



## Cross-border incapacity at work and handicap France Luxembourg

### FINAL REPORT

**Advice case title:** crossborder incapacity at work and handicap France Luxembourg

**Full official name of the advised entity:** CRD EURES / Frontaliers Grand Est

**Name of the expert contracted for the advice case:**

Jean-François DEVEMY – General Secretary - InterRegioNovation

**Date:** :09/12/2023 corrected 07 01 2024

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## I Executive summary

### Context:

About 150 000 French residents are registered in the CNS (social security fund in Luxembourg), 122 000 are officially employed in Luxembourg, representing 40% of the total employees, of which 115 000 live in the neighbouring French departments 54 and 57 (Moselle and Meurthe-et-Moselle). The growing rate of these frontier workers is about 4% in the recent years, while the employed population growing rate in Luxembourg is about 2-3%, meaning the trend is a growing burden on the available French working force at a moment when the unemployment level is decreasing in France. In the meantime, every year about 500 French residents of the said departments, i.e. roughly 0,5 % of the frontier workers, send the French authorities a request for an invalidity pension based on an international working experience including Luxembourg.

### Obstacle:

At a time when the European legislation endeavours to override the obstacles to crossborder mobility and work, a large part of these policies can be considered successful but invalidity and handicap is lagging behind the line, especially between Luxembourg and France given the utmost importance of these countries in the crossborder regional governance from a statistic point of view.

Discrepancies are repeatedly observed between the decisions of French and Luxembourgish authorities regarding invalidity and/or handicap pensions/benefits/facilities at the three levels of the process: decision to grant, level of disability or handicap, level of financial or material equity compensation. The said discrepancies appear to be at the same time remaining obstacles to European crossborder cooperation and mobility, breaches to the principles of equity and equality (discrimination), and in several occasions human tragedies.

### Legal provisions:

2004 EU regulation no 883/2004 on coordination of social security in Europe  
2009 EU regulation no 987/2009 on implementation modalities for the regulation 883/2004  
2000 EU Directive on equal treatment in employment (2000/78/CE)  
2000/12/7 Chart of fundamental rights of the EU. Art 1, 15, 21, 26  
1950 CEDH, art. 14 and Protocole n° 12, art. 1er (discrimination)  
national texts on both sides developed or issued for their implementation

### Outline of possible solutions:

- 1/ changes of the annex VII of the EU regulation no 883/2004 through either administrative coordination or political regulatory decision
- 2/ adaptation of national respective legislation or administrative doctrine
- 3/ bilateral agreement based on the example of the 1997 Luxembourgish/portugal agreement
- 4/ court and trial procedures based on CEDH and/or EU Chart of fundamental rights

## **II Description of the obstacle with indication of the legal/administrative provisions causing the obstacle**

### **a) overall picture: crossborder commuting flows in France, Luxemburg, statistical approach of the question at stake**

According to the MOT<sup>1</sup>, 430 000 French residents cross French metropolitan terrestrial borders on a regular basis for the purpose of working activity and are considered as “frontier workers” . 110 000 , i.e. 25% of them, work in Luxemburg, this country thus being the second most attractive for French frontier workers after Switzerland (192 000 = not far from 50 %). These figures are slightly outdated – e.g. the number of employees registered in Luxemburg and living in France in 2022 is 122 000 - but the range of ideas is still appropriate. Another relevant figure is present in the Luxembourgish CNS (social security fund of Luxemburg) statistics: in 2020, about 150 000 French residents were affiliated in the CNS<sup>2</sup> .

Logically, most of the French frontier workers live in the departments of Meurthe-et-Moselle and Moselle (54 and 57), situated closer to Luxemburg than the others, and represent 115 000 of the 122 000 registered employees residing in France (83 000 in Moselle and 32 000 in Meurthe-et-Moselle).

When it comes to pensions for invalidity, the said departments 54 and 57 account for about 500 of the requests registered in the CPAM 67<sup>3</sup>, about 30% of the average 1500 registered every year from the 10 departments of the region Grand Est (exactly 1639 new files in 2022).

Unfortunately, there is no official or reliable statistics about the number of “ill cases” where a discrepancy can be evidenced between the Luxembourgish and French administrative decisions. Nevertheless, this figure is obviously far from isolated situations, given the fact that in septembre 2023, the CRD Frontaliers Grand Est declared that they received for consultation in average 1 or 2 new cases every week.<sup>4</sup>

We can then consider the following approximations as relevant for giving rough ideas of the figures:

**Not far from 0,5 million French residents – 2% of the French employed population – are considered frontier workers, of which about 50% in Switzerland and 25% in Luxemburg.**

**About 150 000 residents on the French territory are affiliated in the Luxemburg CNS (social security fund of Luxemburg), and 122 000 are employed in Luxemburg of which 115 000 from the departments 54 and 57.**

**About 500 new applications every year for pensions of invalidity based on mixed work in France and other countries – 30 % of the total for the region Grand Est - are sent by residents of dpts 54 and 57, and concern essentially Luxemburg.**

1 association named “Mission opérationnelle transfrontalière”

2 The difference between 110 000 (figures from the MOT) and 150 000 (figures from the Luxembourgish IGSS) may rise from the difference of origin of the statistics – despite the fact that MOT relies as well on Luxembourgish statistics dated 2020 - , or the number of retirees receiving a pension from Luxemburg,

3 Caisse Primaire d'Assurance Maladie from the Haut-Rhin (67), collects and manages since 2018 all the requests for invalidity pensions from French residents of the region Grand Est with a mixed French and foreign working experience.

