Report on the Free Movement of Workers in Portugal in 2007

Regarding the above mentioned Report and as far as social security matters are concerned, we are pleased to provide the following comments:

Chapter I – Entry, Residence, Departure
Page 8 – paragraph 2

The benefits of the solidarity sub-system mentioned in the last line of the above mentioned paragraph refer to social security benefits.
So, in order to be more specific, we propose the following corrections: "…do not enjoy entitlement to the **social security** benefits **granted under** the solidarity sub-system".

Chapter I I
Access to Employment
1. EQUAL TREATMENT IN ACCESS TO EMPLOYMENT

Page 12 – paragraph 6

Considering that the principle of the equal treatment as regards access to employment and the principle as regards access to social security benefits belong to different fields of action, in order to clarify this situation, we suggest the following corrections: "…in access to employment, **not being however entitled to social security benefits paid under the non-contributory scheme**, in accordance with Article 20(3) of Law 37/2006.

Chapter I I I
Equality of treatment on the basis of nationality
1. WORKING CONDITIONS, SOCIAL AND TAX ADVANTAGES

Page 16 – last paragraph

As explained above, the term "benefits of the solidarity sub-system" mentioned in this document refers to social security benefits. So, we suggest the following corrections: "The entitlement to **social security benefits** granted by solidarity sub-system (…);

Page 17 – first paragraph
The Decree-Law nº 220/2006 establishes a new unemployment protection legal scheme. In this way, we propose to replace the expression "establishes a system of employment protection" by "**unemployment protection scheme**".

Page 19

4. RELATIONSHIP BETWEEN REGULATION 1408/71 AND ARTICLE 39 OF REGULATION 1612/68

We suggest the inclusion of a new paragraph before the last one, as follows:

"Despite the amendments introduced in 2007 by Decree-Law no 187/2007, of 10 May that regulates the pension schemes, the Portuguese legislation of social security continues to guarantee the application of the principles of co-ordination of legislations established by the Regulation no 1408/71".

Chapter V
Members of the Family

4. OTHER ISSUES CONCERNING EQUAL TREATMENT (SOCIAL AND TAX ADVANTAGES)

Page 28 – first paragraph

Considering that this paragraph mentions the benefits of the solidarity sub-system (benefits that are not granted to family members of a Union citizen during the first three months of residence in Portugal if the Union citizen entered in Portugal in order to seek a job, according to Article 20 (3) of Law 37/2006), we suggest again to clarify that these benefits refer to **social security benefits**.

Second paragraph

According to the new Basic Law on the System of Social Security, we propose to replace the term "insurance sub-system" by "insurance **system**".

In addition to that and once Union citizens are still entitled to the unemployment benefit and to the unemployment social benefit during a certain period of time when they move to another Member State and if they have registered as job-seekers with the respective Employment Centers, we suggest the following corrections:
… ***(the only benefits of this system that are subject to the residence in Portugal are the unemployment benefit and the unemployment social benefit, without prejudice of the restrictions admitted by Community law on social security matters).***

03/02/2009