

Social Services of General Interest

Ministry of Social Security

Field 1 –Legal Issues

1. Have you had any experiences in complying with Community law?

In the matter of long term care, Luxembourg has only had experiences with the regulation 1408/71 (14th of June 1971).

2. Have you identified any constraints current or possibly up-coming, in the application of Community law with regard to long-term care and of what kind? At which level?
 - questions or problems concerning service providers from abroad.
 - access on services and benefits for covered people living abroad.

3. Has Community law been helpful to you in modernizing the sector?

In Luxembourg, other than the regulation 1408/71, Community law hasn't had any impact on the legislation concerning this sector.

Field 2 –Characteristics

- like social services in other countries, the Luxemburgish ones are also based upon the solidarity principle: this means that the needs of the individuals are considered without regard to the social class, resources or contributions made.
- the social services guarantee that the allowances served are not made dependant on a person's income. They also guarantee that each worker gets a replacement for his/her salary in case of incapacity. Thirdly, there exists a means-tested social assistance that guarantees that everybody can benefit from allowances even when these persons don't benefit from the principal social services or are not entirely reimbursed by these principal services.
- in Luxembourg, social services are non profit.
- the Luxembourgish long term care insurance establishes that dependant persons with an incapacity who choose to stay at home rather than to live in a specialized institution, can benefit from monetary allowances in replacement of professional services in order to be attended to by a person of his personal entourage (aid of a "third person"). This replacement for a monetary allowance however is only granted for a maximum of 7 hours per

week (art. 354 CAS). For the handicapped persons who live in specialized institutions, these special monetary allowances to pay for the aid of a "third person" are excluded.

- the State finances allowances for certain groups of persons, for example children and handicapped persons who do not benefit from social protection as a family member or who do not have other social insurance. There is no direct link between contributions paid and benefits received. To realize this, there is a need to pool the financial resources which is done by the social insurance.

Field 3 – Background information

Concerning this point, some papers have been sent earlier.