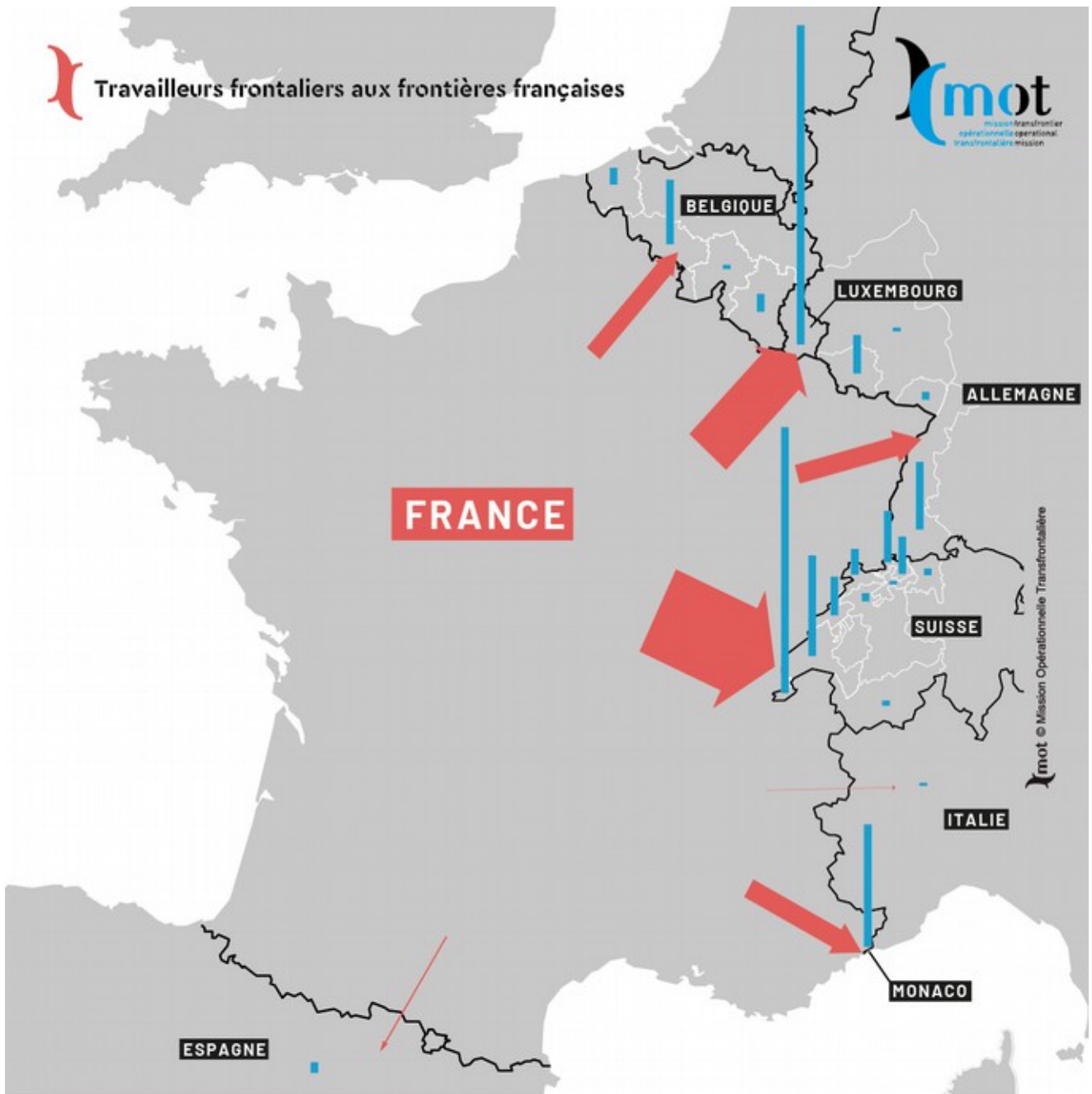
4 Interview with Julien DAUER, director of the CRD Frontaliers Grand Est on septembre 28<sup>th</sup>, 2023.



Thousands of crossborder commuters switch on a daily basis from their French living place to their working position in Luxemburg, creating traffic jams twice a day even on secondary roads.

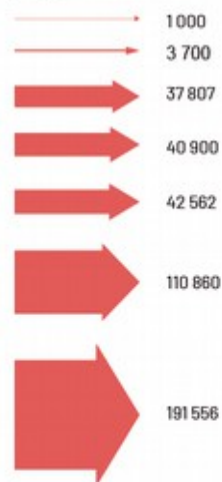


# Travailleurs frontaliers aux frontières françaises

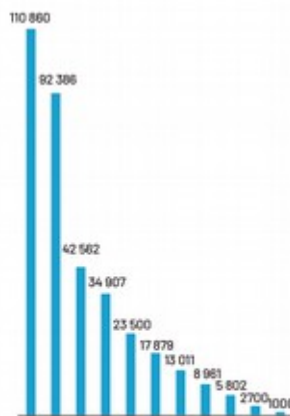


MOT © Mission Opérationnelle Transfrontalière

Nombre total de travailleurs frontaliers résidant en France par pays de destination



Nombre de travailleurs frontaliers résidant en France par territoire de destination dans le pays voisin



Sources :  
 INSEE (France), 2018  
 INAMI (Belgique), 2020  
 IGSS (Luxembourg), 2020  
 BA (Allemagne), 2020  
 OFS (Suisse), 2021 (2ème T.)  
 IMSEE (Monaco), 2020

## b) other contextual information:

Luxemburg is enclosed in the so called “Grande Région” including Wallonie (Belgium, Rheinland Pfalz and Sarre (Germany), and Lorraine (France – former region now part of the region Grand Est created in 2015). Out of the estimated 258 000 frontier workers in this region (doubled since 2000<sup>5</sup>), a large part is involved in Luxemburg: 289 000 working places being registered in Luxemburg, 122 000 come from France, 53 000 from Germany and as much from Belgium, and 10 000 from other countries. In other words,

- 1/ almost 85% of the working places of Luxemburg are held by non residents, and
- 2/ almost 45% of the working places of Luxemburg are held by persons living in France.

