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DECISION No 172

of 9 December 1998

on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 101)

(1999/371/EC)

(OJ L 143 , 8.6.1999, p. 13)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Decision No 186 2003/149/EC, of 27 June 2002	L 55	80	1.3.2003
►**M2**	amended by decision no 202 2006/203/EC, of 17 March 2005	L 77	1	15.3.2006

Corrected by:

►**C1** Corrigendum, OJ L 159 , 25.6.1999, p. 67 (1999/371/EC)

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DECISION No 172

of 9 December 1998

on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 101)

(1999/371/EC)

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81(a) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community ([1]), under which it is the duty of the Administrative Commission to deal with all administrative questions arising from Regulation (EEC) No 1408/71 and subsequent Regulations,

Having regard to Article 2(1) of Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community ([2]), under which it is the duty of the Administrative Commission to draw up models of certificates, certified statements, declarations, applications and other documents necessary for the application of the Regulations,

Having regard to Council Regulation (EC) No 1606/98 of 29 June 1998 amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71, with a view to extending them to cover special schemes for civil servants ([3]),

Whereas this model form should be adapted to take account of Decision No 164;

Whereas the Agreement on the European Economic Area of 2 May 1992, amended by the Protocol of 17 March 1993, Annex VI, implements Regulations (EEC) No 1408/71 and (EEC) No 574/72 within the European Economic Area;

Whereas, by Decision of the EEA Joint Committee, the model forms necessary to implement Regulations (EEC) No 1408/71 and (EEC) No 574/72 are to be adapted and used within the European Economic Area;

Whereas, for practical reasons, identical forms should be used within the Community and within the European Economic Area;

Whereas the language in which the forms should be drawn up is dealt with byRecommendation No 15 of the Administrative Commission,

HAS DECIDED AS FOLLOWS:

1. The model form E 101 reproduced in Decision No 164 of 27 November 1996 shall be replaced by the model appended hereto.
2. The competent authorities of the Member States shall make available to those involved (rightful claimants, institutions, employers, etc.) the form according to the attached model.
3. The form shall be available in the official languages of the Community and laid out in such manner that the different versions are perfectly superposable, thereby making it possible for each person or body to which a form is addressed (rightful claimant, institution, employer, etc.) to receive the form printed in their own language.

([1]) OJ L 149, 5.7.1971, p. 2.
([2]) OJ L 74, 27.3.1972, p. 1.
([3]) OJ L 209, 25.7.1998, p. 1.

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4. This Decision shall be applicable from the first day of the month following its publication in the *Official Journal of the European Communities*.

The Chairman of the Administrative Commission

Helmut SIEDL

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ADMINISTRATIVE COMMISSION ON SOCIAL SECURITY FOR MIGRANT WORKERS

E 101 [ ] (1)

CERTIFICATE CONCERNING THE LEGISLATION APPLICABLE

Regulation (EEC) No 1408/71: Article 13(2)(d); Article 14(1)(a), (2)(a) and (2)(b); Article 14a(1)(a), (2) and (4); Article 14b(1), (2) and (4); Article 14c(a); Article 14e; Article 17
Regulation (EEC) No 574/72: Article 11(1); Article 11a(1); Article 12a(2)(a), (5)(c) and (7)(a); Article 12b

Please complete this form in block letters, writing on the dotted lines only. It consists of four pages, none of which may be left out.

1. ☐ Employed person ☐ Self-employed person

1.1 Surname(s) (2): .....
1.2 Forename(s) (3): .....
1.3 Previous name(s): .....
1.4 Date of birth: ..... Nationality: .....
1.5 Permanent address
Street: ..... No: ..... PO Box: .....
Town: ..... Postal code: ..... Country: .....
1.6 Personal identification number (4): .....

