



SOCIAL SECURITY SCHEMES IN THE EUROPEAN UNION

Daniela-luliana RADU

Faculty of Legal and Administrative Sciences, "Dimitrie Cantemir" Christian University, Bucharest, E-mail: danielaavocat@yahoo.com

Abstract *The issue of social security is well represented within the ILO's concerns, and documents bearing upon social risks are defined and specified, in the preamble of its Constitution yet (1919), the ILO governing entitlement to social security benefits, while guaranteeing and assuming the role through its entire business to ensure "to improve working conditions, for example, by preventing unemployment, workers are protected in the event of sickness the damage resulting from the activity.*

Key words:

Social security, working conditions, social protection, European Union

JEL Codes:

K40

1. Introduction

The concept of social security has been revolutionized in 1942 by the famous British Director William Beveridge report-Social insurance and allied services-which proclaimed the ambitious objective of freeing man from fear and want; through this report being motivated the idea of social security law that later made the subject of international documents. (Ticlea A., 2007, p.22)

Coordination of social security schemes do not cover developing an autonomous system of social security of every migrant worker in his own party. National systems subsist, but they become permeable in linking with other social security systems.(Voiculescu N., 2011, p. 305)

In this spirit was developed and the Council recommendation nr. 92/441/EEC, concerning the common criteria 24.06.2002 relative to the resources and services such as satisfactory in social protection systems, as well as the Council recommendation nr. 92/442/EEC of 27 July 1992 on the convergence of the objectives and policies of social protection.

Concerns in terms of social security dated since 1953, at which point there were two interim Agreements concluded by the European social security agreements that have been filled, in the same year, through a European Convention of medical and social assistance. (Popescu A., 2011, p.288)

Considering the effort of the European communities for the purposes of creating a legislative shield which promote social security rights, was drafted the European code of social security, with the assistance of the international labor organization.

For each of the Social Security Code establishes the risk covered, protected persons, services provided, eligibility conditions, the amount of the grant period, anticipating, during periods of waiting. The Code establishes certain percentages of social security services to be provided in relation to the previous gain of the beneficiary before the appearance of social risk.

The existence of rules which require effective safeguards against discrimination and discriminatory practices is absolutely necessary in a democratic society. Combating discrimination is indispensable in the process of promoting absolute equality for all people. International law in matters of human rights, both the right to equality, and the right not to be subjected to discrimination on the specific criteria listed. (Radu M., 2012, p.107)

In the same context it was regulated and the European Convention on social security, which completes the provisions of the European Code of social security, being developed with both observing European laws as well as diversity of ILO instruments in all social insurance system Center.

The rapid evolution of economic systems find social security block in a phase transition caused in large part by the effects of structural change and internationalization life cycle of man, imposing the review of social security systems and their effectiveness in terms of deepening poverty and other factors. (Costea Moarcas C. A., 2011, p.18)

2. Aspects Concerning Social Security Schemes in the E.U.

Social security systems of the countries of the European Union (EU) are coordinated with each other.

However, the establishment of social benefits and the conditions for granting them is done at national level, depending on each country's traditions and culture.

In the European Union, we notice that the Europe 2020 Strategy, proposes measures pertaining to areas that the Member States' responsibility, among others, and employment.

In fulfilling the objectives set at the European level, rules relating to social security have a special importance, they constituting a system developed and coherent standards whose implementation entails social life has made over the years subject to jurisdictional control of the Court of Justice of the European Union.

European law establishes rules and principles designed to guarantee the right to free movement of persons within the EU.

Commission Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security schemes, shall apply to all nationals of an EU Member State who are or have been subject to the social security legislation of one of those States, as well as members of the family and their offspring.

Applies also to nationals of third countries who are legally resident in the EU and whose circumstances bind of more Member States. This also applies to their family members and their offspring.

In accordance with the principle of equal treatment for nationals of countries of the EU and its residents, irrespective of their nationality, are equal in terms of rights and obligations provided for by national law.

Regulation applies to all classical branches of social security, namely:

- sickness benefits;
- maternity allowance;
- benefits in respect of accidents at work;
- benefits in case of occupational diseases;
- disability benefits;
- unemployment benefits;
- family benefits;
- retirement benefits;
- death grants.

The regulation also recognizes the principle of aggregating periods, under which periods of insurance, employment or residence completed in an EU country are taken into account by all other EU Member States. This means that acquisition of the right to benefits in the Member State must take account of periods of insurance, employment, self-employment or residence completed in another EU Member State.

The insured person shall be governed by the legislation of a single Member State. The Member State concerned is one in which the person concerned carries out a professional or trade activity.

Special rules are laid down for certain categories of workers. It is, in particular, civil servants who are subject to the legislation of the Member State to which the administration whose employees are, and people who are engaged in an employed or self-employed in several Member countries of the EU.

Cross-border workers are affiliated body of the country in which they work, although they reside in another EU Member State and have access to health care services of the two States. It also provided for special provisions relating to benefits in kind provided to members of their families.

Persons, who carry out a period of residence in another EU country than their country of residence, especially holidays, must be able to receive necessary medical benefits for the duration of their stay. Law of the State in running the stay determines the financial conditions for granting these benefits, but the costs are incurred/reimbursed by social security body in the country of origin.

This right is certified by the European card of health insurance, which may be requested by any insured social security body to which it belongs.

Members of the family of a retired worker are entitled to certain benefits in kind.

This is true even if they reside in a Member State other than that of the pensioner.

These insured persons may receive benefits in the last Member State in which they conducted their professional activity, in so far as the benefits represent a continuation of medical treatment started in the Member State concerned.

These people and their families continue to receive health care in the last country in which they conducted their professional activity:

- no restrictions if they conducted a cross-border activity for two years during the five years preceding retirement or invalidity;
- provided that the Member States concerned have opted for this formula.

Persons who reside or carry out a period of residence in a Member State other than that in which they are affiliated to the social security system, benefit, however, of the insurance scheme for accidents at work or occupational diseases. These benefits shall be provided by the institution of the place of residence or stay in accordance with the applicable legislation.

3. Conclusions

The institution of the State in which the worker is insured shall bear the costs of transport to the place of residence thereof. The institution must be given prior consent for such transport, except in the case of frontier workers.

Coordination of social security systems was established in 1971 by adopting Regulation (EEC) No. 1408/71 of the Council. The rules allowed for guaranteeing equal treatment for all workers nationals of Member States and their right to benefit from social security benefits, regardless of the place of work or place of residence.

The rules on social security coordination do not replace existing national systems with a single European system. All countries have the right to decide whom their law ensures that benefits granted and under which conditions.

References

1. Ticlea A. (2007). Dreptul securitatii sociale, Ed. Universul Juridic, Bucuresti.
2. Voiculescu N. (2011). Dreptul Muncii European, Editura Perfect, Bucuresti.
3. Popescu A. (2011). Dreptul international si european al muncii, Ed. C.H.Beck, Bucuresti.
4. Moarcas Costea C. A. (2011). Instrumente de coordonare a sistemelor de securitate sociala, Ed. C.H.Beck, Bucuresti.
5. Radu M., (2012). Principiul nediscriminarii in politica sociala a Uniunii Europene, in Exercitarea dreptului la nediscriminare si egalitate de sanse in societatea contemporana, Ed. Pro Universitaria, Bucuresti.
6. Comunicarea Comisiei Europa 2020 O strategie europeana pentru crestere inteligenta, ecologica si favorabila incluziunii, Bruxelles, 3.3.2010, COM(2010) 2020
7. http://europa.eu/legislation_summaries/employment_and_social_policy/social_protection/index_ro.htm