Obviously this situation has consequences on the Luxemburgish legislation on invalidity and may have as well consequences in the administrative behaviour: any measure favoring the situation of non residents in general, and French residents in particular, have important financial meaning.



The historical development of the region was based on heavy industry, still visible and noticeable in the landscape, and now is much more oriented on financial and other tertiary services, mainly in Luxemburg, the French neighbouring territories playing much more the role of suburbs in traditional metropolises: most of the working force is employed in Luxemburg and resides in France.

<sup>5</sup>« Chiffres clés — Grande Région [archive] », sur [www.granderegion.net](http://www.granderegion.net) (consulté le 23 novembre 2022)



Although wealth and modernity is clearly noticeable in the landscape on the Luxembourgish side (right), the traditional industry has been saved as a memory of the past (left).

Travaux d'une liaison piéton/cycle Micheville-Belval  
**Programme INTERREG « ABACTIV! Alzette-Belval à pied et à vélo I »**

Lot 1 : marché travaux Voirie et GC réseaux secs - Groupement EUROVIA Florange-EUROVIA Briey-MULLER TP  
 Lot 2 : marché travaux Eclairage public - SNC INEO Réseaux Est

Coût total prévisionnel du projet : 2 549 728 euros  
 Montant FEDER prévisionnel : 1 069 837 euros

**PARTENAIRES FINANCIERS**

Interreg Grande Région | Großregion  
 EUROPEAN UNION  
 GOUVERNEMENT  
 République Française  
 Agence de l'Eau

Maitre d'Ouvrage	EPA ALZETTE BELVAL 390 Rue du Laboratoire 57390 Audun-le-Tiche	Alzette Belval
Maitre d'œuvre	ERA INGENIEURS CONSEIL 1 Rue Claude Chappe 57070 Metz	ERA
Coordinateur du projet	GECT ALZETTE BELVAL 390 rue du Laboratoire 57390 Audun-le-Tiche	ALZETTE BELVAL
Coordonnateur SPS	APAVE ALSACIENNE SAS - METZ 8 rue Simon Laplace 57075 Metz Cedex 3	apave
Entreprises de travaux lot 1	EUROVIA Alsace-Lorraine Voie romaine 57140 Woippy MULLER TP Domaine de Sabré 57420 Coin-lès-Cuvry	EUROVIA MULLER TP
Entreprise de travaux lot 2	SNC INEO Réseaux Est ZAD de Chanteheux 9 rue B. Palissy 54304 Lunéville Cedex	INEO

**SIVOM de l'Alzette**

Travaux de création d'un bassin de pollution de 1450 m<sup>3</sup> à  
**VILLERUPT : 3 326 166.01 € HT**

**PARTENAIRES FINANCIERS :**

Interreg Grande Région | Großregion  
 EUROPEAN UNION  
 GOUVERNEMENT  
 République Française  
 Agence de l'Eau

Financé par

Maitre d'Ouvrage :	SIVOM De L'Alzette « Station d'Épuration » - Rue de la Gare - BP 23 57390 AUDUN-LE-TICHE Tél : 03 82 52 19 19	SIVOM de l'Alzette
Maitre d'œuvre :	MP2i Conseil Siège social : Agence « messine » : 1, place des Tricoteries - 54230 Chaligny Tél : 03.83.27.63.72 contact@mp2i-conseil.fr	mp2i conseil OPOIBI
CSPS :	ICL 2 la Tannerie 57057 SAINT JULIEN Les METZ Tél : 03 87 37 30 60	I.C.L.
Entreprises de travaux :	NGE GC Domaine de Sabré - 57420 COIN LES CUVRY Tél : 03 87 57 13 00  NGE FONDATIONS Agence de Nanterre - Bâtiment C - Le Narval 27 rue des Hautes Pâtures - 92737 NANTERRE Tél : 01 42 42 21 60  SOC Avenue de Pagnot - BP 51 33166 SAINT MEDARD EN JALLES cedex Tél : 05 56 70 10 80  ER3i 1bis rue de l'Ornain - 54520 LAXOU Tél : 03 83 97 02 82  MULLER TP - Agence de l'Orne ZAC Belle Fontaine - Rue de la Promenade 57780 ROSSELANGE Tél : +03 87 57 13 00.	NGE GC NGE FONDATIONS SOC ER3i MULLER TP

Europe is active on its internal borders in general and in the EGTC Grande Région in particular through the INTERREG programme.

Overview of Villerupt, a French village bordering Luxemburg. The past is present in the landscape as well as signs of lesser wealth although many signs of new development are to be noticed in the roundabouts.



## **c) description of the addressed obstacle:**

### **i) benefits and pensions**

The question at stake encompasses both the situation of benefits linked with incapacity/handicap/disability in general, in the sense that it is not related to work but to ordinary life, and pensions for invalidity linked with the aptitude or inaptitude for work. Nevertheless all the reported situations stemmed from an initial working situation, either in France or in Luxemburg, and therefore the first and main question to be solved is the coordination between decisions concerning the relation between handicap/disability and work

### **ii) wording and vocabulary: incapacity, handicap, disability, invalidity...**

Because of translation from French to English, because of different cultures and approaches of handicap and invalidity, because of differences between national legislations, and even due to discrepancies between wordings inside national legislation, the reader should be very careful with the meaning of words used in this area. In the present report, we decided to use the word invalidity for situations where the capacity or aptitude to working is concerned, and handicap or disability for situations where benefits or other supporting/correcting measures are foreseen independently of working situations. The word incapacity will be used in general for any kind or level of incapacity, should it be related to working situations or employment or not.

