



APPROVED

International Process Guidelines

Legislation Applicable Sector

LA_BUC_05 - Notification of
applicable legislation

Date: 01/09/2019

Version of guidelines document: 4.2.0

Based on: LA_BUC_05 version 4.2.0

Common Data Model version 4.2.0

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Document history:

Revision	Date	Created by	Short Description of Changes
V0.1	28/04/2017	Secretariat	First draft of the document submitted for review to the Legislation Applicable Ad Hoc group
V0.2	31/08/2017	Secretariat	Implement changes and updates following the AHG comments. Version submitted for AC review.
V0.99	04/10/2017	Secretariat	Implemented changes and updates following the AC review. Version submitted for AC approval.
V1.0	11/12/2017	Secretariat	AC approved version.
V4.1.0	01/10/2018	Secretariat	Performed patch changes to reference the new CDM version 4.1.0.
V4.2.0	01/09/2019	Secretariat	Performed patch changes to reference the new CDM version 4.2.0

LA_BUC_05 – Notification of Applicable Legislation

Description: The LA_BUC_05 is used when a person is performing work-related activities in a Member State other than the one whose legislation applies and this Member State has to be notified in any one of the following specific circumstances:

- The person is a civil servant;
- The person is called up or recalled for service in the armed forces or for civilian service in a Member State;
- The person is a mariner;
- The person is member of a flight or a cabin crew;
- The person is member of the contract staff of the European Communities;
- The person receives unemployment benefits under the legislation of the Member State of Residence.

This BUC allows an institution to inform another institution from another state that the person-is subject to the legislation of the informing Member State (the Case Owner).

The sending institution (the Case Owner) in Member State 1 uses this BUC to notify an institution in Member State 2 (the Counterparty) of a decision of legislation applicable to a person who is pursuing an activity in Member State 2. The Case Owner is typically (but not necessarily) the competent institution in the Member State whose legislation is applicable. The Member States use this BUC for situations not covered by Art. 12, 13 or 16 of Regulation (EC) No 883/2004.

This BUC contains only the SED A010 – Notification of Applicable Legislation. The Case Owner can send this SED as many times as the relevant circumstances change and/or new decisions on legislation applicable occur and it may be sent to more than one Counterparty.

Legal base: LA_BUC_05 is based on Basic Regulation No 883/2004 and Implementing Regulation No 987/2009. The following table specifies SEDs used in this BUC and lists the articles that provide the legal basis for each SED:

SED	Basic Regulation (883/2004)				Implementing Regulation (987/2009)	
	Art. 11 (3)(b)(c)(d)	Art. 11 (4)	Art. 11 (5)	Art. 15	Art.15	Art.17
A010 - Notification of Applicable Legislation	✓	✓	✓	✓	✓	✓

Glossary of relevant terms used in LA_BUC_05:

Term used	Description
<i>Case Owner</i>	In this BUC the Case Owner is a Competent Institution that informs the other Member State/s involved about the legislation applicable.
<i>Counterparty</i>	In this BUC the Counterparty is a Competent Institution that is being notified about the legislation applicable.
<i>Citizen</i>	In this BUC the citizen is an employed or self-employed person who has a connection through her/his employment or self-employment with more than one EU country and is the subject of the decision on legislation applicable. The citizen can usually be the beneficiary of the Portable Document PD A1 (or alternatively also Employer in accordance with Art. 19(2) of Implementing Regulation No 987/2009).
<i>PD A1</i>	A formal statement on the applicable social security legislation. It shows the legislation of a certain state is applicable to the citizen and that there is no obligation to pay social contributions in another Member State.

How to start this BUC?

In order to help you understand the LA_BUC_05, 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 in the next step within this document or to another separate file. You will notice that in some of the steps it is allowed to use the additional horizontal and administrative sub-processes. These will be listed under the step description.

What is my role in the social security exchange of information I have to complete?

If you represent the Competent Institution that notifies the other Member State involved about the legislation applicable, then your role is **Case Owner** in this BUC.

[I am the Case Owner.](#) (step CO.1)

If you represent the Institution that is being notified about the legislation applicable, then your role is **Counterparty** in this BUC.

[I am the Counterparty.](#) (step CP.1)

CO.1 Who do I need to notify?

