EMPL. The MISSOC Guides would henceforth be produced in XML format to enable the other platforms (e.g. EURES) to use the information in a flexible way. The first Guides in XML format would be published as part of the 2012 update; however, they would also continue to be available in PDF format. The next electronic newsletter would be published in late September. The September 2011 newsletter had been devoted to the Council of Europe and MISSCEO. Mr Coucheir said that the newsletter continued to have a dedicated section for both the Council of Europe and the International Social Security Association.

V. GENERAL COMMENTS ON COMPARABILITY

7. Mr Paul Schoukens made a number of comments on the 2012 edition of the MISSCEO tables. All European countries, except for three, had sent their updates for the tables. He raised the following points:

- Some countries had inserted their comments directly into the third column, whereas normally, the revised version should appear in the fourth column.
- Applicable statutory basis: Some countries mentioned the basic texts while others gave a long list of laws and implementing regulations. Some countries mentioned only the legislative texts from the previous year, whereas others repeated the same references year after year. Correspondents were advised to provide the information needed to understand the system. This year, for example, Turkey had mentioned a new law, providing the

number, but not the year or the date. Mr Schoukens felt it would be useful to have this information as well.

- The same comment could also apply to the personal field of application, as the information provided varied considerably in terms of length. Mr Schoukens's advice was that when there were exemptions for certain categories of people, an example should be provided. Table XII "long-term care" was one example where there were significant differences regarding the level of detail in the information provided. He said that the aim of the tables was to provide a summary of the situation. His advice was therefore to avoid reproducing complete laws or describing future draft legislation.
- Where there were changes to a table, it was essential to remain consistent with the rest of the tables. One example of this was Georgia, where the principle of financing had been amended in Table I "Financing", but these changes had not been incorporated into the other tables.
- Sometimes, the tables contained no information. Correspondents were asked not to use the expression "no information available" which was confusing for readers. However, he acknowledged that the number of tables with no information was very much lower than in the past.
- Mr Schoukens also referred to some problems regarding language quality, which made the tables difficult to understand. This could be due to the fact that the information came from a variety of sources. Mr Schoukens asked correspondents to check the information they received.

8. With regard to Mr Schoukens's first comment, Ms Gomez Heredero said that correspondents received a file containing the 12 comparative tables. This file contained the six-column tables in Word format. The first column comprised the number of the headings, and the second, their wording. The third column contained the most recent version of the text. National correspondents were required to verify whether or not any changes were required. If the text was to be amended, correspondents were asked to copy **the entire content of the cell** from the third column (the original text) into the fourth column and to make their changes there. The fifth column was reserved for questions or comments concerning the co-ordination of the content, the Secretariat's observations and the correspondents' replies to those questions. The database was updated by taking the information contained in the fourth column. If this were empty, it was the information in the third column that was inserted.

VI. COMPARATIVE EXERCISE

Table I "Financing"

Information on administrative structures (Organisational chart)

9. The aim of this comparative exercise was to encourage MISSCEO correspondents to study the tables from the point of view of the reader rather than the author.

10. This year, correspondents had been asked to read, prior to the meeting, Table I "Financing" and the organisational charts in the MISSCEO 2011 edition, in order to discuss and comment on them during the meeting.

11. During the meeting, correspondents were divided into four groups of countries (Albania, Armenia and "the former Yugoslav Republic of Macedonia"; Azerbaijan and Turkey; Bosnia and Herzegovina,

Croatia and Serbia; Ukraine and the Russian Federation) in order to discuss these documents. Each group presented its comments.

12. The following conclusions could be drawn regarding the organisational charts:

- it was very useful to provide a short explanation of the responsibilities of the different authorities/institutions;
- the degree of detail concerning the federal/regional/local authorities, the institutions and even the services provided varied from one organisational chart to another. Correspondents were advised not to mention the local authorities except where they had decision-making powers. With regard to the services provided, in principle these should not be included in the organisational charts.

13. Concerning Table I “Financing”, the main comments focused on the partial nature of certain information. For example, information was lacking on contributions for health care and unemployment. There was also considerable variation in the length of the information provided. Correspondents were reminded to include only the rules in force and not draft legislation. They were also advised to standardise the terminology used within a given table.

14. Once again, this exercise proved to be very useful. In general, correspondents were reminded to consult the Guide if they had any doubts about what information should be included in any particular table, and if they still had doubts, to contact the MISSCEO Secretariat.

VI. INTRODUCTIONS TO THE TABLES SUMMARISING THE PRINCIPAL CHARACTERISTICS OF THE SOCIAL SECURITY SYSTEMS

15. Following the decision taken at MISSCEO’s 13th meeting, the correspondents had prepared a revised version of the introduction to their social security systems.

16. Mr Schoukens said that in his view all the introductions should contain the following:

- the basic principles underlying the social security system in each country;
- each country’s constitutional guarantees regarding social security;
- the judicial procedure applicable in this field, for example in the event of refusal to provide benefits.