### **iii) Uncertainty about the position of Luxemburghish and French administrations.**

Unfortunately, it was impossible to reach neither the Luxemburgish administration (no answer from the suggested contact person) nor the French administration at the central level (division of international affairs at the directorate of social security: in this case it seems to be a rule). As a consequence, the conclusions and proposals are mainly based on table work provided the administrative doctrine and work is unknown. On the other hand, the contact with the CPAM 67<sup>6</sup> was particularly fruitful, the head of the service being widely cooperative and eager to contribute to the improvement of the administrative effectiveness and equity in Europe.

### **iv) Main situations described.**

The described cases refer to three kinds of situations: decision to grant, level of incapacity, level of financial or material equity compensation, and in each of the situations or so a discrepancy between the French and Luxemburgish situations.

#### Sample case 1: excessive difference between an invalidity pension in Luxemburg and in France

In such a case, a person is granted a pension of several hundreds or thousand euros in Luxemburg, but when he or she moves to France, the newly calculated pension is insignificant.

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<sup>6</sup> Caisse Primaire d'Assurance Maladie from the Haut-Rhin (67), collects and manages since 2018 all the requests for invalidity pensions from French residents of the region Grand Est with a mixed French and foreign working experience.

### Sample case 2: invalidity granted in Luxemburg but not in France.

A person is granted invalidity in Luxemburg and receives a significant pension of 1000 or even 2000 euros, but is not considered as invalid by the French physician advisor. (the said physician explaining, reportedly, that the level of pension granted by the Luxemburg is already high and that as a consequence there is no need of an additional pension in France). As a consequence the said person is supposed to work in France, but if doing so this will have a negative consequence on the pension delivered by Luxemburg.

### Sample case 3: invalidity granted in France but not in Luxemburg.

A person is considered as invalid at the maximum level in France (level 3) but is considered as being able to work in Luxemburg. Which can even appear to be shocking in extreme situations: example of a person being so ill and disabled<sup>7</sup> that the French physician warns that if she ever goes back to work she will drastically reduce her life expectation, but being refused the invalidity status and pension in Luxemburg.

## **v) Basic features of the legislative and administrative organisation in both systems.**

Both systems rely on the difference between invalidity pensions, aiming at compensating incapacity at work, and disability of handicap benefits, aiming at compensating any kind of incapacity, regardless of employment. Both systems rely on a double compliance relying on the medical evaluation and the administrative compliance checking.

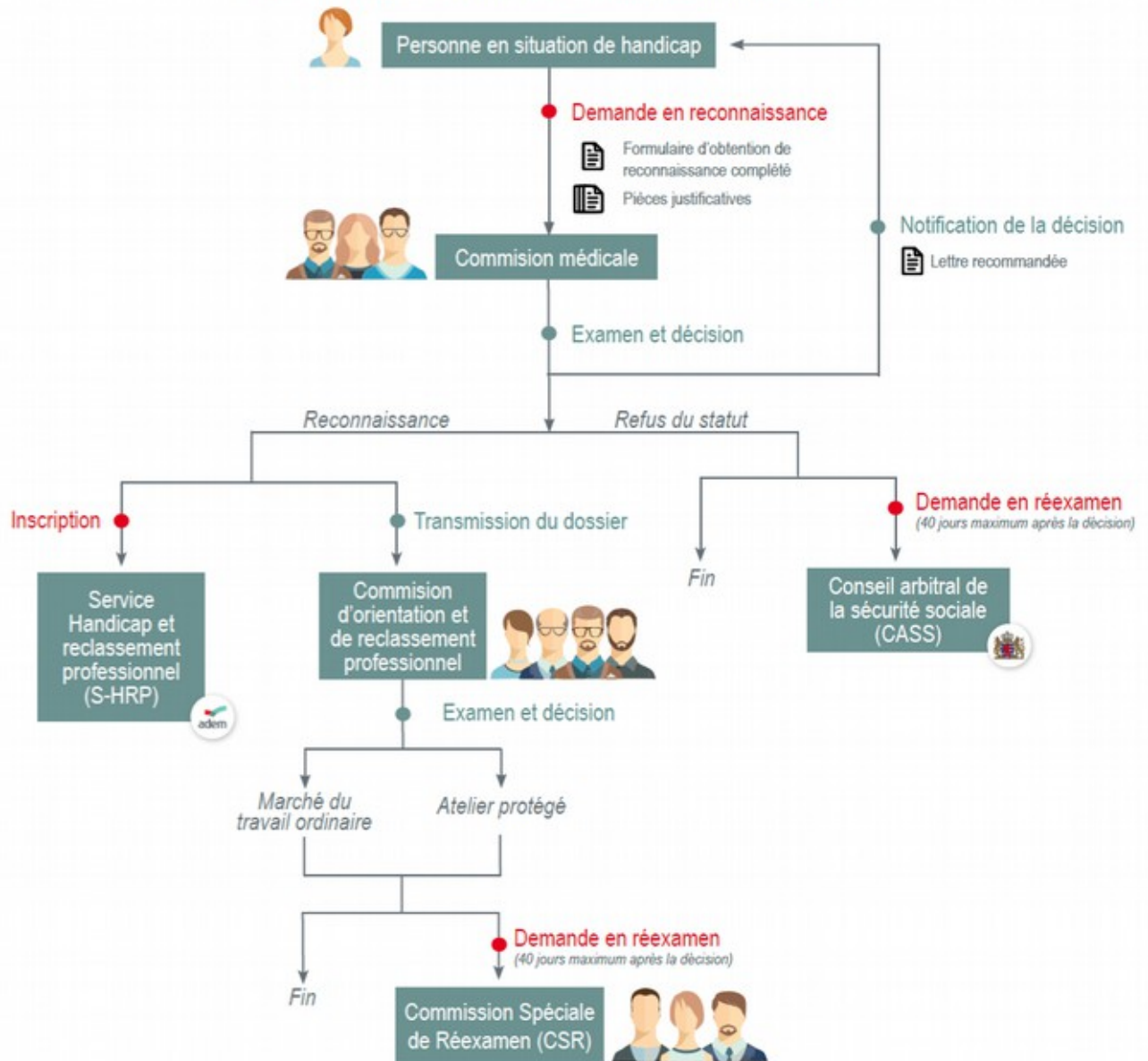
**In Luxemburg**, invalidity or incapacity is acknowledged when the dimitution of capacity exceeds 30%. On the administrative side, people claiming for a pension should have their residence or domicile in Luxemburg.

