



**EESSI – CDM**

**Legislation Applicable**

**A001-v4.3.3**

*Request for Exception*



*SED Guidelines*

**Table of Contents**

[1. SED A001 – Request for Exception 5](#_Toc136613544)

[1. SED A001 - Request for Exception 5](#_Toc137115176)

**Document Control Information**

|  |  |
| --- | --- |
| **Document Control** | **Value** |
| **Project Title** | Electronic Exchange of Social Security Information (EESSI) |
| **Document Title** | EESSI – SED Guidelines – A001 – Request for Exception |
| **Document Name** | A001-v4.3.3 |
| **Document Category** | SED Guidelines |
| **Document Version** | v4.3.3 |
| **Previous Published Document Version** | v4.3.0 |
| **Last Update**  **Project Milestone** | 14/06/2023  EESSI - 2023 |
| **Document Status** | In Progress |
| **Sensitivity (TLP)**  **Distribution terms** | Traffic Light Protocol (TLP) = “Green”  The distribution of this document is done strictly in line with the Traffic Light Protocol (TLP) established by the European Commission's note AC 790/15 REV for the EESSI project documentation.  In line with the note AC 790/15 REV, this document is labelled as TLP = “Green”. Therefore, it can be circulated widely within the EESSI community. However, the document or the information herein may not be published or posted on the Internet, nor released outside of the EESSI community. |
| **Authors** | European Commission, DG EMPL A4, EESSI BA |
| **Revised by** | European Commission, DG EMPL A4, EESSI BA |
| **Approved by** | European Commission, DG EMPL A4, EESSI PMO |

**Document history**

|  |  |  |
| --- | --- | --- |
| **Milestone /**  **Document version** | **Publication Date** | **Changes/Corrections**  **Description** |
| EESSI-2023  A001-v4.3.3 | 14/06/2023 | Update based on CR EESSI-11515 - *Changes in LA-documentation (Guidelines, BUC description) because of TW FA*, added explanation referring to teleworking topic into SED A001. |

# SED A001 - Request for Exception

The ‘Request for Exception’ SED A001 is used to make a request for an exception under article 16.1 of Regulation (EC) 883/2004.

If applicable, please state the details of the company the employee is temporarily working for. If the person does not work with an employer in the host country (e.g., people working on a building site, self-employed persons partly working in the other state from their home office), the actual place of work (such as the working site or home office) should be given. If no fixed work address in the other state exists, please indicate this fact. That might, for example, be the case for highly mobile workers who deal with multiple clients at unforeseeable places within the other state.

Please state what legislation is/was applicable right before the requested period, and which legislation is requested to apply. Please note that it is possible to propose the application of more than one legislation simultaneously.

Please also provide any useful information about special circumstances that relates to the request for exception. This can concern, e.g., details regarding the work contracts, the relationship between the involved companies or the payment of contributions. In this context, a resting employment contract indicates that employer and employee have agreed that the duty of the employee to work for the employer and the duty of the employer to remunerate the employee are suspended for the duration of the work abroad. In these situations, the employee often works at an affiliated company of his/her original employer. Please note that multiple special circumstances can be indicated in the A001 if applicable. Please also give any further details detailing the function or assignment of the person if possible.

In case your country in role of a Case Owner and the country of the Counterparty have opted for the Telework Framework Agreement (Framework Agreement on the application of Article 16 (1) of Regulation (EC) No. 883/2004 in cases of habitual cross-border telework), please follow the procedure specific for this situation. The Case Owner has to:

Box 8.1 tick Article 13(1)(a)

Box 8.2 fill-in „TW FA“

After filling in this information, at the end of A001, it is possible to add an explicit free text justification for the request.

It is possible to add attachments to A001.

In order to see the content and explanatory notes of SED A001 please click [here](file:///C:/Users/xxkonjit/Desktop/BUCs/Legislation_Applicable/SEDs/Forms/A001_en.htm).