As the Case Owner, your first step will be to identify the responsible Member State or Member States that you need to notify about the legislation applicable. The second step is to identify the Competent institutions in that Member State or those Member States which are responsible for receiving the relevant information. In this Business Use Case, the institution or institutions can be chosen only among the institutions responsible for the legislation applicable sector and Articles 11(3)(b)(c), (4), (5) and 15 of Basic Regulation and Articles 15 of Implementing Regulation. This activity will define the Counterparty or the Counterparties you will be working with.

[I need to identify the Counterparty or Counterparties.](#)(step CO.2)

[I have identified the Counterparty or Counterparties I need to contact.](#)(step CO.3)

CO.2 How do I identify the correct institution(s) to notify?

In order to determine the relevant Competent Institution(s) from other Member State(s) you will 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.

Please note that the Liaison Body should be chosen only if it is impossible to identify the correct Competent Institution in the respective Member State or if the case is handled by the Liaison Body.

To access the IR please use the following [link](#).

[I have now identified the Competent Institution\(s\) from the Member State\(s\) I need to contact.](#) (step CO.3)

CO.3 How do I send a 'Notification of applicable legislation' SED A010?

Fill out the 'Notification of applicable legislation' [SED A010](#) by entering all the required information. Afterwards, you send SED A010 to the identified Counterparty(ies). You may choose to [issue a PD A1 to the citizen](#) (step CO.4). You can send SED A010 more than once.

After sending the SED A010 you have to wait for a period of 30 calendar days then you have to close the case by using the [AD BUC 01 – Close Case](#).

In general, you do not receive a specific reply to SED A010.

Sub-process steps available to the Case Owner at this stage:

[I want to Add another Participant to this case \(AD BUC 03\)](#).

[I want to Invalidate the sent SED \(AD BUC 06\)](#).

[I want to Update the Information contained in the sent SED \(AD BUC 10\)](#).

[I want to Forward the Case to another Competent Institution in my Member State \(AD BUC 05\)](#).

[I want to Close the Case \(AD BUC 01\)](#).

[I want to Reopen the Case \(AD BUC 02\)](#).

CO.4 In which case do I issue a Portable Document PD A1 (formal attestation) to a citizen?

You may issue to the citizens a [Portable Document PD A1](#) (formal attestation) on the applicable social security legislation in case the legislation of your state is applicable to them and there is no obligation for them to pay social contributions in other Member States.

Please note that issuing the PD A1 is out of the scope of EESSI, therefore it is not a mandatory activity of this BUC. For details of issuing a PD A1 you should act in accordance with provisions in Regulations 883/2004 and 987/2009 and consult the national processes.

CP.1 What should I do if I have received the SED A010?

If you have received a 'Notification of applicable legislation' [SED A010](#) from the Case Owner, you may now review it within a period of 30 calendar days. Afterwards, the case will be closed by the Case Owner, and the business use case ends here.

Sub-process steps available to the Counterparty at this stage:

[I want to Add another Participant to this case \(AD BUC 03\)](#).

[I want to Reopen the Case \(AD BUC 02\)](#).

[I want to Forward the Case to another Competent Institution in my Member State \(AD BUC 05\)](#).

BPMN diagram for LA_BUC_05

Click [here](#) to open the BPMN diagram(s) for this BUC.

Structured Electronic Documents (SEDs) used in the process

The following SED is used in this BUC:

- [SED A010 – Notification of Applicable Legislation](#)

Portable Documents

The following Portable Document is used in LA_BUC_05:

- [PD A1](#)

Administrative sub-processes

The following administrative sub-processes are used in LA_BUC_05:

- [AD_BUC_01 Sub-process – Close Case](#)
- [AD_BUC_02 Sub-process – Reopen Case](#)
- [AD_BUC_03 Sub-process – Add Participant](#)
- [AD_BUC_05 Sub-process – Forward Case](#)
- [AD_BUC_06 Sub-process – Invalidate SED](#)
- [AD_BUC_10 Sub-process – Update SED](#)

The following technical administrative sub-processes can be used at any point in the process:

- [AD_BUC_11 Sub-process – Business Exception](#)
- [AD_BUC_12 Subprocess – Change of Participant](#)