The level of pensions (RSH standing for “Revenus pour salariés handicapés”) is based on the minimum living income (REVIS) with an additional sum per family, the total amount or RPGH (“revenu pour personne gravement handicapée”) being presently 1675 euros per month. The detailed scheme of the procedure is illustrated as follows:

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<sup>7</sup> Extreme example of a woman suffering from throat cancer, breast cancer, liver metastases, blood infection in completely amorphous left arm, + other pathologies. Classified level 3 disability pension in France (max). In Lux not recognized as invalid, placed on reclassification system. - i.e. job seeker - while she was waiting for a disability pension and the French doctor told her she would die if she worked again. On the French side, for around ten years of activity she received a disability pension of around a hundred euros.

## DEMANDER LE STATUT DE SALARIÉ HANDICAPÉ



When granted a pension for invalidity, the beneficiary can add other professional income up to the third of the social minimum salary per year i.e. 857 euros per month (according to the CNAP<sup>8</sup>) or up to 30% of the RPGH (upper mentioned), i.e. 502,75 euros per month, according to other sources<sup>9</sup>. When the limit is passed, the pension is subsequently reduced or suppressed.

8 Caisse nationale d'assurance pension

9 <https://ec.europa.eu/social/main.jsp?catId=1120&intPageId=4686&langId=fr> consulté le 3 /12/2023

**In France**, invalidity is based on the distribution between three situations : category 1, incapacity with still a possibility of working under certain conditions, category 2, complete incapacity, and category 3, complete incapacity with a need of additional help for daily life.

The pension is based on a rate corresponding to the above mentioned category applied to the 10 best years of salary, taking into account a minimum (presently 312 euros) and a maximum (presently 1833 euros). Persons included in the category 3 receive an additional 1211 euros for a third person.

Besides the pension for invalidity, a benefit named “AAH” (allocation for handicapped adult ) can be attributed by the departments to adults with an incapacity of 80% and over. The amount depends on the overall income and is up to a monthly 971 euros.

### **III Description of possible solution(s):**

As mentioned in the executive summary, four main ways of solving the question could be identified so far, given the fact that they can be pursued alternatively or simultaneously.

#### **1/ changes of the annex VII of the EU regulation no 883/2004 through either administrative coordination or political regulatory decision**

As described in the sample cases above, the main difficulties arise from the difference in medical or administrative evaluation of the invalidity. The EU regulation 883/2004 has tried to address the question and stated, in its chapter 4: “Invalidity benefits”, and in the given case especially in the article 46: “A decision taken by an institution of a Member State concerning the degree of invalidity of a claimant shall be binding on the institution of any other Member State concerned, provided that the concordance between the legislation of these Member States on conditions relating to the degree of invalidity is acknowledged in Annex VII.”

Under this binding rule, the question is that of the “concordance” between legislation as reflected in the annex VII. In the first version of the regulation 883/2004, the concordance was admitted in most cases between France and Luxembourg, with a condition of reviewing the question because of a new law then recently adopted in Luxembourg (Law of 12 September 2003 and regulation dated 7 October 2004):

“Entries concerning concordance between Luxembourg and France or Belgium will be the subject of technical re-examination taking account of the changes which have been made to national legislation in Luxembourg.”

Since the regulation was updated (unknown date), any kind of concordance has disappeared from the annex VII and beneficiaries are now, as can be seen in the given sample cases, helpless in the face of discretionary, sometimes arbitrary or absurd and at least contradictory decisions of the respective administrative organs of France and Luxembourg.

There are two ways for changing this regulation: either through a simple administrative procedure foreseen in the title IV of the said regulation (“administrative commission and advisory committee”), and in particular the article 72 a) giving the commission the power to interpret the provisions of the regulation. Or through a political decision, at a higher level, to re-examine the content of the table in the ANNEX VII or to change the wording of the article 46 in the sense of a better coordination of national legislations.

## **2/ adaptation of national respective legislation or administrative doctrine**

A smoother solution would be a change of doctrine and practice in the behaviour or decision grid of the medical and administrative organs both in France and Luxemburg. It needs at least a real involvement from the central administrations in both countries. This is realistic but unlikely to occur without a political and/or administrative impulse from the higher level in the respective governments or administrations, if considering that it has been already impossible to interview the representatives of the said organs in the framework of the present assignment. From a concrete point of view, this solution would consist of issuing a general guide or a circular with a new methodology to be applied taking into account the described above sample cases.

## **3/ bilateral agreement based on the example of the 1997 Luxembourgish/portugal agreement**

Another way of solving the case would consist of copying and paste a bilateral agreement between Luxemburg and Portugal, that has been signed in march 1997<sup>10</sup>. The regulation 883 specifies that it is still in force, regardless of the changes occurred in the Luxembourgish legislation deemed to be examined in the case of France and Belgium. This sounds like an evidence that the question of concordance is only a justification and that the solution lies in a political or administrative decision.

