## SED F002 Reply for determining competence

This SED is a reply to SED F001 – Request for determining competence. The Counterparty uses it to provide the relevant information in order to determine the competence. The Case owner can use it to reply in order to inform the Counterparty(ies) on its decision. The purpose of this SED is therefore the same as described in SED F001, and can be related to the following:

* Receipt of application of family benefits;
* Information about change in circumstances;
* Reply to check or annual check;
* Reply to request for information;
* Decision;
  + This SED can be used for informing of provisional decision(s). Firstly it can be used for informing about the provisional decision of secondary competence according to Article 68 (1) and (2) of Regulation (EC) No 883/2004 and then later if the counterparties have not been able to come to a common understanding about the priority after consultation, to inform about the provisional payment of benefits according to article 6(2) in Regulation (EC) No 987/2009.
  + It can contain information on agreement/disagreement and the reasons for the decision. Note that there must always be communication between Member States before a Member State can state that it disagrees.
* Disagreement procedure;
  + With this SED the Member State can inform the other Member State that has issued F001 or F002 that it agrees or disagrees with the provisional decision of the other Member State. If no agreement is reached the case will finally be taken for the consultation of the Administrative Commission. The disagreeing parties will agree on how to proceed with the consultation with the Administrative Commission. Consultation with Administrative Commission should happen in only very rare cases.
* Offsetting for family benefits;
* Reimbursement according to article 58 of Regulation (EC) No 987/2009.

SED F002 can be used several times during the same business use case.

In every case, you need to provide information on the 'Claimant'. You indicate the purpose of the SED (more than one option is possible) and depending on the 'Purpose(s) of this SED', you complete the relevant sections.

'Receipt of application for family benefits' section:   
You should fill in this section when the purpose of the SED is 'Receipt of application for family benefits' or 'Information about change in circumstances'.  
You fill the 'Date of receipt of application' with the date on which you have received the application for family benefits either directly by the claimant or by transmission from the Case Owner. The date on which the claim was submitted to the first Counterparty is the same as to the latter Institution. These dates can be important in a conflict situation where a decision about provisional payment of benefits has to be made according to article 6(2) of Regulation (EC) No 987/2009 and the conflict concerns the residence of the child(ren). In this situation the provisional payment should be made by the Member State who first received an application.

When the requesting institution asked for confirmation, you reply with 'We confirm the provided information' in the field 'Information on application', when the information is correct according to its own record. If it is not correct, you correct the information in the replying SED and add additional reply or information, if needed in section 'Additional request or information'.

'Additional request or information' section:   
Any special or additional information can be indicated in this point, e.g. extensive reply or information by the requesting Institution on SED F001.

'Decision' section:   
This contains the same information as in the 'Decision' section included in F001. Also here you only fill in this section when the purpose of the SED is 'Decision'. You inform about your decision on competence or provisional decision. If F002 is issued after receipt of decision with F001 then you should indicate in this point whether you agree or disagree with the decision made by the Case Owner (F001). You can at this point also inform of both primary and secondary competence. You must state the periods of competence: about primary competence and about secondary competence. If you are competent by priority right in accordance with Article 68(1) and (2) of the Regulation (EC) No 883/2004 and there is no entitlement of benefit according to your legislation, you indicated 'Payment of benefit' = 'No'.

'Reason for disagreement' section:   
You only have to fill in this section when the purpose of the SED is 'Disagreement procedure'. You inform the other Member State that issued F001 or F002 of the reason for disagreement. You should explain carefully the ground(s) for your disagreement in 'Additional grounds for disagreement'.

Please note that this notification will have to be made within two months of the original decision made by the other Member State.

'Information on agreement/disagreement after communication' section:   
You only have to fill in this section when the purpose of the SED is 'Disagreement procedure', in case when no agreement is reached after communication. SEDs F004 and F005, if necessary, can be used for further clarification. The Member States should try to come to an agreement at this stage.  
If after serious efforts from all parties involved, no agreement is reached the case will finally be referred for the consultation of the Administrative Commission. The disagreeing parties will agree on how to proceed with the consultation with the Administrative Commission. Consultation with Administrative Commission should happen in only very rare cases.

'Claimant', 'Information on spouse or partner', 'Information on other person', and 'Information on child(ren)' sections:   
You complete the necessary information of the claimant/spouse/ partner/other person/, child(ren). The town of birth is necessary for several Member States to identify the person without PIN. Therefore, the town of birth is a mandatory field if the person is not identified with PIN. If the town of birth is not known, explicitly write "unknown" in that field. If the person's family name at birth is different from the father's or mother's family name, then mention the father's or mother's family name at the person’s birth. The person may have had different types of addresses; if he or she has been employed outside of the country of residence, he or she may have had an address of stay e.g. the address in the country he or she was employed in. If the entire family is living together and it has been confirmed, there is no need to repeat the address of the person.  
Explain the person's situation in the fields 'Personal situation elements', if necessary. Mention relevant details: the nature and the specific characteristics of any activity pursued, in particular the place where such activity is habitually pursued, the stability of the activity, and the duration of any work contract; family status and family ties of the person concerned; the exercise of any non-remunerated activity; in the case of students, the source of their income; housing situation, in particular how permanent it is; the Member State in which the person is deemed to reside for taxation purposes.

Claiming authority' section:   
Only complete this section if the child(ren) is(are) in care of an Authority, Organisation or Department which is claiming family benefit. Please specify the 'Reason for authority claim'.

'Request or reply to request for offsetting of family benefits for the entire family' and 'Request or reply for request for offsetting of family benefits for children' section:  
In this point the replying Member State should confirm whether it is requesting offsetting or replying to a request for offsetting of family benefit. If the replying Member State is not able to reimburse the requested overpayment or if it is only able to reimburse part of the amount, the reason for this should be stated in the 'Additional information' fields of the respective sections.  
Mention here the amount of benefits you are requesting or replying to for offsetting, either per child or entire family.  
Offsetting of unduly paid family benefits can be carried out using SEDs F001 and F002 according to article 72-74 of Regulation (EC) No 987/2009. Recovery of family benefits should be carried out using R-SEDs according to articles 75-78 Regulations of Regulation (EC) No 987/2009. For recovery cases please use Recovery SEDs, see [Recovery guidelines](../../Heidi-Recovery/Recovery_Sector_Overview.docx).

It is possible to add attachments to F002.

In order to see the content and explanatory notes of the SED F002 please click [here.](Forms/F002_en.htm)