

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (82) 823 final

Brussels, 23 December 1982

Proposal for a COUNCIL REGULATION (EEC) amending and updating Regulation (EEC) No 1408/71 of the Council on the application of social security schemes to employed persons, to self-employed persons and to their families moving within the Community and also amending and updating Regulation (EEC) No 574/72 of the Council laying down the procedure for implementing Regulation (EEC) No 1408/71

(Submitted to the Council by the Commission)

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COUNCIL REGULATION (EEC)

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on the application of social security schemes to employed persons,
to self-employed persons and to their families moving within the Community
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EXPLANATORY MEMORANDUM

of a proposal for a Council Regulation amending and updating Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to their families moving within the Community and Regulation (EEC) No. 574/72 laying down the procedure for implementing Regulation (EEC) No. 1408/71.

The Community Regulations on social security No. 1408/71 (1) and No. 574/72 (2) were adopted by the Council in 1971 and 1972 respectively. Since their adoption the Regulations have been the object of several amendments. The experience gained from the implementation of the Regulations over the decade during which they have been operating led to a number of amendments designed to improve the Regulations. Other amendments resulted from changes in Member States' social security legislations, whilst others were in the nature of adaptations made necessary by the accession of new Member States. The most significant amendment was the extension of the application of the Regulations, previously limited to employed persons, to self-employed persons and their families moving within the Community. This extension was effected by Regulations Nos. 1390/81 (3) and 3795/81 (4) which came into force on 1.7.1982.

1. The principal aim of the proposal is to make certain adjustments to Regulations No. 1408/71 and No. 574/72.

On 12.5.1981, the Council adopted Regulation No. 1390/81 extending Regulation No. 1408/71 to self-employed persons. This Regulation came into force only on 1.7.1982. In the meantime, Council Regulation No. 2793/81 was adopted which came into force on 29.9.81. This last Regulation amended the text of Regulation No. 1408/71 as it stood at that date without taking account of the amendments ensuing from the extension to self-employed persons. This resulted in certain inconsistencies and lacunae in the texts applicable from 1.7.1982.

It is thus necessary to make the following adjustments:

- (1) JO No. L 149 of 5.7.1971, p. 2
- (2) JO No. L 74 of 27.3.1972, p. 1
- (3) JO No. L 143 of 29.5.1981, p. 1
- (4) JO No. L 378 of 31.12.1981, p. 1

- to make the technical adjustments required by the fact that Regulation No. 1390/81 added a new annex to Regulation No. 1408/71 and consequently the other annexes were renumbered;
- to specify whether the amendments made by Regulation No. 2793/81 to Regulation No. 1408/71 apply or not to self-employed persons. Thus Article 1 par. 2 (1) of Regulation No. 2793/81 should not apply to these persons, whereas Article 1 par. 6(b), second indent (2) and par. 6 (g) second indent (3) of Regulation No. 2793/81 should apply to them.

It is further necessary to make certain technical clarifications to Annex 2, section C, par. 1 and Annex 10, section C, par. 3 and 4 of Regulation No. 574/72 which were omitted in Regulation No. 3795/81 extending the former to self-employed persons.

2. Another aim of the proposal is to collect in a single authoritative and updated text all the existing regulations on social security.

It is recalled that a first updated text of the Regulations was drawn up in 1980 (OJ C 138 9.6.1980). This text included in a single body all the existing Regulations in their current form at that time. The updating was made in a non binding fashion and whilst it achieved certain clarity, nevertheless it did not alleviate the necessity for examining the authentic legislative texts of the various separate Regulations as they were adopted from time to time. Moreover, in the meantime further amendments have been made to the principal Regulations. The updating envisaged for the sake of legal clarity and ease of reference will collect all these Regulations into a single body of Community legislation.

- (1) Article 39 par. 5 of Regulation 1408/71 (codified text)
- (2) Annex V, section B par. 2 and 3 of Regulation 1408/71 (codified text)
- (3) Annex V, section I, par. 5 of Regulation 1408/71 (codified text)

An established precedent can be found in the Common Customs Tariff. In particular, Regulation (EEC) No. 3300/81 (O.J. N. L 335/23.11.81) recently updated the whole of the Common Customs Tariff.

3. The draft retains the form, the numbering and the references of the original Regulations No. 1408/71 and No. 574/72 bearing in mind that the existing forms for the application of the Regulations should continue to correspond to the new updating Regulations. It also retains the current numbering of the principal Regulations, i.e. 1408/71 and 574/72.
4. Furthermore, the proposal is intended to incorporate into the updating text Regulation No. 2474/82 of 17 September 1982 which amended Annex 5 and updated Annexes 1, 4, 5, 6, 7 and 8 to Regulation No. 574/72 (O.J. L 266/15.9.82). This is a Regulation adopted by the Commission in the exercise of the competence conferred upon it by Article 121 of Regulation No. 574/72, but it seems necessary for practical reasons to include these annexes into the single text containing all the provisions of the existing Regulations.
5. Finally, the opportunity is taken to correct minor drafting errors which have occurred in the Italian text of Regulation No. 3795/81. In particular to replace the terms "lavoratori salariati" and "lavoratori non salariati" respectively by the more appropriate terms "lavoratori subordinati" and "lavoratori autonomi".

1. Regulation No 1408/71

This proposal consolidates:

- Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons moving within the Community [OJ No L 149, 5. 7. 1971, p. 2; Danish text: EFT, Specialudgave, 1971 (II), p. 366; English text: OJ Special Edition 1971 (II), p. 416],
- the amendments resulting from the Acts listed in I, and
- the corrigenda listed in II.

I. AMENDING ACTS

1. Act of Accession [OJ No L 73, 27. 3. 1972, p. 14] and Council Decision of the European Communities of 1 January 1973 adjusting the instruments concerning the accession of new Member States to the European Communities [OJ No L 2, 1. 1. 1973, p. 1].
2. Regulation (EEC) No 2864/72 of the Council of 19 December 1972 amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community [OJ No L 306, 31. 12. 1972, p. 1; Danish text: EFT, Specialudgave, 1972 (31 December), p. 12; English text: OJ Special Edition 1972 (31 December), p. 15].
3. Regulation (EEC) No 1392/74 of the Council of 4 June 1974 amending Regulations (EEC) No 1408/71 and (EEC) No 574/72 on the application of social security schemes to employed persons and their families moving within the Community [OJ No L 152, 8. 6. 1974, p. 1].
4. Council Regulation (EEC) No 1209/76 of 30 April 1976 amending Regulations (EEC) No 1408/71 and (EEC) No 574/72 on the application of social security schemes to employed persons and their families moving within the Community [OJ No L 138, 26. 5. 1976, p. 1].
5. Council Regulation (EEC) No 2595/77 of 21 November 1977 amending Regulations (EEC) No 1408/71 and (EEC) No 574/72 on the application of social security schemes to employed persons and their families moving within the Community [OJ No L 302, 26. 11. 1977, p. 1].

6. Council Regulation (EEC) No 1517/79 of 16 July 1979 amending Regulations (EEC) No 1408/71 and (EEC) No 574/72 on the application of social security schemes to employed persons and their families moving within the Community [OJ No L 185, 21. 7. 1979, p. 1].
7. Act of Accession concerning the accession of Greece to the European Communities, of 28 May 1979 (OJ No. L 291, 19 November 1979) (1).
8. Regulation (EEC) No 196/81 of the Council, of 20 January 1981, amending, by virtue of the accession of Greece, Regulations (EEC) No 1408/71 and (EEC) No 574/72 on the application of social security schemes to employed persons and their families moving within the Community (OJ No L 24, 28.1.1981, p. 3) (1).
9. Regulation (EEC) No 1390/81 of the Council, of 12 May 1981 extending to self-employed persons and members of their families Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons and their families moving within the Community (OJ No L143, 29.5.1981, p. 2) (1).
10. Regulation (EEC) No 2793/81 of the Council, of 17 September 1981, amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community and Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71 (OJ No L 275, 29 September 1981, p. 1) (1).

(1) Regulations not included in the consolidation published in the OJEC No C 138, 9 June 1981.

II. CORRIGENDA

Text in several languages

Corrigendum to Regulation (EEC) No 1408/71 (as regards Article 1 (f) of the Regulation)

[Dutch, French, German and Italian texts: OJ No L 128, 15. 5. 1973, p. 22; Danish and English texts: OJ No L 148, 5. 6. 1974, p. 35].

Corrigendum to Regulation (EEC) No 2793/81
(all texts: OJ No L 122, 5.5.1982)

Danish text

First corrigendum to Regulation (EEC) No 1408/71
[Supplement til EFT, Specialudgave 1952-72, December 1973, s. 39].

Second corrigendum to Regulation (EEC) No 1408/71
[EFT nr. L 82 af 27. 3. 1980, s. 1].

Corrigendum to the provisions of Regulation (EEC) No 1408/71 contained in the Act of Accession
[EFT nr. L 82 af 27. 3. 1980, s. 49].

Corrigendum to Regulation (EEC) No 2864/72
[EFT nr. L 82 af 27. 3. 1980, s. 46].

Corrigendum to Regulation (EEC) No 1392/74
[EFT nr. L 82 af 27. 3. 1980, s. 64].

German text

Corrigendum to Regulation (EEC) No 1408/71
[ABl. Nr. L 82 vom 27. 3. 1980, S. 1].

Corrigendum to the provisions of Regulation (EEC) No 1408/71 contained in the Act of Accession
[ABl. Nr. L 82 vom 27. 3. 1980, S. 9].

Corrigendum to Regulation (EEC) No 2864/72
[ABl. Nr. L 82 vom 27. 3. 1980, S. 14].

Corrigendum to Regulation (EEC) No 2595/77
[ABl. Nr. L 82 vom 27. 3. 1980, S. 16].

English text

Corrigendum to Regulation (EEC) No 1408/71
[OJ No L 82, 27. 3. 1980, p. 1].

Corrigendum to the provisions of Regulation (EEC) No 1408/71 contained in the Act of Accession
[OJ No L 82, 27. 3. 1980, p. 13].

Corrigendum to Regulation (EEC) No 2864/72
[OJ No L 82, 27. 3. 1980, p. 49].

Corrigendum to Regulation (EEC) No 1392/74
[OJ No L 82, 27. 3. 1980, p. 57].

French text

Corrigendum to Regulation (EEC) No 1408/71
[JO n° L 82 du 27. 3. 1980, p 1].

Corrigendum to the provisions of Regulation (EEC) No 1408/71 contained in the
Act of Accession
[JO n° L 82 du 27. 3. 1980, p. 3].

Corrigendum to Regulation (EEC) No 2864/72
[JO n° L 82 du 27. 3. 1980, p. 6].

Italian text

Corrigendum to Regulation (EEC) No 1408/71
[GU n. L 82 del 27. 3. 1980, pag. 1].

Corrigendum to the provisions of Regulation (EEC) No 1408/71 contained in the
Act of Accession
[GU n. L 82 del 27. 3. 1980, pag. 3].

Dutch text

Corrigendum to Regulation (EEC) No 1408/71
[PB nr. L 82 van 27. 3. 1980, blz. 1].

Corrigendum to the provisions of Regulation (EEC) No 1408/71 contained in the
Act of Accession
[PB nr. L 82 van 27. 3. 1980, blz. 6].

Corrigendum to Regulation (EEC) No 2864/72
[PB nr. L 82 van 27. 3. 1980, blz. 12].

Corrigendum to Regulation (EEC) No 1209/76
[PB nr. L 82 van 27. 3. 1980, blz. 14].

Corrigendum to Regulation (EEC) No 2595/77
[PB nr. L 82 van 27. 3. 1980, blz. 15].

2. Regulation No 574/72

This proposal consolidates:

- Regulation (EEC) No 574/72 of the Council of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within, the Community [OJ No L 74, 27. 3. 1972, p. 1; Danish text: EFT, Specialudgave, 1972 (I), p. 149; English text: OJ Special Edition, 1972 (I), p. 159],
- the amendments resulting from the Acts listed in I, and II,
- the corrigenda listed in III.

I. AMENDING ACTS OF THE COUNCIL

1. Regulation (EEC) No 2059/72 of the Council of 26 September 1972 supplementing Article 26 and correcting the German text of Article 50 of Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community [OJ No L 222, 29. 9. 1972, p. 18; Danish text: EFT, Specialudgave, 1972 (III), p. 956; English text: OJ Special Edition 1972 (III), p. 1007].
2. Regulation (EEC) No 878/73 of the Council of 26 March 1973 amending Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community [OJ No L 86, 31. 3. 1973, p. 1].
3. Regulation (EEC) No 1392/74 of the Council of 4 June 1974 amending Regulations (EEC) No 1408/71 and (EEC) No 574/72 on the application of social security schemes to employed persons and their families moving within the Community [OJ No L 152, 8. 6. 1974, p. 1].
4. Regulation (EEC) No 2639/74 of the Council of 15 October 1974 amending Article 107 of Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community (OJ No L 283, 19 October 1974, p. 1).
5. Council Regulation (EEC) No 1209/76 of 30 April 1976 amending Regulations (EEC) No 1408/71 and (EEC) No 574/72 on the application of social security schemes to employed persons and their families moving within the Community [OJ No L 138, 26. 5. 1976, p. 1].
6. Council Regulation (EEC) No 2595/77 of 21 November 1977 amending Regulations (EEC) No 1408/71 and (EEC) No 574/72 on the application of social security schemes to employed persons and their families moving within the Community [OJ No L 302, 26. 11. 1977, p. 1].

7. Council Regulation (EEC) No 1517/79 of 16 July 1979 amending Regulations (EEC) No 1408/71 and (EEC) No 574/72 on the application of social security schemes to employed persons and their families moving within the Community [OJ No L 185, 21. 7. 1979, p. 1].
8. Council Regulation (EEC) No 2615/79 of 22 November 1979 amending Article 107 of Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community [OJ No L 301, 28. 11. 1979, p. 5].
9. Act of Accession concerning the accession of Greece to the European Communities, of 28 May 1979 (OJ No 291, 19 November 1979) (1).
10. Regulation (EEC) No 196/81 of the Council of 20 January 1981 amending, by virtue of the accession of Greece, Regulations (EEC) No 1408/71 and (EEC) No 574/72 on the application of social security schemes to employed persons and their families moving within the Community (OJ No L 24, 28 January 1981, p.3) (1).
11. Regulation (EEC) No 2793/81 of the Council of 17 September 1981, amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community and Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71 (OJ No L 275, 29 September 1981, p. 1) (1).
12. Regulation (EEC) No 3795/81 of the Council of 8 December 1981 extending Regulation No 574/72 to self-employed persons and members of their families (OJ No L 378, 31 December 1981, p.1) (1).

II. AMENDING ACTS OF THE COMMISSION

Regulation (EEC) No 2901/80 of the Commission of 10 November 1980 amending annexes 5 and 6 of Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71 (OJ No L 301, 11 November 1980, P.5) (1).

Regulation (EEC) No 3240/80 of the Commission of 15 December 1980 amending annexes 4 and 5 of Regulation (EEC) No 574/72 (OJ No L 341, 16 December 1980) (1).

Regulation (EEC) No 1981/81 of the Commission of 10 July 1981 amending annexes 1, 4, 5 and 8 of Regulation (EEC) No 574/72 (OJ No L 193, 16 July 1981) (1).

Regulation (EEC) No 855/82 of the Commission of 6 April 1981 amending annexes 1, 4, 5 and 6 of Regulation (EEC) No 574/72 (OJ No L 99, 15 April 1982, p. 12) (1).

Regulation (EEC) No 2474/82 of the Commission of 1 September 1982 amending annex 5 and updating annexes 1, 4, 5, 6, 7 and 8 of Regulation (EEC) No 574/72 (OJ No L 266, 15 September 1982) (1).

(1) Regulations not included in the consolidation published in the OJEC No C 138, 9 June 1980.

III. CORRIGENDA

Text in several languages

Corrigendum to Regulation (EEC) No 574/72
[Dutch, German, French and Italian Texts: OJ No L 128, 15. 5. 1973, p. 22;
Danish and English texts: OJ No L 148, 5. 6. 1974, p. 35].

Corrigendum to Regulation (EEC) No 878/73 (as regards Annex 10 to the
Implementing Regulation, point I. UNITED KINGDOM)
[Danish, Dutch, English and Italian texts: OJ No L 204, 25. 7. 1973, p. 38].

Corrigendum to Regulation (EEC) No 2615/79 (all texts:
OJ No L 1, 3.1.1980)

Corrigendum to Regulation (EEC) No 2793/91 (all texts:
OJ No L 122, 5.5.1982).

Danish text

Corrigendum to Regulation (EEC) No 574/72
[EFT nr. L 82 af 27. 3. 1980, s. 16].

Corrigendum to Regulation (EEC) No 2059/72
[EFT nr. L 82 af 27. 3. 1980, s. 45].

Corrigendum to Regulation (EEC) No 878/73
[EFT nr. L 82 af 27. 3. 1980, s. 59].

German text

Corrigendum to Regulation (EEC) No 574/72
[ABl. Nr. L 82 vom 27. 3. 1980, S. 12].

Corrigendum to Regulation (EEC) No 878/73
[ABl. Nr. L 82 vom 27. 3. 1980, S. 15].

English text

Corrigendum to Regulation (EEC) No 574/72
[OJ No L 82, 27. 3. 1980, p. 21].

Corrigendum to Regulation (EEC) No 2059/72
[OJ No L 82, 27. 3. 1980, p. 48].

Corrigendum to Regulation (EEC) No 878/73
[OJ No L 82, 27. 3. 1980, p. 52].

Corrigendum to Regulation (EEC) No 1209/76
[OJ No L 82, 27. 3. 1980, p. 58].

Corrigendum to Regulation (EEC) No 2595/77 (as regards Article 93 (1) of the
Implementing Regulation)
[OJ No L 5, 7. 1. 1978, p. 27].

French text

Corrigendum to Regulation (EEC) No 574/72
[JO n° L 82 du 27. 3. 1980, p. 4].

Italian text

Corrigendum to Regulation (EEC) No 574/72
[GU n. L 82 del 27. 3. 1980, pag. 5].

Corrigendum to Regulation (EEC) No 878/73
[GU n. L 82 del 27. 3. 1980, pag. 8].

Corrigendum to Regulation (EEC) No 1209/76
[GU n. L 82 del 27. 3. 1980, pag. 9].

Dutch text

First corrigendum to Regulation (EEC) No 574/72
[PB nr. L 237 van 25. 8. 1973, blz. 55].

Second corrigendum to Regulation (EEC) No 574/72
[PB nr. L 82 van 27. 3. 1980, blz. 8].

Corrigendum to Regulation (EEC) No 878/73
[PB nr. L 82 van 27. 3. 1980, blz. 13].

PROPOSAL FOR A COUNCIL REGULATION
amending and updating Regulation (EEC) No 1408/71 of the Council
on the application of social security schemes to employed persons,
to self-employed persons and to their families moving within the Community
and also amending and updating Regulation (EEC) No 574/72 of the Council
laying down the procedure for implementing Regulation (EEC) No 1408/71

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 2, 7, 51 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas, Regulation (EEC) No 1390/81 of 12 May 1981¹ extends to self-employed persons and members of their families Regulation (EEC) No 1408/71² on the application of social security schemes to employed persons and their families moving within the Community;

Whereas, Regulation (EEC) No 3795/81 of 8 December 1981³ extends to self-employed persons and members of their families Regulation (EEC) No 574/72⁴ laying down the procedure for implementing Regulation (EEC) No 1408/71;

Whereas, this extension entered into force on 1 July 1982; that between the adoption of Regulation (EEC) No 1390/81 and 1 July 1982 Regulation (EEC) No 2793/81 of 17 September 1981⁵ likewise amends Regulations (EEC) Nos 1408/71 and 574/72;

Whereas, these amendments have been incorporated in the text of Regulation (EEC) No 1408/71 in the version that was valid on the date of the adoption thereof and that consequently no account has been taken of the amendments included in Regulation (EEC) No 1390/81;

¹ OJ No L 143 of 29.5.1981, p. 1.
² OJ No L 149 of 5.7.1971, p. 2.
³ OJ No L 378 of 31.12.1981, p. 1
⁴ OJ No L 74 of 27.3.1972, p. 1.
⁵ OJ No L 275 of 29.9.1981, p. 1.

Whereas, in particular as a consequence of the coming into force of Regulation (EEC) No 1390/81 Regulation (EEC) No 1408/72 contains a new Annex I and that consequently the other annexes have been re-numbered, that account should be taken of this with reference to the amendments made by Regulation (EEC) No 2793/81; that, where necessary, it shall be indicated whether or not these amendments relate to self-employed persons; that such is the case for what is laid down in Article 1(2), (6), (b), second indent, and (6), (g), second indent of the last-mentioned Regulation;

Whereas, in the Italian version of Regulations (EEC) Nos 1408/71 and 574/72 it is more appropriate to use the expression "lavoratori subordinati" rather than "lavoratori salariati" and "lavoratori autonomi" rather than "lavoratori non salariati";

Whereas, consequently it is necessary to make amendments to Regulations Nos 574/72;

Whereas, it is necessary to make amendments to Annex 2, section C, paragraph 1, and to Annex 10, Section C, paragraphs 3-4 of Regulation No 574/72;

Whereas, for purposes of clarity it is necessary to update Regulations (EEC) Nos 1408/71 and 574/72 in their entirety; that for that purpose, not only those sections that were amended as of 1 July 1982 but also those sections that had already been amended and the unchanged sections should be included in one single text;

Whereas, Annexes 1, 4, 5, 6, 7 and 8 of Regulation (EEC) No 574/72 were updated by Regulation (EEC) No 2474/82 of 1 September 1982¹ of the Commission; that these updated annexes should for practical reasons be included together with all the provisions of Regulations (EEC) Nos 1408/71 and 574/72 in one single text to enter into force on 1 July 1982,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1408/71 shall be amended as follows:
the title, the contents and the provisions of the ~~above~~ mentioned Regulation shall be replaced by the text included in Annex I.

¹OJ No L 266 of 15.9.1982, p. 1.

Article 2

Regulation (EEC) No 574/72 shall be amended as follows:
The title, the contents and the provisions of the abovementioned
Regulation shall be replaced by the text included in Annex II.

Article 3

This Regulation shall enter into force on the day of its publication in
an Official Journal of the European Communities. It shall be applicable
with effect from 1 July 1982.

This Regulation shall be binding in its entirety and directly applicable
in all Member States.

Done at Brussels, 1982.

For the Council

The President

ANNEX I

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

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

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Annex III : Provisions of social security conventions remaining applicable notwithstanding Article 6 of the Regulation — Provisions of social security conventions which do not apply to all persons to whom the Regulation applies

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TITLE 1

GENERAL PROVISIONS

Article 1

Definitions

For the purpose of this Regulation:

(a) "employed person" and "self-employed person" mean respectively:

(i) any person who is insured, compulsorily or on an optional continued basis, for one or more of the contingencies covered by the branches of a social security scheme for employed or self-employed persons;

(ii) any person who is compulsorily insured for one or more of the contingencies covered by the branches of social security dealt with in this Regulation, under a social security scheme for all residents or for the whole working population, if such person:

— can be identified as an employed or self-employed person by virtue of the manner in which such scheme is administered or financed, or,

— failing such criteria, is insured for some other contingency specified in Annex I under a scheme for employed or self-employed persons, or under a scheme referred to in (iii), either compulsorily or on an optional continued basis, or, where no such scheme exists in the Member State concerned, complies with the definition given in Annex I;

(iii) any person who is compulsorily insured for several of the contingencies covered by the branches dealt with in this Regulation, under a standard social security scheme for the whole rural population in accordance with the criteria laid down in Annex I;

(iv) any person who is voluntarily insured for one or more of the contingencies covered by the branches dealt with in this Regulation, under a social security scheme of a Member State for employed or self-employed persons or for all residents or for certain categories of residents:

— if such person carries out an activity as an employed or self-employed person, or

— if such person has previously been compulsorily insured for the same contingency under a scheme for employed or self-employed persons of the same Member State;

(b) "frontier worker" means any employed or self-employed person who pursues his occupation in the territory of a Member State and resides in the territory of another Member State to which he returns as a rule daily or at least once a week; however, a frontier worker who is posted elsewhere in the territory of the same or another Member State by the undertaking to which he is normally attached, or who engages in the provision of services elsewhere in the territory of the same or another Member State, shall retain the status of frontier worker for a period not exceeding four months, even if he is prevented, during that period, from returning daily or at least once a week to the place where he resides;

(c) 'seasonal worker' means any employed person who goes to the territory of a Member State other than the one in which he is resident to do work there of a seasonal nature for an undertaking or an employer of that State for a period which may on no account exceed eight months, and who stays in the territory of the said State for the duration of his work; work of a seasonal nature shall be taken to mean work which, being dependent on the succession of the seasons, automatically recurs each year;

(d) 'refugee' shall have the meaning assigned to it in Article 1 of the Convention on the Status of Refugees, signed at Geneva on 28 July 1951;

(e) 'stateless person' shall have the meaning assigned to it in Article 1 of the Convention on the Status of Stateless Persons, signed in New York on 28 September 1954;

(f) "member of the family" means any person defined or recognized as a member of the family or designated as a member of the household by the legislation under which benefits are provided or, in the cases referred to in Article 22 (1) (a) and Article 31, by the legislation of the Member State in whose territory such person resides; where, however, the said legislations regard as a member of the family or a member of the household only a person living under the same roof as the employed or self-employed person, this condition shall be considered satisfied if the person in question is mainly dependent on that person. Where the legislation of a Member State on sickness or maternity benefits in kind does not enable members of the family to be distinguished from the other persons to whom it applies, the expression "member of the family" shall have the meaning given to it in Annex I;

(g) 'survivor' means any person defined or recognized as such by the legislation under which the benefits are granted; where, however, the said legislation regards as a survivor only a person who was living under the same roof as the deceased, this condition shall be considered satisfied if such person was mainly dependent on the deceased;

(h) 'residence' means habitual residence;

(i) 'stay' means temporary residence;

(j) 'legislation' means in respect of each Member State statutes, regulations and other provisions and all other implementing measures, present or future, relating to the branches and schemes of social security covered by Article 4 (1) and (2).

The term excludes provisions of existing or future industrial agreements, whether or not they have been the subject of a decision by the authorities rendering them compulsory or extending their scope. However, in so far as such provisions:

(i) serve to put into effect compulsory insurance imposed by the laws and regulations referred to in the preceding subparagraph; or

(ii) set up a scheme administered by the same institution as that which administers the schemes set up by the laws and regulations referred to in the preceding subparagraph,

the limitation on the term may at any time be lifted by a declaration of the Member State concerned specifying the schemes of such a kind to which this Regulation applies. Such a declaration shall be notified and published in accordance with the provisions of Article 97.

The provisions of the preceding subparagraph shall not have the effect of exempting from the application of this Regulation the schemes to which Regulation No 3 applied;

The term "legislation" also excludes provisions governing special schemes for self-employed persons the creation of which is left to the initiatives of those concerned or which apply only to a part of the territory of the Member State concerned, irrespective of whether or not the authorities decided to make them compulsory or extend their scope. The special schemes in question are specified in Annex II;

(k) 'social security convention' means any bilateral or multilateral instrument which binds or will bind two or more Member States exclusively, and any other multilateral instrument which binds or will bind at least two Member States and one or more other States in the field of social security, for all or part of the branches and schemes set out in Article 4 (1) and (2), together with agreements, of whatever kind, concluded pursuant to the said instruments;

(l) 'competent authority' means, in respect of each Member State, the Minister, Ministers or other equivalent authority responsible for social security schemes throughout or in any part of the territory of the State in question;

(m) 'Administrative Commission' means the Commission referred to in Article 80;

- (n) 'institution' means, in respect of each Member State, the body or authority responsible for administering all or part of the legislation;
- (o) 'competent institution' means:
 - (i) the institution with which the person concerned is insured at the time of the application for benefit; or
 - (ii) the institution from which the person concerned is entitled or would be entitled to benefits if he or a member or members of his family were resident in the territory of the Member State in which the institution is situated; or
 - (iii) the institution designated by the competent authority of the Member State concerned; or
 - (iv) in the case of a scheme relating to an employer's liability in respect of the benefits set out in Article 4 (1), either the employer or the insurer involved or, in default thereof, a body or authority designated by the competent authority of the Member State concerned;
- (p) 'institution of the place of residence' and 'institution of the place of stay' mean respectively the institution which is competent to provide benefits in the place where the person concerned resides and the institution which is competent to provide benefits in the place where the person concerned is staying, under the legislation administered by that institution or, where no such institution exists, the institution designated by the competent authority of the Member State in question;
- (q) 'competent State' means the Member State in whose territory the competent institution is situated;
- (r) 'periods of insurance' means periods of contribution or periods of employment or self-employment as defined or recognized as periods of insurance by the legislation under which they were completed or considered as completed, and all periods treated as such, where they are regarded by the said legislation as equivalent to periods of insurance;
- (s) "periods of employment" and "periods of self-employment" mean periods so defined or recognized by the legislation under which they were completed, and all periods treated as such, where they are regarded by the said legislation as equivalent to periods of employment or of self-employment;
- (s) (a): 'periods of residence' means periods as defined or recognized as such by the legislation under which they were completed or considered as completed;
- (t) 'benefits' and 'pensions' mean all benefits and pensions, including all elements thereof payable out of public funds, revalorization increases and supplementary allowances, subject to the provisions of Title III, as also lump-sum benefits which may be paid in lieu of pensions, and payments made by way of reimbursement of contributions;
- (u) (i) 'family benefits' means all benefits in kind or in cash intended to meet family expenses under the legislation provided for in Article 4 (1) (h), excluding the special childbirth allowances mentioned in Annex II;
- (ii) 'family allowances' means periodical cash benefits granted exclusively by reference to the number and, where appropriate, the age of members of the family;
- (v) 'death grants' means any once-for-all payment in the event of death, exclusive of the lump-sum benefits referred to in subparagraph (t).

Article 2

Persons covered

1. This Regulation shall apply to employed or self-employed persons who are or have been subject to the legislation of one or more Member States and who are nationals of one of the Member States or who are stateless persons or refugees residing within the territory of one of the Member States, as well as to the members of their families and their survivors.
2. In addition, this Regulation shall apply to the survivors of employed or self-employed persons who have been subject to the legislation of one or more Member States, irrespective of the nationality of such employed or self-employed persons, where their survivors are nationals of one of the Member States, or stateless persons or refugees residing within the territory of one of the Member States.
3. This Regulation shall apply to civil servants and to persons who, in accordance with the legislation applicable, are treated as such, where they are or have been subject to the legislation of a Member State to which this Regulation applies.

Article 3

Equality of treatment

1. Subject to the special provisions of this Regulation, persons resident in the territory of one of the Member States to whom this Regulation applies shall be subject to the same obligations and enjoy the same benefits under the legislation of any Member State as the nationals of that State.
2. The provisions of paragraph 1 shall apply to the right to elect members of the organs of social security institutions or to participate in their nomination, but shall not affect the legislative provisions of any Member State relating to eligibility or methods of nomination of persons concerned to those organs.
3. Save as provided in Annex III, the provisions of social security conventions which remain in force pursuant to Article 7 (2) (c) and the provisions of conventions concluded pursuant to Article 8 (1), shall apply to all persons to whom this Regulation applies.

Article 4

Matters covered

1. This Regulation shall apply to all legislation concerning the following branches of social security:

- (a) sickness and maternity benefits;
- (b) invalidity benefits, including those intended for the maintenance or improvement of earning capacity;
- (c) old-age benefits;
- (d) survivors' benefits;
- (e) benefits in respect of accidents at work and occupational diseases;
- (f) death grants;
- (g) unemployment benefits;
- (h) family benefits.

2. This Regulation shall apply to all general and special social security schemes, whether contributory or non-contributory, and to schemes concerning the liability of an employer or ship owner in respect of the benefits referred to in paragraph 1.

3. The provisions of Title III of this Regulation shall not, however, affect the legislative provisions of any Member State concerning a ship owner's liability.

4. This Regulation shall not apply to social and medical assistance, to benefit schemes for victims of war or its consequences, or to special schemes for civil servants and persons treated as such.

Article 5

Declarations of Member States on the scope of this Regulation

The Member States shall specify the legislation and schemes referred to in Article 4 (1) and (2), the minimum benefits referred to in Article 50 and the benefits referred to in Articles 77 and 78 in declarations to be notified and published in accordance with Article 97.

Article 6

Social security conventions replaced by this Regulation

Subject to the provisions of Articles 7, 8 and 46 (4) this Regulation shall, as regards persons and matters which it covers, replace the provisions of any social security convention binding either:

- (a) two or more Member States exclusively; or
- (b) at least two Member States and one or more other States, where settlement of the cases concerned does not involve any institution of one of the latter States.

Article 7

International provisions not affected by this Regulation

1. This Regulation shall not affect obligations arising from:

- (a) any convention adopted by the International Labour Conference which, after ratification by one or more Member States, has entered into force;
- (b) the European Interim Agreements on Social Security of 11 December 1953 concluded between the Member States of the Council of Europe.

2. The provisions of Article 6 notwithstanding, the following shall continue to apply:

- (a) the provisions of the Agreement of 27 July 1950 concerning social security for Rhine boatmen, revised on 13 February 1961;
- (b) the provisions of the European Convention of 9 July 1956 concerning social security for workers in international transport;
- (c) the provisions of the social security conventions listed in Annex III.

Article 8

Conclusion of conventions between Member States

1. Two or more Member States may, as need arises, conclude conventions with each other based on the principles and in the spirit of this Regulation.

2. Each Member State shall notify, in accordance with the provisions of Article 97 (1), any convention concluded with another Member State under the provisions of paragraph 1.

Article 9

Admission to voluntary or optional continued insurance

1. The provisions of the legislation of any Member State which make admission to voluntary or optional continued insurance conditional upon residence in the territory of that State shall not apply to persons resident in the territory of another Member State, provided that at some time in their past working life they were subject to the legislation of the first State as employed or as self-employed persons.

2. Where, under the legislation of a Member State, admission to voluntary or optional continued insurance is conditional upon completion of periods of insurance, the periods of insurance or residence completed under the legislation of another Member State shall be taken into account, to the extent required, as if they were completed under the legislation of the first State.

Article 10

Waiving of residence clauses — Effect of compulsory insurance on reimbursement of contributions

1. Save as otherwise provided in this Regulation, invalidity, old-age or survivors' cash benefits, pensions for accidents at work or occupational diseases and death grants acquired under the legislation of one or more Member States shall not be subject to any reduction, modification, suspension, withdrawal or confiscation by reason of the fact that the recipient resides in the territory of a Member State other than that in which the institution responsible for payment is situated.

The preceding subparagraph shall also apply to lump-sum benefits granted in cases of remarriage of a surviving spouse who was entitled to a survivor's pension.

2. Where under the legislation of a Member State reimbursement of contributions is conditional upon the person concerned having ceased to be subject to compulsory insurance, this condition shall not be considered satisfied as long as the person concerned is subject to compulsory insurance as an employed or self-employed person under the legislation of another Member State.

Article 11

Revalorization of benefits

Rules for revalorization provided by the legislation of a Member State shall apply to benefits due under that legislation taking into account the provisions of this Regulation.

Article 12

Prevention of overlapping of benefits

1. This Regulation can neither confer nor maintain the right to several benefits of the same kind for one and the same period of compulsory insurance. However, this provision shall not apply to benefits in respect of invalidity, old age, death (pensions) or occupational disease which are awarded by the institutions of two or more Member States, in accordance with the provisions of Article 41, Article 43 (2) and (3), Articles 46, 50 and 51 or Article 60 (1) (b).

2. The provisions of the legislation of a Member State for reduction, suspension or withdrawal of benefit in cases of overlapping with other social security benefits or other income may be invoked even though the right to such benefits was acquired under the legislation of another Member State or such income arises in the territory of another Member State. However, this provision shall not apply when the person concerned receives benefits of the same kind in respect of invalidity, old age, death (pensions) or occupational disease which are awarded by the institutions of two or more Member States in accordance with the provisions of Articles 46, 50, 51 or Article 60 (1) (b).

3. The provisions of the legislation of a Member State for reduction, suspension or withdrawal of benefit in the case of a person in receipt of invalidity benefits or anticipatory old-age benefits pursuing a professional or trade activity may be invoked against such person even though he is pursuing his activity in the territory of another Member State.

4. An invalidity pension payable under Netherlands legislation shall, in a case where the Netherlands institution is bound under the provisions of Article 57 (3) (c) or Article 60 (2)(b) to contribute also to the cost of benefits for occupational disease granted under the legislation of another Member State, be reduced by the amount payable to the institution of the other Member State which is responsible for granting the benefits for occupational disease.

TITLE II

DETERMINATION OF THE LEGISLATION APPLICABLE

Article 13

General rules

1. Subject to Article 14 (c), persons to whom this Regulation applies shall be subject to the legislation of a single Member State only. That legislation shall be determined in accordance with the provisions of this Title.

2. Subject to Articles 14 to 17:

(a) a person employed in the territory of one Member State shall be subject to the legislation of that State even if he resides in the territory of another Member State or if the registered office or place of business of the undertaking or individual employing him is situated in the territory of another Member State;

(b) a person who is self-employed in the territory of one Member State shall be subject to the legislation of that State even if he resides in the territory of another Member State;

(c) a person employed on board a vessel flying the flag of a Member State shall be subject to the legislation of that State;

(d) civil servants and persons treated as such shall be subject to the legislation of the Member State to which the administration employing them is subject;

(e) a person called up or recalled for service in the armed forces, or for civilian service, of a Member State shall be subject to the legislation of that State. If entitlement under that legislation is subject to the completion of periods of insurance before entry into or after release from such military or civilian service, periods of insurance completed under the legislation of any other Member State shall be taken into account, to the extent necessary, as if they were periods of insurance completed under the legislation of the first State. The employed or self-employed person called up or recalled for service in the armed forces or for civilian service shall retain the status of employed or self-employed person.

Article 14

Special rules applicable to persons, other than mariners, engaged in paid employment

Article 13 (2) (a) shall apply subject to the following exceptions and circumstances:

1. (a) A person employed in the territory of a Member State by an undertaking to which he is normally attached who is posted by that undertaking to the territory of another Member State to perform work there for that undertaking shall continue to be subject to the legislation of the first Member State, provided that the anticipated duration of that work does not exceed 12 months and that he is not sent to replace another person who has completed his term of posting;

(b) if the duration of the work to be done extends beyond the duration originally anticipated, owing to unforeseeable circumstances, and exceeds 12 months, the legislation of the first Member State shall continue to apply until the completion of such work, provided that the competent authority of the Member State in whose territory the person concerned is posted or the body designated by that authority gives its consent; such consent must be requested before the end of the initial 12-month period. Such consent cannot, however, be given for a period exceeding 12 months.

2. A person normally employed in the territory of

two or more Member States shall be subject to the legislation determined as follows:

- (a) a person who is a member of the travelling or flying personnel of an undertaking which, for hire or reward or on its own account, operates international transport services for passengers or goods by rail, road, air or inland waterway and has its registered office or place of business in the territory of a Member State, shall be subject to the legislation of the latter State, with the following restrictions:
 - (i) where the said undertaking has a branch or permanent representation in the territory of a Member State other than that in which it has its registered office or place of business, a person employed by such branch or permanent representation shall be subject to the legislation of the Member State in whose territory such branch or permanent representation is situated;
 - (ii) where a person is employed principally in the territory of the Member State in which he resides, he shall be subject to the legislation of that State, even if the undertaking which employs him has no registered office or place of business or branch or permanent representation in that territory;
- (b) a person other than that referred to in (a) shall be subject:
 - (i) to the legislation of the Member State in whose territory he resides, if he pursues his activity partly in that territory or if he is attached to several undertakings or several employers who have their registered offices or places of business in the territory of different Member States;
 - (ii) to the legislation of the Member State in whose territory is situated the registered office or place of business of the undertaking or individual employing him, if he does not reside in the territory of any of the Member States where he is pursuing his activity.
- 3. A person who is employed in the territory of one Member State by an undertaking which has its registered office or place of business in the territory of another Member State and which straddles the common frontier of these States shall be subject to the legislation of the

Member State in whose territory the undertaking has its registered office or place of business.

Article 14a

Special rules applicable to persons, other than mariners, who are self-employed

Article 13 (2) (b) shall apply subject to the following exceptions and circumstances:

1. (a) A person normally self-employed in the territory of a Member State and who performs work in the territory of another Member State shall continue to be subject to the legislation of the first Member State, provided that the anticipated duration of the work does not exceed 12 months;
 - (b) if the duration of the work to be done extends beyond the duration originally anticipated, owing to unforeseeable circumstances, and exceeds 12 months, the legislation of the first Member State shall continue to apply until the completion of such work, provided that the competent authority of the Member State in whose territory the person concerned has entered to perform the work in question or the body appointed by that authority gives its consent; such consent must be requested before the end of the initial 12-month period. Such consent cannot, however, be given for a period exceeding 12 months.
2. A person normally self-employed in the territory of two or more Member States shall be subject to the legislation of the Member State in whose territory he resides if he pursues any part of his activity in the territory of that Member State. If he does not pursue any activity in the territory of the Member State in which he resides, he shall be subject to the legislation of the Member State in whose territory he pursues his main activity. The criteria used to determine the principal activity are laid down in the Regulation referred to in Article 98.
3. A person who is self-employed in an undertaking which has its registered office or place of business in the territory of one Member State and which straddles the

common frontier of two Member States shall be subject to the legislation of the Member State in whose territory the undertaking has its registered office or place of business.

4. If the legislation to which a person should be subject in accordance with paragraphs 2 or 3 does not enable that person, even on a voluntary basis, to join a pension scheme, the person concerned shall be subject to the legislation of the other Member State which would apply apart from these particular provisions or, should the legislations of two or more Member States apply in this way, he shall be subject to the legislation decided on by common agreement amongst the Member States concerned or their competent authorities.

Article 14b

Special rules applicable to mariners

Article 13 (2) (c) shall apply subject to the following exceptions and circumstances:

1. A person employed by an undertaking to which he is normally attached, either in the territory of a Member State or on board a vessel flying the flag of a Member State, who is posted by that undertaking on board a vessel flying the flag of another Member State to perform work there for that undertaking shall, subject to the conditions provided in Article 14 (1), continue to be subject to the legislation of the first Member State.
2. A person normally self-employed, either in the territory of a Member State or on board a vessel flying the flag of a Member State and who performs work on his own account on board a vessel flying the flag of another Member State shall, subject to the conditions provided in Article 14a (1), continue to be subject to the legislation of the first Member State.
3. A person who, while not being normally employed at sea, performs work in the territorial waters or in a port of a Member State on a vessel flying the flag of another Member State within those territorial waters or

in that port, but is not a member of the crew of the vessel, shall be subject to the legislation of the first Member State.

4. A person employed on board a vessel flying the flag of a Member State and remunerated for such employment by an undertaking or a person whose registered office or place of business is in the territory of another Member State shall be subject to the legislation of the latter State if he is resident in the territory of that State; the undertaking or person paying the remuneration shall be considered as the employer for the purposes of the said legislation.

Article 14c

Special rules applicable to persons employed simultaneously in the territory of one Member State and self-employed in the territory of another Member State

1. A person who is employed simultaneously in the territory of one Member State and self-employed in the territory of another Member State shall be subject:

- (a) to the legislation of the Member State in the territory of which he is engaged in paid employment, subject to subparagraph (b);
- (b) in the instances referred to in Annex VII, to the legislation of each of these Member States, as regards the activity pursued in its territory.

2. The detailed rules for implementing subparagraph (b) of paragraph 1 shall be laid down in a Regulation to be adopted by the Council on a proposal from the Commission.

