

Approved

International Process Guidelines

Sickness

S\_BUC\_23 – Refund of Overpayment

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**Document history:**

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| **Revision** | **Date** | **Created by** | **Short Description of Changes** |
| V0.1 | 17/07/2017 | Secretariat | First draft of the document submitted for review to the Sickness Ad Hoc group |
| V0.2 | 31/08/2017 | Secretariat / Business Analyst | Comments received from AHG integrated:   * typos and language checks * section "Description" simplified   Version submitted for AC review. |
| V0.3 | 06/12/2017 | Secretariat | Implemented changes related to the implementation of a contestation loop. |
| V0.99 | 08/12/2017 | Secretariat | Version submitted for AHG final review.  Version submitted for AC approval. |
| V1.0 | 20/12/2017 | Secretariat | **AC approved version.** |
| V1.1 | 25/01/2018 | Secretariat | Correction of link between SEDs and Forms – JIRA Ticket EESSI-2436 |
| V4.1.0 | 11/09/2018 | Secretariat | Performed patch changes to reference the new CDM version 4.1.0 |

# S\_BUC\_23 – Refund of Overpayment

**Description:** When claims based on actual costs, fixed amounts or for interest on late payment, have been settled by a debtor Member State then realises that its responsibility in that case has ceased, either partly or entirely, or a change in circumstances occurred and an overpayment is identified, this business use case can be applied.

This particular case is only applicable if the refund of the costs can not be reached by a contestation.

This particular case cannot be used if the responsibility for a certain matter has changed from one institution to another within a debtor/creditor state. In this case, the refund must be requested and/or received on the basis of national law.

**Legal Base:** This Business Use Case document's legal base is described in the following Regulations

* Basic Regulation (EC) No 883/2004
* Implementing Regulation (EC) No 987/2009

The following matrix specifies the SEDs that are used in this Business Use Case and documents the articles that provide the legal basis for each SED.

|  | Basic Regulation No 883/2004 | | Implementing Reg (987/09) | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **SED** | **35 (2)** | **41** | **62** | **63** | **64** | **65** | **66** | **67** | **68** | **69** |
| S051 Request for refund of overpayment (RRO) | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** |
| S053A Acceptance of request for refund of overpayment (ACP\_RRO) | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** |
| S053C Contestation of request for refund of overpayment (COC\_RRO) | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** |
| S053R Reply to Contestation of request for refund of overpayment (RPY\_COC\_RRO) | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** |
| S054 Information on refund of overpayment (IRO\_RRO) | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** | **✓** |

**Request – Reply SEDs:**

| **REQUEST SED** | **REPLY SED(s)** |
| --- | --- |
| S051 Request for refund of overpayment (RRO) | S053A Acceptance of request for refund of overpayment (ACP\_RRO) |
| S051 Request for refund of overpayment (RRO) | S053C Contestation of request for refund of overpayment (COC\_RRO) |
| S053C Contestation of request for refund of overpayment (COC\_RRO) | S053R Reply to Contestation of request for refund of overpayment (RPY\_RRO) |

**Glossary of relevant terms used in S\_BUC\_23:**

| **Term used** | **Description** |
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| *Case Owner* | In this BUC the Case Owner is the Liaison Body which has paid claims (Debtor) or received payments for claims (Creditor) based on actual costs, fixed amounts or for interest on late payment, and which sends a request for refund of overpayment following a change in circumstances.  In this BUC, the Case Owner could be both Debtor or Creditor. |
| *Counterp**arty* | In this BUC the Counterparty is the Liaison Body which has paid claims (Debtor) or received payments for claims (Creditor) based on actual costs, fixed amounts or for interest on late payment, and which receives a request for refund of overpayment.  In this BUC, the Counterparty could be both Debtor or Creditor. |

# How to start this BUC?

In order to help you understand S\_BUC\_23 we have created a set of questions that will guide you through the main scenario of the process, as well as possible sub-scenarios or options available at each step along the way. Ask yourself each question and click on one of the hyperlinks that will guide you to the answer. You will notice that in some of the steps, where it is allowed to use the additional horizontal and administrative sub-processes, they will be listed under the step description.

