

DECISION No H7**of 25 June 2015****on the revision of the Decision No H3 concerning the date to be taken into consideration for determining the rates of conversion referred to in Article 90 of Regulation (EC) No 987/2009 of the European Parliament and of the Council****(Text of relevance to the EEA and to the EC/Switzerland Agreement)****(2016/C 52/08)**

THE ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS,

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⁾,

Whereas:

- (1) Paragraph 8 of Decision No H3 ⁽³⁾ requires a revision of this Decision after the first year of the entry into application of the Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009.
- (2) The terminology used in Decision H3 should be consistent for the reason of clarity. Therefore, in cases where the expression 'published for' is used, it should be replaced by 'published on'. In the case where the expression 'conversion applicable' is used it should be replaced by 'conversion published'.
- (3) The wording of paragraph 6 of Decision No H3 has caused interpretative difficulties and has been applied differently by the Member States. Thus, there is a need to amend this provision in order to clarify the procedure that is to be applied,

HAS DECIDED AS FOLLOWS:

1. In paragraph 3(a) and 3(b) of Decision No H3 the expression 'published for' is replaced by 'published on'.
2. In paragraph 5 of Decision No H3 the expression 'conversion applicable' is replaced by 'conversion published'.
3. Paragraph 6 of the Decision No H3 is replaced by:

'For the purposes of Article 90 of Regulation (EC) No 987/2009, the date to be taken into account for determining the applicable exchange rate between two currencies shall be:

- (a) in the case of a request for offsetting from arrears/ongoing payments, the working day immediately preceding the day on which the applicant party sent the final request for offsetting from arrears/ongoing payments; or
- (b) in the case of a request for recovery, the working day immediately preceding the day on which the applicant party sent the first request for recovery.

For the purposes of this paragraph, working day shall refer to a working day of the European Central Bank on which it publishes a daily reference rate for currency exchange.'

4. This Decision shall be published in the *Official Journal of the European Union*. It enters into force on the twentieth day following that of its publication.

The Chair of the Administrative Commission

Liene RAMANE

⁽¹⁾ OJ L 166, 30.4.2004, p. 1.

⁽²⁾ OJ L 284, 30.10.2009, p. 1.

⁽³⁾ Decision No H3 of 15 October 2009 concerning the date to be taken into consideration for determining the rates of conversion referred to in Article 90 of Regulation (EC) No 987/2009 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 56).