Article 14d

Miscellaneous provisions

1. The person referred to in Article 14 (2) and (3), Article 14a (2), (3) and (4) and Article 14c (1) (a) shall be treated, for the purposes of application of the legislation laid down in accordance with these provisions, as if he pursued all his professional activity or activities in the territory of the Member State concerned.
2. The provisions of the legislation of a Member State under which a pensioner who is pursuing a professional or trade activity is not subject to

compulsory insurance in respect of such activity shall also apply to a pensioner whose pension was acquired under the legislation of another Member State, unless the person concerned expressly asks to be so subject by applying to the institution designated by the competent authority of the first Member State and named in Annex 10 to the Regulation referred to in Article 98.

Article 15

Rules concerning voluntary insurance or optional continued insurance

1. Articles 13 to 14d shall not apply to voluntary insurance or to optional continued insurance unless, in respect of one of the branches referred to in Article 4, there exists in any Member State only a voluntary scheme of insurance.
2. Where application of the legislations of two or more Member States entails overlapping of insurance:
 - under a compulsory insurance scheme and one or more voluntary or optional continued insurance schemes, the person concerned shall be subject exclusively to the compulsory insurance scheme,
 - under two or more voluntary or optional continued insurance schemes, the person concerned may join only the voluntary or optional continued insurance scheme for which he has opted.
3. However, in respect of invalidity, old age and death (pensions), the person concerned may join the voluntary or optional continued insurance scheme of a Member State, even if he is compulsorily subject to the legislation of another Member State, to the extent that such overlapping is explicitly or implicitly admitted in the first Member State.

Article 16

Special rules regarding persons employed by diplomatic missions and consular posts, and auxiliary staff of the European Communities

1. The provisions of Article 13 (2) (a) shall apply to persons employed by diplomatic missions and consular posts and to the private domestic staff of agents of such missions or posts.
2. However, workers covered by paragraph 1 who are nationals of the Member State which is the accrediting or sending State may opt to be subject to the legislation of that State. Such right of option may be renewed at the end of each calendar year and shall not have retrospective effect.
3. Auxiliary staff of the European Communities may opt to be subject to the legislation of the Member State in whose territory they are employed, to the legislation of the Member State to which they were last subject or to the legislation of the Member State whose nationals they are, in respect of provisions other than those relating to family allowances, the granting of which is governed by the conditions of employment applicable to such staff. This right of option, which may be exercised once only, shall take effect from the date of entry into employment.

Article 17

Exceptions to Articles 13 to 16

Two or more Member States, the competent authorities of those States or the bodies designated by those authorities may, by common agreement, provide for exceptions to the provisions of Articles 13 to 16 in the interests of certain categories of employed or self-employed persons, or of certain such persons.

TITLE III

SPECIAL PROVISIONS RELATING TO THE VARIOUS CATEGORIES OF BENEFITS

CHAPTER 1

SICKNESS AND MATERNITY

Section 1

Common provisions

Article 18

Aggregation of periods of insurance, employment or residence

1. The competent institution of a Member State whose legislation makes the acquisition, retention or recovery of the right to benefits conditional upon the completion of periods of insurance, employment or residence shall, to the extent necessary, take account of periods of insurance, employment or residence completed under the legislation of any other Member State as if they were periods completed under the legislation which it administers.

2. The provisions of paragraph 1 shall apply to seasonal workers, even in respect of periods prior to any break in insurance exceeding the period allowed by the legislation of the competent State, provided however that the person concerned has not ceased to be insured for a period exceeding four months.

Section 2

Employed or self-employed persons and members of their families

Article 19

Residence in a Member State other than the competent State — General rules

1. An employed or self-employed person residing in the territory of a Member State other than the competent State, who satisfies the conditions of the legislation of the competent State for entitlement to benefits, taking account

where appropriate of the provisions of Article 18, shall receive in the State in which he is resident:

(a) benefits in kind provided on behalf of the competent institution by the institution of the place of residence in accordance with the provisions of the legislation administered by that institution as though he were insured with it;

(b) cash benefits provided by the competent institution in accordance with the legislation which it administers. However, by agreement between the competent institution and the institution of the place of residence, such benefits may be provided by the latter institution on behalf of the former, in accordance with the legislation of the competent State.

2. The provisions of paragraph 1 shall apply by analogy to members of the family who reside in the territory of a Member State other than the competent State in so far as they are not entitled to such benefits under the legislation of the State in whose territory they reside.

Where the members of the family reside in the territory of a Member State under whose legislation the right to receive benefits in kind is not subject to conditions of insurance or employment, benefits in kind which they receive shall be considered as being on behalf of the institution with which the employed or self-employed person is insured, unless the spouse or the person looking after the children pursues a professional or trade activity in the territory of the said Member State.

Article 20

Frontier workers and members of their families — Special rules

A frontier worker may also obtain benefits in the territory of the competent State. Such benefits shall be provided by the competent institution in accordance with the provisions of the legislation of that State, as though the person concerned were resident in that State. Members of his family may receive benefits under the same conditions; however, receipt of such benefits shall, except in urgent cases, be conditional upon an agreement between the States concerned or between the competent authorities of those States or, in its absence, on prior authorization by the competent institution.

Article 21

Stay in or transfer of residence to the competent State

1. The employed or self-employed person referred to in Article 19(1) who is staying in the territory of the competent State shall receive benefits in accordance with the provisions of the legislation of that State as though he were resident there, even if he has already received benefits for the same case of sickness or maternity before his stay.

2. Paragraph 1 shall apply by analogy to the members of the family referred to in Article 19 (2).

However, where the latter reside in the territory of a Member State other than the one in whose territory the employed or self-employed person resides, benefits in kind shall be provided by the institution of the place of stay on behalf of the institution of the place of residence of the persons concerned.

3. Paragraphs 1 and 2 shall not apply to frontier workers and the members of their families.

4. An employed or self-employed person and members of his family referred to in Article 19 who transfer their residence to the territory of the competent State shall receive benefits in accordance with the provisions of the legislation of that State even if they have already received benefits for the same case of sickness or maternity before transferring their residence.

Article 22

Stay outside the competent State — Return to or transfer of residence to another Member State during sickness or maternity — Need to go to another Member State in order to receive appropriate treatment

1. An employed or self-employed person who satisfies the conditions of the legislation of the competent State for entitlement to benefits, taking account where appropriate of the provisions of Article 18, and:

(a) whose condition necessitates immediate benefits during a stay in the territory of another Member State; or

(b) who, having become entitled to benefits chargeable to the competent institution, is authorized by that institution to return to the territory of the Member State where he resides, or to transfer his residence to the territory of another Member State; or

- (c) who is authorized by the competent institution to go to the territory of another Member State to receive there the treatment appropriate to his condition,

shall be entitled:

- (i) to benefits in kind provided on behalf of the competent institution by the institution of the place of stay or residence in accordance with the provisions of the legislation which it administers, as though he were insured with it; the length of the period during which benefits are provided shall be governed however by the legislation of the competent State;
- (ii) to cash benefits provided by the competent institution in accordance with the provisions of the legislation which it administers. However, by agreement between the competent institution and the institution of the place of stay or residence, such benefits may be provided by the latter institution on behalf of the former, in accordance with the provisions of the legislation of the competent State.

2. The authorization required under paragraph 1 (b) may be refused only if it is established that movement of the person concerned would be prejudicial to his state of health or the receipt of medical treatment.

The authorization required under paragraph 1 (c) may not be refused where the treatment in question is among the benefits provided for by the legislation of the Member State on whose territory the person concerned resides and where he cannot be given such treatment within the time normally necessary for obtaining the treatment in question in the Member State of residence, taking account of his current state of health and the probable course of the disease.

3. The provisions of paragraphs 1 and 2 shall apply by analogy to members of the family of an employed or self-employed person.

However, for the purpose of applying paragraph 1 (a) (i) and (c) (i) to the members of the family referred to in Article 19 (2) who reside in the territory of a Member State other than the one in whose territory the employed or self-employed person resides:

- (a) benefits in kind shall be provided on behalf of the institution of the Member State in whose territory the members of the family are residing by the institution of the place of stay in accordance with the provisions of the legislation which it administers as if the employed or self-employed person were insured there. The period during which benefits are provided shall, however, be that laid down under the legislation of the Member State in whose territory the members of the family are residing;
- (b) the authorization required under paragraph 1 (c) shall be issued by the institution of the Member State in whose territory the members of the family are residing.

4. The fact that the provisions of paragraph 1 apply to an employed or self-employed person shall not affect the right to benefit of members of his family.

Article 23

Calculation of cash benefits

1. The competent institution of a Member State whose legislation provides that the calculation of cash benefits shall be based on average earnings, shall determine such average earnings exclusively by reference to earnings confirmed as having been paid during the periods completed under the said legislation.
2. The competent institution of a Member State whose legislation provides that the calculation of cash benefits shall be based on standard earnings, shall take account exclusively of the standard earnings or, where appropriate, of the average of standard earnings for the periods completed under the said legislation.
3. The competent institution of a Member State under whose legislation the amount of cash benefits varies with the number of members of the family, shall also take into account the members of the family of the person concerned who are resident in the territory of another Member State as if they were resident in the territory of the competent State.

Article 24

Substantial benefits in kind

1. Where the right of an employed or self-employed person or a member of his family to a prosthesis, a major appliance or other substantial benefits in kind has been recognized by the institution of a Member State before he becomes insured with the institution of another Member State, the said employed or self-employed person shall receive such benefits at the expense of the first institution, even if they are granted after he becomes insured with the second institution.
2. The Administrative Commission shall draw up the list of benefits to which the provisions of paragraph 1 apply.

Section 3

Unemployed persons and members of their families

Article 25

1. An unemployed person who was formerly employed or self-employed, to whom the provisions of Article 69 (1) or the second sentence of Article 71 (1) (b) (ii) apply, and who satisfies the conditions of

the legislation of the competent State for entitlement to benefits in kind and in cash, taking account where appropriate of the provisions of Article 18, shall receive for the period provided under Article 69 (1) (c):

- (a) benefits in kind provided on behalf of the competent institution by the institution of the Member State in which he seeks employment in accordance with the provisions of the legislation which the latter institution administers, as though he were insured with it;
- (b) cash benefits provided by the competent institution in accordance with the provisions of the legislation which it administers. However, by agreement between the competent institution and the institution of the Member State in which the unemployed person seeks employment, benefits may be provided by the latter institution on behalf of the former institution in accordance with the provisions of the legislation of the competent State. Unemployment benefits under Article 69 (1) shall not be granted for the period during which cash benefits are received.

2. A totally unemployed person who was formerly employed and to whom the provisions of Article 71 (1) (a) (ii) or the first sentence of Article 71 (1) (b) (ii) apply shall receive benefits in kind and in cash in accordance with the provisions of the legislation of the Member State in whose territory he resides, as though he had been subject to that legislation during his last employment, taking account where appropriate of the provisions of Article 18; the cost of such benefits shall be met by the institution of the country of residence.

3. Where an unemployed person satisfies the conditions of the legislation of the Member State which is responsible for the cost of unemployment benefits for entitlement to sickness and maternity benefits, taking account where appropriate of the provisions of Article 18, the members of his family shall receive these benefits, irrespective of the Member State in whose territory they reside or are staying. Such benefits shall be provided:

- (i) with regard to benefits in kind, by the institution of the place of residence or stay in accordance with the provisions of the legislation which it administers, on behalf of the competent institution of the Member State which is responsible for the cost of unemployment benefits;
- (ii) with regard to cash benefits, by the competent institution of the Member State which is responsible for the cost of unemployment benefits, in accordance with the legislation which it administers.

4. Without prejudice to any provisions of the legislation of a Member State which permit an extension of the period during which sickness benefits may be granted, the period provided for in paragraph 1 may, in cases of *force majeure*, be extended by the

competent institution within the limit fixed by the legislation administered by that institution.

Section 4

Pension claimants and members of their families

Article 26

Right to benefits in kind in cases of cessation of the right to benefits from the institution which was last competent

1. An employed or self-employed person, members of his family or his survivors

who, during the investigation of a claim for pension, cease to be entitled to benefits in kind under the legislation of the Member State last competent, shall nevertheless receive such benefits under the following conditions: benefits in kind shall be provided in accordance with the provisions of the legislation of the Member State in whose territory the person or persons concerned reside, provided that they are entitled to such benefits under that legislation or would be entitled to them under the legislation of another Member State if they were residing in the territory of that State, taking account where appropriate of the provisions of Article 18.

2. A pension claimant who is entitled to benefits in kind under the legislation of a Member State which obliges the person concerned to pay sickness insurance contributions himself during the investigation of his pension claim shall cease to be entitled to benefits in kind at the end of the second month for which he has not paid the contributions due.

3. Benefits in kind provided in accordance with the provisions of paragraph 1 shall be chargeable to the institution which has collected contributions in accordance with the provisions of paragraph 2; where no contributions are payable under the provisions of paragraph 2, the institution responsible for the cost of the benefits in kind after awarding the pension in accordance with the provisions of Article 28 shall refund the amount of the benefits provided to the institution of the place of residence.

Section 5

Pensioners and members of their families

Article 27

Pensions payable under the legislation of several States where there is a right to benefits in the country of residence

A pensioner who is entitled to draw pensions under the legislation of two or more Member States, of

which one is that of the Member State in whose territory he resides, and who is entitled to benefits under the legislation of the latter Member State, taking account where appropriate of the provisions of Article 18 and Annex VI shall, with the members of his family, receive such benefits from the institution of the place of residence and at the expense of that institution as though the person concerned were a pensioner whose pension was payable solely under the legislation of the latter Member State.

Article 28

Pensions payable under the legislation of one or more States, in cases where there is no right to benefits in the country of residence

1. A pensioner who is entitled to a pension under the legislation of one Member State or to pensions under the legislation of two or more Member States and who is not entitled to benefits under the legislation of the Member State in whose territory he resides shall nevertheless receive such benefits for himself and for members of his family, in so far as he would, taking account where appropriate of the provisions of Article 18 and Annex VI, be entitled thereto under the legislation of the Member State or of at least one of the Member States competent in respect of pensions if he were resident in the territory of such State. The benefits shall be provided under the following conditions:

- (a) benefits in kind shall be provided on behalf of the institution referred to in paragraph 2 by the institution of the place of residence as though the person concerned were a pensioner under the legislation of the State in whose territory he resides and were entitled to such benefits;
- (b) cash benefits shall where appropriate be provided by the competent institution as determined by the rules of paragraph 2, in accordance with the legislation which it administers. However, upon agreement between the competent institution and the institution of the place of residence, such benefits may be provided by the latter institution on behalf of the former, in accordance with the legislation of the competent State.

2. In the cases covered by paragraph 1, the cost of benefits in kind shall be borne by the institution as determined according to the following rules:

- (a) where the pensioner is entitled to the said benefits under the legislation of a single Member State, the cost shall be borne by the competent institution of that State;
- (b) where the pensioner is entitled to the said benefits under the legislations of two or more Member States the cost thereof shall be borne by the

competent institution of the Member State to whose legislation the pensioner has been subject for the longest period of time; should the application of this rule result in several institutions being responsible for the cost of benefits the cost shall be borne by the institution administering the legislation to which the pensioner was last subject.

Article 28a

Pensions payable under the legislation of one or more of the Member States other than the country of residence where there is a right to benefits in the latter country

Where the pensioner entitled to a pension under the legislation of one Member State, or to pensions under the legislations of two or more Member States, resides in the territory of a Member State under whose legislation the right to receive benefits in kind is not subject to conditions of insurance or employment, nor is any pension payable, the cost of benefits in kind provided to him and to members of his family shall be borne by the institution of one of the Member States competent in respect of pensions, determined according to the rules laid down in Article 28 (2), to the extent that the pensioner and members of his family would have been entitled to such benefits under the legislation administered by the said institution if they resided in the territory of the Member State where that institution is situated.

Article 29

Residence of members of the family in a State other than the one in which the pensioner resides — Transfer of residence to the State where the pensioner resides

1. Members of the family of a pensioner entitled to a pension under the legislation of one Member State or to pensions under the legislation of two or more Member States who reside in the territory of a Member State other than the one in which the pensioner resides shall, where he is entitled to benefits under the legislation of one Member State, receive benefits as though the pensioner were resident in the same territory as themselves. Benefits shall be provided under the following conditions:

- (a) benefits in kind shall be provided by the institution of the place of residence of the members of the family in accordance with the provisions of the legislation which that institution administers, the cost being borne by the institution of the pensioner's place of residence;
- (b) cash benefits shall where appropriate be provided by the competent institution as determined by the provisions of Article 27 or 28 (2), in accordance

with the provisions of the legislation which it administers. However, upon agreement between the competent institution and the institution of the place of residence of the members of the family, such benefits may be provided by the latter institution on behalf of the former, in accordance with the provisions of the legislation of the competent State.

2. Members of the family referred to in paragraph 1 who transfer their residence to the territory of the Member State where the pensioner resides, shall receive:

- (a) benefits in kind under the provisions of the legislation of that State, even if they have already received benefits for the same case of sickness or maternity before transferring their residence;
- (b) cash benefits provided where appropriate by the competent institution determined by the provisions of Article 27 or 28 (2), in accordance with the legislation which it administers. However, upon agreement between the competent institution and the institution of the place of residence of the pensioner, such benefits may be provided by the latter institution on behalf of the former, in accordance with the provisions of the legislation of the competent State.

Article 30

Substantial benefits in kind

The provisions of Article 24 shall apply by analogy to pensioners.

Article 31

Stay of the pensioner and/or members of his family in a State other than the State in which they reside

A pensioner entitled to a pension or pensions under the legislation of one Member State or to pensions under the legislation of two or more Member States who is entitled to benefits under the legislation of one of those States shall, with members of his family, who are staying in the territory of a Member State other than the one in which they reside, receive:

- (a) benefits in kind provided by the institution of the place of stay in accordance with the provisions of the legislation which it administers, the cost being borne by the institution of the pensioner's place of residence;
- (b) cash benefits provided where appropriate by the competent institution as determined by the provisions of Article 27 or 28 (2), in accordance with the provisions of the legislation which it

administers. However, upon agreement between the competent institution and the institution of the place of stay, these benefits may be provided by the latter institution on behalf of the former, in accordance with the provisions of the legislation of the competent State.

Article 32

Special provisions concerning responsibility for the cost of benefits provided for former frontier workers, members of their families or their survivors

The cost of benefits which are provided under the provisions of Article 27 or 31 to a pensioner referred to in Article 27 who is a former frontier worker or the survivor of a frontier worker, as well as to the members of the family, shall, where the frontier worker was working as such for the three months immediately preceding the date on which the pension became payable or the date of his death, be divided equally between the institution of the pensioner's place of residence and that with which he was last insured.

Article 33

Contributions payable by pensioners

The institution of a Member State which is responsible for payment of a pension, and which administers legislation providing for deductions from pensions in respect of contributions for sickness and maternity shall be authorized to make such deductions calculated in accordance with the legislation concerned from the pension payable by such institution, to the extent that the cost of the benefits under Articles 27, 28, 28a, 29, 31 and 32 is to be borne by an institution of the said Member State.

Article 34

General provisions

1. For the purposes of Articles 28, 28a, 29 and 31, a pensioner who is in receipt of two or more pensions due under the legislation of a single Member State shall be regarded as a pensioner entitled to draw a pension under the legislation of one Member State, within the meaning of these provisions.

2. Articles 27 to 33 shall not apply to a pensioner or to members of his family who are entitled to benefits under the legislation of a Member State as a result of pursuing a professional or trade activity. In such a case, the person concerned shall, for the purposes of the implementation of this Chapter, be considered as an employed or self-employed person or as a member of an employed or self-employed person's family.

Section 6

Miscellaneous provisions

Article 35

Scheme applicable where there are a number of schemes in the country of residence or stay - Previous illness - Maximum period during which benefits are granted

1. Subject to paragraph 2, where the legislation of the country of stay or residence contains several sickness or maternity insurance schemes, the provisions applicable under Articles 19, 21 (1), 22, 25, 26, 28 (1), 29 (1) or 31 shall be those of the scheme covering manual workers in the steel industry. Where, however, the said legislation includes a special scheme for workers in mines and similar undertakings, the provisions of such scheme shall apply to that category of workers and members of their families provided the institution of the place of stay or residence to which application is made is competent to administer such scheme.

2. Where the legislation of the country of stay or residence includes one or more special schemes, covering all or most occupational categories of self-employed persons, which grant benefits in kind less favourable than those granted to employed persons, the provisions applicable to the person concerned and to the members of his family pursuant to Article 19 (1) (a) and (2), Article 22 (1) under (i) and (3), Article 28 (1) (a) and Article 31 (a) shall be those of the scheme or schemes, determined by the implementing Regulation referred to in Article 98:

- (a) where, in the competent State, the person concerned is insured under a special scheme for self-employed persons which also grants less favourable benefits in kind than those granted to employed persons, or
- (b) where a person in receipt of one or more pensions is, under the pensions legislation of the competent Member State or Member States, entitled only to the benefits in kind provided for by a special scheme for self-employed persons which also grants less favourable benefits in kind than those granted to employed persons.

3. Where, under the legislation of a Member State, the granting of benefits is conditional upon the origin of the illness, that condition shall apply neither to employed or self-employed persons nor to the members of their families to whom this Regulation applies, regardless of the Member State in whose territory they reside.

4. Where the legislation of a Member State fixes a maximum period for the granting of benefits, the institution which administers that legislation may, where appropriate, take account of the period during which the benefits have already been provided by the institution of another Member State for the same case of sickness or maternity.

Section 7

Reimbursement between institutions

Article 36

1. Without prejudice to the provisions of Article 32, benefits in kind provided in accordance with the provisions of this Chapter by the institution of one Member State on behalf of the institution of another Member State shall be fully refunded.

2. The refunds referred to in paragraph 1 shall be determined and made in accordance with the procedure provided for by the implementing Regulation referred to in Article 98, either on production of proof of actual expenditure or on the basis of lump-sum payments.

In the latter case, the lump-sum payments shall be such as to ensure that the refund is as close as possible to actual expenditure.

3. Two or more Member States, or the competent authorities of those States, may provide for other methods of reimbursement or may waive all reimbursement between institutions under their jurisdiction.

CHAPTER 2

INVALIDITY

Section 1

Employed or self-employed persons subject only to legislations under which the amount of invalidity benefits is independent of the duration of periods of insurance

Article 37

General provisions

1. An employed or self-employed person who has been successively or alternately subject to the legislations of two or more Member States and who has completed periods of insurance exclusively under legislations according to which the amount of invalidity benefits is independent of the duration of periods of insurance shall receive benefits in accordance with the provisions of Article 39. This Article shall not affect pension increases or supplements in respect of children, granted in accordance with the provisions of Chapter 8.

2. Annex IV lists legislations of the kind mentioned in paragraph 1 which are in force in the territory of each of the Member States concerned.

Article 38

Aggregation of periods of insurance

1. The competent institution of a Member State whose legislation makes the acquisition, retention or recovery of the right to benefit conditional upon the completion of periods of insurance shall take account, to the extent necessary, of periods of insurance completed under the legislation of any other Member States, as if they were periods completed under the legislation which it administers.

2. Where the legislation of a Member State makes the granting of certain benefits conditional upon the periods of insurance having been completed only in an occupation which is subject to a special scheme for employed persons or, where appropriate, in a specific employment, periods completed under the legislations of other Member States shall be taken into account for the granting of these benefits only if completed under a corresponding scheme or, failing this, in the same occupation or, where appropriate, in the same employment. If, account having been taken of the periods thus completed, the person concerned does not satisfy the conditions for receipt of these benefits, these periods shall be taken into account for the granting of the benefits, under the general scheme or, failing this, under the scheme applicable to manual or clerical workers, as appropriate.

3. Where the legislation of a Member State makes the granting of certain benefits

conditional upon the periods of insurance having been completed only in an occupation subject to a special scheme for self-employed persons, periods completed under the legislations of other Member States shall be taken into account for the granting of these benefits only if completed under a corresponding scheme or, failing this, in the same occupation.

If, account having been taken of the periods thus completed, the person concerned does not satisfy the conditions for receipt of these benefits, these periods shall be taken into account for the granting of the benefits under the general scheme or, failing this, under the scheme applicable to manual or clerical workers, as appropriate, in so far as they have been completed under a scheme other than the abovementioned corresponding scheme and provided that the person concerned has also been insured under this general scheme or, failing this, under the scheme applicable to manual or clerical workers, as appropriate.

Article 39

Award of benefits

1. The institution of the Member State, whose legislation was applicable at the time when incapacity for work followed by invalidity occurred, shall determine, in accordance with that legislation, whether the person concerned satisfies the conditions for entitlement to benefits, taking account where appropriate of the provisions of Article 38.

2. A person who satisfies the conditions referred to in paragraph 1 shall obtain the benefits exclusively from the said institution, in accordance with the provisions of the legislation which it administers.

3. A person who is not entitled to benefits under paragraph 1 shall receive the benefits to which he is still entitled under the legislation of another Member State, taking account, where appropriate, of the provisions of Article 38.

4. If the legislation applicable under paragraph 2 or 3 provides that the amount of the benefits shall be determined taking into account the existence of members of the family other than the children, the competent institution shall also take into consideration those members of the family of the person concerned who are residing in the territory of another Member State, as if they were residing in the territory of the competent State.

5. A wholly unemployed worker to whom the provisions of Article 71(1)(a)(ii) and of the first sentence of Article 71(1)(b)(ii) apply shall receive the invalidity benefits provided by the competent institution of the Member State on whose territory he resides, and in accordance with the legislation which it administers, as though he had been subject to that legislation during his last employment, account being taken, where appropriate, of the provisions of Article 38 and/or Article 25 (2). The institution of the country of residence shall be responsible for paying these benefits.

Section 2

Employed or self-employed persons subject either only to legislations under which the amount of invalidity benefit depends on the duration of periods of insurance or residence or to legislations of this type and of the type referred to in Section 1

Article 40

General provisions

1. An employed or self-employed person who has been successively or alternately subject to the legislations of two or more Member States, of which at least one is not of the type referred to in Article 37(1), shall receive benefits under the provisions of Chapter 3, which shall apply by analogy, taking into account the provisions of paragraph 4.

2. However, an employed or self-employed person who who suffers incapacity for work followed by invalidity while subject to a legislation listed in Annex IV, shall receive benefits in accordance with the provisions of Article 37 (1) on two conditions:

- that he satisfies the conditions of that legislation or other legislations of the same type, taking account where appropriate of the provisions of Article 38, but without having recourse to periods of insurance completed under legislations not listed in Annex IV and
- that he does not satisfy the conditions for entitlement to benefits under a legislation not listed in Annex IV.

3. (a) For the purpose of determining the right to benefits under the legislation of a Member State, listed in Annex IV, which makes the granting of invalidity benefits conditional upon the person concerned during a specified period having received cash sickness benefit or having been incapable of work, where an employed or self-employed person who has been subject to that legislation suffers incapacity for work followed by invalidity while subject to the legislation of another Member State, account shall, without prejudice to Article 37 (1), be taken of:

- (i) any period during which, in respect of that incapacity for work, he has, under the legislation of the second Member State, received cash sickness benefits or, in lieu thereof, continued to receive his wage or salary;
- (ii) any period during which, in respect of the invalidity which followed that incapacity for work, he has received invalidity benefits under the legislation of the second Member State,

as if it were a period during which cash sickness benefits were paid to him under the legislation of the first Member State or during which he was incapable of work within the meaning of that legislation.

(b) The right to invalidity benefits under the legislation of the first Member State shall be acquired either upon expiry of the preliminary period of compensation for sickness as required by that legislation or upon expiry of the preliminary period of incapacity for work as required by that legislation, and at the earliest:

- (i) on the day on which the right to invalidity benefits is acquired under the legislation of the second Member State, or

- (ii) on the day following the last day on which the person concerned is entitled to cash sickness benefits under the legislation of the second Member State.

4. 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 legislations of these States on conditions relating to the degree of invalidity is acknowledged in Annex V.

Section 3

Aggravation of invalidity

Article 41

1. In the case of aggravation of an invalidity for which an employed or self-employed person is receiving benefits under the legislation of a single Member State, the following provisions shall apply:

- (a) if the person concerned has not been subject to the legislation of another Member State since receiving benefits, the competent institution of the first State shall grant the benefits, taking the aggravation into account, in accordance with the provisions of the legislation which it administers;
- (b) if the person concerned has been subject to the legislation of one or more other Member States since receiving benefits, the benefits shall be granted to him, taking the aggravation into account, in accordance with the provisions of Article 37 (1) or Article 40 (1) or (2) as appropriate;
- (c) if the total amount of the benefit or benefits payable under the provisions of subparagraph (b) is lower than the amount of the benefit which the person concerned was receiving at the expense of the institution previously liable for payment, such institution shall pay him a supplement equal to the difference between the two amounts;
- (d) if, in the case referred to in subparagraph (b), the institution responsible for the initial incapacity is a Netherlands institution, and if:
 - (i) the illness which caused the aggravation is the same as the one which gave rise to the granting of benefits under Netherlands legislation;

- (ii) this illness is an occupational disease within the meaning of the legislation of the Member State to which the person concerned was last subject and entitles him to payment of the supplement referred to in Article 60 (1) (b); and
- (iii) the legislation or legislations to which the person concerned has been subject since receiving benefits is a legislation, or are legislations, listed in Annex IV,

the Netherlands institution shall continue to provide the initial benefit after the aggravation occurs, and the benefit due under the legislation of the last Member State to which the person concerned was subject shall be reduced by the amount of the Netherlands benefit;

- (e) if, in the case referred to in subparagraph (b), the person concerned is not entitled to benefits at the expense of an institution of another Member State, the competent institution of the first State shall grant the benefits, according to the provisions of the legislation of that State, taking into account the aggravation and, where appropriate, the provisions of Article 38.

2. In the case of aggravation of an invalidity for which an employed or self-employed person is receiving benefits under the legislations of two or more Member States, the benefits shall be granted to him, taking the aggravation into account, in accordance with the provisions of Article 40(1).

Section 4

Resumption of provision of benefits after suspension or withdrawal — Conversion of invalidity benefits into old age benefits

Article 42

Determination of the institution responsible for the provision of benefits where provision of invalidity benefits is resumed

1. If provision of benefits is to be resumed after their suspension such provision shall, without prejudice to the provisions of Article 43, be the responsibility of the institution or institutions which were responsible for provision of the benefits at the time of their suspension.
2. If, after withdrawal of benefits, the condition of the person concerned warrants the granting of further benefits, they shall be granted in accordance with the provisions of Article 37 (1) or Article 40 (1) or (2), as appropriate.

Article 43

Conversion of invalidity benefits into old age benefits

1. Invalidity benefits shall be converted into old age benefits, where appropriate, under the conditions laid down by the legislation or legislations under which they were granted, and in accordance with the provisions of Chapter 3.

2. Any institution of a Member State which is responsible for providing invalidity benefits shall, where a person receiving invalidity benefits can, by virtue of the provisions of Article 49, establish a claim to old age benefits under the legislation of other Member States, continue to provide such person with the invalidity benefits to which he is entitled under the legislation which it administers until the provisions of paragraph 1 become applicable as regards that institution.

3. However, if in the case referred to in paragraph 2 the invalidity benefits have been granted pursuant to the provisions of Article 39, the institution remaining responsible for providing those benefits may apply the provisions of Article 49 (1) (a) as if the recipient of the said benefits satisfied the conditions of the legislation of the Member State concerned for entitlement to old age benefits, by substituting for the theoretical amount referred to in Article 46 (2) (a) the amount of the invalidity benefits due from the said institution.

CHAPTER 3

OLD AGE AND DEATH (PENSIONS)

Article 44

General provisions for the award of benefits when an employed or self-employed person has been subject to the legislation of two or more Member States

1. The rights to benefits of an employed or self-employed person who has been subject to the legislation of two or more Member States, or of his survivors, shall be determined in accordance with the provisions of this chapter.
2. Subject to the provisions of Article 49, when a claim for the award of a benefit is lodged, such award must be made having regard to all the legislations to which the employed or self-employed person has been subject. Exception shall be

made to this rule if the person concerned expressly asks for postponement of the award of old-age benefits to which he would be entitled under the legislation of one or more Member States.

3. This chapter shall not apply to increases in or supplements to pensions in respect of children or to orphans' pensions granted in accordance with the provisions of Chapter 8.

Article 45

Consideration of periods of insurance or residence completed under the legislations to which an employed or self-employed person has been subject, for the acquisition, retention or recovery of the right to benefits

1. The competent institution of a Member State whose legislation makes the acquisition, retention or recovery of the right to benefits conditional upon the completion of periods of insurance or residence shall take into account, to the extent necessary, periods of insurance or residence completed under the legislation of any Member State as if they were periods completed under the legislation which it administers.

2. Where the legislation of a Member State makes the granting of certain benefits conditional upon the periods of insurance having been completed only in an occupation subject to a special scheme for employed persons or, where appropriate, in a specific employment, periods completed under the legislations of other Member States shall be taken into account for the granting of such benefits only if completed under a corresponding scheme or, failing this, in the same occupation or, where appropriate, in the same employment. If, taking into account periods thus completed, the person concerned does not satisfy the conditions for receipt of these benefits, those periods shall be taken into account for the granting of benefits under the general scheme or, failing this, under the scheme applicable to manual or clerical workers, as appropriate.

3. Where the legislation of a Member State makes the granting of certain benefits conditional upon the periods of insurance having been completed only in an occupation subject to a special scheme for self-employed persons, periods completed under the legislations of other Member States shall be taken into account for the granting of such benefits only if completed under a corresponding scheme or, failing this, in the same occupation.

If, taking into account the periods thus completed, the person concerned does not satisfy the conditions for receipt of these benefits, those periods shall be taken into account for the granting of the benefits under the general scheme or, failing this, under the scheme applicable to manual or clerical workers, as appropriate, in so far as they have been completed under a scheme other than the abovementioned corresponding scheme and provided that the person concerned has also been insured under this general scheme or, failing this, under the scheme applicable to manual or clerical workers, as appropriate.

4. Where the legislation of a Member State which makes the granting of benefits conditional upon an employed person being subject to its legislation at the time when the risk materializes has no requirements as to the length of insurance periods either for entitlement to or calculation of benefits, any employed person who is no longer subject to that legislation shall for the purposes of this Chapter, be deemed to be still so subject at the time when the risk materializes, if at that time he is subject to the legislation of another Member State or, failing this, can establish a claim to benefits under the legislation of another Member State. However, this latter condition shall be deemed to be satisfied in the case referred to in Article 48 (1).

5. Paragraph 4 shall apply to self-employed persons in order to determine whether the conditions for entitlement to survivors' benefits have been satisfied.

6. Where the legislation of a Member State which makes granting of invalidity benefits conditional upon the person concerned being subject to that legislation at the time when the risk materializes has no requirements as to the length of insurance periods either for the entitlement to or the calculation of benefits, any self-employed person who is no longer subject to that legislation shall, for the purposes of this Chapter, be deemed to be still so subject at the time when the risk materializes, if at that time he is subject to the legislation of another Member State.

Article 46

Award of benefits

1. Where an employed or self-employed person has been subject to the legislation of a Member State and where the conditions for entitlement to benefit have been satisfied, without application of the provisions of Article 45 and/or Article 40(3) being necessary, the competent institution of that Member State shall, in accordance with the provisions of the legislation which it administers, determine the amount of benefit corresponding to the total length of the periods of insurance or residence to be taken into account in pursuance of such legislation.

This institution shall also calculate the amount of benefit which would be obtained by applying the rules laid down in paragraph (2) (a) and (b). Only the higher of these two amounts shall be taken into consideration.

2. Where an employed or self-employed person has been subject to the legislation of a Member State and where the conditions for entitlement to benefits are not satisfied unless account is taken of the provisions of Article 45 and/or Article 40 (3), the competent institution of that Member State shall apply the following rules:

- (a) the institution shall calculate the theoretical amount of benefit that the person concerned could claim if all the periods of insurance or residence completed under the legislation of the Member States to which the employed or self-employed person has been subject had been completed in the Member State in question and under the legislation administered by it on the date the benefit is awarded. If, under that legislation, the amount of the benefit does not depend on the length of the periods completed then that amount shall be taken as the theoretical amount referred to in this subparagraph;
- (b) the institution shall then establish the actual amount of the benefit on the basis of the theoretical amount referred to in the preceding subparagraph, and in the ratio which the length of the periods of insurance or residence completed before the risk materializes under the legislation administered by that institution bears to the total length of the periods of insurance and residence completed under the legislations of all the Member States concerned before the risk materialized;
- (c) if the total length of the periods of insurance and residence completed before the risk materializes under the legislations of all the Member States concerned is longer than the maximum period required by the legislation of one of these States for receipt of full benefit, the competent institution of that State shall, when applying the provisions of this paragraph, take into consideration this maximum period instead of the total length of the periods completed; this method of calculation must not result in the imposition on that institution of the cost of a benefit greater than the full benefit provided for by the legislation which it administers;

(d) the procedure for taking into account overlapping periods, when applying the rules of calculation laid down in this paragraph, shall be laid down in the implementing Regulation referred to in Article 98.

3. The person concerned shall be entitled to the total sum of the benefits calculated in accordance with the provisions of paragraphs 1 and 2, within the limit of the highest theoretical amount of benefits calculated according to paragraph 2 (a).

Where the amount referred to in the preceding subparagraph is exceeded, any institution applying paragraph 1 shall adjust its benefit by an amount corresponding to the proportion which the amount of the benefit concerned bears to the total of the benefits determined in accordance with the provisions of paragraph 1.

4. When in a case of invalidity, old age or survivors' pensions, the total of the benefits due from two or more Member States, under the provisions of a multilateral social security convention referred to in Article 6 (b), is lower than the total which would be due from such Member States under paragraphs 1 and 3, the person concerned shall benefit from the provisions of this Chapter.

Article 47

Additional provisions for the calculation of benefits

1. For the calculation of the theoretical amount referred to in Article 46 (2) (a), the following rules shall apply:

(a) where, under the legislation of a Member State, benefits are calculated on the basis of average earnings, an average contribution, an average increase or on the ratio which existed, during the periods of insurance, between the claimant's gross earnings and the average gross earnings of all insured persons other than apprentices, such average figures or ratios shall be determined by the competent institution of that State solely on the basis of the periods of insurance completed under the legislation of the said State, or the gross earnings received by the person concerned during those periods only;

(b) where, under the legislation of a Member State, benefits are calculated on the basis of the amount of earnings, contributions or increases, the competent institution of that State shall determine the earnings, contributions and increases to be taken into account in respect of the periods of insurance or residence completed under the legislation of other Member States on the basis of the average earnings, contributions or increases recorded in respect of the periods of insurance completed under the legislation which it administers;

(c) where, under the legislation of a Member State, benefits are calculated on the basis of standard earnings or a fixed amount, the competent institution of that State shall consider the standard earnings or the fixed amount to be taken into account by it in respect of periods of insurance or residence completed under the legislations of other Member States as being equal to the standard earnings or fixed amount or, where appropriate, to the average of the standard earnings or the fixed amount corresponding to the periods of insurance completed under its own legislation;

(d) where, under the legislation of a Member State, benefits are calculated for some periods on the basis of the amount of earnings, and, for other periods, on the basis of standard earnings or a fixed amount, the competent institution of that State shall, in respect of periods of insurance or residence completed under the legislations of other Member States, take into account the earnings or fixed amounts determined in accordance with the provisions of (b) or (c) above or, as appropriate, the average of these earnings or fixed amounts; where benefits are calculated on the basis of standard earnings or a fixed amount for all the periods completed under the legislation which it administers, the competent institution shall consider the earnings to be taken into account in respect of the periods of insurance or residence completed under the legislations of other Member States as being equal to the notional earnings corresponding to the standard earnings or fixed amount.

2. The provisions of the legislation of a Member State concerning the revalorization of the factors taken into account for the calculation of benefits shall apply, as appropriate, to the factors to be taken into account by the competent institution of that State, in accordance with the provisions of paragraph 1, in respect of the periods of insurance or residence completed under the legislation of other Member States.

3. If, under the legislation of a Member State, the amount of benefits is determined taking into account the existence of members of the family other than children, the competent institution of that State shall also take into consideration those members of the family of the person concerned who are residing in the territory of another Member State as if they were residing in the territory of the competent State.

Article 48

Periods of insurance or residence of less than one year

1. Notwithstanding the provisions of Article 46 (2), if the total length of the periods of insurance or residence completed under the legislation of a Member State does not amount to one year and if under that legislation no right to benefit is acquired by virtue only of those periods, the institution of that State shall not be bound to award benefits in respect of such periods.

2. The competent institution of each of the other Member States concerned shall take into account the periods referred to in paragraph 1, for the purposes of applying the provisions of Article 46 (2) excepting those of subparagraph (b)

3. If the effect of applying the provisions of paragraph 1 would be to relieve of their obligations all the institutions of the Member States concerned benefits shall be awarded exclusively under the legislation of the last of those States whose conditions are satisfied, as if all the periods of insurance and residence completed and taken into account in accordance with the provisions of Article 45 (1) and (2) had been completed under the legislation of that State.

Article 49

Calculation of benefits when the person concerned does not simultaneously satisfy the conditions laid down by all the legislations under which periods of insurance or of residence have been completed

1. If, at a given time, the person concerned does not satisfy the conditions laid down for the provision of benefits by all the legislations of the Member States to which he has been subject, taking into account where appropriate the provisions of Article 45, but satisfies the conditions of one or more of them only, the following provisions shall apply:

(a) each of the competent institutions administering a legislation whose conditions are satisfied shall calculate the amount of the benefit due, in accordance with the provisions of Article 46;

(b) however,

(i) if the person concerned satisfies the conditions of at least two legislations without having recourse to periods of insurance or residence completed under the legislations whose conditions are not satisfied, these periods shall not be taken into account for the purposes of the provisions of Article 46 (2);

(ii) if the person concerned satisfies the conditions of only one legislation without having recourse to periods of insurance or residence completed under the legislations whose conditions are not satisfied, the amount of the benefit payable shall be calculated in accordance with the provisions only of that legislation whose conditions are satisfied, taking account of the periods completed under that legislation only.

2. The benefit or benefits awarded under one or more of the legislations in question, in the case referred to in paragraph 1, shall be recalculated automatically in accordance with the provisions of Article 46, as and when the conditions required by one or more of the other legislations to which the person concerned had been subject are satisfied, taking into account as appropriate the provisions of Article 45.

3. A recalculation shall automatically be made in accordance with the provisions of paragraph 1, and without prejudice to the provisions of Article 40 (2), when the conditions required by one or more of the legislations concerned are no longer satisfied.

Article 50

Award of a supplement when the total of benefits payable under the legislations of the various Member States does not amount to the minimum laid down by the legislation of the State in whose territory the recipient resides

A recipient of benefits to whom this Chapter applies may not, in the State in whose territory he resides and under whose legislation a benefit is payable to him, be awarded a benefit which is less than the minimum benefit fixed by that legislation for a period of insurance or residence equal to all the periods of insurance taken into account for the payment in accordance with the provisions of the preceding Articles. The competent institution of that State shall, if necessary, pay him throughout the period of his residence in its territory a supplement equal to the difference between the total of the benefits payable under this Chapter and the amount of the minimum benefit.

Article 51

Revalorization and recalculation of benefits

1. If, by reason of an increase in the cost of living or changes in the level of wages of salaries or other reasons for adjustment, the benefits of the States concerned are altered by a fixed percentage or amount, such percentage or amount must be applied

directly to the benefits determined under the provisions of Article 46, without the need for a recalculation in accordance with the provisions of that Article.