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| What is my role in the social security exchange of information I have to complete? |
| If you are the Liaison Body of a Member State   * where a claim for reimbursement based on actual costs, fixed amounts or claim for interest on late payment have been settled and paid, and realise that your responsibility for the cases ceased, either partly or entirely or circumstances changed; * and you identified an overpayment, either you received the overpayment (Creditor Liaison Body) or you identified the Member State which has overpaid (Debtor Liaison Body); * and due to deadlines to be respected for contestations, it is not possible anymore to find a solution within [S\_BUC\_19](../S_BUC_19/S_BUC_19.docx) and [S\_BUC\_21](../S_BUC_21/S_BUC_21.docx); * and you send a ‘Request for refund of overpayment (RRO)’ SED S051   your role will be defined as the **Case Owner**.  [I am the Case Owner.](#_CO.1_Who_do) (step CO.1) |
| If you are the Liaison Body that receives a 'Request for refund of overpayment (RRO)’ [SED S051](../../SEDs/S051.docx) from an Liaison Body of another Member State for which a claim for reimbursement based on actual costs, fixed amounts or claim for interest on late payment have been settled and paid with, your role will be defined as the **Counterparty**.  [I am the Counterparty.](#_CP.1_What_should) (step CP.1) |

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| CO.1 **Who do I need to exchange information with?** |
| As the Case Owner, your first step in any new request for refund of overpayment will be to identify the Member State that you need to exchange information with. The second step is to identify the relevant Liaison Body in this Member State that is responsible for the information you require. In this Business Use Case, the institution can be chosen only among the Liaison bodies responsible for health insurance. This activity will define the Counterparty you will be working with. There can only be one Counterparty in this Business Use Case.  [I need to identify the Counterparty.](#_CO.2_How_do)  (step CO.2)  [I have identified the Counterparty I need to contact.](#_CO.3_How_do_1)  (step CO.3) |

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| CO.2 How do I identify the correct institution to exchange information with? |
| In order to determine the relevant Competent Institution of (a) former Member State(s) of employment, you will have to check which institution was the Liaison Body in the processes S\_BUC\_19, S\_BUC\_21 or S\_BUC\_22. The counterparty should be the institution which falsely received the payment or which issued the unjustified payment.  In order to update contact details, you may need to consult the Institution Repository (IR). The IR provides an electronic record of all current and previous Competent Institutions and Liaison Bodies that have been responsible for the cross-border coordination of social security information for each of the relevant Member States."  To access the IR please use the following link.  [I have now identified the Liaison Body from the Member State I need to contact](#_CO.3_How_do_1). (step CO.3) |

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| CO.3 How do I proceed after having identified the Counterparty? |
| Fill out the ‘Request for refund of overpayment (RRO)’ [SED S051](../../SEDs/S051.docx). You clarify if you have overpaid, in this case you will be the "Debtor Liason Body", or if you received the overpayment, in which case you will be the "Creditor Liaison Body". You complete the required information in the sections related to the global information for the Request for refund of overpayment and the individual information. You should also indicate the reference to the original claim that has already been paid.  Please note that when submitting requests for a refund of an overpayment, you have to submit separate requests for each batch of claims of SEDs [S080](../../SEDs/S080.docx), [S100](../../SEDs/S100.docx) and [S026](../../SEDs/S026.docx).  Next, the Counterparty will:   * accept the request for refund of overpayment and fill in the ‘Acceptance of request for refund of overpayment (ACP\_RRO)’ [SED S053A](../../SEDs/S053A.docx) * or contest the request for refund of overpayment and fill in the ‘Contestation of request for refund of overpayment (COC\_RRO)’ [SED S053C](../../SEDs/S053C.docx)   [I have received SED S053A from the Counterparty](#_CO.4_What_should). (step CO.4)  [I have received SED S053C from the Counterparty](#_CO.5_What_should). (step CO.5) |

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| CO.4 What should I do if I received ' Acceptance of request for refund of overpayment' - SED S053A? |
| You have received from the Counterparty ' Acceptance of request for refund of overpayment '' - [SED S053A](../../SEDs/S053A.docx) with information about the accepted individual requests for refund of overpaid amounts.  If you are the "Debtor Liaison Body", you will send the Information on the decision on refund of overpayment to the Counterparty.  If you are the "Creditor Liaison Body", you expect to receive the Information on the decision on refund of overpayment from the Counterparty.  [I want to send ‘Decision about the refund of the overpayment'](#_CO.7__How) – (Step CO.7)  [I have received ‘Decision about the refund of the overpayment'](#_CO.8_What_should) – (Step CO.8) |