## **4/ court and trial procedures based on CEDH and/or EU Chart of fundamental rights**

The last, but not least way of obtaining more common sense in the decisions concerning invalidity pensions would consist of arrainging the administrations to the national and if needed to the european courts on the bases of the principles of equity and prohibition of discrimination. Both these principles are foreseen in a way or another in the national legislation of Luxemburg as well as France. The EU chart of fundamental rights can be a basis for governmental adresses in case of need (articles 1, 15, 21, 26 in particular), and the involved citizens could as well address the European court of human rights (CEDH) on the basis of art. 14 and Protocole n° 12, art. 1 (discrimination).

In the case of court and trial procedures, the administrative, juridical and financial support and involvement of CRD Eures Frontaliers Grand Est would make sense, either in organising a collective action or in supporting individual adresses.

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**IV list legal provisions relevant to the case : cf annex 3**

**V Other relevant aspects to this case if relevant: none**

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<sup>10</sup> Accord du 10 mars 1997 (sur la reconnaissance par les institutions d'une partie contractante des décisions prises par les institutions de l'autre partie contractante au sujet de l'état d'invalidité des demandeurs de pension).

## **VI References and Appendix/Appendices**

list of attached documents:

- 1 Terms of reference (description of the obstacle)
- 2 list of interviews
- 3 legal references
- 4 statistics of requests for invalidity pensions based on international working stage
- 5 glossary

## **annex 2: interviews and meetings**

DAUER Julien, directeur CRD Frontaliers Grand Est

GUILLOTIN Véronique sénateur Fr, région Grand Est Fr et Grande Région [Fr Lux De Be]

FLESCHHUT Sabine CPAM 67 responsable division internationale invalidité Grand Est

PRADIER Eddie expert in charge of analysing the case for Germany and Switzerland

WILSON Petra expert in charge of analysing the case for Belgium

## annex 3: legal references

(nota: EU = European Union Fr = France or French – Lux = Luxemburg or Luxembourgish)

### A/ main legal references

#### **1950/11/04 Convention de sauvegarde des droits de l'homme et des libertés fondamentales (CEDH) art. 14 and Protocole n° 12, art. 1er (discrimination) / Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocol No. 15 \* as from its entry into force on 1 August 2021**

publication reference : not available.

1: article 14 :

« Done at Rome this 4th day of November 1950, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatories. »

2 : protocole nb 12 :

#### **Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms Rome, 4.XI.2000**

« Done at Rome, this 4th day of November 2000, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe. »

entered into force in Luxemburg 1/07/2006

not signed by France.

#### **1957- 2009 EU Treaty on the Functioning of the European Union articles 19 and 168, paragraph 2**

publication reference: *Official Journal C 326 , 26/10/2012 P. 0001 - 0390*

#### **1971 EU regulation (CEE) no 1408/71 coordination of social security in Europe**

publication reference:

Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community

OJ	L	149,	5.7.1971,	p.	2-50	(DE,	FR,	IT,	NL)		
Danish	special	edition:	Series	I	Volume	1971(II)	P.	366	-	408	
English	special	edition:	Series	I	Volume	1971(II)	P.	416	-	463	
Greek	special	edition:	Chapter	05	Volume	001	P.	73	-	119	
Spanish	special	edition:	Chapter	05	Volume	001	P.	98	-	146	
Portuguese	special	edition:	Chapter	05	Volume	001	P.	98	-	146	
Special	edition	in	Finnish:	Chapter	05	Volume	001	P.	57	-	105
Special	edition	in	Swedish:	Chapter	05	Volume	001	P.	57	-	105
Special	edition	in	Czech:	Chapter	05	Volume	001	P.	35	-	82
Special	edition	in	Estonian:	Chapter	05	Volume	001	P.	35	-	82
Special	edition	in	Latvian:	Chapter	05	Volume	001	P.	35	-	82
Special	edition	in	Lithuanian:	Chapter	05	Volume	001	P.	35	-	82
Special	edition	in	Hungarian	Chapter	05	Volume	001	P.	35	-	82
Special	edition	in	Maltese:	Chapter	05	Volume	001	P.	35	-	82
Special	edition	in	Polish:	Chapter	05	Volume	001	P.	35	-	82
Special	edition	in	Slovak:	Chapter	05	Volume	001	P.	35	-	82
Special	edition	in	Slovene:	Chapter	05	Volume	001	P.	35	-	82
Special	edition	in	Bulgarian:	Chapter	05	Volume	001	P.	26	-	73
Special	edition	in	Romanian:	Chapter	05	Volume	001	P.	26	-	73

Special edition in Croatian: Chapter 05 Volume 005 P. 7 - 54

● In force: This act has been changed. Current consolidated version: [01/05/2010](#)

ELI: <http://data.europa.eu/eli/reg/1971/1408/oj>



## 2000/11/27 EU Council Directive 2000/78/CE of 27 November 2000 establishing a general framework for equal treatment, employment and occupation

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

OJ	L	303,	2.12.2000,	p.	16–22	(ES,	DA,	DE,	EL,	EN,	FR,	IT,	NL,	PT,	FI,	SV)
Special	edition	in	Czech:	Chapter	05	Volume	004	P.	79	-	85					
Special	edition	in	Estonian:	Chapter	05	Volume	004	P.	79	-	85					
Special	edition	in	Latvian:	Chapter	05	Volume	004	P.	79	-	85					
Special	edition	in	Lithuanian:	Chapter	05	Volume	004	P.	79	-	85					
Special	edition	in	Hungarian	Chapter	05	Volume	004	P.	79	-	85					
Special	edition	in	Maltese:	Chapter	05	Volume	004	P.	79	-	85					
Special	edition	in	Polish:	Chapter	05	Volume	004	P.	79	-	85					
Special	edition	in	Slovak:	Chapter	05	Volume	004	P.	79	-	85					
Special	edition	in	Slovene:	Chapter	05	Volume	004	P.	79	-	85					
Special	edition	in	Bulgarian:	Chapter	05	Volume	006	P.	7	-	13					
Special	edition	in	Romanian:	Chapter	05	Volume	006	P.	7	-	13					