2. On the other hand, if the method of determining, or the rules for calculating benefits should be altered, a recalculation shall be carried out in accordance with the provisions of Article 46.

CHAPTER 4

ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES

Section 1

Right to benefits

Article 52

Residence in a Member State other than the competent State — General rules

An employed or self-employed person who sustains an accident at work or contracts an occupational disease, and who is residing in the territory of a Member State other than the competent State, shall receive in the State in which he is residing:

- (a) benefits in kind, provided on behalf of the competent institution by the institution of his place of residence in accordance with the provisions of the legislation which it administers as if he were insured with it;
- (b) cash benefits provided by the competent institution in accordance with the provisions of the legislation which it administers. However, by agreement between the competent institution and the institution of the place of residence, these benefits may be provided by the latter institution on behalf of the former in accordance with the legislation of the competent State.

Article 53

Frontier workers — Special rule

A frontier worker may also obtain benefits in the territory of the competent State. Such benefits shall be provided by the competent institution in accordance with the provisions of the legislation of that State, as if the person concerned were residing there.

Article 54

Stay in or transfer of residence to the competent State

1. An employed or self-employed person covered by Article 52 who is staying in the territory of the competent State shall receive

benefits in accordance with the provisions of the legislation of that State, even if he has already received benefits before his stay. This provision shall not, however, apply to frontier workers.

2. An employed or self-employed person covered by Article 52 who transfers his place of residence to the territory of the competent State shall receive benefits in accordance with the provisions of the legislation of that State, even if he has already received benefits before transferring his residence.

Article 55

Stay outside the competent State — Return to or transfer of residence to another Member State after sustaining an accident or contracting an occupational disease — Need to go to another Member State in order to receive appropriate treatment

1. An employed or self-employed person who sustains an accident at work or contracts an occupational disease and:

- (a) who is staying in the territory of a Member State other than the competent State; or
- (b) who, after having become entitled to benefits chargeable to the competent institution, is authorized by that institution to return to the territory of the Member State where he is resident, or to transfer his place of residence to the territory of another Member State; or
- (c) who is authorized by the competent institution to go to the territory of another Member State in order to receive there the treatment appropriate to his condition,

shall be entitled:

- (i) to benefits in kind provided on behalf of the competent institution by the institution of the place of stay or residence in accordance with the provisions of the legislation administered by that institution as though he were insured with it, the period during which benefits are provided shall, however, be governed by the legislation of the competent State;
- (ii) to cash benefits provided by the competent institution in accordance with the legislation which it administers. However, by agreement between the competent institution and the institution of the place of stay or residence, those benefits may be provided by the latter institution on behalf of the former institution, in accordance with the legislation of the competent State.

2. The authorization required under paragraph 1 (b) may be refused only if it is established that movement of the person concerned would be prejudicial to his state of health or to the medical treatment being given.

The authorization required under paragraph 1 (c) may not be refused where the treatment in question cannot be given to the person concerned in the territory of the Member State in which he resides.

Article 56

Accidents while travelling

An accident while travelling which occurs in the territory of a Member State other than the competent State shall be deemed to have occurred in the territory of the competent State.

Article 57

Benefits for an occupational disease where the person concerned has been exposed to the same risk in several Member States

1. When a person who has contracted an occupational disease has, under the legislation of two or more Member States, pursued an activity likely to cause that disease, the benefits that he or his survivors may claim shall be awarded exclusively under the legislation of the last of these States whose conditions are satisfied, taking into account, where appropriate, the provisions of paragraphs 2 and 3.

2. If under the legislation of a Member State the granting of benefits in respect of an occupational disease is subject to the condition that the disease in question was first diagnosed within its territory, such condition shall be deemed to be fulfilled if the disease was first diagnosed in the territory of another Member State.

3. In cases of sclerogenic pneumoconiosis, the following provisions shall apply:

(a) if under the legislation of a Member State the granting of benefits in respect of an occupational disease is subject to the condition that the disease in question was diagnosed within a specific time limit following cessation of the last activity which was likely to cause such a disease, the competent institution of that State, in examining the time at which such activity was pursued, shall take into account, to the extent necessary, similar activities pursued under the legislation of any other Member State, as if they had been pursued under the legislation of the first State;

(b) if under the legislation of a Member State the granting of benefits in respect of an occupational disease is subject to the condition that the activity likely to cause the disease in question was pursued for a certain length of time, the

competent institution of that State shall take into account, to the extent necessary, periods during which such activity was pursued under the legislation of any other Member State, as if it had been pursued under the legislation of the first State;

(c) the cost of cash benefits including pensions shall be divided between the competent institutions of the Member States in whose territory the person concerned pursued an activity likely to cause the disease. This division shall be carried out in the ratio which the length of the periods of old-age insurance or residence referred to in Article 45 (1) completed under the legislation of each of the States bears to the total length of the periods of old-age insurance or residence completed under the legislation of all the States at the date on which the benefits commenced.

4. The Council shall determine unanimously, on a proposal from the Commission, the occupational diseases to which the provisions of paragraph 3 shall be extended.

Article 58

Calculation of cash benefits

1. The competent institution of a Member State whose legislation provides that the calculation of cash benefits shall be based on average earnings shall determine such average earnings exclusively by reference to earnings confirmed as having been paid during the periods completed under the said legislation.

2. The competent institution of a Member State whose legislation provides that the calculation of cash benefits shall be based on standard earnings shall take account exclusively of the standard earnings or, where appropriate, of the average of standard earnings for the periods completed under the said legislation.

3. The competent institution of a Member State whose legislation provides that the amount of cash benefits shall vary with the number of members in the family shall take into account also the members of the family of the person concerned who are residing in the territory of another Member State, as if they were residing in the territory of the competent State.

Article 59

Costs of transporting a person who has sustained an accident at work or is suffering from an occupational disease

1. The competent institution of a Member State whose legislation provides for meeting the costs of transporting a person who has sustained an accident at work or is suffering from an occupational disease, either to his place of residence or to a hospital, shall meet such costs to the corresponding place in the territory of another Member State where the person resides, provided that that institution gives prior authorization for such transport, duly taking into account the reasons justifying it. Such authorization shall not be required in the case of a frontier worker.

2. The competent institution of a Member State whose legislation provides for the costs of transporting the body of a person killed in an accident at work to the place of burial shall, in accordance with the provisions of the legislation which it administers, meet such costs to the corresponding place in the territory of another Member State, where the person was residing at the time of the accident.

Section 2

Aggravation of an occupational disease for which the benefit has been awarded

Article 60

1. In the event of aggravation of an occupational disease for which an employed or self-employed person has received or is receiving benefit under the legislation of a Member State, the following rules shall apply:

(a) if the person concerned has not, while in receipt of benefits, been engaged in an occupation under the legislation of another Member State likely to cause or aggravate the disease in question, the competent institution of the first Member State shall be bound to meet the cost of the benefits under the provisions of the legislation which it administers taking into account the aggravation;

(b) if the person concerned, while in receipt of benefits, has pursued such an activity under the legislation of another Member State, the competent institution of the first Member State shall be bound to meet the cost of the benefits under the legislation which it administers without taking the aggravation into account. The competent institution of the second Member State shall grant a supplement to the person concerned, the amount of which shall be equal to the difference between the amount of benefits due after the aggravation and the amount which would have been due prior to the aggravation under the legislation which it administers if the disease in question had occurred under the legislation of that Member State;

(c) if, in the case covered by subparagraph (b), an employed or self-employed person suffering from sclerogenic pneumoconiosis or from a disease determined under Article 57 (4) is not entitled to benefits under the legislation of the second Member State, the competent institution of the first Member State shall be bound to provide benefits under the legislation which it administers, taking the aggravation into account. The competent institution of the second Member State shall, however, meet the cost of the difference between the amount of cash benefits, including pensions, due from the competent institution of the first Member State, taking the aggravation into account, and the amount of the corresponding benefits which were due prior to the aggravation.

2. In the event of aggravation of an occupational disease giving rise to the application of the provisions of Article 57 (3) (c), the following provisions shall apply:

(a) the competent institution which granted the benefits in accordance with the provisions of Article 57 (1) shall be bound to provide benefits under the legislation which it administers, taking the aggravation into account.

(b) the cost of cash benefits, including pensions, shall continue to be divided between the institutions which shared the costs of former benefits in accordance with the provisions of Article 57 (3) (c). Where, however, the person has again pursued an activity likely to cause or to aggravate the occupational disease in question, either under the legislation of one of the Member States in which he had already pursued an activity of the same nature or under the legislation of another Member State, the competent institution of such State shall meet the cost of the difference between the amount of benefits due, taking account of the aggravation; and the amount of benefits due prior to the aggravation.

Section 3

Miscellaneous provisions

Article 61

Rules for taking into account the special features of certain legislations

1. If there is no insurance against accidents at work or occupational diseases in the territory of the Member State in which the person concerned happens to be, or if such insurance exists but there is no institution responsible for providing benefits in kind, those benefits shall be provided by the institution of the place of stay or residence responsible for providing benefit in kind in the event of sickness.
2. Where the legislation of the competent State makes wholly cost-free benefits in kind conditional upon use of the medical service organized by the employer, benefits in kind provided in the cases referred to in Articles 52 and 55 (1) shall be deemed to have been provided by such a medical service.
3. Where the legislation of the competent State includes a scheme relating to the obligations of the employer, benefits in kind provided in the cases referred to in Articles 52 and 55 (1) shall be deemed to have been provided at the request of the competent institution.
4. Where the nature of the scheme of the competent State relating to compensation for accidents at work is not that of compulsory insurance, the provision of benefits in kind shall be made directly by the employer or by the insurer involved.
5. Where the legislation of a Member State expressly or by implication provides that accidents at work or occupational diseases which have occurred or have been confirmed previously shall be taken into consideration in order to assess the degree of incapacity, the competent institution of that State shall also take into consideration accidents at work or occupational diseases which have occurred or have been confirmed previously under the legislation of another Member State, as if they had occurred or had been confirmed under the legislation which it administers.

Article 62

Scheme applicable where there are several schemes in the country of stay or residence — Maximum duration of benefits

1. If the legislation of the country of stay or residence has several insurance schemes, the provisions applicable to employed or self-employed persons covered by Article 52 or 55(1) shall be those of the scheme for manual workers in the steel industry. However, if that legislation includes a special scheme for workers in mines and similar undertakings, the provisions of that scheme shall apply to that category of workers where the institution of the place of stay or residence to which they submit their claim is competent to administer that scheme.

2. If the legislation of a Member State fixes a maximum period during which benefits may be granted, the institution which administers that legislation may take into account any period during which the benefits have already been provided by the institution of another Member State.

Section 4

Reimbursements between institutions

Article 63

1. The competent institution shall be obliged to reimburse the amount of benefits in kind provided on its behalf in accordance with the provisions of Articles 52 and 55 (1).

2. The reimbursements referred to in paragraph 1 shall be determined and made in accordance with the procedures laid down by the implementing Regulation referred to in Article 98, on proof of actual expenditure

3. Two or more Member States, or the competent authorities of such States, may provide for other methods of reimbursement or waive reimbursement between the institutions coming under their jurisdiction.

CHAPTER 5

DEATH GRANTS

Article 64

Aggregation of periods of insurance or residence

The competent institution of a Member State whose legislation makes the acquisition, retention or recovery of the right to death grants subject to the completion of periods of insurance or residence shall take account, to the extent necessary, of periods of insurance or residence completed under the legislation of any other Member State as though they had been completed under the legislation which it administers.

Article 65

Right to grants where death occurs in, or where the person entitled resides in, a Member State other than the competent State

1. When an employed or self-employed person, a pensioner or a pension claimant, or a member of his family, dies in the territory of a Member State other than the competent State, the death shall be deemed to have occurred in the territory of the competent State.

2. The competent institution shall be obliged to award death grants payable under the legislation which it administers, even if the person entitled resides in the territory of a Member State other than the competent State.

3. The provisions of paragraphs 1 and 2 shall also apply when the death is the result of an accident at work or an occupational disease.

Article 66

Provision of benefits in the event of the death of a pensioner who had resided in a Member State other than the one whose institution was responsible for providing benefits in kind

In the event of the death of a pensioner who was entitled to a pension under the legislation of one Member State, or to pensions under the legislations of two or more Member States, when such pensioner was residing in the territory of a Member State other than the one whose institution was responsible for providing him with benefits in kind under the provisions of Article 28, the death grants payable under the legislation administered by that institution shall be provided by that institution at its own expense as though the pensioner had been residing in the territory of the Member State of that institution at the time of his death.

The provisions of the preceding paragraph shall apply by analogy to the members of the family of a pensioner.

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CHAPTER 6

UNEMPLOYMENT

Section 1

Common provisions

Article 67

Aggregation of periods of insurance or employment

1. The competent institution of a Member State whose legislation makes the acquisition, retention or recovery of the right to benefits subject to the completion of periods of insurance shall take into account, to the extent necessary, periods of insurance or employment completed as an employed person under the legislation of any other Member State, as though they were periods of insurance completed under the legislation which it administers, provided, however, that the periods of employment would have been counted as periods of insurance had they been completed under that legislation.

2. The competent institution of a Member State whose legislation makes the acquisition, retention or recovery of the right to benefits subject to the completion of periods of employment shall take into account, to the extent necessary, periods of insurance or employment completed as an employed person under the legislation of any other Member State, as though they were periods of employment completed under the legislation which it administers.

3. Except in the cases referred to in Article 71 (1) (a) (ii) and (b) (ii), application of the provisions of paragraphs 1 and 2 shall be subject to the condition that the person concerned should have completed lastly:

- in the case of paragraph 1, periods of insurance,
- in the case of paragraph 2, periods of employment,

in accordance with the provisions of the legislation under which the benefits are claimed.

4. Where the length of the period during which benefits may be granted depends on the length of periods of insurance or employment, the provisions of paragraph 1 or 2 shall apply, as appropriate.

Article 68

Calculation of benefits

1. The competent institution of a Member State whose legislation provides that the calculation of benefits should be based on the amount of the previous wage or salary shall take into account exclusively the wage or salary received by the person concerned in respect of his last employment in the territory of that State. However, if the person concerned had been in his last employment in that territory for less than four weeks, the benefits shall be calculated on the basis of the normal wage or salary corresponding, in the place where the unemployed person is residing or staying, to an equivalent or similar employment to his last employment in the territory of another Member State.

2. The competent institution of a Member State whose legislation provides that the amount of benefits varies with the number of members of the family, shall take into account also members of the family of the person concerned who are residing in the territory of another Member State, as though they were residing in the territory of the competent State. This provision shall not apply if, in the country of residence of the members of the family, another person is entitled to unemployment benefits for the calculation of which the members of the family are taken into consideration.

Section 2

Unemployed persons going to a Member State other than the competent State

Article 69

Conditions and limits for the retention of the right to benefits

1. An employed or self-employed person who is wholly unemployed and who satisfies the conditions of the legislation of a Member State for entitlement to benefits and who goes to one or more other Member States in order to seek employment there shall retain his entitlement to such benefits under the following conditions and within the following limits:

- (a) before his departure, he must have been registered as a person seeking work and have remained available to the employment services of the competent State for at least four weeks after becoming unemployed. However, the competent services or institutions may authorize his departure before such time has expired;
- (b) he must register as a person seeking work with the employment services of each of the Member States to which he goes and be subject to the control procedure organized therein. This condition shall be considered satisfied for the period before registration if the person concerned registered within seven days of the date when he ceased to be available to the employment services of the State he left. In exceptional cases, this period may be extended by the competent services or institutions;
- (c) entitlement to benefits shall continue for a maximum period of three months from the date when the person concerned ceased to be available to the employment services of the State which he left, provided that the total duration of the benefits does not exceed the duration of the period of benefits he was entitled to under the legislation of that State. In the case of a seasonal worker such duration shall, moreover, be limited to the period remaining until the end of the season for which he was engaged.

2. If the person concerned returns to the competent State before the expiry of the period during which he is entitled to benefits under the provisions of paragraph 1 (c), he shall continue to be entitled to benefits under the legislation of that State; he shall lose all entitlement to benefits under the legislation of the competent State if he does not return there before the expiry of that period. In exceptional cases, this time limit may be extended by the competent services or institutions.

3. The provisions of paragraph 1 may be invoked only once between two periods of employment.

4. Where the competent State is Belgium, an unemployed person who returns there after the expiry of the three month period laid down in paragraph 1 (c), shall not requalify for benefits in that country until he has been employed there for at least three months.

Article 70

Provision of benefits and reimbursements

1. In the cases referred to in Article 69 (1), benefits shall be provided by the institution of each of the States to which an unemployed person goes to seek employment.

The competent institution of the Member State to whose legislation an employed or self-employed person was subject at the time of his last employment shall be obliged to reimburse the amount of such benefits.

2. The reimbursements referred to in paragraph 1 shall be determined and made in accordance with the procedure laid down by the implementing Regulation referred to in Article 98, on proof of actual expenditure, or by lump sum payments.

3. Two or more Member States, or the competent authorities of those States, may provide for other methods of reimbursement or payment, or may waive all reimbursement between the institutions coming under their jurisdiction.

Section 3

Unemployed persons who, during their last employment, were residing in a Member State other than the competent State

shall be suspended for any period during which the unemployed person may, under the provisions of Article 69, make a claim for benefits under the legislation to which he was last subject.

2. An unemployed person may not claim benefits under the legislation of the Member State in whose territory he resides while he is entitled to benefits under the provisions of paragraph 1 (a) (i) or (b) (i).

Article 71

1. An unemployed person who was formerly employed and who, during his last employment, was residing in the territory of a Member State other than the competent State shall receive benefits in accordance with the following provisions:

- (a) (i) a frontier worker who is partially or intermittently unemployed in the undertaking which employs him, shall receive benefits in accordance with the provisions of the legislation of the competent State as if he were residing in the territory of that State; these benefits shall be provided by the competent institution;
- (ii) a frontier worker who is wholly unemployed shall receive benefits in accordance with the provisions of the legislation of the Member State in whose territory he resides as though he had been subject to that legislation while last employed; these benefits shall be provided by the institution of the place of residence at its own expense;
- (b) (i) an employed person, other than a frontier worker, who is partially, intermittently or wholly unemployed and who remains available to his employer or to the employment services in the territory of the competent State shall receive benefits in accordance with the provisions of the legislation of that State as though he were residing in its territory; these benefits shall be provided by the competent institution;
- (ii) an employed person, other than a frontier worker, who is wholly unemployed and who makes himself available for work to the employment services in the territory of the Member State in which he resides, or who returns to that territory, shall receive benefits in accordance with the legislation of that State as if he had last been employed there; the institution of the place of residence shall provide such benefits at its own expense. However, if such employed person has become entitled to benefits at the expense of the competent institution of the Member State to whose legislation he was last subject, he shall receive benefits under the provisions of Article 69. Receipt of benefits under the legislation of the State in which he resides

FAMILY BENEFITS AND FAMILY ALLOWANCES

Section 1

Provision common to benefits for employed, self-employed and unemployed persons

Article 72

Aggregation of periods of insurance, employment or self-employment

Where the legislation of one Member State makes acquisition of the right to benefits conditional upon completion of periods of insurance, employment or self-employment the competent institution of that State shall take into account, to the extent necessary, periods of insurance, employment or self-employment completed in the territory of any other Member State, as if they were periods completed under the legislation which it administers.

Section 2

Employed and unemployed persons whose families **reside in a Member State other than the competent State**

Article 73

Employed persons

1. An employed person subject to the legislation of a Member State other than France shall be entitled to the family benefits provided for by the legislation of the first Member State for members of his family residing in the territory of another Member State, as though they were residing in the territory of the first State.

2. An employed person subject to French legislation shall be entitled, in respect of members of his family residing in the territory of a Member State other than France, to the family allowances provided for by the legislation of the Member State in whose territory those members of the family reside; the employed person must satisfy the conditions regarding employment on which French legislation bases entitlement to such benefits.

3. However, an employed person who is subject to French legislation by virtue of

Article 14 (1) shall be entitled to the family benefits set out in Annex VI in respect of members of his family who accompany him to the territory of the Member State where he is working.

Article 74

Unemployed persons

1. An unemployed person who was formerly employed and who draws unemployment benefits under the legislation of a Member State other than France shall be entitled to the family benefits provided for by the legislation of the first Member State for members of his family residing in the territory of another Member State as though they were residing in the territory of the first State.
2. An unemployed person who was formerly employed and who draws unemployment benefits under French legislation shall be entitled, in respect of members of his family residing in the territory of a Member State other than France, to the family allowances provided for by the legislation of the State in whose territory those members of the family are residing.

Article 75

Provision of benefits and reimbursements

1. (a) Family benefits shall be provided, in the cases referred to in Article 73 (1) and (3), by the competent institution of the State to whose legislation the employed person is subject and, in the case referred to in Article 74 (1), by the competent institution of the State under whose legislation the unemployed person is receiving unemployment benefits. They shall be provided in accordance with the provisions administered by such institutions, whether the natural or legal person to whom such benefits are payable is residing or staying in the territory of the competent State or in that of another Member State;
- (b) however, if the family benefits are not applied by the person to whom they should be provided for the maintenance of the members of the family, the competent institution shall discharge its legal obligations by providing the said benefits to the natural or legal person actually maintaining the members of the family, on application by and through the agency of the institution of their place of residence or of the institution or body appointed to that end by the competent authority of their country of residence;

- (c) two or more Member States may agree, in accordance with the provisions of Article 8, that the competent institution shall provide the family benefits due under the legislation of one or more of those States to the natural or legal person actually maintaining the members of the family, either directly, or through the agency of the institution of their place of residence.
2. (a) Family allowances shall be provided, in the cases referred to in Articles 73 (2) and 74 (2), by the institution of the place of residence of the members of the family, in accordance with the provisions of the legislation administered by that institution;
 - (b) however, if, under that legislation, the allowances must be provided to the employed person, the institution referred to in the preceding subparagraph shall pay such allowances to the natural or legal person actually maintaining the members of the family in their place of residence or, where appropriate, directly to the members of the family;
 - (c) the competent institution shall reimburse the full amount of the allowances provided in accordance with the provisions of the preceding subparagraphs. The reimbursements shall be determined and made in accordance with the procedures laid down by the implementing Regulation referred to in Article 98.

Article 76

Rules of priority in cases of overlapping entitlement to family benefits or family allowances in pursuance of the provisions of Articles 73 and 74 by reason of the pursuit of a professional or trade activity in the country of residence of the members of the family

Entitlement to family benefits or family allowances under the provisions of Articles 73 and 74 shall be suspended if, by reason of the pursuit of a professional or trade activity, family benefits or family allowances are also payable under the legislation of the Member State in whose territory the members of the family are residing.

CHAPTER 8

BENEFITS FOR DEPENDENT CHILDREN OF PENSIONERS AND FOR ORPHANS

Article 77

Dependent children of pensioners

1. The term 'benefits', for the purposes of this Article, shall mean family allowances for persons

receiving pensions for old age, invalidity or an accident at work or occupational disease, and increases or supplements to such pensions in respect of the children of such pensioners, with the exception of supplements granted under insurance schemes for accidents at work and occupational diseases.

2. Benefits shall be granted in accordance with the following rules, irrespective of the Member State in whose territory the pensioner or the children are residing:

- (a) to a pensioner who draws a pension under the legislation of one Member State only, in accordance with the legislation of the Member State responsible for the pension;
- (b) to a pensioner who draws pensions under the legislation of more than one Member State:
 - (i) in accordance with the legislation of whichever of these States he resides in provided that, taking into account where appropriate the provisions of Article 79 (1) (a), a right to one of the benefits referred to in paragraph 1 is acquired under the legislation of that State; or
 - (ii) in other cases in accordance with the legislation of the Member State to which he has been subject for the longest period of time, provided that, taking into account, where appropriate, the provisions of Article 79 (1) (a), a right to one of the benefits referred to in paragraph 1 is acquired under such legislation; if no right to benefit is acquired under that legislation, the conditions for the acquisition of such right under the legislations of the other Member States concerned shall be examined in decreasing order of the length of periods of insurance or residence completed under the legislation of those Member States.

Article 78

Orphans

1. The term 'benefits', for the purposes of this Article, means family allowances and, where appropriate, supplementary or special allowances for orphans and orphans' pensions except those granted under insurance schemes for accidents at work and occupational diseases.

2. Orphans' benefits shall be granted in accordance with the following rules, irrespective of the Member State in whose territory the orphan or the natural or legal person actually maintaining him is resident:

- (a) for the orphan of a deceased employed or self-employed person who was subject to the legislation of one Member State only in accordance with the legislation of that State;
- (b) for the orphan of a deceased employed or self-employed person who was subject to the legislation of several Member States:
 - (i) in accordance with the legislation of the Member State in whose territory the orphan resides provided that, taking into account, where appropriate, the provisions of Article 79 (1) (a), a right to one of the benefits referred to in paragraph 1 is acquired under the legislation of that State; or
 - (ii) in other cases in accordance with the legislation of the Member State to which the deceased had been subject for the longest period of time, provided that, taking into account, where appropriate, the provisions of Article 79 (1) (a), the right to one of the benefits referred to in paragraph 1 is acquired under the legislation of that State; if no right is acquired under that legislation, the conditions for the acquisition of such right under the legislations of the other Member States shall be examined in decreasing order of the length of periods of insurance or residence completed under the legislation of those Member States.

However, the legislation of the Member State applicable in respect of provision of the benefits referred to in Article 77 for a pensioner's children shall remain applicable after the death of the said pensioner in respect of the provision of the benefits to his orphans.

Article 79

Provisions common to benefits for dependent children of pensioners and for orphans

1. Benefits, within the meaning of Articles 77 and 78, shall be provided in accordance with the legislation determined by applying the provisions of those Articles by the institution responsible for administering such legislation and at its expense as if the pensioner or the deceased had been subject only to the legislation of the competent State.

However:

- (a) if that legislation provides that the acquisition, retention or recovery of the right to benefits shall be dependent on the length of periods of insurance, employment, self-employment or residence such length shall be determined taking into account, where appropriate, the provisions of Article 45 or, as the case may be, Article 72;
- (b) if that legislation provides that the amount of benefits shall be calculated on the basis of the amount of the pension, or shall depend on the length of periods of insurance the amount of these benefits shall be calculated on the basis of the theoretical amount determined in accordance with the provisions of Article 46 (2).

2. In a case where the effect of applying the rule laid down in Article 77 (2) (b) (ii) and 78 (2) (b) (ii) would be to make several Member States competent, the length of the periods being equal, benefits within the meaning of Article 77 or Article 78, as the case may be, shall be granted in accordance with the legislation of the Member State to which the pensioner or the deceased was last subject.

3. The right to benefits due under the provisions of paragraph 2 and under Articles 77 and 78 shall be suspended if the children become entitled to family benefits or family allowances under the legislation of a Member State by virtue of the pursuit of a professional or trade activity. In such a case, the persons concerned shall be considered as members of the family of an employed or self-employed person.

TITLE IV

ADMINISTRATIVE COMMISSION ON SOCIAL SECURITY FOR MIGRANT WORKERS

Article 80

Composition and working methods

1. There shall be attached to the Commission of the European Communities, an Administrative Commission on Social Security for Migrant Workers (hereinafter called 'Administrative Commission') made up of a government representative of each of the Member States, assisted, where necessary, by expert advisers. A representative of the Commission of the European Communities shall attend the meetings of the Administrative Commission in an advisory capacity.

2. The Administrative Commission shall be assisted in technical matters by the International Labour Office under the terms of the agreements concluded to that end between the European Economic Community and the International Labour Organization.

3. The rules of the Administrative Commission shall be drawn up by mutual agreement among its members.

Decisions on questions of interpretation referred to in Article 81 (a) shall be unanimous. They shall be given the necessary publicity.

4. Secretarial services shall be provided for the Administrative Commission by the Commission of the European Communities.

Article 81

Tasks of the Administrative Commission

The Administrative Commission shall have the following duties:

(a) to deal with all administrative questions and questions of interpretation arising from the provisions of this Regulation and subsequent Regulations, or from any agreement or

arrangement concluded thereunder, without prejudice to the right of the authorities, institutions and persons concerned to have recourse to the procedures and tribunals provided for by the legislations of Member States, by this Regulation or by the Treaty;

- (b) to carry out all translations of documents relating to the implementation of this Regulation at the request of the competent authorities, institutions and tribunals of the Member States, and in particular translations of claims submitted by persons who may be entitled to benefit under the provisions of this Regulation;
- (c) to foster and develop cooperation between Member States in social security matters, particularly in respect of health and social measures of common interest;
- (d) to foster and develop cooperation between Member States with a view to expediting, taking into account developments in administrative management techniques, the award of benefits, in particular those due under the provisions of this Regulation for invalidity, old age and death (pensions);
- (e) to assemble the factors to be taken into consideration for drawing up accounts relating to the costs to be borne by the institutions of the Member States under the provisions of this Regulation and to adopt the annual accounts between the said institutions;
- (f) to undertake any other function coming within its competence under the provisions of this and of subsequent Regulations or any agreement or arrangement made thereunder;
- (g) to submit proposals to the Commission of the European Economic Communities for working out subsequent Regulations and for the revision of this and subsequent Regulations.

TITLE V

ADVISORY COMMITTEE ON SOCIAL SECURITY FOR MIGRANT WORKERS

Article 82

Establishment, composition and working methods

1. An Advisory Committee on Social Security for Migrant Workers (hereinafter called the 'Advisory Committee') is hereby established, with 60 members comprising, from each Member State:

- (a) two representatives of the government, of whom one at least must be a member of the Administrative Commission;
- (b) two representatives of trade unions;
- (c) two representatives of employers' organizations.

For each of the categories referred to above, an alternate member shall be appointed for each Member State.

2. Members of the Advisory Committee and their alternates shall be appointed by the Council which shall endeavour, when selecting representatives of trade unions and employers' organizations, to achieve an equitable representation on the Committee of the various sectors concerned.

The list of members and their alternates shall be published by the Council in the *Official Journal of the European Communities*.

3. The term of office for members and alternates shall be two years. Their appointments may be renewed. On expiry of their term of office, members and alternates shall remain in office until they are replaced or until their appointments are renewed.

4. The Advisory Committee shall be chaired by a member of the Commission or his representative. The chairman shall not vote.

5. The Advisory Committee shall meet at least once each year. It shall be convened by its chairman, either on his own initiative or on written application to him by at least one third of the members. Such application must include concrete proposals concerning the agenda.

6. Acting on a proposal from its chairman, the Advisory Committee may decide, in exceptional circumstances, to take advice from any persons or representatives of organizations with extensive experience in social security matters. Furthermore, the Committee shall receive technical assistance from the International Labour Office under the same conditions as the Administrative Commission, under the terms of the agreement concluded between the European Economic Community and the International Labour Organization.

7. The opinions and proposals of the Advisory Committee must state the reasons on which they are based. They shall be delivered by an absolute majority of the votes validly cast.

The Committee shall, by a majority of its members, draw up its rules of procedure which shall be approved by the Council, after receiving the opinion of the Commission.

8. Secretarial services shall be provided for the Advisory Committee by the Commission of the European Communities.

Article 83

Tasks of the Advisory Committee

The Advisory Committee shall be empowered, at the request of the Commission of the European Communities, of the Administrative Commission or on its own initiative:

- (a) to examine general questions or questions of principle and problems arising from the implementation of the Regulations adopted within the framework of the provisions of Article 51 of the Treaty;
- (b) to formulate opinions on the subject for the Administrative Commission and proposals for any revision of the Regulations.

TITLE VI

MISCELLANEOUS PROVISIONS

Article 84

Cooperation between competent authorities

1. The competent authorities of Member States shall communicate to each other all information regarding:

- (a) measures taken to implement this Regulation;
- (b) changes in their legislation which are likely to affect the implementation of this Regulation.

2. For the purposes of implementing this Regulation, the authorities and institutions of Member States shall lend their good offices and act as though implementing their own legislation. The administrative assistance furnished by the said authorities and institutions shall, as a rule, be free of charge. However, the competent authorities of the Member States may agree to certain expenses being reimbursed.

3. The authorities and institutions of Member States may, for the purpose of implementing this Regulation, communicate directly with one another and with the persons concerned or their representatives.

4. The authorities, institutions and tribunals of one Member State may not reject claims or other documents submitted to them on the grounds that they are written in an official language of another Member State. They shall have recourse where appropriate to the provisions of Article 81 (b).

Article 85

Exemptions from or reductions of taxes — Exemption from authentication

1. Any exemption from or reduction of taxes, stamp duty, notarial or registration fees provided for in the legislation of one Member State in respect of certificates or documents required to be produced for the purposes of the legislation of that State shall be extended to similar documents required to be produced for the purposes of the legislation of another Member State or of this Regulation.

2. All statements, documents and certificates of any kind whatsoever required to be produced for the

purposes of this Regulation shall be exempt from authentication by diplomatic or consular authorities.

Article 86

Claims, declarations or appeals submitted to an authority, institution or tribunal of a Member State other than the competent State

Any claim, declaration or appeal which should have been submitted, in order to comply with the legislation of one Member State, within a specified period to an authority, institution or tribunal of that State shall be admissible if it is submitted within the same period to a corresponding authority, institution, or tribunal of another Member State. In such a case the authority, institution, or tribunal receiving the claim, declaration or appeal shall forward it without delay to the competent authority, institution or tribunal of the former State either directly or through the competent authorities of the Member State concerned. The date on which such claims, declarations or appeals were submitted to the authority, institution, or tribunal of the second State shall be considered as the date of their submission to the competent authority, institution, or tribunal.

Article 87

Medical examinations

1. Medical examinations provided for by the legislation of one Member State may be carried out at the request of the competent institution, in the territory of another Member State, by the institution of the place of stay or residence of the person entitled to benefits, under conditions laid down in the implementing Regulation referred to in Article 98 or, failing these, under conditions agreed upon between the competent authorities of the Member States concerned.

2. Medical examinations carried out under the conditions laid down in paragraph 1 shall be considered as having been carried out in the territory of the competent State.

Article 88

Transfers from one Member State to another of sums of money payable pursuant to this Regulation

Subject to the provisions of Article 106 of the Treaty, money transfers effected in accordance with this Regulation shall be made in accordance with the relevant agreements in force between the Member States concerned at the time of transfer. Where no such agreements are in force between two Member States, the competent authorities of the said States or the authorities responsible for international payments shall, by mutual agreement, determine the measures necessary for effecting such transfers.

Article 89

Special procedures for implementing certain legislations

Special procedures for implementing the legislations of certain Member States are set out in Annex V I.

Article 90

Housing allowances and family benefits introduced after the entry into force of this Regulation

Housing allowances and, in the case of Luxembourg, family benefits introduced after 1 October 1972 for demographic reasons shall not be granted to persons resident in the territory of a Member State other than the competent State.

Article 91

Contributions chargeable to employers or undertakings not established in the competent State

An employer shall not be bound to pay increased contributions by reason of the fact that his place of business or the registered office or place of business of his undertaking is in the territory of a Member State other than the competent State.

Article 92

Collection of contributions

1. Contributions payable to an institution of one Member State may be collected in the territory of another Member State in accordance with the administrative procedure and with the guarantees and privileges applicable to the collection of contributions payable to the corresponding institution of the latter State.

2. The procedure for the implementation of the provisions of paragraph 1 shall be governed, in so far as is necessary, by the implementing Regulation referred to in Article 98 or by means of agreements between Member States. Such implementing procedure may also cover procedure for enforcing payment.

Article 93

Rights of institutions responsible for benefits against liable third parties

1. If a person receives benefits under the legislation of one Member State in respect of an injury resulting from an occurrence in the territory of another State, any rights of the institution responsible for benefits against a third party bound to compensate for the injury shall be governed by the following rules:

- (a) where the institution responsible for benefits is, by virtue of the legislation which it administers, subrogated to the rights which the recipient has against the third party, such subrogation shall be recognized by each Member State;
- (b) where the said institution has direct rights against the third party, such rights shall be recognized by each Member State.

2. If a person receives benefits under the legislation of one Member State in respect of an injury resulting from an occurrence in the territory of another Member State, the provisions of the said legislation which determine in which cases the civil liability of employers or of the persons employed by them is to be excluded shall apply with regard to the said person or to the competent institution.

The provisions of paragraph 1 shall also apply to any rights of the institution responsible for benefit against an employer or the persons employed by him in cases where their liability is not excluded.

3. Where, in accordance with the provisions of Article 36 (3) and/or Article 63 (3), two or more Member States or the competent authorities of those States have concluded an agreement to waive reimbursement between institutions under their jurisdiction, any rights arising against a liable third party shall be governed by the following rules:

- (a) where the institution of the Member State of stay or residence awards benefits to a person in respect of an injury which was sustained within its territory, that institution, in accordance with the legislation which it administers, shall exercise the right to subrogation or direct action against the third party liable to provide compensation for the injury;
- (b) for the purpose of implementing (a):
 - (i) the person receiving benefits shall be deemed to be insured with the institution of the place of stay or residence, and
 - (ii) that institution shall be deemed to be the debtor institution;
- (c) the provisions of paragraphs 1 and 2 shall remain applicable in respect of any benefits not covered by the waiver agreement referred to in this paragraph.

TITLE VII

TRANSITIONAL AND FINAL PROVISIONS

Article 94

Transitional provisions for employed persons

1. No right shall be acquired under this Regulation in respect of a period prior to 1 October 1972 or to the date of its application in the territory of the Member State concerned.
2. All periods of insurance and, where appropriate, all periods of employment or residence completed under the legislation of a Member State before 1 October 1972 or before the date of its application in the territory of that Member State, shall be taken into consideration for the determination of rights acquired under the provisions of this Regulation.
3. Subject to the provisions of paragraph 1, a right shall be acquired under this Regulation even though it relates to a contingency which materialized prior to 1 October 1972 or to the date of its application in the territory of the Member State concerned.
4. Any benefit which has not been awarded or which has been suspended by reason of the nationality or place of residence of the person concerned shall, on the application of the person concerned, be awarded or resumed with effect from 1 October 1972 or the date of its application in the territory of the Member State concerned provided that the rights previously determined have not given rise to a lump sum payment.
5. The rights of a person to whom a pension was awarded prior to 1 October 1972 or to the date of its application in the territory of the Member State concerned may, on the application of the person concerned, be reviewed, taking into account the provisions of this Regulation. This provision shall also apply to the other benefits referred to Article 78.
6. If an application referred to in paragraph 4 or 5 is submitted within two years from 1 October 1972 or from the date of its application in the territory of the Member State concerned, the rights acquired under this Regulation shall have effect from that date, and the provisions of the legislation of any Member State concerning the forfeiture or limitation of rights may not be invoked against the persons concerned.
7. If an application referred to in paragraph 4 or 5 is submitted after the expiry of the two year period after 1 October 1972 or following the date of its application in the territory of the Member State concerned, rights which have not been forfeited or which are not time barred shall have effect from the date on which the application was submitted, except where more favourable provisions of the legislation of any Member State apply.
8. In cases of sclerogenic pneumoconiosis, the provision of Article 57(3)(c) shall apply to cash benefits for an occupational disease the expense of which, in the absence of agreement between the institutions concerned, could not be divided between those institutions before 1 October 1972.
9. The implementation of the provisions of Article 73(2) shall not have the effect of reducing any rights existing at 1 October 1972 or the date of the application of this Regulation in the territory of the Member State concerned. As regards persons who at that date are receiving more favourable benefits by virtue of bilateral agreements concluded with France, those agreements shall continue to apply to such persons for as long as they are subject to French legislation. Account shall not be taken of interruptions lasting less than one month, nor of periods in which unemployment or sickness benefit is drawn. The procedure for implementing these provisions shall be laid down by the implementing Regulation referred to in Article 98.

Article 95

Transitional provisions for self-employed persons

1. No right shall be acquired under this Regulation in respect of a period to 1 July 1982.
2. All insurance periods and, where appropriate, all periods of employment, of self-employment or of residence completed under the legislation of a Member State before 1 July 1982 shall be taken into consideration for the determination of rights to benefits under this Regulation.
3. Subject to paragraph 1, a right shall be acquired under this Regulation even though relating to a contingency which materialized prior to 1 July 1982.
4. Any benefit which has not been awarded or which has been suspended by reason of the nationality or place of residence of the person concerned shall, on the application of the person concerned, be awarded or resumed with effect from 1 July 1982 provided that the rights previously determined have not given rise to a lump sum payment.
5. The rights of a person to whom a pension was awarded prior to 1 July 1982 may, on the application of the person concerned, be reviewed, taking into account the provisions of this Regulation. This provision shall also apply to the other benefits referred to in Article 78.

6. If an application referred to in paragraph 4 or 5 is submitted within two years from 1 July 1982, the rights acquired under this Regulation shall have effect from that date, and the provisions of the legislation of any Member State concerning the forfeiture or limitation of rights may not be invoked against the persons concerned.

7. If the application referred to in paragraph 4 or 5 is submitted after the expiry of the two year period after 1 July 1982, rights which have not been forfeited or are not barred by limitation shall have effect from the date on which the application was submitted, except where more favourable provisions of the legislation of any Member State apply.

Article 96

Agreement relating to reimbursement between institutions

Unless the Member States concerned decide otherwise, the agreements concluded pursuant to Article 36(3), Article 63(3) and Article 70(3), prior to 1 July 1982, shall not apply to the persons to whom the scope of this Regulation was extended on 1 July 1982.

Article 97

Notifications pursuant to certain provisions

1. The notifications referred to in Articles 1(j), 5 and 8(2) shall be addressed to the President of the Council of the European Communities. They shall indicate the date of entry into force of the laws and schemes in question or, in the case of the notifications referred to in Article 1(j), the date from which this Regulation shall apply to the schemes mentioned in the declarations of the Member States.

2. Notifications received in accordance with the provisions of paragraph 1 shall be published in the Official Journal of the European Communities.

Article 100

Repeal of previous regulations

Article 98

Implementing Regulation

A further Regulation shall lay down the procedure for implementing this Regulation.

This Regulation and the Implementing Regulation shall repeal the following Regulations:

- Council Regulation No 3 concerning social security for migrant workers, ⁽¹⁾
- Council Regulation No 4 laying down implementing procedures and supplementary provisions in respect of Regulation No 3 ⁽¹⁾, and
- Council Regulation No 36/63/EEC of 2 April 1963 concerning social security for frontier workers ⁽²⁾.

Article 99

Re-examination of the problem of payment of family benefits

Before 1 January 1973 the Council shall, on a proposal from the Commission, re-examine the whole problem of payment of family benefits to members of families who are not residing in the territory of the competent State, in order to reach a uniform solution for all Member States.

⁽¹⁾ OJ No 30, 16. 12. 1958, p. 597/58.

⁽²⁾ OJ No 62, 20. 4. 1963, p. 1314/63.

ANNEX I (8)(10)

PERSONS COVERED BY THE REGULATION

I. Employed persons and/or self-employed persons

(Article 1 (a) (ii) and (iii) of the Regulation)

A. BELGIUM

Does not apply.

B. DENMARK

1. Any person who, from the fact of pursuing an activity as an employed person, is subject :

(a) to the legislation on accidents at work and occupational diseases for the period prior to 1 September 1977 ;

(b) to the legislation on supplementary pensions for employed persons (arbejdsmarkedets tillægspension, ATP) for a period commencing on or after 1 September 1977,

shall be considered as an employed person within the meaning of Article 1(a)(ii) of the Regulation.

2. Any person who, pursuant to the law on daily cash benefits in the event of sickness or maternity, is entitled to such benefits on the basis of an earned income other than a wage or salary shall be considered a self-employed person within the meaning of Article 1 (a) (ii) of the Regulation.