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| CO.5 What should I do if I received 'Contestation of request for refund of overpayment' - SED S053C? |
| You have received from the Counterparty a 'Contestation of request for refund of overpayment' - [SED S053C](../../SEDs/DA073C.docx) with information about the individual requests that are contested by the Counterparty.  You will need to fill in a 'Reply to Contestation of Identification of the Overpayment' [SED S053R](../../SEDs/S053R.docx) where you indicate if you accept or not the Contestation, and send this [SED S053R](../../SEDs/S053R.docx) to the Counterparty.  Depending on the circumstances the following actions are possible :  [I have received a new 'Contestation of request for refund of Overpayment' - SED S05EC](#_CO.5_What_should) (Step CO.5)  [I want to send ‘Decision about the refund of the overpayment'](#_CO.6__How) – (Step CO.6)  [I have received ‘Decision about the refund of the overpayment'](#_CO.7_What_should) – (Step CO.7) |

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| CO.6 How to create 'Decision on the Refund of Overpayment' - SED S054? |
| You are the Debtor Liaison Body which has received from the Counterparty acceptance for the identified overpayments. You create 'Information on refund of overpayment' [- SED S054](../../SEDs/S054.docx) to inform the Counterparty about how the refund has to be done, i.e. against which sending the refund of the overpayment will be offset.  You have to fill out all required data.  You send SED S054 to the Counterparty.  Unless there are still some overpayment for which a decision has to be send, the use case ends here. |

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| CO.7 What should I do if I received 'Decision on the Refund of Overpayment' - SED S054? |
| You are the Creditor Liaison Body and you have received from the Counterparty 'Information on refund of the overpayment' - [SED S054](../../SEDs/S054.docx) with information about how to proceed with the overpaid amounts.  In this [SED S054](../../SEDs/S054.docx), the Counterparty informs you against which sending the refund of the overpayment will be offset.  Unless there are still some overpayment for which a decision has to be received on S054 the use case ends here. |

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| CP.1 What should I do if I have received the ‘Request for refund of overpayment (RRO)' SED S051? |
| If you have received a 'Request for refund of overpayment (RRO)' [SED S051](../../SEDs/S051.docx) from the Case Owner, first, you check if you are responsible for the business process in accordance with your national procedures.  [I am responsible for the business process](#_CP.2_I_am). (step CP.2)  [I am not responsible for the business process](#_CP.3_What_should). (step CP.3) |

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| CP.2 I am responsible for the business process |
| If you have received a 'Request for refund of overpayment (RRO)' [SED S051](../../SEDs/S051.docx) from the Case Owner and you are responsible for the business process, you have to accept or contest this request.   * If you accept some or all individual requests for refund of overpayment, you must fill in the ‘Acceptance of request for refund of overpayment (ACP\_RRO)’ [SED S053A](../../SEDs/S053A.docx) * Or, if you contest some or all individual requests for refund of overpayment you must fill in the ‘Contestation of request for refund of overpayment (COC\_RRO)’ [SED S053C](../../SEDs/S053C.docx)   [I want to create and send ‘Acceptance of request for refund of the overpayment – SED S053A'](#_CO.7__How) – (Step CP.4)  [I want to create and send ‘Contestation of request for refund of the overpayment – SED S053C'](#_CO.7__How) – (Step CP.5) |

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| CP.3 What should I do if I am not responsible for the business process? |
| If your Member State was chosen incorrectly as a recipient of 'Request for refund of overpayment (RRO)' [SED S051](../../SEDs/S051.docx), you have to contest the request.  Fill out the Contestation of request for refund of overpayment (RPY\_RRO)[' SED S053C](../../SEDs/S053C.docx) , by entering the required information. For each individual payment you have to select the reply code “99-Other” with Other = “Wrong Counterparty Member State”.  Next you send the SED S053C to the Case Owner.  The Business Use Case ends here. |

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| CP.4 What should I do if I want to create and send ‘Acceptance of request for refund of the overpayment – SED S053A? |
| If you want to accept some or all individual claims of overpayment, you have to create a send ‘Acceptance of request for refund of the overpayment – [SED S053A](../../SEDs/S053A.docx)  by selecting the individual requests that you want to accept.  Then you send the SED S054A to the Case Owner.  Depending on the situation, the following actions are possible :   * You want to contest individual requests for refund of overpayment * If you are the "Debtor Liaison Body", you will send the Information on the decision on refund of overpayment to the Counterparty. * If you are the "Creditor Liaison Body", you expect to receive the Information on the decision on refund of overpayment from the Counterparty.   [I want to create and send ‘Contestation of request for refund of the overpayment – SED S053C'](#_CP.5_What_should) – (Step CP.5)  [I have received 'Information on the Refund of Overpayment' – SED S054](#_CP.7_What_should)  (Step CP.7)  [How to create 'Information on the Refund of Overpayment' - SED S054?](#_CP.8__How) (Step CP.8) |