2. ☐ Employer ☐ Activity as a self-employed person

2.1 Name or business name: .....
2.2 Identification number (5): .....
2.3 The employer is a recruitment agency Yes ☐ No ☐
2.4 Permanent address
Telephone: ..... Fax: ..... E-mail: .....
Street: ..... No: ..... PO Box: .....
Town: ..... Postal code: ..... Country: .....

3. The aforementioned insured person

3.1 ☐ has been employed by the employer mentioned above since .....
☐ has been pursuing an activity as a self-employed person since .....
in .....
3.2 ☐ is being posted or will pursue an activity as a self-employed person for a period probably lasting
from ..... to .....
3.3 ☐ in the firm(s) mentioned below ☐ on the ship mentioned below
3.4 Name(s) or business name(s) of the firm or ship: .....
3.5 Address(es)
Street: ..... No: ..... PO Box: .....
Town: ..... Postal code: ..... Country: .....
Street: ..... No: ..... PO Box: .....
Town: ..... Postal code: ..... Country: .....
3.6 Identification number (5): .....

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4. Who pays the wage and social security contributions of the employed posted person?

4.1 The employer referred to in point 2 ☐

4.2 The firm referred to in point 3.4 ☐

4.3 Other ☐ if so, give the name

..... and

Address

Street: ..... No: ..... PO box: .....

Town: ..... Postal code: ..... Country: .....

5. The insured person remains subject to the legislation of the country: ☐ (1)

5.1 in accordance with Article:

☐ 13(2)(d)

☐ 14(1)(a) ☐ 14(2)(a) ☐ 14(2)(b) ☐ 14a(1)(a) ☐ 14a(2) ☐ 14a(4)

☐ 14b(1) ☐ 14b(2) ☐ 14b(4) ☐ 14c(a) ☐ 14e ☐ 17

of Regulation (EEC) No 1408/71

5.2 ☐ from ..... to .....

5.3 ☐ for the duration of the activity (see the letter from the competent authority or designated body in the country of employment which entitles the insured person to remain subject to the legislation of the Sending State

of ..... reference .....)

6. Competent institution whose legislation is applicable

6.1 Name: .....

6.2 Identification number of the institution: .....

6.3 Address

Telephone: ..... Fax: ..... E-mail: .....

Street: ..... No: ..... PO Box: .....

Town: ..... Postal code: ..... Country: .....

6.4 Stamp

6.5 Date:

.....

6.6 Signature:

.....

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INSTRUCTIONS

The designated institution of the Member State to whose legislation the worker is subject should fill in the form at the request of the worker or his employer and return it to the applicant. If the worker is posted to Belgium, Denmark, Germany, France, the Netherlands, Austria, Finland, Sweden, or Iceland, the institution should also send a copy to: in Belgium, in the case of employed persons to the 'Office national de sécurité sociale/Rijksdienst voor Sociale Zekerheid' (National Social Security Office), Brussels; in the case of self-employed persons to the 'Institut national d'assurances sociales pour travailleurs indépendants/ Rijksinstituut voor sociale verzekering der zelfstandigen' (National Social Insurance Institute for the Self-Employed), Brussels; in the case of seamen, to the 'Caisse de secours et de prévoyance en faveur des marins: de Hulp- en Voorzorgskas voor Zeevarenden ' (Relief and Welfare Fund for Mariners), Antwerp; or, in the case of civil servants, to the 'Service des Relations internationales du S.P.F. Sécurité sociale' (International Relations Department, Social Affairs Ministry); in Denmark, to 'Den Sociale Sikringsstyrelse' (The National Social Security Agency); in Germany, to the Deutsche Rentenversicherung-Bund (German Federal Pension Insurance), 97041 Würzburg; in France, to the 'Centre des liaisons européennes et internationales de sécurité sociale (Cleiss)' (Centre for European and International Liaison on Social Security), Paris; in the Netherlands, to the 'Sociale Verzekeringsbank' (Social Insurance Bank), Amstelveen; in Austria, to the 'Hauptverband der österreichischen Sozialversicherungsträger' (Main Association of Austrian Social Insurance Institutions); in Finland, to the 'Elaketurvakeskus' (Finnish centre for Pensions), Helsinki; in Sweden, to Försäkringskassan, Huvudkontoret (Swedish Social Insurance Agency, Head Office), Stockholm; in Iceland, to the 'Tryggingastofnun rikisins' (The State Social Security Institute), Reykjavik.