Special edition in Croatian: Chapter 05 Volume 001 P. 69 - 75

● In force

ELI: <http://data.europa.eu/eli/dir/2000/78/oj>

Expand all Collapse all

## 2000/12/7 Charter of fundamental rights of the EU. Art 1, 15, 21, 26

Charter of Fundamental Rights of the European Union

OJ C 326, 26.10.2012, p. 391–407 (BG, ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV)

OJ C 326, 26.10.2012, p. 391–407 (GA)

● In force

ELI: [http://data.europa.eu/eli/treaty/char\\_2012/oj](http://data.europa.eu/eli/treaty/char_2012/oj)

## 2004 EU regulation (CE) no 883/2004 coordination of social security in Europe

“Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland)”

**publication reference:**

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OJ	L	166,	30.4.2004,	p.	1–123	(ES,	DA,	DE,	EL,	EN,	FR,	IT,	NL,	PT,	FI,	SV)
Special	edition	in	Czech:	Chapter	05	Volume	005	P.	72	-	116					
Special	edition	in	Estonian:	Chapter	05	Volume	005	P.	72	-	116					
Special	edition	in	Latvian:	Chapter	05	Volume	005	P.	72	-	116					
Special	edition	in	Lithuanian:	Chapter	05	Volume	005	P.	72	-	116					
Special	edition	in	Hungarian	Chapter	05	Volume	005	P.	72	-	116					
Special	edition	in	Maltese:	Chapter	05	Volume	005	P.	72	-	116					
Special	edition	in	Polish:	Chapter	05	Volume	005	P.	72	-	116					
Special	edition	in	Slovak:	Chapter	05	Volume	005	P.	72	-	116					
Special	edition	in	Slovene:	Chapter	05	Volume	005	P.	72	-	116					
Special	edition	in	Bulgarian:	Chapter	05	Volume	007	P.	82	-	126					
Special	edition	in	Romanian:	Chapter	05	Volume	007	P.	82	-	126					

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ELI: <http://data.europa.eu/eli/reg/2004/883/oj>

**2004/06/07 Corrigendum to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004)**

Regulation (EC) No [883/2004](#) of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, pp. 1–123). Text republished in [corrigendum](#) (OJ L 200, 7.6.2004, pp. 1–49).

**2005 EU Directive 2005/36/EC on the recognition of professional qualifications**

**Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (Text with EEA relevance)**

OJ L 255, 30.9.2005, p. 22–142 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, SK, SL, FI, SV)  
Special edition in Bulgarian: Chapter 05 Volume 008 P. 3 - 123  
Special edition in Romanian: Chapter 05 Volume 008 P. 3 - 123  
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ELI: <http://data.europa.eu/eli/dir/2005/36/oj>

**2009 EU Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems**

“Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland)”

**publication reference:**

OJ L 284, 30.10.2009, p. 1–42 (BG, ES, CS, DA, DE, ET, EL, EN, FR, GA, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV)  
Special edition in Croatian: Chapter 05 Volume 002 P. 171 - 212

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ELI: <http://data.europa.eu/eli/reg/2009/987/oj>

Fr Social Security code - [Code de la sécurité sociale](#) :

publication reference:

( created 1958 - [https://www.legifrance.gouv.fr/codes/texte\\_lc/LEGITEXT000006073189/2024-01-02/](https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006073189/2024-01-02/) - Dernière mise à jour des données de ce code : 01 janvier 2024 )

[articles L821-1 à L821-8](#) Conditions d'attribution AAH

[articles R821-1 à R821-9](#) Conditions d'attribution

[articles D821-1 à D821-11](#) Précisions sur le taux d'incapacité

[article D821-9](#) Abattements

[articles R821-1 à R821- 9](#) Cumul revenus d'activité et AAH en milieu ordinaire

[article D821-5](#) Cumul revenus d'activité et AAH en Ésat

[article R5213-76](#) Rémunération en Ésat

Fr [Code de l'action sociale et des familles](#) :

[article R241-3 3](#) Instruction de la demande

[articles R243-5 à R243-10](#) Rémunération en Ésat

[annexe 2- 4](#) Guide-barème pour l'évaluation des déficiences et incapacités des personnes handicapées

**Fr Réponse ministérielle du 19 novembre 2019 relative à l'allocation aux adultes handicapés (AAH) et aux revenus d'activités**

Question publiée au JO le : **05/03/2019** page : [2041](#)

Réponse publiée au JO le : **19/11/2019** page : [10168](#)

Date de signalement: **08/10/2019**

**Fr Réponse ministérielle du 28 octobre 2019 à l'allocation aux adultes handicapés (AAH) et le revenu universel d'activité (RUA)**

Publiée dans le JO Sénat du 28/11/2019 - page 5943

**Fr code du travail**

Dernière mise à jour des données de ce code : 01 janvier 2024

[articles L5213-1 et L5213-2-1](#) Reconnaissance de la qualité de travailleur handicapé

[articles L5213-3 à L5213-5](#) Formation des travailleurs handicapés

[articles L5213-10 à L5213-12](#) Aides financières

[articles R5213-1 à R5213-8](#) Orientation et placement des travailleurs handicapés

**Lux Social Security code**

**publication reference:** *Loi du 12 août 2022 modifiant : 1° le Code de la sécurité sociale ; 2° la loi modifiée du 15 décembre 1993 déterminant le cadre du personnel des administrations, des services et des juridictions de la sécurité sociale ; 3° la loi modifiée du 28 juillet 2000 ayant pour objet la coordination des régimes légaux de pension. (Mémorial A-2022-472 du 28.08.2022 ; art. 9)*

Lux [Loi du 12 septembre 2003 relative aux personnes handicapées \(Version consolidée du 10.07.2023\)](#)

([Mém. A - 144 du 29 septembre 2003](#), p. 2938; doc. parl. [4827](#))

modifiée par:

[Loi du 28 novembre 2006](#)

([Mém. A - 207 du 6 décembre 2006](#), p. 3584; doc. parl. [5518](#); [Dir. 2000/43/CE](#) et [2000/78/CE](#))

[Loi du 16 décembre 2011](#).