C. GERMANY

If the competent institution for granting family benefits in accordance with Title III, Chapter 7, of the Regulation is a German institution, then within the meaning of Article 1 (a) (ii) of the Regulation:

(a) "employed person" means any person compulsorily insured against unemployment or any person who, as a result of such insurance, obtains cash benefits under sickness insurance or comparable benefits;

(b) "self-employed person" means any person pursuing self-employment who is bound:

— to join, or pay contributions in respect of, an old-age insurance within a scheme for self-employed persons, or

— to join a scheme within the framework of compulsory pension insurance.

D. FRANCE

Does not apply.

E. GREECE

1. Persons insured under the OGA scheme who pursue exclusively activities as employed persons or who are or have been subject to the legislation of another Member State and who consequently are or have been "employed persons" within the meaning of Article 1 (a) of the Regulation are considered as employed persons within the meaning of Article 1 (a) (iii) of the Regulation.

2. For the purposes of granting the national family allowances, persons referred to in Article 1 (a) (i) and (iii) of the Regulation are considered as employed persons within the meaning of Article 1 (a) (ii) of the Regulation.

F. IRELAND

1. Any person who is compulsorily or voluntarily insured pursuant to the provisions of Sections 5 and 37 of the Social Welfare (Consolidation) Act 1981 shall be considered an employed person within the meaning of Article 1 (a) (ii) of the Regulation.
2. Any person who is pursuing a professional or trade activity without a contract of employment or who has retired from such activity shall be considered a self-employed person within the meaning of Article 1 (a) (ii) of the Regulation. As regards sickness benefits in kind, the person concerned must also be entitled to such benefits under Section 45 or Section 46 of the Health Act 1970.

G. ITALY

Does not apply.

H. LUXEMBOURG

Does not apply.

I. NETHERLANDS

Any person pursuing an activity or occupation without a contract of employment shall be considered a self-employed person within the meaning of Article 1 (a) (ii) of the Regulation.

J. UNITED KINGDOM

Any person who is an "employed earner" or a "self-employed earner" within the meaning of the legislation of Great Britain or of the legislation of Northern Ireland shall be regarded respectively as an employed person or a self-employed person within the meaning of Article 1 (a) (ii) of the Regulation. Any person in respect of whom contributions are payable as an "employed person" or a "self-employed person" in accordance with the legislation of Gibraltar shall be regarded respectively as an employed person or a self-employed person within the meaning of Article 1 (a) (ii) of the Regulation.

II. Members of the family

(Article 1 (f), second sentence, of the Regulation)

A. BELGIUM

Does not apply.

B. DENMARK

For the purpose of determining entitlement to benefits in kind pursuant to Article 22 (1) (a) and Article 31 of the Regulation, "member of the family" means any person regarded as a member of the family under the Law on the Public Health Service.

C. GERMANY

Does not apply.

D. FRANCE

Does not apply.

E. GREECE

Does not apply.

F. IRELAND

For the purpose of determining entitlement to benefits in kind pursuant to Article 22 (1) (a) and Article 31 of the Regulation, "member of the family" means any person regarded as a dependent of the employed or self-employed person for the purposes of the Health Acts 1947 to 1970.

G. ITALY

Does not apply.

H. LUXEMBOURG

Does not apply.

I. NETHERLANDS

Does not apply.

J. UNITED KINGDOM

For the purpose of determining entitlement to benefits in kind pursuant to Articles 22 (1) (a) and 31 of the Regulation, the expression 'member of the family' shall mean:

- (a) as regards the legislation of either Great Britain or Northern Ireland, any person regarded as a dependant within the meaning of the Social Security Act 1975 or, as the case may be, the Social Security (Northern Ireland) Act 1975, and
- (b) as regards the legislation of Gibraltar, any person regarded as a dependant within the meaning of the Group Practice Medical Scheme Ordinance 1973.

ANNEX II

(Article 1 (u) of the Regulation)

I. Special childbirth allowances excluded from the scope of the Regulation in pursuance of Article 1 (u)

- A. BELGIUM
Childbirth allowance
- B. DENMARK
None
- C. GERMANY
None
- D. FRANCE
(a) Prenatal allowances
(b) Postnatal allowances
- E. GREECE
None
- F. IRELAND
None
- G. ITALY
None
- H. LUXEMBOURG
Childbirth allowances
- I. NETHERLANDS
None
- J. UNITED KINGDOM
None

II. Special schemes for self-employed persons excluded from the scope of the Regulation pursuant to Article 1 (j), second subparagraph

A. BELGIUM

Does not apply.

B. DENMARK

Does not apply.

C. GERMANY

Insurance and welfare institutions (Versicherungs- und Versorgungswerke) for doctors, dentists, veterinary surgeons, dispensing chemists, barristers and counsel, patent agents (Patentanwälte), notaries public, auditors (Wirtschaftsprüfer), tax consultants and advisers (Steuerbevollmächtigte), sea pilots (Seelotsen) and architects, set up pursuant to legislation of the Länder, and other insurance and welfare institutions, in particular welfare funds (Fürsorgeeinrichtungen) and the system for extended fee-sharing (erweiterte Honorarverteilung).

D. FRANCE

1. Self-employed persons outside the agricultural sphere:

(a) The supplementary old-age insurance schemes and the invalidity and death insurance schemes for self-employed persons, such as are mentioned in Articles L 658, L 659, L 663-11, L 663-12, L 682 and L 683-1 of the Social Security Code.

(b) The additional benefits referred to in Article 9 of Law No 66-509 of 12 July 1966.

2. Self-employed persons in agriculture:

The types of insurance set out in Articles 1049 and 1234.19 of the Rural Code, concerning, on the one hand, sickness, maternity and old-age and, on the other, accidents at work and occupational diseases of self-employed persons in agriculture.

E. GREECE

Does not apply.

F. IRELAND

Does not apply.

G. ITALY

Does not apply.

H. LUXEMBOURG

Does not apply.

I. NETHERLANDS

Does not apply.

J. UNITED KINGDOM

Does not apply.

ANNEX III

(Articles 7 (2) (c) and 3 (3) of the Regulation)

Provisions of social security conventions remaining applicable notwithstanding Article 6 of the Regulation — Provisions of social security conventions which do not apply to all persons to whom the Regulation applies

GENERAL COMMENTS

1. In so far as the provisions contained in this Annex provide for references to the provisions of other conventions, those references shall be replaced by references to the corresponding provisions of this Regulation, unless the provisions of the conventions in question are themselves contained in this Annex.
2. The termination clause provided for in a social security convention, some of whose provisions are contained in this Annex, shall continue to apply as regards those provisions.

A.

Provisions of social security conventions remaining applicable notwithstanding Article 6 of the Regulation

(Article 7 (2) (c) of the Regulation)

1. BELGIUM—DENMARK

No convention

2. BELGIUM—GERMANY

- (a) Articles 3 and 4 of the Final Protocol of 7 December 1957 to the General Convention of that date, as in the Complementary Protocol of 10 November 1960;
- (b) Complementary Agreement No 3 of 7 December 1957 to the General Convention of the same date, as in the Complementary Protocol of 10 November 1960 (payment of pensions for the period preceding the entry into force of the General Convention).

3. BELGIUM—FRANCE

- (a) Articles 13, 16 and 23 of the Complementary Agreement of 17 January 1948 to the General Convention of that date (workers in mines and similar undertakings);
- (b) Exchange of Letters of 27 February 1953 (application of Article 4 (2) of the General Convention of 17 January 1948);
- (c) Exchange of Letters of 29 July 1953 on allowances to elderly employed persons.

4. BELGIUM-GREECE

Articles 15(2), 35(2) and 37 of the General Convention of 1 April 1958.

5. BELGIUM-IRELAND

No convention

6. BELGIUM-ITALY

Article 29 of the Convention of 30 April 1948.

7. BELGIUM-LUXEMBOURG

(a) Articles 3, 4, 5, 6 and 7 of the Convention of 16 November 1959, as in the Convention of 12 February 1964 (frontier workers).

(b) Exchange of letters of 10 and 12 July 1968 concerning self-employed persons.

8. BELGIUM-NETHERLANDS

None

9. BELGIUM-UNITED KINGDOM

None

10. DENMARK-GERMANY

(a) Item 15 of the Final Protocol to the Convention on social insurances of 14 August 1953;

(b) The Complementary Agreement of 14 August 1953 to the Convention mentioned above.

11. DENMARK-FRANCE

None

12. DENMARK-GREECE

No convention

13. DENMARK-IRELAND

No convention

14. DENMARK-ITALY

No convention

15. DENMARK-LUXEMBOURG

No convention

16. DENMARK-NETHERLANDS

No convention

17. DENMARK-UNITED KINGDOM

None

18. GERMANY—FRANCE

- (a) Article 11 (1), Article 16 second paragraph and Article 19 of the General Convention of 10 July 1950;
- (b) Article 9 of the Complementary Agreement No 1 of 10 July 1950 to the General Convention of the same date (workers in mines and similar undertakings);
- (c) Complementary Agreement No 4 of 10 July 1950 to the General Convention of the same date, as in the added Section No 2 of 18 June 1955;
- (d) Titles I and III of added Section No 2 of 18 June 1955;
- (e) Points 6, 7 and 8 of the General Protocol of 10 July 1950 to the General Convention of the same date;
- (f) Titles II, III and IV of the Agreement of 20 December 1963 (social security in the Saar).

19. GERMANY-GREECE

- (a) Article 5 (2) of the General Convention of 25 April 1961;
- (b) Article 8 (1), (2) (b) and (3), Articles 9 to 11 and Chapters I and IV, in so far as they concern these Articles, of the Convention on Unemployment Insurance of 31 May 1961, together with the note in the minutes of 13 June 1980.

20. GERMANY—IRELAND

No convention.

21. GERMANY—ITALY

- (a) Article 3 (2), Article 23 (2), Articles 26 and 36 (3) of the Convention of 5 May 1953 (social insurance);
- (b) The Complementary Agreement of 12 May 1953 to the Convention of 5 May 1953 (payment of pensions for the period preceding the entry into force of the Convention).

22. GERMANY—LUXEMBOURG

Articles 4, 5, 6 and 7 of the Treaty of 11 July 1959.

23. GERMANY—NETHERLANDS

- (a) Article 3 (2) of the Convention of 29 March 1951;
- (b) Articles 2 and 3 of the Complementary Agreement No 4 of 21 December 1956 to the Convention of 29 March 1951 (settlement of rights acquired under the German social insurance scheme by Dutch workers between 13 May 1940 and 1 September 1945).

24. GERMANY—UNITED KINGDOM

- (a) Article 3 (1) and (6) and Article 7 (2) to (6) of the Convention on Social Security of 20 April 1960;
- (b) Articles 2 to 7 of the Final Protocol to the Convention on Social Security of 20 April 1960;
- (c) Article 2 (5) and Article 5 (2) to (6) of the Convention on Unemployment Insurance of 20 April 1960.

25. FRANCE-GREECE

Article 16, fourth subparagraph, and Article 30 of the General Convention of 19 April 1958.

26. FRANCE--IRELAND

No convention

27. FRANCE--ITALY

(a) Articles 20 and 24 of the General Convention of 31 March 1948;

(b) Exchange of Letters of 3 March 1956 (sickness benefits for seasonal workers employed in agriculture).

28. FRANCE--LUXEMBOURG

Articles 11 and 14 of the Complementary Agreement of 12 November 1949 to the General Convention of the same date (workers in mines and similar undertakings).

29. FRANCE--NETHERLANDS

Article 11 of the Complementary Agreement of 1 June 1954 to the General Convention of 7 January 1950 (workers in mines and similar undertakings).

30. FRANCE--UNITED KINGDOM

The Exchange of Notes dated 27 and 30 July 1970 concerning the position with regard to social security of United Kingdom teachers temporarily pursuing their profession in France by virtue of the Cultural Convention of 2 March 1948.

31. GREECE-IRELAND

No convention

32. GREECE-ITALY

No convention

33. GREECE-LUXEMBOURG

No convention

34. GREECE-NETHERLANDS

Article 4(2) of the General Convention of 13 September 1966.

35. GREECE-UNITED KINGDOM

No convention

36. IRELAND-ITALY

No convention

37. IRELAND—LUXEMBOURG
No convention
38. IRELAND—NETHERLANDS
No convention
39. IRELAND—UNITED KINGDOM
Article 8 of the Agreement of 14 September 1971 on social security.
40. ITALY—LUXEMBOURG
Article 18 (2) and Article 24 of the General Convention of 29 May 1951.
41. ITALY—NETHERLANDS
Article 21 (2) of the General Convention of 28 October 1952.
42. ITALY—UNITED KINGDOM
None
43. LUXEMBOURG—NETHERLANDS
None
44. LUXEMBOURG—UNITED KINGDOM
None
45. NETHERLANDS—UNITED KINGDOM
None

B.

Provisions of Conventions which do not apply to all persons to whom the Regulation applies

(Article 3 (3) of the Regulation)

1. BELGIUM—DENMARK
No convention
2. BELGIUM—GERMANY
 - (a) Articles 3 and 4 of the final Protocol of 7 December 1957 to the General Convention of that date, as in the Complementary Protocol of 10 November 1960;
 - (b) Complementary Agreement No 3 of 7 December 1957 to the General Convention of the same date, as in the Complementary Protocol of 10 November 1960 (payment of pensions for the period preceding the entry into force of the General Convention).
3. BELGIUM—FRANCE
 - (a) Exchange of Letters of 29 July 1953 on allowances to elderly employed persons;
 - (b) Exchange of Letters of 27 February 1953 (application of Article 4 (2) of the General Convention of 17 January 1948).

4. BELGIUM—GREECE
None
5. BELGIUM—IRELAND
None
6. BELGIUM—ITALY
None
7. BELGIUM—LUXEMBOURG
None
8. BELGIUM—NETHERLANDS
None
9. BELGIUM—UNITED KINGDOM
None
10. DENMARK—GERMANY
(a) Point 15 of the Final Protocol to the Convention on Social Insurances of 14 August 1953;
(b) The Complementary Agreement of 14 August 1953 to the Convention mentioned above.
11. DENMARK—FRANCE
None
12. DENMARK—GREECE
No convention
13. DENMARK—IRELAND
No convention
14. DENMARK—ITALY
No convention
15. DENMARK—LUXEMBOURG
No convention
16. DENMARK—NETHERLANDS
No convention
17. DENMARK—UNITED KINGDOM
None

18. GERMANY—FRANCE

- (a) Article 16 second paragraph and Article 19 of the General Convention of 10 July 1950;
- (b) Complementary Agreement No 4 of 10 July 1950 to the General Convention of the same date, as in the added Section No 2 of 18 June 1955;
- (c) Titles I and III of added Section No 2 of 18 June 1955;
- (d) Points 6, 7 and 8 of the General Protocol of 10 July 1950 to the General Convention of the same date;
- (e) Titles II, III and IV of the Agreement of 20 December 1963 (social security in the Saar).

19. GERMANY—GREECE

None

20. GERMANY—IRELAND

No convention

21. GERMANY—ITALY

- (a) Article 3 (2) and Article 26 of the Convention of 5 May 1953 (social insurance);
- (b) The Complementary Agreement of 12 May 1953 to the Convention of 5 May 1953 (payment of pensions for the period prior to the entry into force of the Convention).

22. GERMANY—LUXEMBOURG

Articles 4, 5, 6 and 7 of the Treaty of 11 July 1959 (settlement of the dispute between Germany and Luxembourg).

23. GERMANY—NETHERLANDS

- (a) Article 3 (2) of the Convention of 29 March 1951;
- (b) Articles 2 and 3 of the Complementary Agreement No 4 of 21 December 1956 to the Convention of 29 March 1951 (settlement of rights acquired under the German social insurance scheme by Dutch workers between 13 May 1940 and 1 September 1945).

24. GERMANY—UNITED KINGDOM

- (a) Article 3 (1) and (6) and Article 7 (2) to (6) of the Convention on Social Security of 20 April 1960;
- (b) Article 2 (5) and Article 5 (2) to (6) of the Convention on Unemployment Insurance of 20 April 1960.

25. FRANCE—GREECE

None

26. FRANCE—IRELAND

No convention

27. FRANCE—ITALY

Articles 20 and 24 of the General Convention of 31 March 1948.

28. FRANCE—LUXEMBOURG

None

29. FRANCE—NETHERLANDS

None

30. FRANCE—UNITED KINGDOM

The Exchange of Notes dated 27 and 30 July 1970 concerning the position with regard to social security of United Kingdom teachers temporarily pursuing their profession in France by virtue of the Cultural Convention of 2 March 1948.

31. GREECE - IRELAND

No convention

32. GRÈCE - ITALY

No convention

33. GREECE - LUXEMBOURG

No convention

34. GREECE - NETHERLANDS

None

35. GREECE - UNITED KINGDOM

No convention

36. IRELAND—ITALY

No convention

37. IRELAND—LUXEMBOURG

No convention

38. IRELAND—NETHERLANDS

No convention

- 39. IRELAND—UNITED KINGDOM
None
 - 40. ITALY—LUXEMBOURG
None
 - 41. ITALY—NETHERLANDS
None
 - 42. ITALY—UNITED KINGDOM
None
 - 43. LUXEMBOURG—NETHERLANDS
None
 - 44. LUXEMBOURG—UNITED KINGDOM
None
 - 45. NETHERLANDS—UNITED KINGDOM
None
-

ANNEX IV

(Article 37(2) of the Regulation)

Legislations referred to in Article 37(1) of the Regulation under which the amount of invalidity benefits is independent of the length of periods of insurance

A. BELGIUM

The legislation relating to the general invalidity scheme, to the special invalidity scheme for miners and to the special scheme for sailors in the Merchant Navy and the legislation concerning insurance against incapacity for work for self-employed persons.

B. DENMARK

None

C. GERMANY

None

D. FRANCE

1. Employed persons

All legislation on invalidity insurance, except for the legislation concerning the invalidity insurance of the social security scheme for miners.

2. Self-employed persons

The legislation on invalidity insurance for persons self-employed in agriculture.

E. GREECE

Legislation relating to the agricultural insurance scheme.

F. IRELAND

Part II, Chapter 10 of the Social Welfare (Consolidation) Act, 1981.

G. ITALY

None

H. LUXEMBOURG

None

I. NETHERLANDS

- (a) The Law of 18 February 1966 on insurance against incapacity for work;
- (b) The Law of 11 December 1975 on general insurance against incapacity for work.

J. UNITED KINGDOM

- (a) Great Britain:
 - Section 15 of the Social Security Act 1975
 - Sections 14 to 16 of the Social Security Pensions Act 1975;
- (b) Northern Ireland:
 - Section 15 of the Social Security (Northern Ireland) Act 1975
 - Articles 16 to 18 of the Social Security Pensions (Northern Ireland) Order 1975.

ANNEX V

(Article 40(4) of the Regulation)

Concordance between the legislations of Member States on conditions relating to the degree of invalidity

BELGIUM

Member States	Schemes administered by Member States institutions who have taken a decision recognizing the degree of invalidity	Schemes administered by Belgian institutions on which the decision is binding in cases of concordance			
		General scheme	Miners' scheme		Mariners' scheme
			General invalidity	Occupational invalidity	
FRANCE	1. General scheme: - Group III (constant attendance) - Group II - Group I	Concordance	Concordance	Concordance	Concordance
	2. Agricultural scheme: - total, general invalidity - two-thirds general invalidity - constant attendance	Concordance	Concordance	Concordance	Concordance
	3. Miners' scheme: - partial, general invalidity - constant attendance - occupational invalidity	Concordance No concordance	Concordance No concordance	Concordance Concordance	Concordance No concordance
	4. Mariners' scheme: - general invalidity - constant attendance - occupational invalidity	Concordance No concordance	Concordance No concordance	Concordance No concordance	Concordance No concordance
ITALY	1. General scheme: - invalidity - manual workers - invalidity - clerical staff	No concordance	Concordance	Concordance	Concordance
	2. Mariners' scheme: Unfitness for seafaring	No concordance	No concordance	No concordance	No concordance
LUXEMBOURG	Invalidity - manual workers	Concordance	Concordance	Concordance	Concordance
	Invalidity - clerical staff	Concordance	Concordance	Concordance	Concordance

FRANCE

Member States	Schemes administered by Member States' institutions having taken a decision recognizing the degree of invalidity	Schemes administered by French institutions on which the decision is binding in cases of concordance											
		General scheme			Agricultural scheme			Miners' scheme			Mariners' scheme		
		Group I	Group II	Group III Constant attendance	2/3 invalidity	Total invalidity	Constant attendance	2/3 General invalidity	Constant attendance	Occupational invalidity	2/3 general invalidity	Total occupational invalidity	Constant attendance
BELGIUM	1. General scheme	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	No concordance	No concordance	No concordance
	2. Miners' scheme: - partial general invalidity	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	No concordance	No concordance	No concordance
	- occupational invalidity	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance (2)	No concordance	No concordance
ITALY	1. General scheme: - invalidity manual workers	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	No concordance	No concordance	No concordance
	- invalidity clerical staff	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	No concordance	No concordance	No concordance
	2. Mariners' scheme: unfitness for seafaring	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance
LUXEMBOURG	Invalidity - manual workers	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	No concordance	No concordance	No concordance
	Invalidity - clerical staff	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance

(1) In so far as the invalidity recognized by the Belgian institution is general invalidity.

(2) Only if the Belgian institution has recognized that the worker is unfit for work underground or at ground level.

ITALY

Member States	Schemes administered by Member States' institutions who have taken a decision recognizing the degree of invalidity	Schemes administered by Italian institutions on which the decision is binding in cases of concordance		
		General scheme		Mariners Unfitness for navigation
		Manual workers	Clerical staff	
BELGIUM	1. General scheme	No concordance	No concordance	No concordance
	2. Miners' scheme: - partial general invalidity - occupational invalidity	Concordance No concordance	Concordance No concordance	No concordance No concordance
	3. Mariners' scheme:	No concordance	No concordance	No concordance
FRANCE	1. General scheme: - Group III (constant attendance) - Group II - Group I	Concordance	Concordance	No concordance
	2. Agricultural scheme: - total general invalidity - partial general invalidity - constant attendance	Concordance	Concordance	No concordance
	3. Miners' scheme: - partial general invalidity - constant attendance - occupational invalidity	Concordance No concordance	Concordance No concordance	No concordance No concordance
	4. Mariners' scheme: - partial general invalidity - constant attendance - occupational invalidity	No concordance	No concordance	No concordance

LUXEMBOURG

Member States	Schemes administered by institutions of Member States which have taken a decision recognizing the degree of invalidity	Schemes administered by Luxembourg institutions on which the decision is binding in cases of concordance	
		Invalidity – manual workers	Invalidity – clerical staff
BELGIUM	1. General scheme	Concordance	Concordance
	2. Miners' scheme: – partial general invalidity – occupational invalidity	No concordance No concordance	No concordance No concordance
	3. Mariners' scheme	Concordance ⁽¹⁾	Concordance ⁽¹⁾
FRANCE	1. General scheme: – Group III (constant attendance) – Group II – Group I	} Concordance	} Concordance
	2. Agricultural scheme: – total general invalidity – 2/3 general invalidity – constant attendance	} Concordance	} Concordance
	3. Miners' scheme: – 2/3 general invalidity – constant attendance – occupational invalidity	} Concordance No concordance	} Concordance No concordance
	4. Mariners' scheme: – partial general invalidity – constant attendance – occupational invalidity	} Concordance No concordance	} Concordance No concordance

⁽¹⁾ In so far as the invalidity recognized by the Belgian institution is general invalidity.

ANNEX VI

(Article 89 of the Regulation)

Special procedures for applying the legislations
of certain Member States

A. BELGIUM

1. Persons whose entitlement to sickness insurance benefits in kind derives from the provisions of the Belgian compulsory sickness and invalidity scheme applicable to self-employed persons shall be eligible under the provisions of Title III, Chapter 1, of the Regulation, including Article 35 (1) under the following conditions:
 - (a) in the event that they are temporarily resident in the territory of a Member State other than Belgium, the persons concerned shall be entitled:
 - (i) to the benefits in kind provided for under the legislation of the Member State of temporary residence in respect of hospitalization care;
 - (ii) to reimbursement in respect of other benefits in kind provided for under the Belgian scheme by the relevant Belgian institution at the rate provided for under the legislation of the State of temporary residence;
 - (b) in the event that they are permanently resident in the territory of a Member State other than Belgium, the persons concerned shall be entitled to the benefits in kind provided for under the legislation of the Member State of permanent residence provided that they pay the relevant Belgian institution the appropriate additional contribution provided for under Belgian regulations.
2. For the application of the provisions of Chapters 7 and 8 of Title III of the Regulation by the competent Belgian institution, a child shall be considered to have been brought up in the Member State in whose territory he resides.
3. For the purposes of Article 46 (2) of the Regulation, periods of old-age insurance completed under Belgian legislation before 1 January 1945 shall also be considered as periods of insurance completed under the Belgian legislation on the general invalidity scheme and the mariners' scheme.
4. In applying Article 40 (3) (a) (ii), account shall only be taken of periods during which the employed or self-employed person was incapable of work within the meaning of Belgian legislation.
5. For the purposes of Article 46 (2) of the Regulation, periods of old-age insurance completed by self-employed persons under Belgian legislation, prior to the entry into force of the legislation on the incapacity for work of self-employed persons, shall be considered as periods completed under the latter legislation.
6. In order to establish whether the requirements imposed by Belgian legislation for entitlement to unemployment benefits are fulfilled, account shall be taken of days accepted as equivalent within the meaning of the said legislation only in so far as the days worked which preceded them were days of paid employment.
7. Pursuant to Articles 72 and 79 (1) (a) of the Regulation, account shall be taken of periods of employment and/or periods of insurance completed under the legislation of another Member State where entitlement to benefit under Belgian legislation is subject to the condition that, for a specified previous period, the qualifying conditions for family benefits in the framework of the scheme for employed persons have been met.

B. DENMARK

1. Completed periods of insurance, employment or self-employment in a Member State other than Denmark shall be taken into account for admission to membership of an approved unemployment insurance fund in the same way as if they were periods of employment or self-employment completed in Denmark.

2. Employed or self-employed persons, pension claimants and pensioners, and members of their families referred to in Articles 19, 22 (1) and (3), 25 (1) and (3), 26 (1), 28a, 29 and 31 of the Regulation, resident or staying in Denmark, shall be entitled to benefits in kind on the same terms as those laid down by Danish legislation for persons who, under the law on the public health service (lov om offentlig sygesikring), belong to class 1.

3. The provisions of Article 1 (1) No 2 of the Law on national old-age pensions, Article 1 (1) No 2 of the Law on national invalidity pensions and Article 2 (1) No 2 of the Law on national widows' pensions, are not applicable in respect of employed or self-employed persons or their survivors whose residence is in the territory of a Member State other than Denmark.

4. The provisions of the Danish legislation governing old-age and widows' pensions are applicable to the widow of an employed or self-employed person subject to the Danish legislation, even if she has not resided in Denmark.

5. The terms of the Regulation shall be without prejudice to the provisional rules under the Danish Laws of 7 June 1972 on the pension rights of Danish nationals having their effective residence in Denmark for a specified period immediately preceding the date of the claim. However, a pension shall be granted under those conditions laid down for Danish nationals to nationals of other Member States having their effective residence in Denmark during the year immediately preceding the date of claim.

6. (a) The periods during which a frontier worker residing within the territory of a Member State other than Denmark has pursued his professional or trade activity in Denmark are to be considered as periods of residence for the purposes of Danish legislation. The same shall apply to periods in which a frontier worker is posted to or provides services in a Member State other than Denmark.
- (b) The periods during which a seasonal worker residing within the territory of a Member State other than Denmark has pursued his occupation in Denmark are to be considered as periods of residence for the purposes of Danish legislation. The same applies to periods during which a seasonal worker is posted to the territory of a Member State other than Denmark.
7. In order to determine whether the conditions of a right to maternity benefits laid down in Chapter 12 of the Law on the daily cash benefits for sickness or maternity are satisfied in the case where the person concerned was not subject to the Danish legislation throughout the whole period referred to in Article 34 (1) or (2) of the aforementioned Law:
 - (a) account shall be taken of the periods of insurance completed, as appropriate, under the legislation of a Member State other than Denmark, during the course of the said period of reference during which the person concerned was not subject to the Danish legislation, as if those periods completed were under the latter legislation; and
 - (b) the person concerned shall be deemed to have received during the periods taken into account an average salary equal to that of the average salary confirmed as having been paid during the periods completed under the Danish legislation for the said period of reference.
8. For the purpose of applying Article 12 (2) of the Regulation to Danish legislation, invalidity, old-age and widows' pensions shall be regarded as benefits of the same kind.
9. For the purpose of applying Article 67 of the Regulation, unemployment benefits for self-employed persons insured in Denmark shall be calculated in accordance with Danish legislation.
10. Where, by virtue of Danish legislation, the Danish pension is calculated on the basis of periods of residence completed by a person other than the person who completed those periods of residence which are taken into account by one or more other Member States pursuant to the provisions of Title III, Chapter 3 of the Regulation, the Danish theoretical amount and *pro rata* pension amount, calculated in accordance with Article 46 (2) of the Regulation, shall be based upon the periods of residence and insurance completed by the latter person.

C. GERMANY

1. (a) Where no provision is already made under German legislation for accident insurance, German institutions shall also provide compensation, in accordance with that legislation, for accidents at work (and occupational diseases) which occurred in Alsace-Lorraine before 1 January 1919, the responsibility for the cost of which has not been assumed by French institutions in pursuance of the Decision of the Council of the League of Nations of 21 June 1921 (Reichsgesetzblatt, p. 1289), where the person concerned or his survivors are residing in a Member State;
- (b) the provisions of Article 10 of the Regulation shall not affect the provisions under which accidents (and occupational diseases) occurring outside the territory of the Federal Republic of Germany, and periods completed outside that territory, do not give rise to payment of benefits, or only give rise to payment of benefits under certain conditions, when those entitled to them reside outside the territory of the Federal Republic of Germany.
2. (a) In order to determine whether periods considered by German legislation as interrupted periods (Ausfallzeiten) or supplementary periods (Zurechnungszeiten) should be taken into account as such, compulsory contributions paid under the legislation of another Member State and insurance under the insurance scheme of another Member State shall be treated as compulsory contributions paid under German legislation and as insurance under the German pension insurance scheme. This provision shall not apply to old-age insurance for farmers of the Federal Republic of Germany or to corresponding special schemes in the other Member States.

When calculating the number of calendar months which have elapsed between the date of entry into the insurance scheme and the materialization of the risk, periods taken into consideration under the legislation of another Member State which fall between those two dates shall not be taken into account, neither shall periods during which the person concerned has been in receipt of a pension;

- (b) the provisions of subparagraph (a) shall not apply to the standard interrupted period (pauschale Ausfallzeit). This shall be determined exclusively on the basis of insurance periods completed in Germany;
- (c) the taking into account of a supplementary period (Zurechnungszeit) in pursuance of German legislation on pension insurance for miners shall, moreover, be subject to the condition that the last contribution paid under German legislation was paid into the pension insurance for miners;
- (d) for the purpose of taking into account German substitute periods (Ersatzzeiten), only German national legislation shall apply;
- (e) by way of derogation from the provision laid down in subparagraph (d), the following provision shall apply to persons insured under the German pension insurance scheme who were residing in German territories under Netherlands administration during the period 1 January 1948 to 31 July 1963 for the purpose of taking into account German substitute periods (Ersatzzeiten) within the meaning of Article 1251 (2) of the German social security law (RVO) or corresponding provisions, payment of contributions to Netherlands insurance schemes during that period shall be treated as equivalent to having been employed or having pursued an activity coming under compulsory insurance within the meaning of German legislation.

3. Where payments to be made into German sickness insurance funds are concerned, compulsory payment of the contributions referred to in Article 26 (2) of the Regulation shall be suspended until a decision is made concerning pension claims.
4. In order to determine whether a child is receiving an orphan's pension, receipt of one of the benefits referred to in Article 78 or of another family benefit granted under French legislation for a minor residing in France shall be treated as the receipt of an orphan's pension under German legislation.
5. If application of this Regulation or of subsequent social security Regulations involves exceptional expenses for certain sickness insurance institutions, such expenses may be partially or totally reimbursed. The National Federation of Local Sickness Funds, in its function as liaison body (sickness insurance) shall decide on such reimbursement by common agreement with the other Central Associations of Sickness Funds. The resources needed for effecting such reimbursements shall be provided by taxes imposed on all sickness insurance institutions in proportion to the average number of members during the preceding year, excluding retired persons.
6. For the purposes of the Regulation, the lump-sum payment for following a course of medical treatment on the occasion of confinement granted under German legislation to female insured persons and to members of the families of insured persons shall be considered as a benefit in kind.
7. Article 1233 of the insurance code (RVO) and Article 10 of the clerical staff insurance law (AVG), as amended by the pension reform law of 16 October 1972, which govern voluntary insurance under German pension insurance schemes, shall apply to nationals of the other Member States and to stateless persons and refugees residing in the territory of the other Member States, according to the following rules.

Where the general conditions are fulfilled, voluntary contributions to the German pension insurance scheme may be paid:

- (a) if the person concerned has his domicile or residence in the territory of the Federal Republic of Germany;
- (b) if the person concerned has his domicile or residence in the territory of another Member State and at any time previously belonged compulsorily or voluntarily to a German pension insurance scheme;
- (c) if the person concerned is a national of another Member State, has his domicile or residence in the territory of a third State and has paid contributions for German pension insurance for at least 60 months, or was eligible for voluntary insurance under the transitional provisions previously in force and is not compulsorily or voluntarily insured under the legislation of another Member State.

8. The Regulation shall not affect Article 51a (2) of the manual workers pension reform law (ArVNG) or Article 49a (2) of the clerical staff pension reform law (AnVNG), as amended by the pension reform law of 16 October 1972. The persons who, under paragraph 8 (b) and (c), may join voluntary insurance, may pay contributions only in respect of periods for which they have not yet paid contributions under the legislation of another Member State.
9. Where the costs of benefits in kind which are granted by German institutions of the place of residence to pensioners or members of their family who are insured with competent institutions of other Member States must be refunded on the basis of monthly lump sums, such costs shall, for the purpose of financial equalization among German institutions of sickness insurance for pensioners, be treated as expenditure on the German sickness insurance scheme for pensioners. The lump sums refunded to the German institutions of the place of residence by the competent institutions of other Member States shall be regarded as receipts which must be taken into account in the aforementioned financial equalization.
10. In the case of self-employed persons, the award of unemployment assistance (Arbeitslosenhilfe) shall be conditional on the person concerned having, before reporting himself unemployed, worked for at least a year mainly as a self-employed person in the territory of the Federal Republic of Germany, and not having simply left that work temporarily.
11. Periods of insurance completed under the legislation of another Member State, under a special old-age insurance scheme for farmers or, if no such scheme exists, as farmers under the general scheme, shall be taken into account to satisfy the conditions of minimum length of insurance required for the person to be subject to contribution within the meaning of Article 27 of the law on old-age insurance for farmers (Gesetz über die Altershilfe der Landwirte — GAL), always providing that:
 - (a) the declaration on which the obligation to pay contributions is based shall have been lodged within the prescribed time; and
 - (b) before lodging the declaration, the person concerned shall have been last subject to contribution under the old-age insurance scheme for farmers in the territory of the Federal Republic of Germany.
12. Periods of compulsory insurance completed under the legislation of another Member State, either under a special scheme for craftsmen or, if no such scheme exists, under a special scheme for self-employed persons or under the general scheme, are counted towards the completion of the 216 months of compulsory insurance required to establish the right to voluntary withdrawal from the pension insurance scheme for craftsmen.
13. For the purposes of applying German legislation on compulsory insurance of pensioners in respect of sickness insurance provided for in Article 165 (1) (3) (a) of the German Law on social insurance (Reichsversicherungsordnung, RVO), periods of insurance or residence completed under the legislation of any other Member State and during which the person concerned was entitled to benefits in kind in the event of sickness, shall be taken into account, to the extent necessary, as periods of insurance completed under German legislation in so far as they do not overlap with periods of insurance completed under that legislation.

D. FRANCE

1. (a) The allowance for elderly employed persons, together with the allowance for elderly self-employed persons, and the agricultural old-age allowance shall be granted, under the conditions laid down for French workers by French legislation, to all employed or self-employed persons who are nationals of other Member States and who, at the time of making their claim, are resident in French territory.

(b) The same shall apply to refugees and stateless persons.

(c) The provisions of the Regulation shall not affect the provisions of French legislation under which only periods of work as employed persons or periods treated as such or, as appropriate, periods of work as self-employed persons in the territories of the European Departments and the Overseas Departments (Guadeloupe, Guyana, Martinique and Réunion) of the French Republic shall be taken into consideration for acquisition of the right to the allowance for elderly employed persons.
2. The special allowance and cumulative indemnity provided for by the special legislation for social security in the mines shall be provided only for workers employed in French mines.
3. Law No 65-555 of 10 July 1965 which grants to French nationals, who are pursuing, or who have pursued, a professional or trade activity abroad, the right to join the voluntary old-age insurance scheme, shall apply to nationals of other Member States under the following conditions:
 - the professional or trade activity giving rise to voluntary insurance under the French system should not be, or have been, pursued either on French territory or on the territory of the Member State of which the employed or self-employed person is a national,
 - the employed or self-employed person must produce evidence, when making his claim, either that he has resided in France for at least 10 years, consecutive or not, or that he has been continuously subject to French legislation on a compulsory or optional basis for the same length of time.
4. Within the meaning of Article 73 (3) of the Regulation, the expression 'family benefits' shall include:
 - (a) prenatal allowances provided for in Article L 516 of the Social Security Code;
 - (b) the family allowances provided for in Articles L 524 and L 531 of the Social Security Code;
 - (c) the compensatory allowance for scheduled taxes provided for in Article L 532 of the Social Security Code;
However, this benefit can only be paid if the wage or salary received during the period of the posting is subject to tax on income in France;
 - (d) the single wage or salary allowance provided for in Article L 533 of the Social Security Code.
5. For the calculation of the theoretical amount referred to in Article 46 (2) (a) of the Regulation, in schemes in which old-age pensions are calculated on the basis of retirement points, the competent institution shall take into account, in respect of each of the years of insurance completed under the legislation of any other Member State, the number of retirement points arrived at by dividing the number of retirement points acquired under the legislation it applies by the number of years corresponding to these points.

- 6 (a) Frontier workers who pursue the activities of employed persons in the territory of a Member State other than France and who reside in the French departments of Haut-Rhin, Bas-Rhin and Moselle, shall be entitled in the territory of those departments to the benefits in kind provided for by the local Alsace-Lorraine scheme set up by Laws No 46-1428 of 12 June 1946 and No 67-814 of 25 September 1967, pursuant to Article 19 of the Regulation.
- (b) These provisions shall apply by analogy to those entitled under Article 25(2) and (3) and Articles 28 and 29 of the Regulation.

E. GREECE

1. Notwithstanding Annex I, Section I, Part E, point 1, Article 22 (1) (a) of the Regulation applies to an OGA-insured person whose state of health necessitates immediate care before he begins the employment which he has come to take up in a Member State other than Greece.
2. Article 10 (1) of the Regulation does not affect the provision of Article 2 (4) of Decree Law No 4577/66 whereby the payment of pensions awarded by IKA to persons of Greek nationality or origin coming from Egypt or Turkey is suspended if the pension-holder resides abroad without valid reason for more than six months.

F. IRELAND

1. Employed or self-employed persons, unemployed persons, pension claimants and pensioners, together with members of their families, referred to in Articles 19 (1), 22 (1) and (3), 25 (1) and (3), 26 (1), 28a, 29 and 31 of the Regulation, who are residing or staying in Ireland, shall be entitled free of charge to all medical treatment provided for by Irish legislation where the cost of this treatment is payable by the institution of a Member State other than Ireland.

2. The members of the family of an employed or self-employed person who is subject to the legislation of a Member State other than Ireland and who satisfies the conditions laid down by that legislation for entitlement to benefits, account being taken, where appropriate, of Article 18 of the Regulation, shall be entitled free of charge, if they are resident in Ireland, to all medical treatment provided for by Irish legislation.

The cost of such benefits shall be payable by the institution with which the employed or self-employed person is insured.

However, where the spouse of the employed or self-employed person or the person looking after the children pursues a professional or trade activity in Ireland, benefits for members of the family shall remain payable by the Irish institution to the extent that entitlement to such benefits is granted solely under the provisions of Irish legislation.

3. If an employed person subject to Irish legislation has left the territory of a Member State to proceed, in the course of his employment, to the territory of another Member State and sustains an accident before arriving there, his entitlement to benefit in respect of the said accident shall be established:
 - (a) as if this accident had occurred on the territory of Ireland; and
 - (b) without taking into consideration his absence from the territory of Ireland, when determining whether, by virtue of his employment, he was insured under the said legislation.
4. For the purpose of applying Article 12 (2) of the Regulation to Irish legislation, invalidity, old-age and widows' pensions shall be regarded as benefits of the same kind.
5. For the purpose of calculating the earnings for the granting of the pay-related benefit payable under Irish legislation with sickness, maternity and unemployment benefits, an amount equal to the average weekly wage in that year of male or female employed persons, as applicable, shall, notwithstanding Articles 23 (1) and 68 (1) of the Regulation, be credited to the employed person in respect of each week of employment completed as an employed person under the legislation of another Member State during the relevant income tax year.
6. In applying Article 40 (3) (a) (ii), account shall only be taken of periods during which the employed or self-employed person was incapable of work within the meaning of Irish legislation.
7. For the purposes of Article 44 (2), an employed person shall be deemed to have expressly asked for postponement of the award of an old-age pension to which he would be entitled under the legislation of Ireland if, where retirement is a condition for receiving the old-age pension, he has not retired.
8. Until 31 December 1983, for the purpose of applying Irish legislation to benefits other than family benefits and sickness and maternity benefits in kind, periods other than periods completed as an employed person shall not be reckonable.

G. ITALY

None.

H. LUXEMBOURG

1. By way of derogation from Article 94 (2) of the Regulation, periods of insurance or periods treated as such completed before 1 January 1946 under Luxembourg legislation for invalidity, old-age or death pension insurance shall only be taken into consideration for the purpose of applying this legislation to the extent that rights in the process of being acquired should be maintained until 1 January 1959 or subsequently recovered in accordance with that legislation alone, or in accordance with bilateral conventions in force or to be concluded. Where several bilateral conventions apply, the periods of insurance or periods treated as such dating the farthest back shall be taken into consideration.
2. For the purpose of granting the fixed part of Luxembourg pensions, periods of insurance completed under Luxembourg legislation by employed or self-employed persons not residing in Luxembourg territory shall, as from 1 October 1972, be treated as periods of residence.
3. The second subparagraph of Article 22 (2) of the Regulation does not affect the provisions of Luxembourg legislation pursuant to which authorization by the Sickness Fund for treatment abroad cannot be refused where the required treatment cannot be provided in the Grand Duchy.

I. NETHERLANDS

1. *Insurance for medical expenses*

- (a) As regards entitlement to benefits in kind, Title III, Chapter 1 of the Regulation shall apply only to persons who are entitled to benefits in kind through compulsory insurance, voluntary insurance or elderly persons' insurance, which insurance schemes are covered by the law on sickness funds (Ziekenfondswet).
- (b) Recipients of old-age pensions pursuant to Netherlands legislation who reside in another Member State shall be obliged, if they are subject to sickness insurance for the aged or to the voluntary insurance referred to in the Law regulating the Sickness Fund Insurance, to pay contribution on their own behalf, and where appropriate, for the members of their families. The amount of this contribution, pending more specific rules concerning this insurance, shall be fixed by the Minister for Public Health and the Environment;
- (c) A person not entitled to an old-age pension pursuant to Netherlands legislation and, if married, whose spouse is not a recipient of an old-age pension for married persons pursuant to that same legislation, shall be obliged, if he resides in another Member State and is subject to the voluntary insurance referred to in the Law regulating the Sickness Insurance Fund, to pay a contribution on his own behalf and, if appropriate, for each of the members of his family over 16 years of age. The amount of this contribution, pending more specific rules concerning this insurance, shall be fixed by the Minister for Public Health and the Environment.