Information for the insured person

Before you leave the country where you are insured to go to another Member State to work, make sure you have the document which entitles you to receive the necessary benefits in kind (e.g. medical care, medication, treatment in hospital, etc.) in the country where you are working. If you are going to be living in the country in which you are working, ask your sickness insurance institution for an E 106 form and submit it as soon as possible to the competent sickness insurance institution of the place where you are going to work. If you are staying temporarily in the country in which you are going to work, ask your sickness insurance institution for the European health insurance card. You must show this card to your care provider if you need benefits in kind during your stay.

Information for employers

A Member State which receives a request for the application of the aforementioned Article 14(1), Article 14b(1) or Article 17 of Regulation (EEC) No 1408/71 shall duly inform the employer and the worker concerned of the conditions under which the posted worker may continue to be subject to its legislation.

The employer shall be informed of the possibility of checks throughout the period of posting so as to ascertain that this period has not come to an end. Such checks may relate, in particular, to the payment of contributions and the maintenance of the direct relationship. Moreover, the employer of the posted worker shall inform the competent institution of the sending State of any change that has occurred during the period of posting, in particular:

– if the posting applied for has not taken place or if the extension of the posting applied for has not taken place,

– if the posting has been interrupted, unless this interruption of the worker's activities on behalf of the undertaking in the country of employment is of a purely temporary nature,

– if the posted worker has been assigned by his employer to another undertaking in the State of employment.

In the first two cases, he/she shall return this form to the competent institution of the sending State.

Information for the institution of the place of stay

If the person involved produces the proper document (European health insurance card or form E 106), the insurance institution in the country of stay will also provide him provisionally with benefits in the event of an accident at work or an occupational disease. If in such a case the institution requires form E 123, it should apply as soon as possible:

in **Belgium**, for employed persons and as regards an occupational disease, to the 'Fonds des maladies professionnelles/Fonds voor Beroepsziekten' (Occupational Diseases Fund), Brussels, and, as regards accidents at work, to the insurance company designated by the employer;

in the **Czech Republic**, to the sickness insurance fund with which the person concerned is insured;

in **Denmark**, to 'Arbejdsskadestyrelsen' (National Board of Industrial Injuries), Copenhagen;

in **Germany**, to the competent 'Berufsgenossenschaft' (Accident Insurance Institution);

in **Estonia**, to the 'Sotsiaalkindlustusamet' (Social Insurance Board), Tallinn;

in **Spain**, to the 'Dirección Provincial del Instituto Nacional de Seguridad Social' (Provincial Directorate of the National Social Security Institution);

in **Ireland**, to the Department of Health, Planning Unit, Dublin 2;

in **Italy**, to the competent provincial office of the 'Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro' (INAIL))National Institute for Insurance against Accidents at Work);

in **Latvia**, to the 'Valsts sociālās apdrošināšanas aģentūra' (State Social Insurance Agency), Riga;

in **Lithuania**, to the 'Teritorinė ligoniu kasa' (Regional Sickness Insurance Fund);

in **Luxembourg**, to the 'Association d'assurance contre les accidents' (Accident Insurance Association);

in **Malta**, to the 'Diviżjoni tas-Saħa', Triq il-Merkanti, Valletta CMR 01;

in the **Netherlands**, to the competent sickness insurance institution;

in **Austria**, to the competent accident insurance institution;

in **Poland**, to the regional branch of the 'Narodowy Fundusz Zdrowia' (National Health Fund);