([Mém. A - 272 du 27 décembre 2011](#), p. 4880; doc. parl. [6161](#))

Lux [Règlement grand-ducal du 7 octobre 2004 portant exécution de la loi du 12 septembre 2003 relative aux personnes handicapées \(Version consolidée au 01.01.2019\)](#)

publication reference : MémorialA167

**B/ other applicable legislation:**

**1995/2002** directive 95/46/CE et la directive 2002/58/ CE du Parlement européen et du Conseil du 12 juillet 2002 concernant le traitement des données à caractère personnel et la protection de la vie privée dans le secteur des communications électroniques

**Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data**

OJ	L	281,	23.11.1995,	p.	31–50	(ES,	DA,	DE,	EL,	EN,	FR,	IT,	NL,	PT,	FI,	SV)
Special	edition	in	Czech:	Chapter	13	Volume	015	P.	355	-	374					
Special	edition	in	Estonian:	Chapter	13	Volume	015	P.	355	-	374					
Special	edition	in	Latvian:	Chapter	13	Volume	015	P.	355	-	374					
Special	edition	in	Lithuanian:	Chapter	13	Volume	015	P.	355	-	374					
Special	edition	in	Hungarian	Chapter	13	Volume	015	P.	355	-	374					
Special	edition	in	Maltese:	Chapter	13	Volume	015	P.	355	-	374					
Special	edition	in	Polish:	Chapter	13	Volume	015	P.	355	-	374					
Special	edition	in	Slovak:	Chapter	13	Volume	015	P.	355	-	374					
Special	edition	in	Slovene:	Chapter	13	Volume	015	P.	355	-	374					
Special	edition	in	Bulgarian:	Chapter	13	Volume	017	P.	10	-	29					
Special	edition	in	Romanian:	Chapter	13	Volume	017	P.	10	-	29					

Special edition in Croatian: Chapter 13 Volume 007 P. 88 - 107

● No longer in force, Date of end of validity: 24/05/2018; Repealed by [32016R0679](#). Latest consolidated version: [20/11/2003](#)

ELI: <http://data.europa.eu/eli/dir/1995/46/oj>

**Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications)**

OJ L 201,	31.7.2002,	p. 37–47	(ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV)
Special edition in Czech:	Chapter 13	Volume 029	P. 514 - 524
Special edition in Estonian:	Chapter 13	Volume 029	P. 514 - 524
Special edition in Latvian:	Chapter 13	Volume 029	P. 514 - 524
Special edition in Lithuanian:	Chapter 13	Volume 029	P. 514 - 524
Special edition in Hungarian	Chapter 13	Volume 029	P. 514 - 524
Special edition in Maltese:	Chapter 13	Volume 029	P. 514 - 524
Special edition in Polish:	Chapter 13	Volume 029	P. 514 - 524
Special edition in Slovak:	Chapter 13	Volume 029	P. 514 - 524
Special edition in Slovene:	Chapter 13	Volume 029	P. 514 - 524
Special edition in Bulgarian:	Chapter 13	Volume 036	P. 63 - 73
Special edition in Romanian:	Chapter 13	Volume 036	P. 63 - 73

Special edition in Croatian: Chapter 13 Volume 052 P. 111 - 121

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ELI: <http://data.europa.eu/eli/dir/2002/58/oj>

**1999 décision 1999/468/CE du Conseil du 28 juin 1999 fixant les modalités de l'exercice des compétences d'exécution conférées à la Commission**

1999/468/EC: Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission

*Official Journal L 184 , 17/07/1999 P. 0023 - 0026*

**2008 règlement (CE) no 1338/2008 du Parlement européen et du Conseil du 16 décembre 2008 relatif aux statistiques communautaires de la santé publique et de la santé et de la sécurité au travail**

**Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work (Text with EEA relevance)**

OJ L 354, 31.12.2008, p. 70–81 (BG, ES, CS, DA, DE, ET, EL, EN, FR, GA, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV)  
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ELI: <http://data.europa.eu/eli/reg/2008/1338/oj>

## annex 5: Glossary

**AAH:** allocation d'adulte handicapé (France)

**ADEM:** agence pour l'emploi (Luxemburg)

**CEDH:** European court and/or convention of human rights

**CNS:** Luxembourg National Health Fund (caisse nationale de santé)

**CNSS:** France – Caisse nationale de sécurité sociale

**CPAM:** French administration in charge of social security affiliation and reimbursement (caisse primaire d'assurance maladie). The CPAM 67 (Haut-Rhin) is responsible for all the files and cases linked with international working experience for residents of the region Grand Est.

**frontier worker:** according to the regulation 2004/883 on social security coordination, a frontier worker means any person pursuing an activity as an employed or self-employed person in a Member State and who resides in another Member State to which he returns as a rule daily or at least once a week;

**RQTH:** reconnaissance de la qualité de travailleur handicapé (France)

**REVIS:** revenu social d'insertion (Luxemburg)

**RPGH:** revenu des personnes gravement handicapées (Luxemburg)

**RSH** standing for “Revenus pour salariés handicapés” (Luxemburg)