- (d) A person who is not receiving an old-age pension under Netherlands legislation and, if he is married, whose spouse is not receiving an old-age pension for married persons under Netherlands legislation shall, if he resides in another Member State and if he is insured under the voluntary insurance scheme laid down in the Law on sickness fund insurance, pay for himself and, if appropriate, for each member of his family who has reached the age of 16 years an amount of contribution which corresponds to the average of the contributions fixed by the sickness funds in the Netherlands for voluntary insured persons residing in the Netherlands. The contribution shall be rounded up to the nearest multiple of one guilder.

2. *Application of Netherlands legislation on general old-age insurance*

- (a) Periods of insurance before 1 January 1957 during which a recipient, not satisfying the conditions permitting him to have such periods treated as periods of insurance, resided in the territory of the Netherlands after the age of 15 or during which, whilst residing in the territory of another Member State, he pursued an activity as an employed person in the Netherlands for an employer established in that country, shall also be considered as periods of insurance completed in application of Netherlands legislation for general old-age insurance.
- (b) Periods to be taken into account in pursuance of subparagraph (a) above shall not be taken into account if they coincide with periods taken into account for the calculation of the pension payable under the legislation of another Member State in respect of old-age insurance.
- (c) As regards a married woman whose husband is entitled to a pension under Netherlands legislation on general old-age insurance, periods of the marriage preceding the date when she reached the age of sixty-five years and during which she resided in the territory of one or more Member States shall also be taken into account as insurance periods, in so far as those periods coincide with periods of insurance completed by her husband under that legislation and with those to be taken into account in pursuance of subparagraph (a).
- (d) Periods to be taken into account in pursuance of subparagraph (c) shall not be taken into account where they coincide with periods taken into account for calculating, a pension payable to the married woman in question under the old-age insurance legislation of another Member State or with periods during which she received an old-age pension in pursuance of such legislation.
- (e) As regards a woman who has been married and whose husband has been subject to Netherlands legislation on old-age insurance, or is deemed to have completed periods of insurance in pursuance of subparagraph (a), the provisions of the two preceding subparagraphs shall apply *mutatis mutandis*.
- (f) The periods referred to in subparagraphs (a) and (c) shall only be taken into account for calculation of the old-age pension if the person concerned has resided for six years in the territory of one or more Member States after the age of 59 years and for as long as that person is residing in the territory of one of those Member States.

3. *Application of Netherlands legislation on general insurance for widows and orphans*

- (a) For the purposes of the provisions of Article 46 (2) of the Regulation, periods before 1 October 1959 during which the employed or self-employed person resided in the territory of the Netherlands after the age of 15 years or during which, whilst residing in the territory of another Member State,

he pursued an activity as an employed person in the Netherlands for an employer established in that country shall also be considered as periods of insurance completed under Netherlands legislation relating to general insurance for widows and orphans.

- (b) Periods to be taken into account in pursuance of the provisions of subparagraph (a) shall not be taken into account where they coincide with periods of insurance completed under the legislation of another State in respect of survivors' pensions.

4. *Application of the Netherlands legislation on insurance against incapacity for work*

For the purposes of applying Article 46 (2) of the Regulation, Netherlands institutions will respect the following provisions:

- (a) if, when incapacity for work or the resultant invalidity occurred, the person concerned was an employed person within the meaning of Article 1 (a) of the Regulation, the competent institution shall fix the amount of cash benefits in accordance with the provisions of the law of 18 February 1966 on insurance against incapacity for work (WAO), taking account of:
 - insurance periods completed under the abovementioned law of 18 February 1966 (WAO),
 - insurance periods completed after the age of 15 under the law of 11 December 1975 on incapacity for work (AAW), provided that they do not coincide with insurance periods completed by the person concerned under the abovementioned law of 18 February 1966 (WAO), and
 - periods of paid work and equivalent periods completed in the Netherlands before 1 July 1967;
- (b) if, when incapacity for work and the resultant invalidity occurred, the person concerned was not an employed person within the meaning of Article 1 (a) of the Regulation, the competent institution shall fix the amount of cash benefits in accordance with the provisions of the law of 11 December 1975 on incapacity for work (AAW), taking account of:
 - insurance periods completed by the person concerned after the age of 15 under the abovementioned law of 11 December 1975 (AAW),
 - insurance periods completed under the law of 18 February 1966 on insurance against incapacity for work (WAO), provided that they do not coincide with insurance periods completed under the abovementioned law of 11 December 1975 (AAW), and
 - periods of paid work and equivalent periods completed in the Netherlands before 1 July 1967.

5. *Application of Netherlands legislation on family allowances*

- (a) An employed or self-employed person to whom Netherlands legislation on family benefits becomes applicable during a quarter and who was, on the first day of that quarter, subject to the corresponding legislation of another Member State, shall be considered as being insured as from that first day under Netherlands law;
- (b) The amount of the family benefits which may be claimed by an employed or self-employed person who is considered, pursuant to (a), as being insured under Netherlands legislation on family benefits shall be fixed in accordance with the detailed arrangements laid down in the implementing Regulation referred to in Article 98 of the Regulation.

6. *Application of certain transitional provisions*

Article 45 (1) shall not apply to the assessment of entitlement to benefits under the transitional provisions of the legislations on general old-age insurance (Article 46), on general insurance for widows and orphans and on general insurance against incapacity for work.

J. UNITED KINGDOM

1. When a person who is normally resident in Gibraltar, or who has been required, since he last arrived in Gibraltar, to pay contributions under the legislation of Gibraltar as an employed person, applies, as a result of incapacity to work, maternity or unemployment, for exemption from the payment of contributions over a certain period, and asks for contributions for that period to be credited to him, any period during which that person has been working in the territory of a Member State other than the United Kingdom shall, for the purposes of his application, be regarded as a period during which he has been employed in Gibraltar and for which he has paid contributions as an employed person in accordance with the legislation of Gibraltar.

2. For the purposes of the provisions of Title III, Chapter 3, of the Regulation, where, in accordance with United Kingdom legislation, a woman applies for an old-age pension:
 - (a) on the basis of her husband's insurance; or
 - (b) on the basis of her personal insurance, and where, because the marriage has ended as a result of the death of the husband, or for other reasons, the contributions paid by the latter are taken into account for the determination of pension rights,

any reference to a period of insurance completed by her shall be considered, for the purposes of establishing the annual average of the contributions paid by her husband or credited to him, to include reference to a period of insurance completed by the husband.

3. (a) If unemployment benefit provided under United Kingdom legislation is paid to a person pursuant to Article 71 (1) (a) (ii) or (b) (ii) of the Regulation, then for the purpose of satisfying the conditions imposed by United Kingdom legislation in relation to child benefit concerning a period of presence within Great Britain or, as the case may be, Northern Ireland, periods of insurance, employment or self-employment completed by that person under the legislation of another Member State shall be regarded as periods of presence in Great Britain or, as the case may be, Northern Ireland.

- (b) If, pursuant to Title II of the Regulation, United Kingdom legislation is applicable in respect of an employed or self-employed person who does not satisfy the condition imposed by United Kingdom legislation in relation to child benefit concerning:
 - (i) presence within Great Britain or, as the case may be, Northern Ireland, he shall be regarded, for the purpose of satisfying such condition, as being so present;
 - (ii) a period of presence within Great Britain, or, as the case may be, Northern Ireland, periods of insurance, employment or self-employment completed by the said worker under the legislation of another Member State shall, for the purpose of satisfying such conditions, be regarded as periods of presence in Great Britain or, as the case may be, Northern Ireland.

- (c) In respect of claims to family allowances under the legislation of Gibraltar the foregoing provisions of subparagraph (a) and (b) shall apply by analogy.

4. Any employed or self-employed person who is subject to United Kingdom legislation in accordance with Title II of the Regulation shall be treated for the purpose of entitlement to attendance allowance as if he had been normally resident within the United Kingdom and had been there during any period of insurance or employment which he may have completed within the territory or under the legislation of another Member State.
5. In the event of an employed person subject to United Kingdom legislation being the victim of an accident after leaving the territory of one Member State while travelling, in the course of his employment, to the territory of another Member State, but before arriving there, his entitlement to benefits in respect of that accident shall be established:
 - (a) as if the accident had occurred within the territory of the United Kingdom; and
 - (b) for the purpose of determining whether he was an employed earner under the legislation of Great Britain or the legislation of Northern Ireland or an employed person under the legislation of Gibraltar, by disregarding his absence from those territories.
6. The Regulation does not apply to those provisions of United Kingdom legislation which are intended to bring into force any social security agreement concluded between the United Kingdom and a third State.
7. For the purposes of Title III, Chapter 3, of the Regulation no account shall be taken of graduated contributions paid by the insured person under United Kingdom legislation or of graduated retirement benefits payable under that legislation. The amount of the graduated benefits shall be added to the amount of the benefit due under the United Kingdom legislation as determined in accordance with the said chapter. The total of these two amounts shall constitute the benefit actually due to the person concerned.
8. For the purpose of applying Article 12 (2) of the Regulation to the legislation of the United Kingdom, invalidity, old-age and widow's pensions shall be regarded as benefits of the same kind.
9. For the purpose of applying the Non-Contributory Social Insurance Benefit and Unemployment Insurance Ordinance (Gibraltar), any person to whom this Regulation is applicable shall be deemed to be **ordinarily resident in Gibraltar if he resides in a Member State.**
10. For the purposes of Articles 10, 27, 28, 28a, 29, 30 and 31 of the Regulation, the attendance allowance granted to an employed or self-employed person under United Kingdom legislation shall be considered as an invalidity benefit.

11. For the purposes of Article 10 (1) of the Regulation any beneficiary under United Kingdom legislation who is staying in the territory of another Member State shall, during that stay, be considered as if he resided in the territory of that other Member State.

12. (1) For the purpose of calculating an earnings factor with a view to determining the right to benefits under United Kingdom legislation, subject to paragraph 14, each week during which an employed or self-employed person has been subject to the legislation of another Member State and which commenced during the relevant income tax year within the meaning of United Kingdom legislation shall be taken into account in the following way:
 - (a) (i) for each week of insurance, employment, or residence as an employed person the person concerned shall be deemed to have paid contributions as an employed earner on the basis of earnings equivalent to two-thirds of that year's upper earnings limit;
 - (ii) for each week of insurance, self-employment or residence as a self-employed person the person concerned shall be deemed to have paid Class 2 contributions as a self-employed earner;
 - (b) for each full week during which he has completed a period treated as a period of insurance, employment, self-employment or residence, the person concerned shall be deemed to have had a contribution credited to him, but only to the extent required to bring his total earnings factor that year to the level required to make that year a reckonable year within the meaning of the United Kingdom legislation governing the crediting of contributions.

- (2) For the purpose of converting an earnings factor into periods of insurance the earnings factor achieved in the relevant income tax year within the meaning of United Kingdom legislation shall be divided by that year's lower earnings limit. The result shall be expressed as a whole number, any remaining fraction being ignored. The figure so calculated shall be treated as representing the number of weeks of insurance completed under United Kingdom legislation during that year provided that such figure shall not exceed the number of weeks during which in that year the person was subject to that legislation.

13. In applying Article 40 (4) (a) (ii), account shall only be taken of periods during which the employed or self-employed person was incapable of work within the meaning of United Kingdom legislation.

14. (1) For the purpose of calculating, under Article 46 (2) (a) of the Regulation, the theoretical amount of that part of the pension which consists of an additional component under United Kingdom legislation:
 - (a) the expression 'earnings, contributions or increases' in Article 47 (1)
 - (b) of the Regulation shall be construed as meaning surpluses in earnings factors as defined in the Social Security Pensions Act 1975 or,

as the case may be, the Social Security Pensions (Northern Ireland) Order 1975;

- (b) an average of the surpluses in earnings factors shall be calculated in accordance with Article 47 (1) (b) of the Regulation as construed in subparagraph (a) above by dividing the aggregated surpluses recorded under United Kingdom legislation by the number of income tax years within the meaning of United Kingdom legislation (including part income tax years) completed under that legislation since 6 April 1978 which occur within the relevant period of insurance.
- (2) The expression 'periods of insurance or residence' in Article 46 (2) of the Regulation shall be construed, for the purpose of assessing the amount of that part of the pension which consists of an additional component under United Kingdom legislation, as meaning periods of insurance or residence which have been completed since 6 April 1978.

ANNEX VII

(Implementation of subparagraph (b) of Article 14c (1))

Instances in which a person shall be simultaneously subject to the legislation of two Member States

1. Where he is self-employed in Belgium and gainfully employed in any other Member State except Luxembourg. For Luxembourg the exchange of letters of 10 and 12 July 1968 between Belgium and Luxembourg shall be applicable.
2. Where a person resident in Denmark is self-employed in Denmark and gainfully employed in any other Member State.
3. Where he is self-employed in farming in Germany and gainfully employed in any other Member State.
4. Where he is self-employed in France and gainfully employed in any other Member State except Luxembourg.
5. Where he is self-employed in farming in France and gainfully employed in Luxembourg.
6. Where he is self-employed in Greece and gainfully employed in any other Member State.
7. Where he is self-employed in Italy and gainfully employed in any other Member State.

ANNEX II

COUNCIL REGULATION (EEC) No 574/72

laying down the procedure for implementing Regulation (EEC) No 1408/71
on the application of social security schemes to employed persons, to
self-employed persons and to their families moving within the Community

COUNCIL REGULATION (EEG) No 574/72

laying down the procedure for implementing Regulation (CEE) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to their families moving within the Community

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TITLE 1

GENERAL PROVISIONS

Article 1

Definitions

For the purposes of this Regulation:

- (a) 'Regulation' means Regulation (EEC) No 1408/71;
- (b) 'Implementing Regulation' means this Regulation;
- (c) the definitions in Article 1 of the Regulation have the meaning assigned to them in the said Article.

Article 2

Printed model forms — Information on legislations — Guides

1. Models of certificates, certified statements, declarations, applications and other documents necessary for the application of the Regulation and of the Implementing Regulation shall be drawn up by the Administrative Commission.

Two Member States or their competent authorities may, by mutual agreement and having received the opinion of the Administrative Commission, adopt simplified forms for use between them.

2. For the benefit of the competent authorities of each Member State, the Administrative Commission may assemble information on the provisions of national legislations which come within the scope of the Regulation.

3. The Administrative Commission shall prepare guides for the purpose of advising persons concerned of their rights and of the administrative formalities to be completed for the exercise of those rights.

The Advisory Committee shall be consulted before such guides are drawn up.

Article 3

Liaison bodies — Communications between institutions and between beneficiaries and institutions

1. The competent authorities may designate liaison bodies which may communicate directly with each other.

2. Any institution of a Member State, and any person residing or staying in the territory of a Member State, may make application to the institution of another Member State, either directly or through the liaison bodies.

Article 4

Annexes

1. The competent authority or authorities of each Member State are listed in Annex 1.

2. The competent institutions of each Member State are listed in Annex 2.

3. The institutions of the place of residence and the institutions of the place of stay of each Member State are listed in Annex 3.

4. The liaison bodies designated pursuant to Article 3 (1) of the Implementing Regulation are listed in Annex 4.

5. The provisions referred to in Articles 5, 53 (3), 104, 105 (2), 116 and 121 of the Implementing Regulation are listed in Annex 5.

6. The procedure for the payment of benefits chosen by the institutions responsible for payment in each Member State, in accordance with Article 53 (1) of the Implementing Regulation, is listed in Annex 6.

7. The names and registered offices or places of business of the banks referred to in Article 55 (1) of the Implementing Regulation are listed in Annex 7.

8. The Member States to which the provisions of Article 10 a (1)(d) of the Implementing Regulation apply in their dealings with each other are listed in Annex 8.

9. The schemes to be taken into consideration when calculating the average annual cost of benefits in kind, in accordance with Article 94 (3) (a) and Article 95 (3) (a) of the Implementing Regulation, are listed in Annex 9.

10. Annex 10 lists the institutions or bodies designated by the competent authorities pursuant, in particular, to the following provisions:

- (a) Regulation: Article 14d (2), Article 17;
- (b) Implementing Regulation: Article 6 (1), Article 11 (1), Article 11a, Article 12a, Article 13 (2) and (3), Article 14 (1), (2) and (3), Article 38 (1), Article 70 (1), Article 80 (2), Article 81, Article 82 (2), Article 85 (2), Article 86 (2), Article 89 (1), Article 91 (2), Article 102 (2), Article 110, Article 113 (2).

11. Annex 11 lists the scheme or schemes referred to in Article 35 (2) of the Regulation.

TITLE II

IMPLEMENTATION OF THE GENERAL PROVISIONS OF THE REGULATION

Implementation of Articles 6 and 7 of the Regulation

Article 5

Replacement by the Implementing Regulation of arrangements for implementing conventions

The provisions of the Implementing Regulation shall replace those of the arrangements for implementing the conventions referred to in Article 6 of the Regulation; they shall also replace the provisions relating to the implementation of the provisions of the conventions referred to in Article 7 (2) (c) of the Regulation in so far as they are not listed in Annex 5.

Implementation of Article 9 of the Regulation

Article 6

Admission to voluntary or optional continued insurance

1. If, by virtue of Articles 9 and 15 (3) of the Regulation, a person satisfies the conditions for admission to a voluntary or optional continued insurance in respect of invalidity, old age and death (pensions) in several schemes under the legislation of one Member State, and if he has not been subject to compulsory insurance under one of those schemes by virtue of his last employment or self-employment he may, under the said Articles, join the voluntary or optional continued insurance scheme specified by the legislation of that Member State or, failing that, the scheme of his choice.

2. In order to invoke the provisions of Article 9 (2) of the Regulation, a person shall submit to the institution of the Member State in question a certified statement relating to the insurance periods or periods of residence completed under the legislation of any other Member State. Such certified statement shall be issued, at the request of the person concerned, by the institution or institutions who administer the legislations under which he has completed those periods.

Implementation of Article 12 of the Regulation

Article 7

General rules for the implementation of provisions dealing with the prevention of overlapping of benefits — Application of those provisions to benefits in respect of invalidity, old age and death (pensions)

1. Where a person entitled to a benefit due under the legislation of one Member State is also entitled to benefits under the legislation of one or more of the other Member States, the following rules shall apply:

(a) if the application of Article 12 (2) or (3) of the Regulation entails the reduction or the concurrent suspension of those benefits, none of them may be reduced or suspended by an amount greater than the amount obtained by dividing the sum which is subject to reduction or suspension under the legislation by virtue of which the benefit is due by the number of benefits subject to reduction or suspension to which the person concerned is entitled;

(b) as regards benefits in respect of invalidity, old age or death (pensions) awarded under Article 46 (2) of the Regulation by the institution of a Member State, that institution shall take into account any benefits of a different kind and any income or remuneration likely to entail the reduction or suspension of the benefit due from that institution, not for the calculation of the theoretical amount referred to in Article 46 (2) (a) of the Regulation but exclusively for the reduction or suspension of the amount referred to in Article 46 (2) (b) of the Regulation. However, only a fraction of the total amount of such benefit, income or remuneration shall be taken into account, and that fraction shall be determined in proportion to the duration of the periods of insurance completed, in accordance with Article 46 (2) (b) of the Regulation;

(c) as regards benefits in respect of invalidity, old age or death (pensions) awarded under the first subparagraph of Article 46 (1) of the Regulation by the institution of a Member State, that institution shall, where the provisions of Article 46 (3) of the Regulation apply, take into account any benefits of a different kind and any income or remuneration likely to entail the reduction or suspension of the benefit due from that institution, not for the calculation of the amount referred to in Article 46 (1) of the Regulation, but exclusively for the reduction or suspension of the amount resulting from the application of Article 46 (3) of the Regulation. However, only a fraction of the amount of those benefits, income or remuneration shall be taken into account; such fraction shall be obtained by applying to that amount a coefficient equal to the ratio between the amount of benefit resulting from the application of Article 46 (3) of the Regulation and the amount resulting from the application of the first subparagraph of Article 46 (1) of the Regulation.

2. For the purposes of Article 12 (2), (3) and (4) of the Regulation, the competent institutions concerned shall, on request, exchange all requisite information.

Article 8

Rules applicable in the case of overlapping of rights to sickness or maternity benefits under the legislation of several Member States

1. If an employed or self-employed person or a member of his family is entitled to claim maternity benefits under the legislations of two or more Member States, those benefits shall be granted exclusively under the legislation of the Member State in whose territory the confinement took place or, if the confinement did not take place in the territory of one of these Member States, exclusively under the legislation of the Member State to which the employed or self-employed person was last subject.

2. If an employed or self-employed person is entitled to claim sickness benefits under the legislation of Ireland and the United Kingdom for the same period of incapacity for work, those benefits shall be granted exclusively under the legislation of the Member State to which the person concerned was last subject.

Article 8a

Rules applicable in the case of overlapping of rights to sickness benefits, benefits with respect to accidents at work or occupational disease under Greek legislation and the legislation of one or more other Member States

If during the same period an employed or self-employed person or member of his family is entitled to claim sickness benefits, benefits with respect to accidents at work or occupational disease under Greek legislation and under the legislation of one or more Member States, these benefits shall be granted exclusively under the legislation to which the person concerned was last subject.

Article 9

Rules applicable in the case of overlapping of rights to death grants under the legislations of several Member States

1. Where the death occurs in the territory of a Member State, the right to a death grant acquired under the legislation of that Member State only shall be maintained, whilst the right acquired under the legislation of any other Member State shall lapse.

2. Where the death occurs in the territory of one Member State when the right to a death grant has been acquired under the legislation of two or more other Member States, or where the death occurs outside the territory of the Member States and the said right has been acquired under the legislation of two or more Member States, only the right acquired under the legislation of the Member State to which the deceased person was last subject shall be maintained, whilst the right acquired under the legislation of any other Member State shall lapse.

Article 9a

Rules applicable in the case of overlapping of rights to unemployment benefits

If an employed or self-employed person, entitled to unemployment benefits under the legislation of a Member State to which he was subject during his last employment or self-employment pursuant to Article 69 of the Regulation, goes to Greece where he is also entitled to unemployment benefits by virtue of a period of insurance, employment or self-employment previously completed under Greek legislation, the right to benefits under Greek legislation shall be suspended for the period laid down in Article 69 (1) (c) of the Regulation.

Article 10

Rules applicable in the case of overlapping of rights to family benefits or family allowances for employed or self-employed persons

1. Entitlement to family benefits or family allowances due under the legislation of a Member State, according to which acquisition of the right to those benefits or allowances is not subject to conditions of insurance, employment, or self-employment, shall be suspended when, during the same period and for the same member of the family:

- (a) benefits are due in pursuance of Article 73 or Article 74 of the Regulation. If, however, the spouse of the employed person or of the unemployed person who was formerly employed, referred to in those Articles, exercises a professional or trade activity in the territory of the said Member State, the right to family benefits or family allowances due in pursuance of the said Articles shall be suspended; and only those family benefits or family allowances of the Member State in whose territory the member of the family is residing shall be paid, the cost to be borne by that Member State;
- (b) benefits are due in pursuance of Article 77 or Article 78 of the Regulation. If, however, a pensioner who is entitled to benefits under Article 77 of the Regulation, his spouse or the person looking after the orphans to whom benefits are due under Article 78 of the Regulation, pursues a professional or trade activity in the territory of the said Member State, entitlement to family allowances due in pursuance of Article 77 or Article 78 of the Regulation under the legislation of another Member State shall be suspended; where this is the case, the person concerned shall be entitled to the family benefits or family allowances of the Member State in whose territory the children reside, the cost to be borne by that Member State, and, where appropriate, to benefits other than the family allowances referred to in Article 77 or Article 78 of the Regulation, the cost to be borne by the competent State as defined by those Articles.

2. If an employed person subject to the legislation of a Member State is entitled to family allowances by virtue of periods of insurance or employment previously completed under Greek legislation, this right shall be suspended where, during the same period and for the same member of the family, family benefits or allowances are due under the legislation of the first Member State pursuant to Articles 73 and 74 of the Regulation.

Article 10a

Rules applicable when during the same period or part of a period the employed or self-employed person is successively subject to the legislation of several Member States

1. If an employed or self-employed person has been subject successively to the legislation of two Member States during the period separating two dates for the payment of family benefits or family allowances as provided for by the legislation of one or two of the Member States concerned, the following rules shall apply:

- (a) the family benefits or family allowances which the person concerned may claim by virtue of being subject to the legislation of each one of these States shall correspond to the number of daily benefits or allowances due under the relevant legislation. Where these legislations do not provide for daily benefits or allowances, the family benefits or family allowances shall be granted in proportion to the length of time during which the person concerned has been subject to the legislation of each one of the Member States in relation to the period fixed by the legislation concerned;
- (b) where the family benefits or family allowances have been provided by an institution during a period when they should have been provided by another institution, there shall be an adjustment of accounts between the said institutions;
- (c) for the purposes of subparagraphs (a) and (b) where periods of employment or self-employment completed under the legislation of one Member State are expressed in units different from those which are used in the calculation of family benefits or family allowances under the legislation of another Member State to which the person concerned has also been subject during the same period, the conversion shall be carried out in accordance with the provisions of Article 15 (3) of the Implementing Regulation;
- (d) notwithstanding the provisions of subparagraph (a), in respect of dealings between the Member States listed in Annex 8 to the Implementing Regulation, the institution bearing the costs of the family benefits or family allowances by reason of the first employment or self-employment during the period concerned, shall bear their cost throughout the whole of the current period.

2. If the members of the family of an employed person, or of an unemployed person who was formerly employed, subject to French legislation, or of an unemployed person in receipt of unemployment benefits under French legislation, transfer their residence from the territory of one Member State to the territory of another Member State during the same calendar month, the institution responsible for providing the family allowances at the beginning of that month shall continue to provide them throughout the whole of the current month.

TITLE III

IMPLEMENTATION OF THE PROVISIONS OF THE REGULATIONS
FOR DETERMINING THE LEGISLATION APPLICABLE

Implementation of Articles 13 to 17 of the Regulation

Article 11

Formalities in the case of the posting elsewhere of an employed person pursuant to Article 14 (1) and Article 14b (1) of the Regulation and in the case of Agreements concluded under Article 17 of the Regulation

1. The institution designated by the competent authority of the Member State whose legislation is to remain applicable shall issue a certificate stating that an employed person shall remain subject to that legislation up to a specified date:

- (a) at the request of the employed person or his employer in cases referred to in Article 14 (1) and Article 14b (1) of the Regulation;
- (b) in cases where Article 17 of the Regulation applies.

2. The consent provided for in Article 14 (1) (b) of the Regulation shall be requested by the employer.

Article 11a

Formalities pursuant to Article 14a (1) and Article 14b (2) of the Regulation and in the case of Agreements concluded under Article 17 of the Regulation in the case of work carried out in the territory of a Member State other than that in which the person concerned is normally self-employed

1. The institution designated by the competent authority of the Member State whose legislation is to remain applicable shall issue a certificate stating that the self-employed person shall remain subject to that legislation up to a specified date:

- (a) at the request of the self-employed person in cases referred to in Article 14a (1) and Article 14b (2) of the Regulation;
- (b) in cases where Article 17 of the Regulation applies.

2. The consent provided for in Article 14a (1) (b) of the Regulation shall be requested by the self-employed person.

Article 12

Special provisions concerning insurance of employed persons under the German social security scheme

Where, under the terms of Article 13 (2) (a), Article 14 (1) and (2) or Article 14b (1) of the Regulation, or under an agreement concluded pursuant to Article 17 of the Regulation, German legislation applies to a person employed by an undertaking or employer whose registered office or place of business is not situated on German territory, and the person concerned has no fixed job on German territory, this legislation shall apply as if the person concerned were employed in his place of residence on German territory.

If the employed person has no residence on German territory, German legislation shall apply as if he were employed in a place for which the Allgemeine Ortskrankenkasse Bonn (Local General Sickness Fund of Bonn), Bonn, is competent.

has its registered office or place of business.

Article 12a

Rules applicable in respect of the persons referred to in Article 14 (2) (b), Article 14 (3), Article 14a (2) to (4) and Article 14c (1) (a) of the Regulation who normally engage in employment and/or self-employment in the territory of two or more Member States

For the purposes of Article 14 (2) (b), Article 14 (3), Article 14a (2) to (4) and Article 14c (1) (a) of the Regulation, the following rules shall apply:

1. (a) A person who normally pursues his activity in the territory of two or more Member States or in an undertaking which has its registered office or place of business in the territory of one Member State and which straddles the common frontier of two Member States, or who is employed simultaneously in the territory of one Member State and self-employed in the territory of another Member State shall notify this situation to the institution designated by the competent authority of the Member State in the territory of which he resides.
 - (b) Where the legislation of the Member State in the territory of which the person resides is not applicable to him, the institution designated by the competent authority of that Member State shall in turn notify the situation to the institution designated by the competent authority of the Member State whose legislation is applicable.
2. (a) Where, in accordance with Article 14 (2) (b) (i) or the first sentence of paragraph 2 of Article 14a of the Regulation, a person who is normally employed or self-employed in the territory of two or more Member States and who pursues part of his activity in the Member State in whose territory he resides is subject to the legislation of that Member State, the institution designated by the competent authority of that Member State shall issue to the person concerned a certificate stating that he is subject to its legislation and shall send a copy thereof to the institution designated by the competent authority of any other Member State:
 - (i) in the territory of which the person concerned pursues a part of his activity; and/or
 - (ii) if he is an employed person, in the territory of which an undertaking or an employer by whom he is employed
3. (a) Where, in accordance with Article 14 (3) or Article 14a (3) of the Regulation, a person who is employed in the territory of one Member State by an undertaking which has its registered office or place of business in the territory of another Member State and which straddles the common frontier of those States, or who is self-employed in such an undertaking, is subject to the legislation of the Member State in whose territory the undertaking has its registered office or place of business, the institution designated by the competent authority of the latter Member State shall issue to the person concerned a certificate stating that he is subject to its legislation and shall send a copy thereof to the institution designated by the competent authority of any other Member State:
 - (i) in the territory of which the person concerned is employed or self-employed;
 - (ii) in the territory of which the person concerned resides.
- (b) Paragraph 2 (b) above shall apply by analogy.
4. (a) Where, in accordance with Article 14 (2) (b) (ii) of the Regulation, an employed person who does not reside in the territory of any of the Member States in which he is pursuing his activity, is subject to the legislation of the Member State in whose territory is situated the registered office or place of business of the undertaking or individual employing him, the institution designated by the competent authority of the latter Member State shall issue to the employed person a certificate stating that he is subject to its legislation and shall send a copy thereof to the institution designated by the competent authority of any other Member State:
 - (i) in the territory of which the employed person pursues a part of his activity;

- (ii) in the territory of which the employed person resides.
 - (b) Paragraph 2 (b) above shall apply by analogy.
5. (a) Where, in accordance with the provisions of the second sentence of paragraph 2 of Article 14a of the Regulation, a person who is normally self-employed in the territory of two or more Member States but who does not pursue any part of his activity in the territory of the Member State in which he resides, is subject to the legislation of the Member State in whose territory he pursues his principal activity, the institution designated by the competent authority of the Member State in the territory of which he resides shall forthwith inform the institution designated by the competent authorities of the other Member States concerned.
- (b) The competent authorities of the Member States concerned or the institutions designated by those competent authorities shall by common agreement determine the legislation applicable to the person concerned, account being taken of the provisions of subparagraph (d) and, where appropriate, of the provisions of Article 14a (4) of the Regulation, within a period of not more than six months counting from the day on which the situation of the person concerned was notified to one of the institutions concerned.
- (c) The institution administering the legislation that has been determined as being applicable to the person concerned shall issue a certificate to that person showing that he is subject to that legislation and shall send a copy thereof to the other institutions concerned.
- (d) For the purpose of determining, in pursuance of Article 14a (2), third sentence, of the Regulation, the principal activity of the person concerned, account shall be taken first and foremost of the locality in which the fixed and permanent premises from which the person concerned pursues his activities is situated. Failing this, account shall be taken of criteria such as the usual nature or the duration of the activities pursued, the number of services rendered and the income arising from those activities.
- (e) The institution concerned shall exchange all information necessary to determinate both the principal activity of the person concerned and the contributions payable
- under the legislation that has been determined as being applicable to him.
6. (a) Without prejudice to paragraph 5, and in particular to subparagraph (b) thereof, if the institution designated by the competent authority of the Member State whose legislation would be applicable by virtue of Article 14a (2) or (3) of the Regulation establishes that the provisions of paragraph 4 of the said Article apply in the case of the person concerned, it shall notify the competent authorities of the other Member States concerned or the institutions designated by those authorities; where necessary, the legislation to be applicable to the person concerned shall be decided on by common agreement.
- (b) The information referred to in paragraph 2 (b) above shall be sent by the other institutions concerned to the institutions designated by the competent authority of the Member State whose legislation is determined to be applicable.
7. (a) Where, in accordance with Article 14c (1) (a) of the Regulation, a person who is employed simultaneously in the territory of one Member State and is self-employed in the territory of another Member State, is subject to the legislation of the Member State in whose territory he is engaged in paid employment, the institution designated by the competent authority of the latter Member State shall issue to the employed person a certificate stating that he is subject to its legislation and shall send a copy thereof to the institution designated by the competent authority of any other Member State:
- (i) in the territory of which that person is self-employed;
 - (ii) in the territory of which that person resides.
- (b) Paragraph 2 (b) above shall apply by analogy.

Article 13

Exercise of the right of option by persons employed by diplomatic missions and consular posts

1. The right of option provided for in Article 16 (2) of the Regulation must be exercised in the first instance within the three months following the date on which the employed person was engaged by the diplomatic mission or consular post concerned, or on which he entered into the

personal service of agents of such mission or post. The option shall take effect on the date of entry into employment.

When the person concerned renews his right of option at the end of a calendar year, the option shall take effect on the first day of the following calendar year.

2. The person concerned who exercises his right of option shall inform the institution designated by the competent authority of the Member State for whose legislation he has opted, at the same time notifying his employer thereof. The said institution shall, where necessary, forward such information to all other institutions of the same Member State, in accordance with directives issued by the competent authority of that Member State.

3. The institution designated by the competent authority of the Member State for whose legislation the person concerned has opted, shall issue to him a certificate testifying that he is subject to the legislation of that Member State while he is employed by the diplomatic mission or consular post in question or in the personal service of agents of such mission or post.

4. Where the person concerned has opted for German legislation to be applied, the provisions of that legislation shall be applied as though he were employed in the place where the German Government has its seat. The competent authority shall designate the competent sickness insurance institution.

2. The institution designated by the competent authority of the Member State for whose legislation the auxiliary staff member has opted shall issue to him a certificate testifying that he is subject to the legislation of that Member State while he is employed by the European Communities as an auxiliary staff member.

3. The competent authorities of the Member States shall, where necessary, designate the competent institutions in respect of members of the auxiliary staff of the European Communities.

4. Where an auxiliary staff member, employed in the territory of a Member State other than Germany, has opted for German legislation to be applied, the provisions of that legislation shall be applied as though that auxiliary staff member were employed in the place where the German Government has its seat. The competent authority shall designate the competent sickness insurance institution.

Article 14

Exercise of the right of option by auxiliary staff of the European Communities

1. The right of option provided for in Article 16 (3) of the Regulation must be exercised at the time when the contract of employment is concluded. The authority empowered to conclude such contract shall inform the institution designated by the competent authority of the Member State for whose legislation the auxiliary staff member has opted. The said institution shall, where necessary, forward such information to all other institutions of the same Member State.

TITLE IV

IMPLEMENTATION OF THE SPECIAL PROVISIONS
OF THE REGULATION RELATING TO THE VARIOUS CATEGORIES OF
BENEFITS

CHAPTER I

GENERAL RULES FOR THE AGGREGATION OF
PERIODS

Article 15

1. In the cases referred to in Article 18 (1), Article 38, Article 45 (1) to (3), Article 64, and Article 67 (1) and (2) of the Regulation, aggregation of periods shall be effected in accordance with the following rules:

- (a) to periods of insurance or residence completed under the legislation of one Member State shall be added periods of insurance or residence completed under the legislation of any other Member State, to the extent that this is necessary to have recourse thereto in order to supplement periods of insurance or residence completed under the legislation of the first Member State for the purpose of acquiring, retaining, or recovering the rights to benefits, provided that such periods of insurance or residence do not overlap. Where benefits in respect of invalidity, old age or death (pensions) are to be awarded by the institutions of two or more Member States in accordance with the provisions of Article 46 (2) of the Regulation, each of the institutions concerned shall effect a separate aggregation, by taking into account the whole of the periods of insurance or residence completed by the employed or self-employed person under the legislations of all the Member States to which he has been subject, without prejudice, where appropriate, to the provisions of Article 45 (2) and (3) and Article 46 (2) (c) of the Regulation;
- (b) when a period of insurance or residence completed under compulsory insurance under the legislation of one Member State coincides with a period of insurance completed under voluntary or optional continued insurance under the legislation of another Member State, only the period completed under compulsory insurance shall be taken into account;
- (c) when a period of insurance or residence, other than a period treated as such, completed under the legislation of one Member State coincides with a period treated as such under the legislation of another Member State, only the period other than a period treated as such shall be taken into account;
- (d) any period treated as such under the legislations of two or more Member States, shall be taken into account only by the institution of the Member State under whose legislation the insured person was last compulsorily insured prior to the said period; where the insured person has not been compulsorily insured under the legislation of a Member State before the said period, the latter shall be taken into account by the institution of the Member State under whose legislation he was compulsorily insured for the first time after the said period;
- (e) where it is not possible to determine accurately the period of time in which certain periods of insurance or residence were completed under the legislation of one Member State, such periods shall be presumed not to overlap with periods of insurance or residence completed under the legislation of another Member State and shall, where advantageous, be taken into account;
- (f) where under the legislation of one Member State, certain periods of insurance or residence are taken into account only if they have been completed within a specified time limit, the institution which administers such legislation shall:
 - (i) only take into account periods of insurance or residence completed under the legislation of another Member State if they were completed within the said time limit; or
 - (ii) extend such time limit for the duration of periods of insurance or residence completed wholly or partly within the said time limit under the legislation of another Member State, where the periods of insurance or residence involved under the legislation of the second Member State give rise only to the suspension of the time limit within which the periods of insurance or residence must be completed.

2. Periods of insurance or residence completed under the legislation of a Member State to which the Regulation does not apply, but which are taken into account under the legislation of that Member State to which the Regulation does apply, shall be considered as periods of insurance or residence to be taken into account for the purposes of aggregation.

3. When periods of insurance completed under the legislation of one Member State are expressed in units different from those used by the legislation of another Member State, the conversion necessary for the purposes of aggregation shall be carried out according to the following rules:

- (a) where the person concerned is an employed person who has been subject to a six-day week or if he is self-employed:
 - (i) one day shall be equivalent to eight hours and vice versa;
 - (ii) six days shall be equivalent to one week and vice versa;
 - (iii) 26 days shall be equivalent to one month and vice versa;
 - (iv) three months or 13 weeks or 78 days shall be equivalent to one quarter and vice versa;
 - (v) for the conversion of weeks into months and vice versa the weeks and months shall be converted into days;
 - (vi) the application of the preceding rules shall not have the effect of producing, for the sum total of the periods of insurance completed during one calendar year, a total exceeding 312 days or 52 weeks or 12 months or four quarters;

- (b) if the person concerned is an employed person who has been subject to a five-day week:
 - (i) one day shall be equivalent to nine hours and vice versa;
 - (ii) five days shall be equivalent to one week and vice versa;
 - (iii) 22 days shall be equivalent to one month and vice versa;
 - (iv) three months or 13 weeks or 66 days shall be equivalent to one quarter and vice versa;
 - (v) for the conversion of weeks into months and vice versa, the weeks and the months shall be converted into days;
 - (vi) the application of the preceding rules shall not have the effect of producing, for the sum total of the periods of insurance completed during one calendar year, a total exceeding 264 days or 52 weeks or 12 months or four quarters;

CHAPTER 2

SICKNESS AND MATERNITY

Implementation of Article 18 of the Regulation

Article 16

Certification of periods of insurance

1. In order to invoke the provisions of Article 18 of the Regulation, an employed or self-employed person shall submit to the competent institution a certified statement specifying the periods of insurance completed under the legislation to which he was last subject.

2. This certified statement shall be issued at the request of the employed or self-employed person by the institution or institutions of the Member State to whose legislation he was last subject. If he does not submit the said certified statement, the competent institution shall obtain it from the institution or institutions concerned.

3. The provisions of paragraphs 1 and 2 shall apply by analogy if it is necessary to take into account periods of insurance previously completed under the legislation of any other Member State in order to satisfy the conditions of the legislation of the competent State.

Implementation of Article 19 of the Regulation

Article 17

Benefits in kind in the case of residence in a Member State other than the competent State

1. In order to receive benefits in kind under Article 19 of the Regulation, an employed or self-employed person must register himself and the members of his family with the institution of his place of residence by submitting a certified statement testifying that he and the members of his family are entitled to the said benefits. This certified statement, based upon information supplied by the employer, where appropriate, shall be issued by the competent institution. If the employed or self-employed person or the members of his family do not submit the said certified statement, the institution of the place of residence shall obtain it from the competent institutions.

2. That certified statement shall remain valid until the institution of the place of residence receives notification of its cancellation. However, when the said certified statement has been issued by a French institution, it shall be valid only for a year following the date of its issue and must be renewed every year.

3. If the person concerned is a seasonal worker, the certified statement referred to in paragraph 1 shall be valid for the whole of the expected duration of the seasonal work unless, in the meanwhile, the competent institution notifies the institution of the place of residence of its cancellation.

4. The institution of the place of residence shall inform the competent institution of every registration effected in accordance with the provisions of paragraph 1.

5. Upon each application for benefits in kind, the person concerned shall submit the supporting documents required for the granting of benefits in kind under the legislation of the Member State in whose territory he resides.

6. In the event of hospitalization, the institution of the place of residence shall, within three days of becoming aware of the fact, notify the competent institution of the date of entry into hospital, the probable duration of hospitalization and the date of leaving hospital. Notification

shall be unnecessary, however, when the costs of the benefits in kind are repaid in a lump sum to the institution of the place of residence.

7. The institution of the place of residence shall notify the competent institution in advance of any decision relating to the granting of benefits in kind where the likely or actual cost exceeds a lump sum which is fixed and periodically reviewed by the Administrative Commission. The competent institution shall have 15 days from the day on which such information is sent within which to raise any objection and to state the reasons on which such objection is based; if, at the end of that period, no such objection has been raised, the institution of the place of residence shall grant the benefits in kind. Where such benefits have to be granted in a case of extreme urgency, the institution of the place of residence shall forthwith inform the competent institution thereof. However, notification of its objection, stating the reasons on which such objection is based, shall be unnecessary when the costs of the benefits in kind are repaid in a lump sum to the institution of the place of residence.

8. The employed or self-employed person or the members of his family shall inform the institution of the place of residence of any change in their situation which is likely to alter their entitlement to benefits in kind, in particular any cessation or change of the employment or self-employment of the person concerned or any transfer of residence or stay of the employed or self-employed person or of a member of his family. Likewise, should the employed or self-employed person cease to be insured or cease to be entitled to benefits in kind, the competent institution shall inform the institution of the place of residence accordingly. The institution of the place of residence may, at any time, request the competent institution to supply it with any information relating to the employed or self-employed person's insurance or to his entitlement to benefits in kind.

