BEYOND THE SOFT LAW- HOW THE LEGISLATOR CAN RULE THE SOCIAL RESPONSIBILITY?

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Why we need the coordination?

- Simple question – complex answers
- The 4 freedom of Europe
  - the movement of goods, persons, services and capital
- Movement of the persons is the basic level
- Inner migration of EU
- Desirable for the EU, as the targets include full employment
- Motivation for migration

Historical view

- 1. Period - EC– It was one the goal – destroy the economic border between the member states. The social law was just a tool, that could help arrived this goal. (1960-s)
- 2. Period – EC- The social rights started to awaken.
  - 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community
- 3. Period- EU The Social rights has an equall weight in the EU Law – Revision of earlier rules.... But 2004- why was the EU in such a hurry to address this issue?
- Because of the new member states. Easier 15 member states, than 25.

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OK, but what is the social coordination?

- The rule, that coordinated the national social security systems.
- Not the coordination will say how many benefit I get. The coordination will said me, which rule have to use, if I (e.g.) move frome my homeland to another EU country and I would like family benefit in the new country

Why coordination?

- Because of the number of member states.
- 27 members – 27 social security system
- Today's political situation in the EU

Principles of Coordinations

- The beneficiaries are:
- are subject to the legislation of only one EU country and pay contributions there. It is up to the social security organisations to decide which jurisdiction they fall under **(the principle of a single applicable law);**
- their rights and obligations are the same as those of nationals of the country where they are insured **(principle of equal treatment and non-discrimination);**
- they are guaranteed that periods of insurance, employment or residence acquired in another Member State are taken into account when calculating their benefits **(principle of aggregation of periods);**
- if they are entitled to cash benefits in a Member State, they receive these benefits even if they do not live in that Member State **(principle of exportability** of benefits to all Member States in which the beneficiary or members of his family reside).

- EU citizens and family members
- Refugee
- Stateless
- Non- EU citizens, if are legally resident in the EU and covered by the laws of at least 2 EU countries

How does connect to the EU labour law?

- Without Social coordination we cannot speak inner migration in the EU
- The freedom of the movement, like fundamental freedom
- 2 site of same coin
- Rigth to social security and right to work
- Social Europe – European Pillars of Social Rights