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| CP.5 What should I do if I want create and send ‘Contestation of request for refund of the overpayment – SED S053C? |
| If you want to contest some or all individual claims of overpayment, you have to create a 'Contestation of request for refund of the Overpayment' - [SED S053C](../../SEDs/S053C.docx).  You must select the individual request you want to contest and fill out all the requested information. The reason for contestation must be selected.  Then you send the SED S053C to the Case Owner. The Case Owner will reply by sending the 'Reply to the Contestation of request for refund of Overpayment' – [SED S053R](../../SEDs/S053R.docx)  [I have received a 'Reply to the Contestation of request for refund of Overpayment' – SED S053R](#_CP.6_What_should) (Step CP.6) |

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| CP.6 What should I do if I received a Reply to the Contestation of request for refund of Overpayment? |
| If you have received a 'Reply to the contestation of Identification of the Overpayment' S053R, you can either create a new contestation of identification of overpayment, or, if you accept the replies from the Case Owner you can proceed with the notifications of the decision on the refund of overpayment.  This means that the following actions are possible :   * You want to send a new contestation individual requests for refund of overpayment * If you are the "Debtor Liaison Body", you will send the Information on the decision on refund of overpayment to the Counterparty. * If you are the "Creditor Liaison Body", you expect to receive the Information on the decision on refund of overpayment from the Counterparty.   [I want to create and send a new ‘Contestation of request for refund of the overpayment – SED S053C'](#_CP.5_What_should) – (Step CP.5)  [I have received 'Information on the Refund of Overpayment' – SED S054](#_CP.7_What_should)  (Step CP.7)  [How to create 'Information on the Refund of Overpayment' - SED S054?](#_CP.8__How) (Step CP.8) |

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| CP.7 What should I do if I received Information on the Refund of Overpayment' - SED S054? |
| You are the Creditor Liaison Body and you have received from the Case Owner the 'Information on refund of the overpayment' - [SED S054](../../SEDs/S054.docx) with information about how to proceed with the overpaid amounts. In this SED, the Case Owner informs you about how the refund has to be done, i.e. against which sending the refund of the overpayment will be offset.  Unless there are still some overpayment for which a decision has to be received on S0554 the use case ends here. |

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| CP.8 How to create 'Decision on the Refund of Overpayment' - SED S054? |
| You are the Debtor Liaison Body which has received from the Case Owner acceptance for the identified overpayments, or the contestation loop is completed and a decision must be taken about the refunding of some of the individual request.  You create the 'Information on the Refund of Overpayment' - [SED S054](../../SEDs/S054.docx) to inform the Case Owner about how the refund has to be done, i.e. against which sending the refund of the overpayment will be offset.  You send SED S054 to the Case Owner. The Case Owner receives SED S054.  Unless there are still some overpayment for which a decision has to be send on S054, the use case ends here. |

# BPMN diagram for S\_BUC\_23

Click [here](../../BPMN_Diagrams/S_BUC_23_Diagram.pdf) to open the BPMN diagram(s) for S\_BUC\_23.

# Structured Electronic Documents (SEDs) used in the process

The following SEDs are used in S\_BUC\_23:

* [SED S051 – Request for refund of overpayment (RRO)](../../SEDs/S051.docx)
* [SED S053A - Acceptance of request for refund of overpayment (ACP\_RRO)](../../SEDs/S053A.docx)
* [SED S053C - Contestation of request for refund of overpayment (COC\_RRO](../../SEDs/S053C.docx))
* [SED S053R - Reply to Contestation of request for refund of overpayment (RPY\_COC\_RRO)](../../SEDs/S053R.docx)
* [SED S054 – Information on refund of overpayment (IRO\_RRO)](../../SEDs/S054.docx)

# Administrative sub-processes

The following sub-processes are used for the handling of exceptional business scenarios that arise due to the exchange of social security information in an electronic environment and can be used at any point in the process:

* [AD\_BUC\_11\_Subprocess – Business Exception](../../../Administrative_Sub-Processes/AD_BUC_11_Subprocess.docx)
* [AD\_BUC\_12\_Subprocess – Change of Participant](../../../Administrative_Sub-Processes/AD_BUC_12_Subprocess.docx)