9. Two or more Member States or the competent authorities of those Member States may, having received the opinion of the Administrative Commission, agree on other implementing provisions.

Article 18

Cash benefits in the case of residence in a Member State other than the competent State

1. In order to receive cash benefits under Article 19 (1) (b) of the Regulation an employed

or self-employed person shall, within three days of commencement of the incapacity for work, apply to the institution of the place of residence by submitting a notification of having ceased work or, if the legislation administered by the competent institution or by the institution of the place of residence so provides, a certificate of incapacity for work issued by the doctor providing treatment for the person concerned.

2. Where the doctors providing treatment in the country of residence do not issue certificates of incapacity for work, the person concerned shall apply directly to the institution of the place of residence within the time limit fixed by the legislation which it administers.

That institution shall immediately have the incapacity for work medically confirmed and the certificate referred to in paragraph 1 drawn up. Such certificate shall state the probable duration of the incapacity and shall be forwarded to the competent institution forthwith.

3. In cases where paragraph 2 does not apply, the institution of the place of residence shall, as soon as possible and in any event within the three days following the date on which the person concerned applied to it, have him medically examined as if he were insured with that institution. The report of the examining doctor shall indicate, in particular, the probable duration of the incapacity for work, and shall be forwarded to the competent institution by the institution of the place of residence within the three days following the date of the examination.

4. The institution of the place of residence shall subsequently carry out any necessary administrative checks or medical examinations of the person concerned as if he were insured with that institution. As soon as it establishes that the person concerned is fit to resume work, it shall forthwith notify him and the competent institution accordingly, stating the date on which his incapacity for work ceased. Without prejudice to the provisions of paragraph 6, the notification to the person concerned shall be treated as a decision taken on behalf of the competent institution.

5. In all cases the competent institution shall reserve the right to have the person concerned examined by a doctor of its own choice.

6. If the competent institution decides to withhold the cash benefits because the person concerned has not completed the formalities laid down by the legislation of the country of residence, or if it establishes that the person concerned is fit to resume work, it shall notify

the person concerned of its decision and shall simultaneously send a copy of such decision to the institution of the place of residence.

7. When the person concerned resumes work, he shall notify the competent institution accordingly, if such notification is required by the legislation administered by that institution.

8. The competent institution shall pay cash benefits by the appropriate method, in particular by international money order, and shall inform the institution of the place of residence and the person concerned accordingly. Where cash benefits are paid by the institution of the place of residence on behalf of the competent institution, the latter shall inform the person concerned of his rights and shall notify the institution of the place of residence of the amount of the cash benefits, the dates for payment, and the maximum period during which they should be granted, in accordance with the legislation of the competent State.

9. Two or more Member States, or the competent authorities of those Member States may, having received the opinion of the Administrative Commission, agree on other implementing provisions.

Implementation of Article 20 of the Regulation

Article 19

Special provisions for frontier workers and members of their families

In the case of frontier workers or members of their families, medicinal products, bandages, spectacles and small appliances may be issued, and laboratory analyses and tests carried out, only in the territory of the Member State in which they were prescribed, in accordance with the provisions of the legislation of that Member State, except where the legislation administered by the competent institution or an agreement concluded between the Member States concerned or the competent authorities of those Member States is more favourable.

Implementation of Article 22 of the Regulation

Article 20

Benefits in kind in the case of a stay in a Member State other than the competent State — Special case of persons employed in international transport and members of their families

1. In order to receive benefits in kind for himself or for members of his family who accompany him, a person employed in international transport, covered by Article 14 (2) (a) of the Regulation, who in the course of his employment goes to the territory of a Member State other than the competent State, shall, as soon as possible, submit to the institution of the place of stay, a special certified statement issued by the employer or by his agent during the current calendar month or during the two calendar months preceding its submission. Such certified statement shall state in particular the date from which the person concerned has been employed by the said employer, and the name and address of the competent institution; if, however, under the legislation of the competent State the employer is not required to know the competent institution, the person concerned shall provide in writing the name and address of that institution when submitting his application to the institution of the place of stay. A person who has submitted such certified statement shall be presumed to have satisfied the conditions for acquisition of the right to benefits in kind. If a person is unable to contact the institution of the place of stay before receiving medical treatment, he shall nevertheless receive such treatment on presentation of the said certified statement as if he were insured with that institution.

2. The institution of the place of stay shall within three days inquire of the competent institution whether the person concerned satisfies the conditions for acquisition of the right to benefits in kind. The institution of the place of stay shall provide the benefits in kind until it receives a reply from the competent institution, but for not more than 30 days.

3. The competent institution shall send its reply to the institution of the place of stay within 10 days of the receipt of the request from that institution. If that reply is in the affirmative, the competent institution shall indicate, if necessary, the maximum period during which the benefits in kind may be granted, in accordance with the legislation which it administers, and the institution of the place of stay shall continue to provide the said benefits.

4. In place of the certified statement provided for in paragraph 1, the employed person covered by that paragraph may submit to the institution of the place of stay a certified statement stating that the conditions for acquisition of the right to benefits in kind have been satisfied. This certified statement, which shall be issued by the competent institution, shall specify in particular, where necessary, the maximum period during which benefits in kind may be granted in accordance with the legislation of the competent State. In such a case paragraphs 1, 2 and 3 shall not apply.

5. The provisions of Article 17 (6), (7) and (9) of the Implementing Regulation shall apply by analogy.

6. Benefits in kind provided by virtue of the presumption made in paragraph 1 shall be reimbursed as provided for in Article 36 (1) of the Regulation.

Article 21

Benefits in kind in the case of a stay in a Member State other than the competent State — Employed persons other than those covered by Article 20 of the Implementing Regulation or self-employed persons

1. In order to receive benefits in kind under Article 22 (1) (a) (i) of the Regulation, save in the case referred to in Article 20 of the Implementing Regulation, an employed or self-employed person shall submit to the institution of the place of stay a certified statement stating that he is entitled to benefits in kind. Such certified statement, which shall be issued by the competent institution at the request of the person concerned, if possible before he leaves the territory of the Member State in which he resides, shall specify in particular, where necessary, the maximum period during which benefits in kind may be granted, in accordance with the legislation of the competent State. If the person concerned does not submit the said certified statement, the institution of the place of stay shall obtain it from the competent institution.

2. The provisions of Article 17 (6), (7) and (9) of the Implementing Regulation shall apply by analogy.

Article 22

Benefits in kind for employed or self-employed persons who transfer their residence or return to their country of residence, and for employed or self-employed persons authorized to go to another Member State for medical treatment

1. In order to receive benefits in kind under Article 22 (1) (b) (i) of the Regulation, an employed or self-employed person shall submit to the institution of the place of residence a certified statement testifying that he is entitled to continue receiving the said benefits. This certified statement, which shall be issued by the competent institution, shall specify in particular, where necessary, the maximum period during which such benefits may continue to be provided, in accordance with the provisions of the legislation of the competent State. The certified statement may, at the request of the person concerned, be issued after his departure if, for reasons of *force majeure*, it cannot be drawn up beforehand.

2. The provisions of Article 17 (6), (7) and (9) of the Implementing Regulation shall apply by analogy.

3. Paragraphs 1 and 2 shall apply by analogy in respect of the provision of benefits in kind in the case referred to in Article 22 (1) (c) (i) of the Regulation.

Article 23

Benefits in kind for members of the family

The provisions of Article 21 or Article 22 of the Implementing Regulation, as appropriate, shall apply by analogy in respect of the granting of benefits in kind to members of the family as provided for in Article 22 (3) of the Regulation.

However, in the cases referred to in the second subparagraph of Article 22 (3) of the Regulation, the institution of the place of residence and the legislation of the country of residence of the members of the family shall be considered, respectively, as the competent institution and as the legislation of the competent State for the purposes of Articles 17 (6) and (7), 21 and 22 of the Implementing Regulation.

Article 24

Cash benefits for employed or self-employed persons in the case of a stay in a Member State other than the competent State

The provisions of Article 18 of the Implementing Regulation shall apply by analogy in respect of the receipt of cash benefits under Article 22 (1) (a) (ii) of the Regulation. However, without prejudice to the obligation to submit a certificate of incapacity for work, an employed or self-employed person who is staying in the territory of a Member State, without pursuing any employment or self-employment there, shall not be required to submit the notification of having ceased work referred to in Article 18 (1) of the Implementing Regulation.

Implementation of Article 23 (3) of the Regulation

Article 25

Certified statement relating to the members of the family to be taken into account in the calculation of cash benefits

1. In order to receive benefits under the provisions of Article 23 (3) of the Regulation, an employed or self-employed person shall submit to the competent institution a certified statement relating to the members of his family who are resident in the territory of a Member State other than that wherein the said institution is situated.
2. This certified statement shall be issued by the institution of the place of residence of the members of the family.

It shall be valid for the 12 months following the date of its issue. It may be renewed; in such a case, it shall be valid from the date of its renewal.

The person concerned shall immediately notify the competent institution of any occurrence necessitating an amendment to the said certified statement. Such amendment shall take effect from the date of such occurrence.

3. In place of the certified statement provided for in paragraph 1, the competent institution may require the person concerned to produce recent civil status documents relating to the members of his family who are resident in the territory of a Member State other than that wherein the said institution is situated.

Implementation of Article 25 (1) of the Regulation

Article 26

Benefits for unemployed persons who go to a Member State other than the competent State in order to seek employment there

1. In order to receive benefits in cash and in kind under Article 25 (1) of the Regulation for himself and for the members of his family, an unemployed person shall submit to the sickness insurance institution of the place where he has gone a certified statement for which, prior to his departure, he should have applied to the competent sickness insurance institution. If the unemployed person does not submit the said certified statement, the institution of the place to which he has gone shall obtain it from the competent institution.

This certified statement must testify the existence of the right to the said benefits under the conditions set out in Article 69 (1) (a) of the Regulation; indicate the duration of such right, taking into account the provisions of Article 69 (1) (c) of the Regulation; and specify the amount of cash benefits to be provided, where appropriate, by way of sickness insurance during the abovementioned period, in the case of incapacity for work or hospitalization.

2. The unemployment insurance institution of the place where the unemployed person has gone shall testify on a copy of the certified statement referred to in Article 83 of the Implementing Regulation, which shall be sent to the sickness insurance institution of that same place, that the conditions laid down in Article 69 (1) (b) of the Regulation have been fulfilled and shall specify the date from which they were fulfilled, and the date from which the unemployed person shall receive unemployment insurance benefits at the expense of the competent institution.

This certified statement shall be valid for the period laid down in Article 69 (1) (c) of the Regulation, for as long as the conditions are fulfilled. The unemployment insurance institution of the place where the unemployed person has gone shall, within three days, inform the said sickness insurance institution if the conditions are no longer satisfied.

3. The provisions of Article 17 (6) and (7) of the Implementing Regulation shall apply by analogy.

4. In order to receive the cash benefits provided for by the legislation of the competent State, the unemployed person shall, within three days, send a certificate of incapacity for work, issued by the doctor providing treatment for him, to the sickness insurance institution of the place to which he has gone. He shall also state the date up to which he has received sickness insurance benefits and his address in the country where he is.

5. The sickness insurance institution of the place to which the unemployed person has gone shall, within three days, notify the competent sickness insurance institution and the competent unemployment insurance institution, as well as the institution where the unemployed person is registered as seeking employment, of the date when the incapacity for work began and ended.

6. In the cases defined in Article 25 (4) of the Regulation, the sickness insurance institution of the place to which the unemployed person has gone shall inform the competent sickness insurance institution and the competent unemployment insurance institution that it considers that the conditions justifying the extension of the period during which benefits in cash and in kind may be granted are satisfied, stating the grounds on which its opinion is based, and shall attach to the communication it sends to the competent sickness insurance institution a detailed report from the examining doctor on the condition of the patient, indicating the probable period during which the conditions for applying Article 25 (4) of the Regulation will exist. The competent sickness insurance institution shall then take the decision as to the extension of the period during which benefits may be granted to the sick unemployed person.

7. The provisions of Article 18 (2), (3), (4), (5), (6), (8) and (9) of the Implementing Regulation shall apply by analogy.

Implementation of Article 25 (3) of the Regulation

Article 27

Benefits in kind for members of the family of unemployed persons in the case of residence in a Member State other than the competent State

The provisions of Article 17 of the Implementing Regulation shall apply by analogy in respect of the granting of benefits in kind to the members of the family of unemployed persons when such members of the family are resident in the territory of a Member State other than the competent State. At the time of the registration of the members of the family of

unemployed persons receiving benefits under the provisions of Article 69 (1) of the Regulation, the certified statement referred to in Article 26 (1) of the Implementing Regulation must be produced. This certified statement shall be valid for the period of time during which the benefits may be granted under Article 69 (1) of the Regulation.

Implementation of Article 26 of the Regulation

Article 28

Benefits in kind for pension claimants and for members of their families

1. In order to receive benefits in kind in the territory of the Member State in which he resides, under Article 26 (1) of the Regulation, a claimant and the members of his family shall register with the institution of the place of residence by submitting a certified statement testifying that he is entitled under the legislation of another Member State to the said benefits for himself and for the members of his family. This certified statement shall be issued by the institution of that other Member State which is responsible for benefits in kind.

2. The institution of the place of residence shall inform the institution which has issued the certified statement of every registration effected in accordance with paragraph 1.

Implementation of Article 28 and Article 28a of the Regulation

Article 29

Benefits in kind for pensioners and members of their families who are not resident in a Member State under whose legislation they receive a pension and are entitled to benefits

1. In order to receive benefits in kind in the territory of the Member State in which he resides, under Article 28 (1) and Article 28a of the Regulation, a pensioner and the members of his family shall register with the institution of the place of residence by submitting a certified statement testifying that he is entitled to the said benefits for himself and for the members of his family, under the legislation or one of the legislations under which a pension is payable.

2. This certified statement shall be issued, at the request of the pensioner, by the institution or one of the institutions responsible for payment of the pension or, where appropriate, by the institution empowered to determine entitlement to benefits in kind, as soon as the pensioner satisfies the conditions for acquisition of the right to such benefits. If the pensioner does not submit the certified statement, the institution of the place of residence shall obtain it from the institution or institutions responsible for payment of the pension or, where appropriate, from the institution empowered to issue such certified statement. Whilst awaiting the receipt of this certified statement, the institution of the place of residence may, in the light of the documentary evidence accepted by it, register the pensioner and the members of his family provisionally. This registration shall bind the institution responsible for the payment of benefits in kind only if this latter institution has issued the certified statement provided for in paragraph 1.

3. The institution of the place of residence shall inform the institution which has issued the certified statement provided for in paragraph 1 of every registration effected in accordance with the provisions of the said paragraph.

4. When an application is made for benefits in kind it must be proved to the institution of the place of residence, by means of the receipt or the counterfoil of the money order of the last payment made, that the pensioner is still entitled to a pension.

5. The pensioner or the members of his family shall inform the institution of the place of residence of any change in their situation which might alter their entitlement to benefits in kind, in particular any suspension or withdrawal of the pension and any transfer of their residence. The institutions responsible for the pension shall also inform the institution of the pensioner's place of residence of any such change.

6. The Administrative Commission shall, to the extent necessary, fix the procedure for determining the institution which shall bear the cost of the payment of benefits in kind, in the case referred to in Article 28 (2) (b) of the Regulation.

Implementation of Article 29 of the Regulation

Article 30

Benefits in kind for members of the family who are resident in a Member State other than the State in which the pensioner is resident

1. In order to receive benefits in kind in the territory of the Member State in which they reside, under Article 29 (1) of the Regulation, the members of the family shall register with the institution of their place of residence by submitting the documentary evidence required by the legislation which that institution administers for the granting of such benefits to members of the family of a pensioner, together with a certified statement testifying that the pensioner is entitled to benefits in kind for himself and for the members of his family. This certified

statement, which shall be issued by the institution of the place of residence of the pensioner, shall remain valid as long as the institution of the place of residence of the members of the family has not been notified of its cancellation. When, however, the said certified statement is issued by a French institution, it shall only be valid for a period of 12 months from the date of issue and must be renewed yearly.

2. When making an application for benefits in kind, the members of the family shall submit to the institution of their place of residence the certified statement referred to in paragraph 1, if the legislation which that institution administers provides that such an application must be accompanied by evidence of entitlement to a pension.

3. The institution of the pensioner's place of residence shall inform the institution of the place of residence of the members of the family of the suspension or withdrawal of the pension, and of any transfer of residence of the pensioner. The institution of the place of residence of the members of the family may, at any time, request the institution of the pensioner's place of residence to supply it with any information relating to entitlement to benefits in kind.

4. The members of the family shall inform the institution of their place of residence of any change in their situation which is likely to alter their entitlement to benefits in kind, in particular any transfer of residence.

Implementation of Article 31 of the Regulation

Article 31

Benefits in kind for pensioners and members of their families staying in a Member State other than the one in which they are resident

1. In order to receive benefits in kind under Article 31 of the Regulation, a pensioner shall submit to the institution of the place of stay a certified statement testifying that he is entitled to the said benefits. This certified statement, which shall be issued by the institution of the pensioner's place of residence, if possible before he leaves the territory of the Member State where he resides, shall indicate in particular, where appropriate, the maximum period during which benefits in kind may be granted, in accordance with the legislation of that Member State. If the pensioner does not submit the said certified statement, the institution of the place of stay shall obtain it from the institution of the place of residence.

2. The provisions of Article 17 (6), (7) and (9) of the Implementing Regulation shall apply by analogy. In such a case, the institution of the pensioner's place of residence shall be considered to be the competent institution.

3. The provisions of paragraphs 1 and 2 shall apply by analogy in respect of the granting of benefits in kind to the members of the family covered by Article 31 of the Regulation.

Implementation of Article 35 (1) of the Regulation

Article 32

Institution to which workers in mines and similar undertakings and members of their families may apply when staying or residing in a Member State other than the competent State

1. In the cases referred to in Article 35 (1) of the Regulation and where, in the country of stay or residence, the benefits provided under the insurance scheme for sickness or maternity covering manual workers in the steel industry are equivalent to those provided under the special scheme for workers in mines and similar undertakings, workers belonging to the latter category and members of their families may apply to the nearest institution in the territory of the Member State in which they are staying or residing, specified in Annex 3 to the Implementing Regulation, even if the latter is an institution of the scheme applicable to manual workers in the steel industry, which institution shall then provide such benefits.

2. Where the benefits provided under the special scheme for workers in mines and similar undertakings are more advantageous, such workers or the members of their families shall have the option of applying either to the institution responsible for the administration of that scheme, or to the nearest institution in the territory of the Member State in which they are staying or residing which administers the scheme for manual workers in the steel industry. In the latter case, the institution in question shall draw the attention of the person concerned to the fact that by applying to the institution responsible for the administration of the abovementioned special scheme, he will obtain more advantageous benefits; it must, furthermore, inform him of the name and address of such institution.

Implementation of Article 35 (2) of the Regulation

Article 32a

Special schemes applying to certain self-employed persons

Annex 11 lists the scheme or schemes referred to in Article 35 (2) of the Regulation.

Implementation of Article 35 (4) of the Regulation

Article 33

Taking account of the period during which benefits have already been provided by the institution of another Member State

For the purposes of implementing the provisions of Article 35 (4) of the Regulation, the institution of a Member State called upon to provide benefits may request the institution of another Member State to supply it with information relating to the period during which the latter institution has already provided benefits for the same case of sickness or maternity.

Refund by the competent institution of one Member State of expenses incurred during a stay in another Member State

Article 34

1. If it is not possible during an employed or self-employed person's stay in a Member State other than the competent State to complete the formalities provided for in Article 20 (1) and (4) and Articles 21, 23 and 31 of the Implementing Regulation, his expenses shall, upon his application, be refunded by the competent institution in accordance with the refund rates administered by the institution of the place of stay.

2. The institution of the place of stay shall, at the request of the competent institution, supply it with the necessary information about such rates.

If the institution of the place of stay and the competent institution are bound by an agreement providing either that no refund, or that a lump-sum refund of benefits provided, in pursuance of Article 22 (1) (a) (i) and Article 31 of the Regulation, be made, the institution of the place of stay shall, in addition, be required to transfer to the competent institution the amount to be refunded to the person concerned in pursuance of the provisions of paragraph 1.

3. Where major expenses are involved, the competent institution may pay an appropriate advance to the person concerned as soon as that person submits to the said institution the claim for refund.

CHAPTER 3
INVALIDITY, OLD AGE AND DEATH (PENSIONS)

Submission and investigation of claims for benefits

Article 35

Claims for invalidity benefits where the employed or self-employed person has been subject exclusively to the legislation specified in Annex IV of the Regulation, and in the case referred to in Article 40 (2) of the Regulation

1. In order to receive benefits under Articles 37, 38 and 39 of the Regulation, including the cases referred to in Articles 40 (2), 41 (1) and 42 (2) of the Regulation, an employed or self-employed person shall submit a claim either to the institution of the Member State to whose legislation he was subject at the time of occurrence of the incapacity for work followed by invalidity or the aggravation of such invalidity, or to the institution of the place of residence, which shall then forward the claim to the first institution, indicating the date on which it was submitted; this date shall be regarded as the date of the submission of the claim to the first institution. However, if sickness insurance cash benefits have been granted, the date on which such cash benefits ceased to be granted must, where appropriate, be regarded as the date of submission of the pension claim.

2. In the case referred to in Article 41 (1) (b) of the Regulation, the institution with which the employed or self-employed person was last insured shall notify the amount and the operative date of the benefits due under the legislation which it administers to the institution initially responsible for payment of the benefits. With effect from that date, the benefits due prior to the aggravation of the invalidity shall be cancelled or reduced to an amount not exceeding the supplement referred to in Article 41 (1) (c) of the Regulation.

3. The provisions of paragraph 2 shall not apply in the case referred to in Article 41 (1) (d) of the Regulation. In this case, the institution with which the claimant was last insured shall apply to the Netherlands institution in order to ascertain the amount due from that institution.

Article 36

Claims for old age and survivors' benefits (excluding orphans' benefits) and invalidity benefits in cases not referred to in Article 35 of the Implementing Regulation

1. In order to receive benefits under Articles 40 and 51 of the Regulation, except in the cases

referred to in Article 35 of the Implementing Regulation, the person concerned shall submit a claim to the institution of the place of residence in accordance with the procedure provided for by the legislation administered by that institution. If the employed or self-employed person has not been subject to that legislation, the institution of the place of residence shall forward the claim to the institution of the Member State to whose legislation he was last subject, indicating the date on which the claim was submitted. That date shall be regarded as the date on which the claim was submitted to the latter institution.

2. Where a claimant resides in the territory of a Member State to whose legislation the employed or self-employed person has not been subject, he may submit his claim to the institution of the Member State to whose legislation the employed or self-employed person was last subject.

3. Where a claimant resides in the territory of a State which is not a Member State, he shall submit his claim to the competent institution of that Member State to whose legislation the employed or self-employed person was last subject.

Should the claimant submit his claim to the institution of the Member State of which he is a national, the latter shall forward such claim to the competent institution.

4. A claim for benefits sent to the institution of one Member State shall automatically involve the concurrent award of benefits under the legislation of all the Member States in question whose conditions the claimant satisfies except where, under Article 44 (2) of the Regulation, the claimant asks for postponement of any old age benefits to which he would be entitled under the legislation of one or more Member States.

Article 37

Documents and information which should accompany claims to the benefits referred to in Article 36 of the Implementing Regulation

The submission of the claims referred to in Article 36 of the Implementing Regulation shall be subject to the following rules:

(a) the claim must be accompanied by the required supporting documents and must be made on the form provided for by the legislation:

(i) of the Member State in whose territory the claimant resides, in the case referred to in Article 36 (1);

- (ii) of the Member State to which the employed or self-employed person was last subject, in the cases referred to in Article 36 (2) and (3);
- (b) the accuracy of the information supplied by the claimant must be established by official documents attached to the claim form, or confirmed by the competent bodies of the Member State in whose territory the claimant resides;
- (c) the claimant must indicate, in so far as is possible, either the institution or institutions administering insurance in respect of invalidity, old age or death (pensions) of any Member State with which the employed or self-employed person has been insured, or in the case of an employed person the employer or employers for whom he has worked in the territory of any Member State, by producing any employment certificates which he may have in his possession;
- (d) if, under Article 44 (2) of the Regulation, the claimant asks for the postponement of the award of any old age benefits to which he would be entitled under the legislation of one or more Member States he must specify the legislation under which he is claiming benefits.

Article 38

Certified statements relating to the members of the family to be taken into account when establishing the amount of the benefit

1. In order to receive benefits under the provisions of Article 39 (4) or Article 47 (3) of the Regulation, the claimant shall submit a certified statement relating to the members of his family, his children excepted, who are residing in the territory of a Member State other than that in which the institution responsible for the award of benefits is situated.

This certified statement shall be issued by the sickness insurance institution of the place of residence of the members of the family, or by another institution designated by the competent authority of the Member State in whose territory they are resident. The provisions of the second and third subparagraphs of Article 25 (2) of the Implementing Regulation shall apply by analogy.

In place of the certified statement provided for in the first subparagraph, the institution responsible for the award of benefits may require the claimant to supply recent civil status documents relating to the members of his family, his children excepted, who are residing in the territory of a Member State other than the State in which the said institution is situated.

2. In the case referred to in paragraph 1, if the legislation administered by the institution concerned requires that the members of the family should live under the same roof as the pensioner, the fact that the said members of the family who do not satisfy that condition are nevertheless mainly dependent on the claimant must be established by documents proving the regular transmission of part of the claimant's earnings.

Article 39

Investigation of claims for invalidity benefits in the case where the employed or self-employed person has been subject exclusively to the legislation specified in Annex IV of the Regulation

1. If an employed or self-employed person has submitted a claim for invalidity benefits, and the institution establishes that the provisions of Article 37 (1) of the Regulation apply, that institution shall, where necessary, obtain from the institution with which the person concerned was last insured a certified statement of the periods of insurance completed by him under the legislation administered by that last institution.

2. Where it is necessary to take into account periods of insurance previously completed under the legislation of any other Member State in order to satisfy the conditions of the legislation of the competent State, the provisions of paragraph 1 shall apply by analogy.

3. In the case referred to in Article 39 (3) of the Regulation, the institution which has investigated the claimant's case shall forward his file to the institution with which the person concerned was last insured.

4. Articles 41 to 50 of the Implementing Regulation shall not apply to the investigation of claims referred to in paragraphs 1, 2 and 3.

Article 40

Determination of the degree of invalidity

In order to determine the degree of invalidity, the institution of the Member State shall take into consideration the documents and medical reports and the information of an administrative nature obtained by the institution of any other Member State. Each institution shall, however, retain the right to have the claimant examined by a doctor of its own choice except where the provisions of Article 40 (4) of the Regulation apply.

Investigation of claims for benefits in respect of invalidity, old age and survivors in the cases referred to in Article 36 of the Implementing Regulation

Article 41

Determination of the investigating institution

1. Claims for benefit shall be investigated by the institution to which they have been sent or forwarded in accordance with the provisions of Article 36 of the Implementing Regulation. This institution is hereinafter referred to as the 'investigating institution'.

2. The investigating institution shall forthwith notify claims for benefits to all the institutions concerned on a special form, so that the claims may be investigated simultaneously and without delay by all these institutions.

Article 42

Forms to be used for the investigation of claims for benefits

1. When investigating claims for benefits the investigating institution shall use a form which will include, in particular, a statement and a summary of the periods of insurance or residence completed by the employed or self-employed person under the legislation of all the Member States concerned.

2. These forms, when forwarded to the institution of any other Member State, shall take the place of supporting documents.

Article 43

Procedure to be followed by the institutions concerned in the investigation of a claim

1. The investigating institution shall enter on the form provided for in Article 42 (1) of the Implementing Regulation the periods of insurance or residence completed under the legislation which it administers and it shall forward a copy of that form to the institution administering insurance in respect of invalidity,

old age or death (pensions) of any Member State with which the employed or self-employed person has been insured enclosing, where appropriate, any employment certificates produced by the claimant.

2. Where only one other institution is involved, that institution shall complete the said form by indicating:

- (a) the periods of insurance or residence completed under the legislation which it administers;
- (b) the amount of benefit which the claimant could claim in respect of those periods of insurance or residence only;
- (c) the theoretical amount and the actual amount of benefits calculated in accordance with the provisions of Article 46 (2) of the Regulation.

The form, thus completed, shall be returned to the investigating institution.

If a right to benefits is acquired taking into account only the periods of insurance or residence completed under the legislation administered by the institution of the second Member State, and if the amount of benefit corresponding to those periods can be determined without delay, whereas the calculation procedure referred to in subparagraph (c) requires an appreciably longer period of time, the form shall be returned to the investigating institution with the information referred to in subparagraphs (a) and (b); the information referred to in subparagraph (c) shall be forwarded to the investigating institution as soon as possible.

3. If two or more other institutions are involved, each one of those institutions shall complete the said form by indicating the periods of insurance or residence completed under the legislation which it administers, and shall return it to the investigating institution.

If a right to benefits is acquired taking into account only the periods of insurance or residence completed under the legislation administered by one or more of those institutions, and if the amount of benefit corresponding to those periods can be determined without delay, the investigating institution shall be simultaneously notified of that amount and of the periods of insurance or residence; if the determination of the said amount involves some delay, the investigating institution shall be notified of that amount as soon as it has been determined.

On receipt of all the forms giving information concerning periods of insurance or residence and, where appropriate, the amount or amounts due under the legislation of one or more of the

Member States concerned, the investigating institution shall forward a copy of the forms thus completed to each of the institutions concerned which shall specify thereon the theoretical amount and the actual amount of the benefits, calculated in accordance with the provisions of Article 46 (2) of the Regulation, and shall return the form to the investigating institution.

4. As soon as the investigating institution, upon receipt of the information referred to in paragraphs 2 or 3, establishes the fact that the provisions of Article 40 (2) or Article 48 (2) or (3) of the Regulation should be applied, it shall inform the other institutions concerned accordingly.

5. In the case provided for in Article 37 (d) of the Implementing Regulation, the institutions of the Member States to whose legislation the claimant has been subject but to which he has applied for postponement of the award of the benefits shall enter on the form provided for in Article 42 (1) of the Implementing Regulation only the periods of insurance or residence completed by the claimant under the legislation which they administer.

Article 44

Institution empowered to take a decision relating to the degree of invalidity

1. Subject to the provisions of paragraphs 2 and 3, only the investigating institution shall be empowered to take the decision referred to in Article 40 (4) of the Regulation concerning the degree of invalidity of the claimant. It shall take such a decision as soon as it is in a position to determine whether, taking account, where appropriate, of the provisions of Article 45 of the Regulation, the conditions for entitlement fixed by the legislation which it administers are fulfilled. It shall notify such decision forthwith to the other institutions concerned.

2. If, taking account of the provisions of Article 45 of the Regulation, the conditions for entitlement, other than those relating to the degree of invalidity, laid down by the legislation administered by the investigating institution are not fulfilled, that institution shall immediately notify the competent institution in respect of invalidity of the other Member State to whose legislation the employed or self-employed person was last subject. This institution shall, if the conditions for entitlement laid down by the

legislation which it administers are fulfilled, be empowered to take the decision relating to the degree of invalidity of the claimant; it shall forthwith notify that decision to the other institutions concerned.

3. Where necessary, the matter may have to be referred back, under the same conditions, to the competent institution in respect of invalidity of the Member State to whose legislation the employed or self-employed person was first subject.

Article 45

Provisional payment of benefits and advance payments of benefits

1. If the investigating institution establishes that the claimant is entitled to benefits under the legislation which it administers without having recourse to periods of insurance or residence completed under the legislation of other Member States, it shall pay such benefits immediately on a provisional basis.

2. If the claimant is not entitled to benefits under paragraph 1 but, from information supplied to the investigating institution pursuant to Article 43 (2) or (3) of the Implementing Regulation, it transpires that a right to benefits is acquired under the legislation of another Member State taking into account only the periods of insurance or residence completed under that legislation, the institution which administers the said legislation shall pay such benefits on a provisional basis as soon as the investigating institution has informed it of its obligation to do so.

3. If, in the case referred to in paragraph 2, a right to benefits is acquired under the legislation of more than one Member State, taking into account only those periods of insurance or residence completed under each one of those legislations, the payment of benefits on a provisional basis shall be the responsibility of the institution which in the first place informed the investigating institution of the existence of such a right; it shall be the duty of the investigating institution to inform the other institutions concerned.

4. The institution required to pay benefits under paragraphs 1, 2 or 3 shall forthwith inform the

claimant of the fact, drawing his attention explicitly to the provisional nature of the measure taken and to the fact that it is not open to appeal.

5. If no benefit is payable to the claimant on a provisional basis under paragraphs 1, 2 or 3, but it transpires from information received that a right is acquired under Article 46 (2) of the Regulation, the investigating institution shall pay him an appropriate recoverable advance, the amount of which shall be as close as possible to the amount he will probably be awarded under Article 46 (2) of the Regulation.

6. Two Member States or the competent authorities of those Member States may agree to apply other methods of payment of benefits on a provisional basis in cases where only the institutions of those States are concerned. Any such agreements which are concluded on this subject shall be notified to the Administrative Commission.

Article 46

Calculation of benefits in the event of overlapping of periods

1. For the calculation of the theoretical and the actual amount of benefit in accordance with the provisions of Article 46 (2) (a) and (b) of the Regulation, the rules provided for in Article 15 (1) (b), (c) and (d) of the Implementing Regulation shall apply.

The actual amount thus established shall be increased by the amount corresponding to the periods of voluntary or optional continued insurance, and shall be determined in accordance with the legislation under which these periods of insurance were completed.

2. For the purposes of Article 46 (3) of the Regulation, the amounts of benefit corresponding to periods of voluntary or optional continued insurance shall not be taken into account.

Article 47

Final calculation of the amount of benefits due from institutions applying Article 46 (3) of the Regulation

In the case referred to in the second subparagraph of Article 46 (3) of the Regulation, the investigating institution shall calculate and notify to each of the institutions concerned the final amount of benefits which each institution must grant.

Article 48

Notification to the claimant of the decisions of the institutions

1. The final decisions taken by each of the institutions concerned — taking account, where appropriate, of the notification referred to in Article 47 of the Implementing Regulation — shall be forwarded to the investigating institution. Each decision must specify the legal remedies and periods allowed for appeals provided for by the legislation concerned. Upon receipt of all such decisions, the investigating institution shall notify the claimant thereof, in his own language, by means of a summarized statement to which the said decisions shall be attached. The periods allowed for appeals shall run only from the date of receipt of the summarized statement by the claimant.

2. On dispatch to the claimant of the summarized statement provided for in paragraph 1, the investigating institution shall simultaneously forward a copy to each one of the institutions concerned, enclosing with it a copy of the decisions of the other institutions.

Article 49

Recalculation of benefits

1. For the purposes of implementing the provisions of Article 49 (2) and (3) and 51 (2) of the Regulation, the provisions of Articles 45 and 47 of the Implementing Regulation shall apply by analogy.

2. In the event of recalculation, withdrawal or suspension of benefit, the institution which has taken such a decision shall forthwith notify the fact to the person concerned and to each institution with which the said person has established entitlement to benefit, if necessary through the intermediary of the investigating institution. The decision must specify the legal remedies and periods allowed for appeals provided for by the legislation concerned. The periods allowed for appeals shall run only from the date of receipt of the decision by the person concerned.

Article 50

Measures designed to accelerate the award of benefits

1. (a) (i) Where an employed or self-employed person who is a national of one Member State becomes subject to the legislation of another Member State, the competent institution in respect of pensions of the latter Member State shall, using all the means at its disposal and at the time of registration of the person concerned, forward to the body designated by the competent authority of that same Member State, all information relating to the identification of the person concerned and the name of the said competent institution and the insurance number allotted by the latter.
 - (ii) Moreover, the competent institution referred to in subparagraph (i) shall also, as far as possible, forward to the body designated under the provisions of subparagraph (i) any other information which may facilitate and accelerate the award of the pensions.
 - (iii) Such information shall be forwarded, under conditions fixed by the Administrative Commission, to the body designated by the competent authority of the Member State concerned.
 - (iv) For the implementation of the provisions of subparagraphs (i), (ii) and (iii), stateless persons and refugees shall be deemed to be nationals of the Member State to whose legislation they were first subject.
- (b) The institutions concerned shall, at the request of the person concerned or of the institution with which he is currently insured, draw up his insurance history starting not later than one year before the date on which he will reach pensionable age.

2. The Administrative Commission shall fix the methods for implementing the provisions of paragraph 1.

Administrative checks and medical examinations

Article 51

1. When a person in receipt of benefits, in particular:

- (a) invalidity benefits,
- (b) old age benefits awarded in the event of unfitness for work,
- (c) old age benefits awarded to elderly unemployed persons,
- (d) old age benefits awarded in the event of cessation of a professional or trade activity,
- (e) survivors' benefits awarded in the event of invalidity or unfitness for work,
- (f) benefits awarded on condition that the means of the recipient do not exceed a prescribed limit,

is staying or residing in the territory of a Member State other than the State in which the institution responsible for payment is situated, administrative checks and medical examinations shall be carried out, at the request of that institution, by the institution of the place of stay or residence of the recipient in accordance with the procedures laid down by the legislation administered by the latter institution. The institution responsible for payment shall, however, reserve the right to have the recipient examined by a doctor of its own choice.

2. If it is established that the recipient referred to in paragraph 1 is employed or self-employed or has means in excess of the prescribed limit while receiving benefits, the institution of the place of stay or residence shall send a report to the institution responsible for payment which has requested the check or examination. This report shall indicate in particular the nature of the employment or self-employment pursued by the person concerned, the amount of earnings or means which he has had during the last complete quarter, the normal earnings obtained in the same area by an employed person or a self-employed person at the same level as the person concerned in the occupation which he followed before becoming an invalid over a reference period to be determined by the institution responsible for payment and, where appropriate, the opinion of a medical expert on the state of health of the person concerned.

Article 52

When, after suspension of the benefits which he was receiving, the person concerned recovers his right to benefits whilst residing in the territory of a Member State other than the competent State, the institutions concerned shall exchange all relevant information with a view to the resumption of the provision of the said benefits.

Payment of benefits

Article 53

Method of payment of benefits

1. If the institution responsible for payment in a Member State does not pay directly to persons entitled to benefits who are residing in the territory of another Member State the benefits due to them, such benefits shall be paid, at the request of the institution responsible for payment, by the liaison body of the latter Member State or by the institution of the place of residence of the said persons entitled to benefits in accordance with the procedure, provided for in Articles 54 to 58 of the Implementing Regulation; if the institution responsible for payment pays the benefits directly to the persons entitled thereto, it shall notify the institution of the place of residence of this fact. The payment procedure to be applied by the institution of the Member States is listed in Annex 6.

2. Two or more Member States or the competent authorities of those States may agree on other procedures for the payment of benefits in cases where the competent institutions of those Member States are the only ones concerned. Any agreements concluded on this subject shall be notified to the Administrative Commission.

3. The provisions of agreements relating to the payment of benefits which apply on the day preceding the entry into force of the Regulation shall continue to apply provided that they are listed in Annex 5.

Article 54

Notification to the paying body of the detailed schedule of payments to be made

The institution responsible for payment of benefits shall send to the liaison body of the Member State in whose territory the person entitled to benefits is residing, or to the institution of the place of residence (both hereinafter called 'paying body'), in duplicate, a detailed schedule of payments to be made which should reach the paying body not later than 20 days before the date on which those benefits become due.

Article 55

Payment of amounts due into the account of the paying body

1. 10 days before the date on which the benefits fall due, the institution responsible for payment shall pay, in the currency of the Member State in whose territory it is situated, the sum necessary for the payments specified in the schedule provided for in Article 54 of the Implementing Regulation. Payment shall be made through the National Bank or through another bank of the Member State in whose territory the institution responsible for payment is situated, into an account opened in the name of the National Bank or of another bank of the Member State in whose territory the paying body is situated, in favour of that body. Such payment shall discharge all liability. The institution responsible for payment shall, at the same time, send notification of payment to the paying body.

2. The bank into whose account payment has been made shall credit the paying body with the exchange value of the payment in the currency of the Member State in whose territory that body is situated.

3. The names and registered offices or places of business of the banks referred to in paragraph 1 are listed in Annex 7.

Article 56

Payment of amounts due by the paying body to persons entitled to benefits

1. The payments specified in the schedule provided for in Article 54 of the Implementing Regulation shall

be paid to the person entitled to benefits by the paying body on behalf of the institution responsible for payment. Such payments shall be made according to the procedures laid down by the legislation administered by the paying body.

2. As soon as the paying body or any other body designated by it learns of any circumstance justifying the suspension or withdrawal of benefits, it shall discontinue all payment. Such shall also be the case when the person entitled to benefits transfers his residence to the territory of another State.

3. The paying body shall advise the institution responsible for payment of benefits of the reason for any non-payment. In the event of the death of the person entitled to benefits or of his spouse, or in the case of the re-marriage of a widow or widower, the paying body shall notify the said institution of the date thereof.

Article 57

Settlement of accounts in respect of the payments referred to in Article 56 of the Implementing Regulation

1. The accounts in respect of the payments referred to in Article 56 of the Implementing Regulation shall be settled at the end of each payment period in order to determine amounts actually paid to persons entitled to benefits or to their legal or authorized representatives as well as amounts unpaid.

2. The total amount, expressed in figures and in words in the currency of the Member State in whose territory the institution responsible for payment is situated, shall be certified as being in accordance with the payments made by the paying body and endorsed with the signature of that body's representative.

3. The paying body shall guarantee that the payments so determined have been properly made.

4. The difference between the sums paid by the institution responsible for payment, expressed in the currency of the Member State in whose territory that institution is situated, and the value, expressed in the same currency, of the payments accounted for by the paying body shall be entered against the sums to be paid subsequently under the same heading by the institution responsible for payment.

Article 58

Recovery of expenses incurred in the payment of benefits

The expenses incurred in the payment of benefits, particularly postal and bank charges, may be recovered from the recipients by the paying body

under the conditions provided for by the legislation administered by that body.

Article 59

Notification of transfer of residence of the person entitled to benefits

When a person entitled to benefits due under the legislation of one or more Member States transfers his residence from the territory of one State to that of another State, he shall notify this fact to the institution or institutions responsible for the payment of such benefits and to the paying body.

CHAPTER 4
ACCIDENTS AT WORK AND
OCCUPATIONAL DISEASES

Implementation of Articles 52 and 53 of the
Regulation

Article 60

Benefits in kind in the case of residence in a Member
State other than the competent State

1. In order to receive benefits in kind under Article 52 (a) of the Regulation, an employed or self-employed person shall submit to the institution of the place of residence a certified statement testifying that he is entitled to such benefits in kind. This certified statement, based upon information supplied by the employer, where appropriate, shall be issued by the competent institution. Moreover, if the legislation of the competent State so provides, the employed or self-employed person shall submit to the institution of the place of residence a receipt from the competent institution of notification of an accident at work or of an occupational disease. If the person concerned does not submit such documents, the institution of the place of residence shall obtain them from the competent institution and, pending their arrival, it shall grant him the benefits in kind under sickness insurance, provided that he satisfies the conditions for entitlement thereto.
2. That certified statement shall remain valid until the institution of the place of residence receives notification of its cancellation. However, when the said certified statement has been issued by a French institution, it shall be valid only for a year following the date of its issue, and must be renewed every year.
3. If the person concerned is a seasonal worker, the certified statement referred to in paragraph 1 shall be valid for the whole of the expected duration of the seasonal work unless, in the meanwhile, the competent institution notifies the institution of the place of residence of its cancellation.
4. Upon each application for benefits in kind, the person concerned shall submit the supporting documents required for the granting of benefits in kind under the legislation of the Member State in whose territory he resides.
5. In the event of hospitalization the institution of the place of residence shall, within three days of becoming aware of the fact, notify the competent institution of the date of entry into hospital, the probable duration of hospitalization and the date of leaving hospital.