17. The correspondents were subdivided into four groups to discuss these introductions and present their initial comments. It emerged from these discussions that there should be no precise references to legislation, as this was covered in the tables; rather the focus should be on the general principles outlining the system. Some countries did not divide the introduction into the three parts referred to above; they were advised to do so. The order of the different parts was not so important, provided that the three parts were clearly indicated. Some countries provided the wording of the various Articles of the Constitution as footnotes or in the body of the text, others cited the number of the Article without the actual text. In order to standardise the different practices, correspondents were advised to provide the text of the relevant articles in an appendix. If some countries found it essential to mention government programmes in this field, these should be summarised.

18. In the light of these comments, participants were asked to send their revised introductions by 1 October 2012.

VII. EVOLUTION OF NATIONAL SOCIAL PROTECTION SYSTEMS

19. Correspondents were asked to give a brief presentation of the main developments that had occurred in their national social protection systems.

20. Ms Vanda Crnjac Paukovic from the Croatian Pension Insurance Institute, gave a detailed presentation of developments in the Croatian social security system. With the arrival of the new government in December 2011, there had been a reorganisation of ministries – 6 instead of the previous 3. The Ministry of Labour and Pensions was the lead ministry in the field of labour, unemployment benefit, employment policy and the pension scheme. She provided particular information on pensions, which also came under the responsibility of the Croatian Pension Insurance Institute. The retirement age – 65 – would be the same for men and women, with a transitional period between 2011 and 2029. A deferred pension had also been introduced in Croatia, which increased the amount of retirement pension by 0.15% per month. Ms Crnjac Paukovic also provided information on changes in the first pillar (“pay-as-you-go”) and the second pillar funded by capitalisation, and on the future pension policy. This future policy comprised a link between retirement age and life expectancy; limiting and discouraging early retirement; a longer working life and encouraging the development of additional forms of savings for retirement. She also provided information on family allowances and sickness benefits, unemployment benefits, employment incentives and social welfare.

21. The national correspondents of Serbia, Turkey, Montenegro, the Russian Federation, Azerbaijan, “the former Yugoslav Republic of Macedonia” and Ukraine mentioned a number of interesting developments that had taken place in their social protection systems in 2011 and the first half of 2012.

22. To date, two national reports describing these developments had been submitted to the Secretariat. With a view to the preparation of the MISSCEO-Info document, it was decided that all correspondents who had not already done so should forward their contribution to the Secretariat by 1 October 2012.

VIII. PREPARATION OF THE 2012 EDITION

23. The second version of the MISSCEO tables had already been submitted by the majority of correspondents. Those who had not yet done so, should submit their revised versions by 1 October 2012.

24. The information in English would be put online and sent for translation into French. The French version should be available by the end of 2012 or the beginning of 2013.

IX. PLANNING OF THE 2013 EDITION

25. The Secretariat set out the timetable for preparation of the 2013 edition:

- The Secretariat would ask for the national contributions in January 2013.
- MISSCEO correspondents would have until 1 April 2013 to update their national contributions.
- Comments on the national contributions would be ready by 2 May 2013.
- The 15th meeting of MISSCEO would be held during the first week of July 2013.

- MISSCEO correspondents would revise their national contributions in the light of the discussions held at the meeting and the content co-ordinator's comments, by 30 September 2013.
- The final version of the national contributions following revision by the Secretariat would be available by 31 October 2013.
- The MISSCEO 2013 data (English version) would be entered by the Secretariat into the Council of Europe database in early November 2013.
- The MISSCEO 2013 data would be translated into French in November 2013.
- The French version of the MISSCEO 2013 data would be entered into the database in December 2013/January 2014.

X. ANY OTHER BUSINESS

26. The MISSCEO participants expressed their regret at the departure of Ms Ana Gomez and Ms Angèle Blaes and conveyed their gratitude for their work over these last few years.

XI. DATE AND PLACE OF THE NEXT MEETING

27. The 15th meeting of MISSCEO would be held during the first week of July 2013 and in principle would take place in Strasbourg.

APPENDIX I

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APPENDIX II

AGENDA

THURSDAY, 5 JULY 2012

Morning (9.30 a.m – 12.30 p.m)

- VII. OPENING OF THE MEETING
- VIII. ADOPTION OF THE AGENDA
- IX. INFORMATION FROM THE SECRETARIAT
- X. INFORMATION ON MISSOC
- XI. GENERAL COMMENTS ON COMPARABILITY
- XII. COMPARATIVE EXERCISE

Afternoon (2.00 p.m – 5.30 p.m)

- VI. COMPARATIVE EXERCISE (continuing)
- VII. INTRODUCTIONS TO THE TABLES SUMMARISING THE PRINCIPAL CHARACTERISTICS OF THE SOCIAL SECURITY SYSTEMS

FRIDAY, 6 JULY 2012

Morning (9.30 a.m – 13.30 p.m)

- VII. INTRODUCTIONS TO THE TABLES SUMMARISING THE PRINCIPAL CHARACTERISTICS OF THE SOCIAL SECURITY SYSTEMS (continuing)
- VIII. EVOLUTION OF NATIONAL SOCIAL PROTECTION SYSTEMS
- IX. PREPARATION OF THE 2012 EDITION
- X. PLANNING OF THE 2013 EDITION
- XI. ANY OTHER BUSINESS
- XII. DATE AND PLACE OF THE NEXT MEETING