

ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS**DECISION No H9****of 17 June 2020****regarding the postponement of deadlines mentioned in Articles 67 and 70 of Regulation (EC) No 987/2009 of the European Parliament and of the Council as well as in Decision No S9 due to the COVID-19 Pandemic****(Text of relevance to the EEA and to the EC/Switzerland Agreement)**

(2020/C 259/03)

THE ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SCHEMES,

Having regard to Article 72(a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽¹⁾, under which the Administrative Commission is responsible for dealing with all administrative questions or questions of interpretation arising from the provisions of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems ⁽²⁾,

Having regard to Articles 35 and 65(8) of Regulation (EC) No 883/2004, and to Articles 67 and 70 of Regulation (EC) No 987/2009,

Having regard to the case-law of the European Court of Justice according to which force majeure can be invoked if a non-compliance with legal obligations was attributable to circumstances beyond one's control, which were abnormal and unforeseeable and the consequences of which could not have been avoided despite the exercise of all due diligence (cf. the judgment of the Court of Justice of 13 July 1995, C-391/93, *Perrotta*, EU:C:1995:240),

Whereas:

- (1) The Member States have been affected by the consequences of the COVID-19 outbreak crisis in a unique matter. The crisis hampers usual work procedures in the relevant institutions in the Member States significantly and creates an exceptional situation where the normal operation of reimbursement procedures is not possible.
- (2) When applying the rules on reimbursement in Articles 67 and 70 of Regulation (EC) No 987/2009, the uniqueness of the situation has to be considered.
- (3) In view of the fact that Member States and their competent institutions have been affected differently by the COVID-19 outbreak so far, and the further development of the outbreak is not yet predictable, it will be necessary to monitor the situation continuously. When and where necessary, this decision should be modified accordingly and additional agreements between Member States may be concluded,

HAS DECIDED AS FOLLOWS:

1. All deadlines for the introduction and settlement of claims mentioned in Articles 67 and 70 of Regulation (EC) No 987/2009 as well as in Decision No S9 ending between 1 February 2020 and 31 December 2020 inclusive shall be prolonged for a period of six months.
2. This decision shall be published in the *Official Journal of the European Union*. It shall apply as from 18 June 2020.

The Chair of the Administrative Commission

Blaženka KAMENJAŠEVIĆ

⁽¹⁾ OJ L 166, 30.4.2004, p. 1.

⁽²⁾ OJ L 284, 30.10.2009, p. 1.