6. The institution of the place of residence shall notify the competent institution in advance of any decision relating to the granting of benefits in kind where the likely or actual cost exceeds a lump sum which is fixed and periodically reviewed by the Administrative Commission.

The competent institution shall have 15 days from the day on which such information is sent within which to raise any objection and to state the reasons on which such objection is based; if, at the end of that period, no such objection has been raised, the institution of the place of residence shall grant the benefits in kind. Where such benefits in kind have to be granted in a case of extreme urgency, the institution of the place of residence shall forthwith inform the competent institution thereof.

7. The person concerned shall inform the institution of the place of residence of any change in his situation which is likely to alter his entitlement to benefits in kind, in particular any cessation or change of employment or self-employment or any transfer of residence or stay. Likewise, should the person concerned cease to be insured or cease to be entitled to benefits in kind, the competent institution shall inform the institution of the place of residence accordingly. The institution of the place of residence may, at any time, request the competent institution to supply it with any information relating to the insurance of the person concerned or to his entitlement to benefits in kind.

8. In the case of frontier workers, medicinal products, bandages, spectacles and small appliances may be issued, and laboratory analyses and tests carried out, only in the territory of the Member State in which they were prescribed in accordance with the provisions of the legislation of that Member State.

9. Two or more Member States or the competent authorities of these Member States may, having received the opinion of the Administrative Commission, agree on other implementing provisions.

Article 61

Cash benefits other than pensions in the case of
residence in a Member State other than the competent
State

1. In order to receive cash benefits other than pensions under Article 52 (b) of the Regulation, an employed or self-employed person shall, within three days of commencement of the incapacity for work, apply to the institution of

the place of residence by submitting a notification of having ceased work or, if the legislation administered by the competent institution or by the institution of the place of residence so provides, a certificate of incapacity for work issued by the doctor providing treatment for the person concerned.

2. If the doctors providing treatment in the country of residence do not issue certificates of incapacity for work, the person concerned shall apply directly to the institution of the place of residence within the time limit fixed by the legislation which it administers.

That institution shall immediately have the incapacity for work medically confirmed and the certificate referred to in paragraph 1 drawn up. Such certificate shall state the probable duration of the incapacity and shall be forwarded to the competent institution forthwith.

3. In cases where paragraph 2 does not apply, the institution of the place of residence shall, as soon as possible and in any event within the three days following the date on which the person concerned applied to it, have him medically examined as if he were insured with that institution. The report of the examining doctor shall indicate, in particular, the probable duration of the incapacity for work, and shall be forwarded to the competent institution by the institution of the place of residence within the three days following the date of the examination.

4. The institution of the place of residence shall subsequently carry out any necessary administrative checks or medical examinations of the person concerned as if he were insured with that institution. As soon as it establishes that he is fit to resume work it shall forthwith notify the person concerned and the competent institution accordingly, stating the date on which the incapacity for work ceased. Without prejudice to the provisions of paragraph 6, the notification to the person concerned shall be treated as a decision taken on behalf of the competent institution.

5. In all cases, the competent institution shall reserve the right to have the person concerned examined by a doctor of its own choice.

6. If the competent institution decides to withhold the cash benefits because the person concerned has not completed the formalities laid down by the legislation of the country of residence, or if it establishes that the person concerned is fit to resume work, it shall notify the person concerned of its decision and shall simultaneously send a copy of such decision to the institution of the place of residence.

7. When the person concerned resumes work, he shall notify the competent institution accordingly if such notification is required by the legislation administered by that institution.

8. The competent institution shall pay cash benefits by the appropriate method, in particular by international money order, and shall inform the institution of the place of residence and the person concerned accordingly. Where cash benefits are paid by the institution of the place of residence on behalf of the competent institution, the latter shall inform the person concerned of his rights and shall notify the institution of the place of residence of the amount of the cash benefits, the dates for payment and the maximum period during which they should be granted, in accordance with the legislation of the competent State.

9. Two or more Member States or the competent authorities of those Member States may, having received the opinion of the Administrative Commission, agree on other implementing provisions.

Implementation of Article 55 of the Regulation

Article 62

Benefits in kind in the case of a stay in a Member State other than the competent State

1. In order to receive benefits in kind, a person employed in international transport covered by Article 14 (2) (a) of the Regulation who, in the course of his employment, goes to the territory of a Member State other than the competent State, shall, as soon as possible, submit to the institution of the place of stay a special certified statement issued by the employer or by his agent during the current calendar month or during the two calendar months preceding its submission. Such certified statement shall state in particular the date from which the person concerned has been employed by the said employer and the name and address of the competent institution. If the person concerned has submitted such certified statement, he shall be presumed to have satisfied the conditions for acquisition of the right to benefits in kind. If the person concerned is unable to contact the institution of the place of stay before receiving medical treatment he shall nevertheless receive such treatment on presentation of the said certified statement as if he were insured with that institution.

2. The institution of the place of stay shall within three days inquire of the competent institution whether the person concerned satisfies the conditions for acquisition of the right to benefits in kind. The institution of the place of stay shall provide the benefits in kind until it receives a reply from the competent institution, but for not more than 30 days.

3. The competent institution shall send its reply to the institution of the place of stay within 10 days of the receipt of the request from that institution. If that reply is in the affirmative, the competent institution shall indicate, if necessary, the maximum period during which the benefits in kind may be granted, in accordance with the legislation which it administers, and the institution of the place of stay shall continue to provide the said benefits.

4. Benefits in kind provided by virtue of the presumption made in paragraph 1 shall be reimbursed as provided for in Article 36 (1) of the Regulation.

5. In place of the certified statement provided for in paragraph 1 the employed person referred to in that paragraph may submit to the institution of the place of stay a certified statement as provided for in paragraph 6.

6. In order to receive benefits in kind under Article 55 (1) (a) (i) of the Regulation, except in cases where a presumption is made under paragraph 1, the employed or self-employed person shall submit to the institution of the place of stay a certified statement stating that he is entitled to benefits in kind. Such certified statement, which shall be issued by the competent institution, if possible before the person concerned leaves the territory of the Member State in which he resides, shall specify in particular, where necessary, the maximum period during which benefits in kind may be granted, in accordance with the legislation of the competent State. If the person concerned does not submit the said certified statement, the institution of the place of stay shall obtain it from the competent institution.

7. The provisions of Article 60 (5), (6) and (9) of the Implementing Regulation shall apply by analogy.

Article 63

Benefits in kind for employed or self-employed persons who transfer their residence or return to their country of residence, and for employed or self-employed persons authorized to go to another Member State for medical treatment

1. In order to receive benefits in kind under Article 55 (1) (b) (i) of the Regulation, an employed or self-employed person shall submit to the institution of the place of residence a certified statement testifying that he is entitled to continue receiving the said benefits. This certified statement, which shall be issued by the competent institution, shall specify in particular, where necessary, the maximum period during which such benefits may continue to be provided, in accordance with the provisions of the legislation of the competent State. The certified statement may, at the request of the person concerned, be issued after his departure if, for reasons of *force majeure*, it cannot be drawn up beforehand.

2. The provisions of Article 60 (5), (6) and (9) of the Implementing Regulation shall apply by analogy.

3. Paragraphs 1 and 2 shall apply by analogy in respect of the provision of benefits in kind in the case referred to in Article 55 (1) (c) (i) of the Regulation.

Article 64

Cash benefits other than pensions in the case of a stay in a Member State other than the competent State

The provisions of Article 61 of the Implementing Regulation shall apply by analogy in respect of the receipt of cash benefits, other than pensions, under Article 55 (1) (a) (ii) of the Regulation. However, without prejudice to the obligation to submit a certificate of incapacity for work, an employed or self-employed person who is staying in the territory of a Member State without pursuing any professional or trade activity there shall not be required to submit the notification of having ceased work referred to in Article 61 (1) of the Implementing Regulation.

Implementation of Articles 52 to 56 of the Regulation

Article 65

Declarations, investigations and exchange of information between institutions relating to an accident at work sustained in, or an occupational disease contracted in, a Member State other than the competent State

1. When an accident at work is sustained in, or an occupational disease is diagnosed for the first time in, the territory of a Member State other than the competent State, a declaration of the accident at work or occupational disease must be made in accordance with the provisions of the legislation of the competent State without prejudice to any legal provisions in force in the territory of the Member State in which the accident at work was sustained or in which the occupational disease was first diagnosed, and which shall in such a case remain applicable. This declaration shall be sent to the competent institution and a copy shall be sent to the institution of the place of residence or to the institution of the place of stay.
2. The institution of the Member State in whose territory the accident at work was sustained or in which the occupational disease was first diagnosed, shall forward to the competent institution, in duplicate, the medical certificates drawn up in that territory and any relevant information which the latter institution may request.
3. If, in the case of an accident sustained while travelling in the territory of a Member State other than the competent State, there are grounds for holding an enquiry in the territory of the first Member State, an investigator may be appointed for that purpose by the competent institution, which shall so inform the authorities of that Member State. Those authorities shall assist the said investigator, in particular by appointing a person to assist him in the consultation of official reports and any other documents relating to the accident.
4. At the end of the treatment, a detailed report shall be forwarded to the competent institution together with medical certificates concerning the permanent consequences of the accident or disease, and in particular the present condition of the person concerned, and the recovery from the injuries or their consolidation. The relevant fees shall be paid by the institution of the place of residence or the institution of the place of stay, as the case may be, in accordance with the rate applied by that institution, but shall be chargeable to the competent institution.
5. The competent institution shall, on request, notify the institution of the place of residence or the institution of the place of stay, as the case may be, of the decision determining the date of recovery from the injuries or their consolidation and, where appropriate, the decision relating to the granting of a pension.

Article 66

Disputes concerning the occupational nature of the accident or disease

1. When, in the cases referred to in Article 52 or 55 (1) of the Regulation, the competent institution disputes the application of the legislation relating to accidents at work or occupational diseases, it shall forthwith notify that fact to the institution of the place of residence or institution of the place of stay which provided the benefits in kind; those benefits shall then be considered as coming under sickness insurance and shall continue to be provided thereunder upon presentation of the certificates or certified statements referred to in Articles 20 and 21 of the Implementing Regulation.
2. When a final decision has been reached on this subject, the competent institution shall forthwith notify the fact to the institution of the place of residence or to the institution of the place of stay which provided the benefits in kind. Where the case is not one of an accident at work or an occupational disease that institution shall continue to provide the said benefits in kind under sickness insurance if the employed or self-employed person is entitled thereto. In other cases, the benefits in kind received by the person concerned under sickness insurance shall be considered as benefits for an accident at work or an occupational disease.

Implementation of Article 57 of the Regulation

Article 67

Procedure in the case of exposure to the risk of an occupational disease in several Member States

1. In the case covered by Article 57 (1) of the Regulation, notification of the occupational disease shall be forwarded either to the competent institution in respect of occupational diseases of the Member State under whose legislation the person suffering from the disease last pursued an activity likely to cause the disease in question, or to the institution of the place of residence, which shall forward the notification to the said competent institution:

2. If the competent institution referred to in paragraph 1 ascertains that an activity which might cause the occupational disease in question was last pursued under the legislation of another Member State, it shall forward the notification and the accompanying documents to the corresponding institution of that Member State.

3. When the institution of the Member State under whose legislation the person suffering from the disease last pursued an activity which might cause the occupational disease in question ascertains that such person or his survivors do not satisfy the conditions of that legislation, taking into account the provisions of Article 57 (2) and Article 57 (3) (a) and (b) of the Regulation, the said institution shall:

(a) forward, without delay, to the institution of the Member State under whose legislation the person suffering from the disease previously pursued an activity which might cause the disease in question, the notification and all accompanying documents, including the findings and reports of the medical examinations arranged by the first institution, and a copy of the decision referred to under (b);

(b) simultaneously notify the person concerned of its decision, indicating in particular the reasons for the refusal of benefits, the grounds and time limits for appeal, and the date on which the file was forwarded to the institution referred to under (a).

4. Where necessary the case should be referred back, in accordance with the same procedure, to the corresponding institution of the Member State under whose legislation the person suffering from the disease first pursued the activity which might cause the occupational disease in question.

Article 68

Exchange of information between institutions in the event of an appeal against a decision to reject a claim — Payment of advances in the event of such an appeal

1. Where an appeal is lodged against a decision to reject a claim taken by the institution of one of the Member States under whose legislation the person suffering from the disease pursued an activity which might cause the occupational disease in question, that institution shall so inform the institution to which the notification has been forwarded in accordance with the procedure laid down in Article 67 (3) of the Implementing Regulation, and shall subsequently notify it of the final decision reached.

2. If the right to benefits was acquired under the legislation administered by the latter institution, taking into account the provisions of Article 57 (2) and (3) (a) and (b) of the Regulation, that institution shall pay advances up to an amount to be determined, where necessary, after consultation with the institution against whose decision the appeal was lodged. The latter institution shall reimburse the amount of the advances paid if, as a result of the appeal, it is required to provide the benefits. That amount shall then be deducted from the total amount of the benefits due to the person concerned.

Article 69

Apportionment of the cost of cash benefits in cases of sclerogenic pneumoconiosis

The following rules shall apply for the implementation of Article 57 (3) (c) of the Regulation:

(a) the competent institution of the Member State under whose legislation cash benefits are granted pursuant to Article 57 (1) of the Regulation (hereinafter called 'institution responsible for payment of cash benefits') shall use a form containing, in particular, a statement and summary of all periods of insurance (old-age insurance) or periods of residence completed by the person suffering from the disease under the legislation of each one of the Member States concerned;

(b) the institution responsible for payment of cash benefits shall forward that form to all the old-age insurance institutions of those Member States with which the person suffering from the disease was insured; each one of the said institutions shall enter on the form the periods of insurance (old-age insurance) or periods of residence completed under the legislation which it administers and shall return the form to the institution responsible for payment of cash benefits;

(c) the institution responsible for payment of cash benefits shall apportion the costs between

itself and the other competent institutions concerned; it shall notify the latter of such apportionment for their approval together with appropriate supporting evidence in particular as regards the total amount of cash benefits granted and the calculation of the percentages of the apportionment;

- (d) at the end of each calendar year, the institution responsible for payment of cash benefits shall forward to each of the other competent institutions concerned a statement of cash benefits paid during the financial year under consideration, showing the amount due from each of them according to the apportionment provided for under (c); each one of those institutions shall refund the amount due to the institution responsible for payment of cash benefits as soon as possible, and within three months at the latest.

Implementation of Article 58 (3) of the Regulation.

Article 70

Certified statement relating to the members of the family to be taken into consideration when calculating cash benefits, including pensions

1. In order to receive benefits under the provisions of Article 58 (3) of the Regulation the claimant shall submit a certified statement relating to the members of his family who are residing in the territory of a Member State other than that in which the institution responsible for the award of cash benefits is situated.

This certified statement shall be issued by the sickness insurance institution of the place of residence of the members of the family or by another institution designated by the competent authority of the Member State in whose territory they are resident. The provisions of the second and third subparagraphs of Article 25 (2) of the Implementing Regulation shall apply by analogy.

In place of the certified statement provided for in the first subparagraph, the institution responsible for the award of cash benefits may require the claimant to produce recent civil status documents relating to members of his family who are residing in the territory of a Member State other than that in which the said institution is situated.

2. In the case referred to in paragraph 1, if the legislation administered by the institution concerned requires that the members of the family should live under the same roof as the claimant, the fact that the said members of the family who do not satisfy that condition are nevertheless mainly dependent on the claimant must be established by documents proving the regular transmission of part of the claimant's earnings.

Implementation of Article 60 of the Regulation

Article 71

Aggravation of an occupational disease

1. In the cases covered by Article 60 (1) of the Regulation, the claimant shall supply the institution of the Member State from which he is claiming rights to benefits with all information relating to benefits previously granted in respect of the occupational disease in question. That institution may apply to any other institution which has previously been competent in order to obtain any information which it considers necessary.

2. In the case covered by Article 60 (1) (c) of the Regulation, the competent institution required to pay the cash benefits shall notify the other institution concerned, for its approval, of the amount of costs to be borne by the latter institution as a result of the aggravation, together with appropriate supporting evidence. At the end of each calendar year, the first institution shall send the second institution a statement of the cash benefits paid during the financial year in question, showing the amount due from the latter institution which shall make the refund to the first institution as soon as possible, and within three months at the latest.

3. In the case referred to in the first sentence of Article 60 (2) (b) of the Regulation, the institution responsible for payment of cash benefits shall notify the competent institutions concerned, for their approval, of the changes made in the previous apportionment of costs, together with the appropriate supporting evidence.

4. In the case referred to in the second sentence of Article 60 (2) (b) of the Regulation, the provisions of paragraph 2 shall apply by analogy.

Implementation of Article 61 (5) of the Regulation

Article 72

Assessment of the degree of incapacity in the case of an accident at work sustained previously or an occupational disease diagnosed previously

1. In order to assess the degree of incapacity in the case referred to in Article 61 (5) of the Regulation, a claimant shall supply the competent institution of the Member State to whose legislation he was subject at the time when the accident at work was sustained or the occupational disease was first diagnosed, with all information on previous accidents at work sustained or occupational diseases contracted by him when he was subject to the legislation of any other Member State, whatever the degree of incapacity caused by those previous cases.

2. In accordance with the legislation which it administers in respect of the acquisition of the right to benefit, and the determination of the amount of benefit, the competent institution shall take into account the degree of incapacity caused by those previous cases.

3. The competent institution may apply to any other institution which was previously competent in order to obtain any information which it considers necessary.

When a previous incapacity for work was caused by an accident sustained while the person concerned was subject to the legislation of a Member State which makes no distinction as to the origin of the incapacity for work, the competent institution in respect of the previous incapacity for work or the body designated by the competent authority of the Member State concerned shall, at the request of the competent institution of another Member State, supply information on the degree of the previous incapacity for work and, as far as possible, any information which would make it possible to determine whether the incapacity was the result of an accident at work within the meaning of the legislation administered by the institution of the second Member State. Where such is the case, the provisions of paragraph 2 shall apply by analogy.

Implementation of Article 62 (1) of the Regulation

Article 73

Institutions to which workers in mines and similar undertakings may apply when staying or residing in a Member State other than the competent State

1. In the cases referred to in Article 62 (1) of the Regulation and where, in the country of stay or residence, the benefits provided under the insurance scheme for accidents at work and occupational diseases covering manual workers in the steel industry are equivalent to those provided under the special scheme for workers in mines and similar undertakings, workers belonging to the latter category may apply to the nearest institution in the territory of the Member State in which they are staying or residing specified in Annex 3 of the Implementing Regulation, even if the latter is an institution of the scheme applicable to manual workers in the steel industry, which institution shall then provide such benefits.

2. Where the benefits provided under the special scheme for workers in mines and similar undertakings are more advantageous, such workers shall have the option of applying either to the institution responsible for the administration of that scheme, or to the nearest institution in the territory of the Member State in which they are staying or residing, which administers the scheme for manual workers in the steel industry. In the latter case the institution in question shall draw the attention of the person concerned to the fact that by applying to the institution responsible for the administration of the abovementioned special scheme, he will obtain more advantageous benefits; it must, furthermore, inform him of the name and address of such institution.

Implementation of Article 62 (2) of the Regulation

Article 74

Taking account of the period during which benefits have already been provided by the institution of another Member State

For the purposes of Article 62 (2) of the Regulation, the institution of a Member State called upon to provide benefits may request the institution of another Member State to supply it with information relating to the period during which the latter institution has already provided benefits for the same case of accident at work or occupational disease.

Submission and investigation of pension claims, excluding pensions in respect of occupational diseases covered by Article 57 of the Regulation

Article 75

1. In order to receive a pension or supplementary allowance under the legislation of a Member State, an employed or self-employed person or his survivors residing in the territory of another Member State shall make a claim either to the competent institution, or to the institution of the place of residence, which shall forward such claim to the competent institution. The submission of the claim shall be subject to the following rules:

- (a) the claim must be accompanied by the required supporting documents and made on the form provided for by the legislation administered by the competent institution;
- (b) the accuracy of the information supplied by the claimant must be established by official documents attached to the claim form, or confirmed by the competent bodies of the Member State in whose territory the claimant resides.

2. The competent institution shall notify the claimant of its decision directly or through the liaison body of the competent State; it shall send a copy of that decision to the liaison body of the Member State in whose territory the claimant resides.

Administrative checks and medical examinations

Article 76

1. Administrative checks and medical examinations, including medical examinations provided for in the event of pensions being reviewed shall be carried out at the request of the competent institution by the institution of the Member State in whose territory the person entitled to benefits happens to be, in accordance with the procedures laid down by the legislation administered by the latter institution. The competent institution shall, however, reserve the right to have the person entitled to benefits examined by a doctor of its own choice.

2. Any person drawing a pension for himself or for an orphan shall inform the institution responsible for payment of any change in his situation or in that of the orphan which is likely to modify the pension rights.

Payment of pensions

Article 77

Payment of pensions due from the institution of one Member State to pensioners resident in the territory of another Member State shall be made in accordance with the provisions of Articles 53 to 58 of the Implementing Regulation.

CHAPTER 5

DEATH GRANTS

Implementation of Articles 64, 65 and 66 of the Regulation

Article 78

Submission of a claim for a grant

In order to receive a death grant under the legislation of a Member State other than the State in whose territory he resides, the claimant shall submit his claim either to the competent institution or to the institution of the place of residence.

The claim must be accompanied by the supporting documents required by the legislation which the competent institution administers.

The accuracy of the information supplied by the claimant must be established by official documents attached to the claim or confirmed by the competent bodies of the Member State in whose territory the claimant resides.

Article 79

Certified statement of periods

1. In order to invoke the provisions of Article 64 of the Regulation, a claimant shall submit to the competent institution a certified statement specifying the periods of insurance or residence completed by the employed or self-employed person under the legislation to which he was last subject.

2. This certified statement shall be issued, at the request of the claimant, by the sickness insurance or the old age insurance institution, as the case may be, with which the employed or self-employed person was last insured. If the claimant does not submit the said certified statement, the competent institution shall obtain it from one or other of the aforementioned institutions.

3. The provisions of paragraphs 1 and 2 shall apply by analogy if, in order to satisfy the conditions of the legislation of the competent State, it is necessary to take into account periods of insurance or residence previously completed under the legislation of any other Member State.

CHAPTER 6

UNEMPLOYMENT BENEFITS

Implementation of Article 67 of the Regulation

Article 80

Certified statement of periods of insurance or employment

1. In order to invoke the provisions of Article 67 (1), (2) or (4) of the Regulation, the person concerned shall submit to the competent institution a certified statement specifying the periods of insurance or employment completed previously as an employed person under the legislation to which he was last subject, together with any further information required by the legislation administered by that institution.

2. This certified statement shall be issued, at the request of the person concerned, either by the competent institution in respect of unemployment of the Member State to whose legislation he was last subject, or by another institution designated by the competent authority of the said Member State. If he does not submit the said certified statement, the competent institution shall obtain it from one or other of the aforementioned institutions.

3. The provisions of paragraphs 1 and 2 shall apply by analogy if, in order to satisfy the conditions of the legislation of the competent State, it is necessary to take into account periods of insurance or employment completed previously as an employed person under the legislation of any other Member State.

Implementation of Article 68 of the Regulation

Article 81

Certified statement for the calculation of benefits

Where the responsibility for the calculation of benefits rests upon an institution covered by Article 68 (1) of the Regulation, and where a person has not pursued his last employment for at least four weeks in the territory of the Member State in which that institution is situated, he shall submit to the said institution a certified statement indicating the nature of the last employment pursued for at least four weeks in the territory of another Member State, and the branch of the economy in which that employment was pursued. If the person concerned does not submit this certified statement, the said institution shall obtain it either from the competent institution in respect of unemployment of the latter Member State with which he was last insured, or from another institution designated by the competent authority of that Member State.

Article 82

Certified statement relating to the members of the family to be taken into consideration for the calculation of benefits

1. In order to invoke the provisions of Article 68 (2) of the Regulation, the person concerned shall submit to the competent institution a certified statement relating to the members of his family who are resident in the territory of a Member State other than the one in which the said institution is situated.

2. This certified statement shall be issued by the institution designated by the competent authority of the Member State in whose territory those members of the family reside. It must certify that the members of the family are not taken into consideration for the calculation of unemployment benefits due to another person under the legislation of the said Member State.

The certified statement shall be valid for the 12 months following the date of its issue. It may be renewed; in such case, it shall be valid from the date of its renewal. The person concerned shall immediately notify the competent institution of any occurrence necessitating an amendment to the said certified statement. Such amendment shall take effect from the date of such occurrence.

3. Where the institution issuing the certified statement referred to in paragraph 1 is not in a position to certify that the members of the family are not taken into consideration for the calculation of unemployment benefits due to another person under the legislation of the Member State in whose territory they reside, the person concerned shall, when submitting the certified statement to the competent institution, supplement the said certified statement by a declaration to that effect.

The provisions of paragraph 2, second subparagraph shall apply by analogy to that declaration.

Implementation of Article 69 of the Regulation

Article 83

Conditions and limits for the retention of the right to benefits when an unemployed person goes to another Member State

1. In order to retain the right to benefits, an unemployed person covered by Article 69 (1) of the Regulation shall submit to the institution of the place to which he has gone a certified statement in which the competent institution shall certify that he is still entitled to benefits under the conditions laid down in paragraph 1 (b) of the said Article. The competent institution shall specify in particular in this certified statement:

- (a) the amount of benefit to be paid to the unemployed person under the legislation of the competent State;
- (b) the date on which the unemployed person ceased to be available to the employment services of the competent State;
- (c) the time limit under Article 69 (1) (b) of the Regulation for registration as a person seeking work in the Member State to which the unemployed person has gone;
- (d) the maximum period, in accordance with Article 69 (1) (c) of the Regulation, during which the right to benefit may be retained;
- (e) facts which might alter entitlement to benefit.

2. An unemployed person who intends to go to another Member State in order to seek employment there shall, before his departure, apply for the certified statement referred to in paragraph 1. If the unemployed person does not submit the said certified statement, the institution of the place to which he has gone shall obtain it from the competent institution. The employment services of the competent State must ensure that the unemployed person has been informed of his obligations under Article 69 of the Regulation and under this Article.

3. The institution of the place to which the unemployed person has gone shall notify the competent institution of the date on which the unemployed person registered and the date on which payment of benefits was commenced and shall pay out the benefits of the competent State in accordance with the procedure provided for by the legislation of the Member State to which the unemployed person has gone.

The institution of the place to which the unemployed person has gone shall carry out a check or arrange for one to be carried out as if it were dealing with an unemployed person entitled to benefits under the legislation which it administers. It shall inform the competent institution of any occurrence coming within paragraph 1 (c) above as soon as the same comes to its knowledge and, in cases where the benefit has to be suspended or withdrawn, it shall immediately discontinue payment of the benefit. The competent institution shall forthwith inform it to what extent, and from what date, the unemployed person's entitlement to benefit is affected by that fact. Payment of benefits may only be resumed, where appropriate, after receipt of such information. Where the benefit has to be reduced, the institution of the place to which the unemployed person has gone shall continue to pay him a reduced amount of benefit, subject to adjustment, after receipt of the reply from the competent institution.

4. Two or more Member States or the competent authorities of those Member States may, having received the opinion of the Administrative Commission, agree on other implementing provisions.

Implementation of Article 71 of the Regulation

Article 84

Unemployed persons who were formerly employed and who, during their last employment, were residing in a Member State other than the competent State

1. In the cases referred to in Article 71 (1) (a) (ii) and in the first sentence of Article 71 (1) (b) (ii) of the Regulation, the institution of the place of residence shall be considered to be the competent institution, for the purposes of implementing the provisions of Article 80 of the Implementing Regulation.

2. In order to claim benefits under the provisions of Article 71 (1) (b) (ii) of the Regulation, an unemployed person who was formerly employed shall submit to the institution of his place of residence, in addition to the certified statement provided for in Article 80 of the Implementing Regulation, a certified statement from the institution of the Member State to whose legislation he was last subject, indicating that he has no right to benefits under Article 69 of the Regulation.

3. For the purposes of implementing the provisions of Article 71 (2) of the Regulation, the institution of the place of residence shall ask the competent institution for any information relating to the entitlements, from the latter institution, of the unemployed person who was formerly an employed person.

CHAPTER 7

FAMILY BENEFITS AND FAMILY ALLOWANCES

Implementation of Article 72 of the Regulation

Article 85

Certified statement of periods of employment or self-employment

1. In order to invoke the provisions of Article 72 of the Regulation, a person shall submit to the competent institution a certified statement specifying the periods of employment or self-employment completed under the legislation to which he was last subject.
2. That certified statement shall be issued, at the request of the person concerned, either by the competent institution in respect of family benefits of the Member State with which he was last insured, or by another institution designated by the competent authority of the said Member State. If he does not submit the said certified statement, the competent institution shall obtain it from one or other of the abovementioned institutions unless the sickness insurance institution is able to forward him a copy of the certified statement provided for in Article 16 (1) of the Implementing Regulation.
3. The provisions of paragraphs 1 and 2 shall apply by analogy if, in order to satisfy the conditions of the legislation of the competent State, it is necessary to take into account periods of employment or self-employment completed previously under the legislation of any other Member State.

Implementation of Article 73 (1) and Article 75 (1) (a) and (b) of the Regulation

Article 86

Employed persons subject to the legislation of a Member State other than France

1. In order to receive family benefits under Article 73 (1) of the Regulation, an employed person shall submit a claim to the competent institution, where necessary through his employer.
2. In support of his claim, the employed person shall submit a certificate relating to members of his family residing in the territory of a Member State other than that in which the competent institution is situated. Such certificate shall be issued, either by the authorities competent in civil status matters in the country of residence of those members of the family, or by the competent institution in respect of sickness insurance in the place of residence of those members of the family, or by another institution designated by the competent authority of the Member State in whose territory those members of the family reside. Such a certificate must be renewed every year.
3. Where the legislation of the competent State provides that the family benefits may or must be paid to a person other than the employed person, the latter shall also submit in support of his claim, information identifying the individual to whom the family benefits are to be paid in the country of residence (name, forename, full address).
4. The competent authorities of two or more Member States may agree on special procedures for the payment of family benefits, in particular with a view to facilitating the implementation of Article 75 (1) (a) and (b) of the Regulation. Such agreements shall be communicated to the Administrative Commission.
5. An employed person shall inform the competent institution where necessary through his employer:
 - of any change in the situation of the members of his family which might alter entitlement to family benefits,
 - of any change in the number of members of his family for whom family benefits are due,
 - of any transfer of residence or stay of such members of the family,
 - of any pursuit of a professional or trade activity by virtue of which family benefits are also due under the legislation of the Member State in whose territory the members of the family are resident.

Implementation of Article 73 (2) of the Regulation

Article 87

Employed persons subject to French legislation

1. In order to receive family allowances under Article 73 (2) of the Regulation, an employed person shall submit a claim to the competent institution which shall issue him with a certified statement testifying that he is subject to French legislation and is entitled to receive family allowances. At the same time, the person concerned shall sign a declaration certifying that no right to family allowances exists under the legislation of the country of residence of the members of the family, by virtue of a professional or trade activity.

The members of the family shall be registered with the institution of their place of residence on presentation of that certified statement and of the supporting documents required by the legislation administered by that institution for the granting of family allowances.

If the members of the family do not submit the said certified statement, the institution of the place of residence shall obtain it from the competent institution.

2. The certified statement provided for in paragraph 1 shall remain valid for a period of three months following the date of its issue, and must be renewed automatically every three months by the competent institution.

3. In the case of a seasonal worker, the certified statement provided for in paragraph 1 shall be valid for the expected duration of seasonal work unless, in the meantime, the competent institution notifies the institution of the place of residence of its cancellation.

4. If the legislation of the Member State in whose territory the members of the family reside provides for the granting of allowances for a number of days corresponding to the number of days of employment completed, while French legislation provides for entitlement to family allowances to last for one month, the family allowances shall be granted for one month.

5. In the case referred to in paragraph 4, when the periods completed under French legislation are expressed in units different from those which are used for the calculation of family allowances under the legislation of the Member State in whose territory the members of the family reside, the conversion shall be carried out in accordance with the provisions of Article 15 (3) of the Implementing Regulation.

6. The competent institution shall immediately inform the institution of the place of residence of the members of the family of the date on which the person concerned ceases to be entitled to family allowances or on which he transfers his residence from the territory of one Member State to that of another Member State.

The institution of the place of residence of the members of the family may, at any time, request the competent institution to supply it with any information relating to the entitlement of the person concerned to family allowances.

If the competent institution considers it necessary, the institution of the place of residence shall, at its request, verify the declaration referred to in the first subparagraph of paragraph 1.

7. The members of the family shall inform the institution of their place of residence of any change in their situation which is likely to alter their entitlement to family allowances, in particular any transfer of residence.

Implementation of Article 74 (1) of the Regulation

Article 88

Unemployed persons who were formerly employed persons and who are subject to the legislation of a Member State other than France

The provisions of Article 86 of the Implementing Regulation shall apply by analogy to unemployed persons who were formerly employed persons and who are covered by Article 74 (1) of the Regulation.

Implementation of Article 74 (2) of the Regulation

Article 89

Unemployed persons who were formerly employed and who are subject to French legislation

1. In order to receive family allowances in the territory of the Member State where they reside, the members of the family covered by Article 74 (2) of the Regulation shall submit to the institution of their place of residence a certified statement testifying that the unemployed person who was formerly employed is receiving unemployment benefits under French legislation.

This certified statement shall be issued by the French competent institution in respect of unemployment matters or by the institution designated by the French competent authority, at the request of the unemployed person who was formerly employed who shall sign a declaration certifying that no right to family allowances exists under the legislation of the country of residence of the members of the family by virtue of a professional or trade activity.

If the members of the family do not submit the said certified statement the institution of the place of residence shall obtain it from the competent institution.

2. The provisions of Article 87 (2) to (7) of the Implementing Regulation shall apply by analogy.

CHAPTER 8

BENEFITS FOR DEPENDENT CHILDREN OF PENSIONERS AND FOR ORPHANS

Implementation of Articles 77, 78 and 79 of the Regulation

Article 90

1. In order to receive benefits under Article 77 or 78 of the Regulation, a claimant shall submit a claim to the institution of his place of residence, in accordance with the procedures laid down by the legislation administered by that institution.

2. If, however, the claimant does not reside in the territory of the Member State in which the competent institution is situated, he may submit his claim either to the competent institution or to the institution of his place of residence, which shall then forward the claim to the competent institution, indicating the date on which it was submitted. The date shall be considered as the date of submission of the claim to the competent institution.

3. If the competent institution referred to in paragraph 2 finds that there is no entitlement

under the legislation which it administers, it shall forward the claim forthwith, together with all necessary documents and information, to the institution of the Member State to whose legislation the employed or self-employed person was subject for the longest period of time.

Where necessary the matter may have to be referred back, under the same conditions, to the institution of the Member State under whose legislation the person concerned completed the shortest of his periods of insurance or residence.

4. The Administrative Commission shall, where necessary, lay down any supplementary procedures required for the submission of claims for benefits.

Article 91

1. Payment of benefits due under Article 77 or Article 78 of the Regulation shall be made in accordance with the provisions of Articles 53 to 58 of the Implementing Regulation.

2. The competent authorities of the Member States shall, where necessary, designate the competent institution for paying benefits due under Article 77 or Article 78 of the Regulation.

Article 92

Any person to whom benefits are paid under Article 77 or Article 78 of the Regulation for a pensioner's children or for orphans, shall inform the institution responsible for the payment of such benefits:

- of any change in the situation of the children or orphans that is likely to alter the entitlement to benefits,
- of any modification in the number of children or orphans in respect of whom benefits are due,
- of any transfer of residence of the children or orphans,
- of any pursuit of a professional or trade activity giving entitlement to family benefits or family allowances for such children or orphans.

TITLE V

FINANCIAL PROVISIONS

Article 93

Refund of sickness and maternity insurance benefits other than those provided for in Articles 94 and 95 of the Implementing Regulation

1. The actual amount of benefits in kind provided under Article 19 (1) and (2) of the Regulation to employed and self-employed persons and to members of their families residing in the territory of the same Member State, and benefits in kind provided under Articles 21 (2), 22, 25 (1), (3) and (4), 26, 29 (1) or 31 of the Regulation, shall be refunded by the competent institution to the institution which provided the said benefits as shown in the accounts of that institution.

2. In the cases referred to in the second subparagraph of Article 21 (2), the second subparagraph of Article 22 (3) and in Articles 29 (1) and 31 of the Regulation, and for the purposes of implementing paragraph 1, the institution of the place of residence of the members of the family or of the pensioner, as the case may be, shall be considered the competent institution.

3. If the actual amount of the benefits referred to in paragraph 1 is not shown in the accounts of the institution which has provided them, and no agreement has been concluded under paragraph 6, the amount to be refunded shall be determined on the basis of a lump-sum payment calculated from all the appropriate references obtained from the data available. The Administrative Commission shall assess the bases to be used for the calculation of the lump-sum payments and shall decide the amount thereof.

4. For the purposes of the refund, rates higher than those applicable to the benefits in kind provided to employed or self-employed persons who are subject to the legislation administered by the institution which provided the benefits referred to in paragraph 1 may not be taken into account.

5. The provision of paragraphs 1 and 2 shall apply by analogy to the refund of cash benefits paid in accordance with the provisions of the second sentence of Article 18 (8) of the Implementing Regulation.

6. Two or more Member States or the competent authorities of those Member States may, having received the opinion of the Administrative Commission, agree to other methods of assessing the amounts to be refunded, in particular on the basis of lump sums.

Article 94

Refund of benefits in kind provided under sickness and maternity insurance to the members of the family of an employed or self-employed person not residing in the same Member State as the latter

1. The amount of benefits in kind provided under Article 19 (2) of the Regulation to the members of the family of an employed or self-employed person who are not residing in the territory of the same Member State as the person concerned shall be refunded by the competent institutions to the institutions which provided the said benefits on the basis of a lump sum in respect of each calendar year which is as close as possible to the actual expenditure incurred.
2. The lump-sum payment shall be determined by multiplying the average annual cost per family by the average annual number of families to be taken into account and by reducing the resultant amount by 20 %.
3. The factors necessary for the calculation of the said lump sum shall be determined as follows:
 - (a) the average annual cost per family shall be obtained, for each Member State, by dividing the annual expenditure on all the benefits in kind provided by the institutions of that Member State to all the members of the families of employed or self-employed persons who are subject to the legislation of the said Member State, under the social security schemes to be taken into consideration, by the average annual number of such employed or self-employed persons with members of the family; the social security schemes to be taken into consideration for that purpose are specified in Annex 9 of the Implementing Regulation;
 - (b) in dealings between the institutions of two Member States, the average annual number of families to be taken into account shall be equal to the average annual number of employed or self-employed persons who are subject to the legislation of one of those Member States and the members of whose families are entitled to benefits in kind to be provided by an institution of the other Member States.
4. The number of families to be taken into account in accordance with the provisions of paragraph 3 (b) shall be determined by means of a list kept for that purpose by the institution of the place of residence, based upon documentary evidence supplied by the competent institution of the rights of the persons concerned. In the event of any dispute, the observations of the institutions involved shall be submitted to the Audit Board provided for in Article 101(3) of the Implementing Regulation.
5. The Administrative Commission shall lay down the methods and procedures for determining the calculation factors referred to in paragraphs 3 and 4.
6. Two or more Member States or the competent authorities of those Member States may, having received the opinion of the Administrative Commission, agree on other methods of assessing the amounts to be refunded.

Article 95

Refund of benefits in kind provided under sickness and maternity insurance to pensioners and to members of their families who do not reside in a Member State under whose legislation they receive a pension and are entitled to benefits.

1. The amount of the benefits in kind provided under Article 28 (1) and Article 28a of the Regulation shall be refunded by the competent institutions to the institutions which provided the said benefits, on the basis of a lump-sum which is as close as possible to the actual expenditure incurred.

2. The lump-sum payment shall be determined by multiplying the average annual cost per pensioner by the average annual number of pensioners to be taken into account, and by reducing the resultant amount by 20 %.

3. The factors necessary for the calculation of the said lump-sum shall be determined according to the following rules:

- (a) the average annual cost per pensioner shall be obtained, for each Member State, by dividing the annual expenditure on all the benefits in kind provided by the institutions of that Member State to all pensioners whose pensions are payable under the legislation of that Member State, under the social security schemes to be taken into consideration, and to members of their families, by the average annual number of pensioners; the social security schemes to be taken into consideration for that purpose are specified in Annex 9;
- (b) in dealings between the institutions of two Member States, the average annual number of pensioners to be taken into account shall be equal to the average annual number of pensioners referred to in Article 28 (2) of the Regulation who, whilst residing in the territory of one of the Member States, are entitled to benefits in kind chargeable to the institution of the other Member State.

4. The number of pensioners to be taken into account in accordance with the provisions of paragraph 3 (b) shall be determined by means of a list kept for that purpose by the institution of the place of residence, based upon documentary evidence supplied by the competent institution of the rights of the persons concerned. In the event of any dispute, the observations of the institutions involved shall be submitted to the Audit Board provided for in Article 101 (3) of the Implementing Regulation.

5. The Administrative Commission shall lay down the methods and procedures for determining the calculation factors referred to in paragraphs 3 and 4.

6. Two or more Member States or the competent authorities of those Member States may, having received the opinion of the Administrative Commission, agree on other methods of assessing the amounts to be refunded.

Implementation of Article 63 (2) of the Regulation

Article 96

Refund of benefits in kind provided under insurance schemes for accidents at work and occupational diseases by the institution of one Member State on behalf of the institution of another Member State

For the purposes of implementing the provisions of Article 63 (2) of the Regulation, the provisions of Article 93 of the Implementing Regulation shall apply by analogy.

Implementation of Article 70 (2) of the Regulation

Article 97

Refund of unemployment benefits paid to unemployed persons going to another State to seek employment there

1. The amount of benefits paid under Article 69 of the Regulation shall be refunded by the competent institution to the institution which has paid the said benefits, as shown in the accounts of the latter institution.

2. Two or more Member States or the competent authorities of those States may:

- having received the opinion of the Administrative Commission, agree on other methods of determining the amounts to be refunded, in particular lump-sums, or other methods of payment, or
- waive all refunds between institutions.

Refund of family allowances paid under Articles 73
(2) and 74 (2) of the Regulation

Article 98

Members of the families of employed persons subject to French legislation or of unemployed persons who were formerly employed persons and who are receiving unemployment benefits under French legislation.

1. The actual amount of the family allowances paid under Articles 73 (2) and 74 (2) of the Regulation shall be refunded by the competent French institution to the institution which has paid those family allowances, as shown in the accounts of the latter institution.

2. France and each of the other Member States or the competent authorities of France and those of each of the other Member States may, by mutual agreement, provide for the lump-sum refund of those family allowances. In the case of a lump-sum refund, such lump-sum shall be determined by multiplying the average annual cost per family by the average annual number of families to be taken into account.