in **Portugal**, to the 'Centro Nacional de Proteccao contra os Riscos Profissionais' (National Centre for Protection against Occupational Risks), Lisbon;

in **Slovakia**, to the health insurance company of the insured person or the Social Insurance agency, Bratislava;

in **Finland**, to the 'Tapaturmavakuutuslaitosten Liitto' (Federation of Accident Insurance Institutions), Bulevardi 28, 00120 Helsinki;

in **Sweden**, to the 'Forsakringskassan' (Local Social Insurance Office);

in **all other Member States**, to the competent sickness insurance institution;

in **Iceland**, to the 'Tryggingastofnun rikisins' (The State Social Security Institute), Reykjavik;

in **Liechtenstein**, to the 'Amt fur Volkswirtschaft' (Office of National Economy), Vaduz;

in **Norway**, to the 'Folketrygdkontoret for Utenlandssaker' (National Office for Social Insurance Abroad), Oslo;

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in **Switzerland**, for employed persons, to the employer's accident insurance institution; for self-employed persons, to the accident insurance institution of the person concerned.

Where the worker is covered by the French social security scheme, the fund which is competent to recognise entitlement to benefits is his insurance fund, which may not be the one appearing on form E 101. It will be necessary, where appropriate, to request the European health insurance card or form E 123 from the fund of the worker's place of habitual residence.

Where a self-employed person is covered by a Finnish or Icelandic social security scheme it will always be necessary to request form E 123.

Where a worker covered by an Icelandic social security scheme suffers an accident at work or contracts an occupational disease, the employer must always duly notify the competent institution.

NOTES

(1) Symbol of the country to which the institution completing the form belongs: BE = Belgium; CZ = Czech Republic; DK = Denmark; DE = Germany; EE = Estonia; GR = Greece; ES = Spain; FR = France; IE = Ireland; IT = Italy; CY = Cyprus; LV = Latvia; LT = Lithuania; LU = Luxembourg; HU = Hungary; MT = Malta; NL = Netherlands; AT = Austria; PL = Poland; PT = Portugal; SI = Slovenia; SK = Slovakia; FI = Finland; SE = Sweden; UK = United Kingdom; IS = Iceland; LI = Liechtenstein; NO = Norway; CH = Switzerland.

(2) Give all surnames in the order of civil status.

(3) Give all forenames in the order of civil status.

(4) For workers subject to Spanish law, indicate the social security number.For the purpose of Maltese institutions, give the Identity Card number in case of Maltese nationals, or the Maltese Social security number in case of a non-Maltese national. in the case of persons being subject to Polish legislation, please indicate the PESEL and NIP numbers or, failing that, the series and the number of the identity card or passport. For the purpose of Slovak institutions, give the Slovak birth number if applicable.

(5) Please give as much information as possible to facilitate identification of the employer or the firm of the self-employed person. In the case of a ship, indicate its name and its registration number.
Belgium: indicate, in the case of employed persons, the business number (numéro d'entreprise/ondernemingsnummer/ Unternehmensnummer) and, in the case of self-employed persons, the VAT number.
Czech Republic: indicate the identification number (IČ).
Denmark: indicate the CVR number.
Germany: indicate the 'Betriebsnummer des Arbeitgebers'.
Spain: indicate the 'Código de Cuenta de Cotización del Empresario CCC' (employer's contribution account number).
France: indicate the SIRET number.
Italy: indicate the company's registration number where possible.
Luxembourg: indicate the employer's social security registration number and, for self-employed persons, the social security number (CCSS).
Hungary: indicate the employer's social security registration number or, for self-employed persons, the identification number of the private company.
Poland: indicate the NUSP number, where there is one, or the NIP and REGON numbers.
Slovakia: indicate the identification number (IČO).
Slovenia: indicate the registration number of the employer or self-employed person.
For workers subject to **Finnish** legislation on occupational accidents, please indicate the name of the competent accident insurance institution.
Norway: indicate the organisation number.