3. The factors necessary for the calculation of the said lump-sum shall be determined according to the following rules:

- (a) the average annual cost per family shall be obtained by dividing the total annual cost of the family allowances paid by the institutions of the Member State in whose territory the members of the families are residing, in respect of all the members of the families of employed persons or of unemployed persons who were formerly employed persons residing in the territory of that Member State by the average annual number of families entitled to benefits;
- (b) the average annual number of families to be taken into account shall be equal to the average annual number of employed persons subject to the legislation of the competent State and, where appropriate, of unemployed persons who were formerly employed persons who are receiving unemployment benefits at the expense of an institution of that competent State, the members of whose family are entitled to receive family allowances paid by an institution of another Member State in whose territory they are residing.

4. The Administrative Commission shall, on the basis of the report from the Audit Board provided for in Article 101 (3) of the Implementing Regulation, lay down the methods and procedures for determining the calculation factors referred to in paragraph 3.

5. France and each of the other Member States or the competent authorities of France and each of the other Member States may, having received the opinion of the Administrative Commission, agree on other methods of determining the lump-sum.

Common provisions on refunds

Article 99

Administration costs

Two or more Member States or the competent authorities of those Member States may, in accordance with the provisions of the third sentence of Article 84 (2) of the Regulation, agree to increase the amount of the benefits referred to in Articles 93 to 98 of the Implementing Regulation by a specific percentage in order to take into account administration costs. That percentage may vary in accordance with the benefits concerned.

Article 100

Late claims

1. In the settlement of accounts between institutions of the Member States, claims for refunds relating to benefits provided during a calendar year three years or more previous to the date of submission of such claims, whether they are submitted to a liaison body or to the institution responsible for payment of the competent State, may be disregarded by the institution responsible for payment.

2. For claims relating to lump-sum refunds, the three year period shall run from the date of publication in the *Official Journal of the European Communities* of the average annual cost of benefits in kind determined in accordance with Articles 94 and 95 of the Implementing Regulation.

Article 101

Statement of claims

1. For the purposes of implementing Articles 36, 63, 70 and 75 (2) of the Regulation, the Administrative Commission shall draw up a statement of claims for each calendar year.

2. The Administrative Commission may arrange for any checks appropriate to the investigation of the statistical and accounting data needed in the drawing up of the statement of claims provided for in paragraph 1, in particular to ensure their compliance with the rules laid down under this Title.

3. The Administrative Commission shall take the decisions referred to in this Article on the report of the Audit Board which shall furnish it with an opinion, stating the reasons on which such opinion is based. The Administrative Commission shall determine the methods of operation and the composition of the Audit Board.

Article 102

Functions of the Audit Board — Refund procedure

1. The Audit Board shall:

- (a) collect the necessary data and arrange for the calculations required for the implementation of the present Title;
- (b) give the Administrative Commission periodic accounts of the results of the implementation of the Regulations, in particular as regards the financial aspect;
- (c) make any useful suggestions it may have to the Administrative Commission in connection with the provisions of subparagraphs (a) and (b);
- (d) submit to the Administrative Commission proposals on the observations forwarded to it in accordance with Article 94 (4) and 95 (4) of the Implementing Regulation;
- (e) lay before the Administrative Commission proposals relating to the implementation of Article 101 of the Implementing Regulation;
- (f) carry out all work, studies or assignments on matters referred to it by the Administrative Commission.

2. The refunds provided for in Articles 36, 63, 70 and 75 (2) of the Regulation shall be made for all the competent institutions of a Member State to the creditor institutions of another Member State through bodies designated by the competent authorities of the

Member States. The bodies through which refunds are made shall advise the Administrative Commission of the amounts refunded within the time limits and according to the procedures laid down by that Commission.

3. When the refunds are determined on the basis of the actual amount of benefits provided, as shown in the accounts of the institutions, they shall be made, for each calendar half-year, during the following calendar half-year.

4. When the refunds are determined on a lump-sum basis, they shall be made for each calendar year; in such case, the competent institutions shall pay advances to the creditor institutions on the first day of each calendar half-year, in accordance with the procedures laid down by the Administrative Commission.

5. The competent authorities of two or more Member States may agree on other time limits for refunds or other procedures for the payment of advances.

Article 103

Compilation of statistical and accounting data

The competent authorities of the Member States shall take all the necessary measures for the implementation of the present Title, in particular those necessitating the compilation of statistical or accounting data.

Article 104

Entry in Annex 5 of agreements on refunds between Member States or the competent authorities of the Member States

1. Provisions which are similar to those of Articles 36 (3), 63 (3), and 70 (3) of the Regulation, and of Articles 93 (6), 94 (6), and 95 (6) of the Implementing Regulation and which are in force on the day preceding the entry into force of the Regulation, shall continue to apply provided they are included in Annex 5 to the Implementing Regulation.

2. Provisions which are similar to those referred to in paragraph 1 and which, for dealings between two or more Member States, will apply after the entry into force of the Regulation, shall be entered in Annex 5 to the Implementing Regulation. The same shall apply to provisions made under Articles 97 (2) and 98 (2) of the Implementing Regulation.

Costs of administrative checks and medical examinations

Article 105

1. The costs entailed in administrative checks and in medical examinations, observations, doctor's visits and checks of all kinds necessary for the award, provision or review of benefits, shall be refunded by the institution on whose behalf they were made to the institution which has been responsible therefor, on the basis of the charges applied by the latter institution.

2. However, two or more Member States or the competent authorities of such Member States may agree on other methods of refund, in particular on a lump-sum basis, or they may waive all refunds between institutions.

Such agreements shall be entered in Annex 5 to the Implementing Regulation. Agreements in force on the day preceding the entry into force of the Regulation shall continue to apply provided that they are included in the said Annex.

Common provisions for the payment of cash benefits

Article 106

The competent authorities of every Member State shall notify the Administrative Commission, within the time limits allowed and in accordance with the procedures laid down by that Commission, of the amount of cash benefits paid by the institutions falling within their jurisdiction to recipients residing or staying in the territory of any other Member State.

Article 107

Currency conversion

1. For the purposes of implementing the following provisions:

(a) Regulation: Article 12 (2), (3) and (4), the last sentence of Article 19 (1) (b), the last sentence of Article 22 (1) (ii), the penultimate sentence of Article 25 (1) (b), Article 41 (1) (c) and (d), Article 46 (3) and (4), Article 50, the last sentence of Article 52 (b), the last sentence of Article 55 (1) (ii), the first subparagraph of Article 70 (1), the penultimate sentence of Article 71 (1) (b) (ii);

(b) Implementing Regulation: Article 34 (1), Article 120(2);

the rate of conversion into a national currency of amounts shown in another national currency shall be the rate calculated by the Commission and based on the monthly average, during the reference period defined in paragraph 2, of the exchange rates of those currencies, which are notified to the Commission for the purposes of the European Monetary System.

2. The reference period shall be:

- the month of January for rates of conversion applicable from 1 April following,
- the month of April for rates of conversion applicable from 1 July following,
- the month of July for rates of conversion applicable from 1 October following,
- the month of October for rates of conversion applicable from 1 January following.

3. The exchange rates to be used for the purposes of paragraph 1 shall be the rates notified to the Commission at the same time by the central banks for the calculation of the ECU within the framework of the European Monetary System.

4. The date to be taken into account for determining the rates of conversion to be applied in the cases referred to in paragraph 1 shall be fixed by the Administrative Commission on a proposal from the Audit Board.

5. The rates of conversion to be applied in the cases referred to in paragraph 1 shall be published in the *Official Journal of the European Communities* in the course of the last month but one preceding the month from the first day of which they are to apply.

6. In cases not covered by paragraph 1, the conversion shall be made at the official rate of exchange on the day of payment both for the payment and refund of benefits.

TITLE VI

MISCELLANEOUS PROVISIONS

Article 108

Proof of status of seasonal worker

In order to prove that he is a seasonal worker, the employed person covered by Article 1 (c) of the Regulation shall be required to submit his contract of employment stamped by the employment services of the Member State in whose territory he has gone to work or has worked. If no seasonal employment contract is concluded in that Member State, the institution of the country of employment shall, where appropriate, issue, in the case of a claim for benefits, a certificate attesting that, on the basis of information supplied by the person concerned, the work which he is doing or has done is of a seasonal nature.

Article 109

Arrangement for payment of contributions

The employer who has no place of business in the Member State in whose territory the employed person is employed may agree with the latter that he shall assume the obligations of the employer with regard to the payment of contributions.

The employer shall notify the competent institution or, where necessary, the institution designated by the competent authority of the said Member State of any such arrangement.

Article 110

Mutual administrative aid relating to the recovery of benefits which were not due

If the institution of a Member State which provided benefits intends to take action against a person who has received benefits which were not due to him, the institution of the place of residence of such person, or the institution designated by the competent authority of the Member State in whose territory that person resides, shall lend its good offices to the first institution.

Article 111

Recovery by social security institutions of payments not due, and claims by assistance bodies

1. If, when awarding or reviewing benefits in respect of invalidity, old age or death (pensions) pursuant to Chapter 3 of Title III of the Regulation, the institution of a Member State has paid to a recipient of benefits a sum in excess of that to which he is entitled, that institution may request the institution of any other Member State responsible for the payment of corresponding benefits to that recipient to deduct the amount overpaid from the arrears which it pays to the said recipient. The latter institution shall transfer the amount deducted to the creditor institution. Where the amount overpaid cannot be deducted from the arrears, the provisions of paragraph 2 shall apply.

2. When the institution of a Member State has paid to a recipient of benefits a sum in excess of that to which he is entitled that institution may, within the conditions and limits laid down by the legislation which it administers, request the institution of any other Member State responsible for the payment of benefits to that recipient to deduct the amount overpaid from the amounts which it pays to the said recipient. The latter institution shall make the deduction under the conditions and within the limits provided for such setting-off by the legislation which it administers, as if the sums had been overpaid by itself, and shall transfer the amount deducted to the creditor institution.

3. When a person to whom the Regulation applies has received assistance in the territory of a Member State during a period in which he was entitled to benefits under the legislation of another Member State, the body which gave the assistance may, if it is legally entitled to reclaim the benefits due to the said person, request the institution of any other Member State responsible for the payment of benefits in favour of that person to deduct the amount of the assistance paid from the amounts which the latter pays to the said person.

When a member of the family of a person to whom the Regulation applies has received assistance in the territory of a Member State during a period in which the said person was entitled to benefits under the legislation of another Member State in respect of the member of the family concerned, the body which gave the assistance may, if it is legally entitled to reclaim the benefits due to the said person in respect of the member of the family concerned, request the institution of any other Member State responsible for the payment of such benefits in favour of that person to deduct the amount of the assistance paid from the

amounts which the latter pays to the said person in respect of the member of the family concerned.

The institution responsible for payment shall make the deduction under the conditions and within the limits provided for such setting-off by the legislation which it administers, and shall transfer the amount deducted to the creditor body.

Article 112

When an institution has made payments which are not due, either directly or through another institution, and when their recovery has become impossible, the amounts in question shall remain finally chargeable to the first institution, save where the payment which was not due is the result of fraud.

Article 113

Recovery of benefits in kind provided but not due to persons employed in international transport

1. If the right to benefits in kind is not recognized by the competent institution, the benefits in kind which have been provided to a person employed in international transport by the institution of the place of stay by virtue of the presumption referred to in Article 20 (1) or 62 (1) of the Implementing Regulation, shall be refunded by the competent institution.

2. Expenses incurred by the institution of the place of stay in respect of any person employed in international transport who has not previously applied to the institution of the place of stay and is not entitled to benefits in kind but has nevertheless received benefits in kind upon presentation of the certified statement referred to in Article 20 (1) or 62 (1) of the Implementing Regulation, shall be refunded by the institution shown as competent in the said certified statement or by any other institution designated for that purpose by the competent authority of the Member State concerned.

3. The competent institution or, in the case referred to in paragraph 2, the institution shown as competent or the institution designated for that purpose shall debit the recipient of benefits with the value of the benefits in kind which were provided but were not due to him. The said institutions shall notify these debits to the Audit Board referred to in Article 101 (3) of the Implementing Regulation which shall draw up a statement thereof.

Article 114

Provisional payments of benefits in cases of dispute over the legislation to be applied or the institution which should provide benefits

In the case of a dispute between the institutions or competent authorities of two or more Member States, either as to which legislation should apply under Title II of the Regulation, or as to which institution should provide the benefits, the person concerned who could claim benefits if there were no dispute shall provisionally receive the benefits provided for by the legislation administered by the institution of the place of residence or, if the person concerned does not reside in the territory of one of the Member States concerned, the benefits provided for by the legislation administered by the institution to which his claim was submitted in the first instance.

Article 115

Procedures for medical examinations carried out in a Member State other than the competent State

The institution of the place of stay or residence which is required under Article 87 of the Regulation to carry out a medical examination, shall act in accordance with the procedures laid down by the legislation which it administers.

In the absence of such procedures, it shall apply to the competent institution for information on the procedures to be applied.

Article 116

Agreements relating to the recovery of contributions

1. Agreements concluded pursuant to Article 92 (2) of the Regulation shall be entered in Annex 5 of the Implementing Regulation.
2. Agreements concluded for the implementation of Article 51 of Regulation No 3 shall continue to apply provided they are included in Annex 5 of the Implementing Regulation.

Article 117

Data processing

1. One or more Member States or their competent authorities may, having received the opinion of the Administrative Commission, adapt for data-processing the models of certificates, certified statements, declarations, claims and other documents together with the operations and methods of transmission of the data provided for the implementation of the Regulations and of the Implementing Regulation.

2. The Administrative Commission shall, when the development of data-processing in the Member States makes it possible, undertake the studies required to standardize and bring into general use the methods of adjustment resulting from the provisions of paragraph 1.

TITLE VII

TRANSITIONAL AND FINAL PROVISIONS

Article 118

Transitional provisions relating to pensions for employed persons

1. Where the date on which the contingency arises precedes 1 October 1972, and where the claim for pension has not yet been awarded before that date, such claim shall give rise to a double award, inasmuch as benefits must be granted, pursuant to such contingency, for a period prior to the last-mentioned date:

- (a) for the period prior to 1 October 1972, in accordance with the provisions of Regulation No 3 or of agreements in force between the Member States concerned;
- (b) for the period commencing 1 October 1972, in accordance with the provisions of the Regulation.

If, however, the amount calculated in pursuance of the provisions referred to under (a) is greater than that calculated in pursuance of the provisions referred to under (b), the person concerned shall continue to be entitled to the amount calculated in pursuance of the provisions referred to under (a).

2. A claim for invalidity, old age or survivors' benefits submitted to an institution from 1 October 1972 shall automatically necessitate the reassessment of the benefits which have been awarded for the same contingency prior to that date by the institution or institutions of one or more of the other Member States, in accordance with the provisions of the Regulations.

Article 119

Transitional provisions relating to pensions for self-employed persons

1. Where the contingency arises before 1 July 1982 and where the claim for pension has not yet been awarded before the latter date, such claim shall give rise to a double award, inasmuch as benefits must be granted, pursuant to such contingency, for a period prior to the last-mentioned date:

- (a) for the period prior to 1 July 1982, in accordance with the provisions of the Regulation or of agreements in force between the Member States concerned;
- (b) for the period commencing 1 July 1982, in accordance with the provisions of the Regulation.

If, however, the amount calculated in pursuance of the provisions referred to in (a) is greater than that calculated in pursuance of the provisions referred to in (b), the person concerned shall continue to be entitled to the amount calculated in pursuance of the provisions referred to in (a).

2. A claim for invalidity, old-age and survivors' benefits submitted to the institution of a Member State from 1 July 1982, shall automatically necessitate the reassessment of the benefits that have already been awarded for the same contingency prior to that date by the institution or institutions of one or more of the other Member States, in accordance with the provisions of the Regulation; such reassessment may not give rise to any reduction in the amount of benefit awarded.

Article 120

Transitional provisions relating to family benefits

1. The rights referred to in Article 94(9) of the Regulation shall be those enjoyed by employed persons in respect of members of their families giving entitlement to family benefits, at the rate and within the limits applicable on the day preceding

1 October 1972,

pursuant either to Article 41 or Annex D to Regulation No 3, or to Article 20 or Annex 1 to Council Regulation No 36/63/EEC of 2 April 1963, on social security for frontier workers¹.

2. Provided that the amount of the family benefits referred to in paragraph 1 is greater than the amount of the family allowances which would be due under Article 73(2) of the Regulation, it shall be the responsibility of the French competent institution to ensure payment thereof to the employed person, or directly to the members of his family at their place of residence, in respect of the children giving entitlement to such benefits.

3. Where the family benefits have to be paid under Article 73(2) of the Regulation, the institution of the place of residence of the members of the family shall ensure payment of family allowances in accordance with the provisions of the legislation which it administers and it shall be refunded by the competent French institution.

4. In the bilateral relations between the Member States concerned, the procedure for implementing the present Article shall be determined by those Member State or their competent authorities.

Article 121

Supplementary implementing agreements

1. Two or more Member States or the competent authorities of those Member States may, where necessary, conclude agreements designed to supplement the administrative procedure for implementing the Regulation. Such agreements are listed in Annex 5 of the Implementing Regulation.

2. Agreements similar to those referred to in paragraph 1, which are in force on the day preceding 1 October 1972, shall continue to apply provided they are included in Annex 5 of the Implementing Regulation.

Article 122

Special provisions concerning the amendment of certain Annexes

Annexes 1, 4, 5, 6, 7 and 8 to the Implementing Regulation may be amended by a Commission Regulation at the request of the Member State or Member States concerned or their competent authorities, after the opinion of the Administrative Commission has been obtained.

¹OJ No 62, 20.4.1963, p. 1304/63.

J. UNITED KINGDOM:

1. Secretary of State for Social Services, London
 2. Secretary of State for Scotland, Edinburgh
 3. Secretary of State for Wales, Cardiff
 4. Department of Health and Social Services for Northern Ireland, Belfast
 5. Director of the Department of Labour and Social Security, Gibraltar
 6. Director of the Medical and Public Health Department, Gibraltar
-

ANNEX 2

COMPETENT INSTITUTIONS

(Article 1 (o) of the Regulation and Article 4 (2) of the Implementing Regulation)

A. BELGIUM

1. Sickness and maternity:

(a) for the purposes of applying Articles 16 to 29 of the Implementing Regulation:

(i) as a general rule:

The insurance body with which the employed or self-employed person is insured

(ii) for mariners:

Caissè de secöürs et de prévoyance en faveur des marins navigant sous pavillon belge — Hulp- en verzorgingskas voor zeevarenden onder Belgische vlag — (Relief and Welfare Fund for Mariners Sailing under the Belgian Flag), Antwerpen

(b) for the purposes of applying Title V of the Implementing Regulation:

Institut national d'assurance maladie-invalidité, Bruxelles — Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel — (National Sickness and Invalidity Insurance Institute, Brussels) acting on behalf of the insurance bodies or the Relief and Welfare Fund for Mariners Sailing under the Belgian flag

2. Invalidity:

- (a) general invalidity (manual workers, clerical staff and miners) and invalidity of self-employed persons

Institut national d'assurance maladie-invalidité, Bruxelles — Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel (National Sickness and Invalidity Insurance Institution, Brussels) together with the insurance body with which the employed or self-employed person is, or has been, insured

- (b) special invalidity scheme for miners:

Fonds national de retraite des ouvriers-mineurs, Bruxelles — Nationaal pensioenfonds voor mijnwerkers, Brussel — (National Pension Fund for Miners, Brussels)

- (c) mariners' invalidity scheme:

Caisse de secours et de prévoyance en faveur des marins navigant sous pavillon belge — Hulp- en verzorgingskas voor zeevarenden onder Belgische vlag — (Relief and Welfare Fund for Mariners Sailing under the Belgian Flag), Antwerpen

3. Old-age, death (pensions):

Office national des pensions pour travailleurs salariés, Bruxelles — Rijksdienst voor werknemerspensioenen, Brussel — (National Pension Office for Employed Persons, Brussels) Institut national d'assurances sociales pour travailleurs indépendants, Bruxelles - Rijksinstituut voor de sociale verzekeringen der zelfstandigen, Brussel (National Social Insurance Institute for the Self-Employed, Brussels)

Accidents at work:

(a) until expiry of the review period provided for by the Law of 10 April 1971 (Article 72)

(i) benefits in kind:

- renewal and maintenance of prostheses:

Fonds des accidents du travail, Bruxelles — Fonds voor arbeidsongevallen, Brussel — (Accidents at Work Fund, Brussels)

- benefits other than those referred to above:

the insurer with whom the employer is insured

(ii) cash benefits: grants

the insurer with whom the employer is insured

— supplementary awards provided for by Royal Decree of 21 December 1971:

Fonds des accidents du travail, Bruxelles — Fonds voor arbeidsongevallen, Brussel — (Accidents at Work Fund, Brussels)

(b) after expiry of the review periods provided for by the Law of 10 April 1971 (Article 72)

(i) benefits in kind:

Fonds des accidents du travail, Bruxelles — Fonds voor arbeidsongevallen, Brussel — (Accidents at Work Fund, Brussels)

(ii) cash benefits

— pension:

the duly appointed body for pensions

— supplementary awards:

Fonds des accidents du travail, Bruxelles — Fonds voor arbeidsongevallen, Brussel — (Accidents at Work Fund, Brussels)

(c) scheme for mariners and fishermen:

Fonds des accidents du travail, Bruxelles — Fonds voor arbeidsongevallen, Brussel — (Accidents at Work Fund, Brussels)

(d) in cases of non-insurance:

Fonds des accidents du travail, Bruxelles — Fonds voor arbeidsongevallen, Brussel — (Accidents at Work Fund, Brussels).

5. Occupational diseases:

Fonds des maladies professionnelles, Bruxelles — Fonds voor beroepsziekten, Brussel — (Occupational Diseases Fund, Brussels)

6. Death grants:

(a) Sickness and invalidity insurance:

(i) in general:

Institut National d'assurance maladie-invalidité, Bruxelles — Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel — (National Sickness and Invalidity Insurance Institution, Brussels) together with the insurance body with which the employed person was insured

(ii) for mariners:

Caisse de secours et de prévoyance en faveur des marins navigant sous pavillon belge — Hulp- en verzorgingskas voor zeevarenden onder Belgische vlag — (Relief and Welfare Fund for Mariners Sailing under the Belgian Flag), Antwerpen

(b) Accidents at work:

(i) in general:

The insurer

(ii) for mariners:

Fonds des accidents du travail, Bruxelles — Fonds voor arbeidsongevallen, Brussel — (Accidents at Work Fund, Brussels)

(c) Occupational diseases:

Fonds des maladies professionnelles, Bruxelles — Fonds voor beroepsziekten, Brussel — (Occupational Diseases Fund, Brussels)

7. Unemployment:

(i) in general:

Office national de l'emploi, Bruxelles — Rijksdienst voor arbeidsvoorziening, Brussel — (National Employment Office, Brussels)

(ii) for mariners:

Pool des marins de la marine marchande — Pool van de zeelieden ter koopvaardij — (Merchant Navy Pool), Antwerpen

8. Family benefits:

(a) employed persons:

Caisse de compensation pour allocations familiales pour travailleurs salariés — Compensatiekas der gezinsvergoedingen voor werknemers — (Family Allowances Compensation Fund for Employed Persons) with which the employer is insured

(b) self-employed persons:

Institut national d'assurances sociales pour travailleurs indépendants, Bruxelles - Rijksinstituut voor de sociale verzekeringen der zelfstandigen, Brussel - (National Social Insurance Institute for Self-Employed Persons, Brussels)

B. DENMARK

1. DENMARK WITH THE EXCEPTION OF GREENLAND

(a) *Sickness and maternity:*

(i) *Sickness*

- benefits in kind:

The competent amtskommune (district administration). In the commune of København: Magistraten (the communal administration). In the commune of Frederiksberg: the communal administration.

- cash benefits:

The social commission of the commune in which the beneficiary resides. In the communes of København, Odense, Ålborg and Århus: Magistraten (the communal administration).

(ii) *Maternity*

- benefits in kind:

The competent amtskommune (district administration). In the commune of København: Magistraten (the communal administration). In the commune of Frederiksberg: the communal administration.

- cash benefits: The social commission of the commune in which the beneficiary resides. In the communes of København, Odense, Ålborg and Århus: Magistraten (the communal administration).
- (b) Invalidity:
 - (i) benefits granted under the law on invalidity pensions: Sikringsstyrelsen, (National Social Security Office), København
 - (ii) rehabilitation benefits: The social commission of the commune in which the beneficiary resides. In the communes of København, Odense, Ålborg and Århus: Magistraten (the communal administration).
- (c) Old-age and death (pensions):
 - (i) pensions granted under legislation covering old-age and widows' pensions: Sikringsstyrelsen (National Social Security Office), København
 - (ii) pensions granted under the law on supplementary pensions for employed persons ('loven om Arbejdsmarkedets Tillaegspension'): Arbejdsmarkedets Tillægspension (Supplementary Pensions Office for Employed Persons), Hillerød

(d) Accidents at work and occupational diseases

(i) benefits in kind and pensions:

Sikringsstyrelsen (National Social Security Office),
København

(ii) daily allowances:

The social commission of the commune in which the beneficiary resides. In the communes of København, Odense, Ålborg and Århus: Magistraten (the communal administration)

(e) Death grants

The social commission of the commune in which the beneficiary resides. In the communes of København, Odense, Ålborg and Århus: Magistraten (the communal administration).

(f) Unemployment:

Arbejdsdirektoratet (National Employment Office),
København

(g) Family benefits (Family allowances):

The social commission of the commune in which the beneficiary resides. In the communes of København, Odense, Ålborg and Århus: Magistraten (the communal administration).

2. GREENLAND

(a) Sickness and maternity:

- Benefits in kind:

Bestyrelsen for sundhedsvæsenet i Grønland
(Health Service Commission in Greenland), Godthåb

(b) Old-age:

- Pensions pursuant to the Regional Council
Orders on old-age pensions in Greenland

Arbejds- og socialdirektoratet (Regional Employment

and Social Affairs Office), Godthåb

- (c) **Accidents at work and occupational diseases:** Det grønlandske nævn for ulykkesforsikring (Greenland Accident Insurance Commission), Godthåb
- (d) **Family benefits (Family allowances):** Arbejds - og socialdirektoratet (Regional Employment and Social Affairs Office), Godthåb

C. GERMANY

The jurisdiction of the German institutions shall be governed by the provisions of German legislation, unless otherwise specified hereinafter

1. Sickness insurance:

for the purposes of applying Article 13 (2) (e) of the Regulation:

- (a) where the person concerned is resident in the territory of the Federal Republic of Germany: The competent Allgemeine Ortskrankenkasse (Local General Sickness Fund) of the place of residence of the person concerned
- (b) where the person concerned is resident in the territory of another Member State: Allgemeine Ortskrankenkasse Bonn (Local General Sickness Fund Bonn), Bonn

(c) where the members of the family of the person concerned were, prior to his being called up or recalled for service in the armed forces, or for civilian service, insured with a German institution in accordance with Article 17 (1) of the Implementing Regulation:

- for the purposes of applying Article 25 (1) of the Regulation:
- for the sickness insurance of pension claimants and of pensioners and the members of their families under the provisions of Title III, Chapter 1, sections 4 and 5 of the Regulation:
- (i) where the person concerned is insured with an Allgemeine Ortskrankenkasse (Local General Sickness Fund) or where he is not insured with any sickness insurance institution:

The sickness insurance institution with which these members of the family are insured

The sickness insurance institution with which the unemployed person was insured on the date when he left the territory of the Federal Republic of Germany

Allgemeine Ortskrankenkasse Bonn (Local General Sickness Fund Bonn), Bonn

(f j) in all other cases:

The sickness insurance institution with which the claimant or pensioner is insured

2. Pension insurance for manual workers, clerical staff and miners:

For admission to voluntary insurance, and for the determination of claims to benefits and the granting of benefits pursuant to the provisions of the Regulation:

(a) for persons who have been insured or are considered as such either exclusively under German legislation or under German legislation and the legislation of one or more other Member States, and for their survivors, if the person concerned

— is resident in the territory of another Member State or

— is a national of another Member State resident in the territory of a non-member State;

(i) if the last contribution was paid into the manual workers' pension insurance scheme:

— if the person concerned is resident in the Netherlands or is a

Netherlands national resident in the territory of a non-member State:

Landesversicherungsanstalt Westfalen (Regional Insurance Office of Westphalia), Münster

- if the person concerned is resident in Belgium or is a Belgian national resident in the territory of a non-member State:

Landesversicherungsanstalt Rheinprovinz (Regional Insurance Office of the Rhine Province), Düsseldorf

- if the person concerned is resident in Italy or is an Italian national resident in the territory of a non-member State:

Landesversicherungsanstalt Schwaben (Regional Insurance Office of Swabia), Augsburg

- if the person concerned is resident in France or Luxembourg or is a French or Luxembourg national resident in the territory of a non-member State:

Landesversicherungsanstalt Rheinland-Pfalz (Regional Insurance Office of the Rhineland-Palatinate), Speyer

- if the person concerned is resident in Denmark or is a Danish national resident in the territory of a non-member State:

Landesversicherungsanstalt Schleswig-Holstein (Regional

Insurance Office of Schleswig-Holstein), Lübeck

- if the person concerned is resident in Ireland or the United Kingdom or is an Irish or United Kingdom national resident in the territory of a non-member State:

Landesversicherungsanstalt Freie und Hansestadt Hamburg (Regional Insurance Office of the Free and Hanseatic City of Hamburg), Hamburg

- if the person concerned is resident in Greece or is a Greek national resident in the territory of a non-Member State:

Landesversicherungsanstalt Württemberg (Regional Insurance Office of Württemberg), Stuttgart

If, however, the last contribution was paid into:

- the Landesversicherungsanstalt für das Saarland (Regional Insurance Office of the Saarland), Saarbrücken, or to the Bundesbahnversicherungsanstalt (Federal Railways Insurance Office), Frankfurt am Main:

The institution to which the last contribution was paid

- the Seekasse (Mariners' Insurance Fund), Hamburg, or if contributions were paid for at least

60 months to the Seekasse (Rentenversicherung der Arbeiter oder der Angestellten) (Mariners' Insurance Fund (pension insurance scheme for manual workers or clerical staff)), Hamburg:

Seekasse (Mariners' Insurance Fund), Hamburg

(ii) if the last contribution was paid into the pension insurance scheme for clerical staff:

— if no contribution was paid into the Seekasse (Mariners' Insurance Fund), Hamburg:

Bundesversicherungsanstalt für Angestellte (Federal Insurance Office for Clerical Staff), Berlin

— if a contribution was paid into the Seekasse (Rentenversicherung der Arbeiter oder der Angestellten) (Mariners' Insurance Fund (pension insurance scheme for manual workers or clerical staff)), Hamburg:

Seekasse (Mariners' Insurance Fund), Hamburg

(iii) if the last contribution was paid into the pension insurance scheme for miners or if the qualifying period required for obtaining the miners' pension payable by reason of reduced

ability to pursue the activity of a miner (Bergmannsrente) is, or is deemed to be, completed:

Bundesknappschaft (Federal Insurance Fund for Miners),
Bochum

(b) for persons who have been insured or are considered as having been insured under German legislation and the legislation of one or more other Member States, and for their survivors, if the person concerned:

— is resident in the territory of Germany, excluding the Saarland, or

— is a German national resident in the territory of a non-member State:

(i) if the last contribution under German legislation was paid into the manual workers' pension insurance scheme:

— if the last contribution under the legislation of another Member State was paid into a Netherlands pension insurance institution:

Landesversicherungsanstalt Westfalen (Regional

- if the last contribution under the legislation of another Member State was paid into a Belgian pension insurance institution: Insurance Office of Westphalia), Münster
- if the last contribution under the legislation of another Member State was paid into an Italian pension insurance institution: Landesversicherungsanstalt Rheinprovinz (Regional Insurance Office of the Rhine Province), Düsseldorf
- if the last contribution under the legislation of another Member State was paid into a French or Luxembourg pension insurance institution: Landesversicherungsanstalt Schwaben (Regional Insurance Office of Swabia), Augsburg
- if the last contribution under the legislation of another Member State was paid into a French or Luxembourg pension insurance institution: Landesversicherungsanstalt Rheinland-Pfalz (Regional Insurance Office of the Rhineland-Palatinate), Speyer
- if the last contribution under the legislation of another Member

State was paid into a Danish pension insurance institution:

Landesversicherungsanstalt Schleswig-Holstein (Regional Insurance Office of Schleswig-Holstein), Lübeck

— if the last contribution under the legislation of another Member State was paid into an Irish or United Kingdom pension insurance institution:

Landesversicherungsanstalt Freie und Hansestadt Hamburg (Regional Insurance Office of the Free and Hanseatic City of Hamburg), Hamburg

— if the last contribution under the legislation of another Member State was paid into a Greek pension insurance institution:

Landesversicherungsanstalt Württemberg (Regional Insurance Office of Württemberg), Stuttgart

If, however, the person concerned is resident in the territory of Germany in the Saarland or if he is a German national resident in the territory of a non-Member State, and if the last contribution under German legislation was paid into a pension insurance

institution situated in the Saarland: Landesversicherungsanstalt für das Saarland (Regional Insurance Office of the Saarland), Saarbrücken

If, however, the last contribution under German legislation was paid into:

— the Seekasse (Mariners' Insurance Fund), Hamburg, or if contributions by virtue of employment in the German navy or the navy of another country were paid for at least 60 months:

Seekasse (Mariners' Insurance Fund), Hamburg

— the Bundesbahnversicherungsanstalt (Federal Railways Insurance Office), Frankfurt am Main:

Bundesbahnversicherungsanstalt (Federal Railways Insurance Office), Frankfurt am Main

(ii) if the last contribution under German legislation was paid into the pension insurance scheme for clerical staff:

— if no contribution was paid into the Seekasse (Mariners' Insurance Fund), Hamburg:

Bundesversicherungsanstalt für Angestellte (Federal Insurance Office for Clerical Staff), Berlin

— if a contribution was paid into the Seekasse (Rentenversicherung der Arbeiter oder der Angestellten) (Mariners' Insurance Fund (pension insurance scheme for manual workers and clerical staff)), Hamburg:

Seekasse (Mariners' Insurance Fund), Hamburg

(iii) if the last contribution under German legislation was paid into the pension insurance scheme for miners or if the qualifying period required for entitlement to a miners' pension by reason of reduced ability to pursue the activity of a miner (Bergmannsrente) is, or is deemed to be, completed:

Bundesknappschaft (Federal Insurance Fund for Miners), Bochum

(c) in the event of a change of country of residence after benefits have been awarded in the cases referred to in subparagraphs (a) (i) and (b) (i), the competent institution shall change accordingly.

3. Old-age insurance for farmers:

Landwirtschaftliche Alterskasse
Rheinessen-Pfalz (Agricultural
Old-Age Fund, Rhine-Hesse-Palatinate),
Speyer

4. **Complementary insurance for iron and steel workers:** Landesversicherungsanstalt Saarland (Regional Insurance Office of the Saarland), Saarbrücken
5. **Accident insurance (accidents at work and occupational diseases):** The institution responsible for accident insurance for the case concerned
6. **Unemployment and family benefits:** Bundesanstalt für Arbeit (Federal Labour Office), Nürnberg

D. FRANCE

1. For the purposes of Articles 93 (1), 94 and 95 of the Implementing Regulation:

A. **Scheme for employed persons**

- (a) general scheme: Caisse nationale de l'assurance-maladie (National Sicknes Insurance Fund), Paris
- (b) agricultural scheme: Caisse centrale de secours mutuels agricoles (Central Agricultural Mutual Benefit Fund), Paris
- (c) miners' scheme: Caisse autonome nationale de sécurité sociale dans les mines (National Independent Social Security Fund for Miners), Paris
- (d) mariners' scheme: Etablissement national des invalides de la marine (National Institution for Disabled Mariners), Paris

B. **Scheme for self-employed persons**

- (a) scheme for self-employed persons not engaged in agriculture: Caisse Nationale d'assurance-maladie et maternité des travailleurs non-salariés des professions non-agricoles, Saint-Denis (National Sicknes and Maternity Fund for Self-Employed Persons not Engaged in Agriculture), Saint-Denis
- (b) agricultural scheme: Caisse centrale de secours mutuels agricoles (Central Agricultural Mutual Benefit Fund), Paris
- Caisse Centrale des Mutuelles Agricoles (Central Agricultural Mutual Benefit Fund)
- Fédération Française des Sociétés d'Assurances (RAMEX et GAMEX) (French Federation of Insurance Societies)
- Fédération Nationale de la Mutualité Française (National Federation of French Mutual Benefit Associations)

2. For the purposes of applying Article 96 of the Implementing Regulation:

- (a) general scheme: Caisse nationale de l'assurance-maladie (National Sickness Insurance Fund), Paris
- (b) agricultural scheme: Caisse de mutualité sociale agricole (Agricultural Social Insurance Mutual Benefit Fund)
- (c) miners' scheme: Caisse autonome nationale de sécurité sociale dans les mines (National Independent Social Security Fund for Miners), Paris
- (d) mariners' scheme: Établissement national des invalides de la marine (National Institute for Disabled Mariners), Paris

3. For the purposes of applying Article 98 of the Implementing Regulation:

- (a) general scheme: Caisse nationale d'allocations familiales (National Family Allowances Fund), Paris
- (b) agricultural scheme: Caisse centrale d'allocations familiales mutuelles agricoles (Central Agricultural Mutual Benefit Fund for Family Allowances), Paris
- (c) miners' scheme: Caisse autonome nationale de sécurité sociale dans les mines (National Independent Social Security Fund for Miners), Paris
- (d) mariners' scheme: Caisse nationale d'allocations familiales des marins du commerce (National Family Allowances Fund for Mariners in the Merchant Navy) or Caisse nationale d'allocations familiales de la pêche maritime (National Family Allowances Fund for the Sea Fishing Industry), as appropriate

4. The other competent institutions are those defined under French legislation, namely:

I. METROPOLITAN FRANCE

A. Scheme for employed persons

(a) General scheme:

- (i) Sickness, maternity, death (grant): Caisse primaire d'assurance-maladie (Local Sickness Insurance Fund)

(ii) Invalidity:

- (aa) in general, except for Paris and the Paris Region:

Caisse primaire d'assurance-maladie (Local Sickness Insurance Fund)

for Paris and the Paris Region:

Caisse régionale d'assurance-maladie (Regional Sickness Insurance Fund), Paris

- (bb) special scheme provided for in Articles L 365 to L 382 of the Social Security Code:

Caisse régionale d'assurance-maladie (Regional Sickness Insurance Fund), Strasbourg

(iii) Old-age:

(aa) as a general rule, except for Paris and the Paris Region:

Caisse régionale d'assurance-maladie (branche vieillesse) (Regional Sickness Insurance Fund (Old-age Section))

for Paris and the Paris Region:

Caisse nationale d'assurance vieillesse des travailleurs salariés (National Old-age Insurance Fund for Employed Persons), Paris

(bb) special scheme provided for in Articles L 365 to L 382 of the Social Security Code:

Caisse régionale d'assurance-vieillesse (Regional Old-age Insurance Fund), Strasbourg

or

(iv) Accidents at work:

Caisse régionale d'assurance-maladie (Regional Sickness Insurance Fund), Strasbourg

(aa) temporary incapacity:

Caisse primaire d'assurance-maladie (Local Sickness Insurance Fund)

(bb) permanent incapacity:

— Pensions:

— Accidents occurring after 31 December 1946:

Caisse primaire d'assurance-maladie (Local Sickness Insurance Fund)

— Accidents occurring before 1 January 1947:

The employer or the insurer acting in his stead

— Pension increases:

— Accidents occurring after 31 December 1946:

Caisse primaire d'assurance-maladie (Local Sickness Insurance Fund)

— Accidents occurring before 1 January 1947

Caisse des dépôts et consignations (Deposit and Consignment Office)

- (v) Family benefits: Caisse d'allocations familiales (Family Allowances Fund)
- (vi) Unemployment:
- for registration as a person seeking work: Local employment agency in the place of residence of the person concerned
 - for the issue of forms E 301, E 302, E 303: Groupement des ASSEDIC de la région parisienne (GARP) 90, rue Baudin, 92537, Levallois-Perret
- (b) Agricultural scheme:
- (i) Sickness, maternity, death (grant), family benefits: Caisse de mutualité sociale agricole (Agricultural Social Insurance Mutual Benefit Fund)
- (ii) Invalidity and old-age insurance and benefits for the surviving spouse: Caisse centrale de secours mutuels agricoles (Central Agricultural Mutual Benefit Fund), Paris
- (iii) Accidents at work:
- (aa) as a general rule:
 - the employer or the insurer acting in his stead, for accidents occurring before 1 July 1973
 - Caisse de mutualité sociale agricole (Agricultural Social Insurance Mutual Benefit Fund), for accidents occurring after 30 June 1973;
 - (bb) for pension increases:
 - Caisse des dépôts et consignations (Deposit and Consignment Office), Arceuil (94), for accidents occurring before 1 July 1973,
 - Caisse de mutualité sociale agricole (Agricultural Social Insurance Mutual Benefit Fund), for accidents occurring after 30 June 1973

(iv) Unemployment:

- for registration as a person seeking work: Local employment agency in the place of residence of the person concerned
- for the issue of forms E 301, E 302, E 303: Groupement des ASSEDIC de la région parisienne (GARP), 90, rue Baudin, 92537, Levallois-Perret

(c) Miners' scheme:

- (i) Sickness, maternity, death (grant): Société de secours minière (Miners' Relief Society)
- (ii) Invalidity, old-age, death (pensions): Caisse autonome nationale de sécurité sociale dans les mines (National Independent Social Security Fund for Miners), Paris
- (iii) Accidents at work:
 - (aa) temporary incapacity: Société de secours minière (Miners' Relief Society)
 - (bb) permanent incapacity:
 - Pensions:
 - Accidents occurring after 31 December 1946: Union régionale des sociétés de secours minières (Regional Union of Miners' Relief Societies)
 - Accidents occurring before 1 January 1947: The employer or the insurer acting in his stead
 - Pension increases:
 - Accidents occurring after 31 December 1946: Union régionale des sociétés de secours minières (Regional Union of Miners' Relief Societies)
 - Accidents occurring before 1 January 1947: Caisse des dépôts et consignations (Deposit and Consignment Office)
- (iv) Family benefits: Union régionale des sociétés de secours minières (Regional Union of Miners' Relief Societies)

(v) Unemployment:

- for registration as a person seeking work: Local employment agency in the place of residence of the person concerned
- for the issue of forms E 301, E 302, E 303: Agence nationale pour l'emploi (service spécialisé pour la sécurité sociale des travailleurs migrants) (National Employment Agency (Special Département dealing with Social Security for Migrant Workers)), 9, rue Sextius Michel, 75015 Paris

(d) Mariners' scheme:

- (i) Sickness, maternity, invalidity, accidents at work, death (grant) and pensions for the survivors of disabled persons or of persons who have sustained an accident at work: Section 'Caisse générale de prévoyance des marins' du Quartier des affaires maritimes (The General Welfare Fund for Mariners Department of the Maritime Affairs Division)
- (ii) Old-age, death (pensions): Section 'Caisse de retraite des marins' du Quartier des affaires maritimes (The Mariners' Pension Fund Department of the Maritime Affairs Division)
- (iii) Family benefits: Caisse nationale d'allocations familiales des marins du commerce (National Family Allowances Fund for Mariners in the Merchant Navy), or Caisse nationale d'allocations familiales de la pêche maritime (National Family Allowances Fund for the Sea Fishing Industry), as appropriate.
- (iv) Unemployment:
 - for registration as a person seeking work: local employment agency in the place of residence or in the habitual port of embarkation or the "Bureau central de la main d'œuvre maritime" (Central Office for Seafarers)
 - for the issue of forms E 301, E 302, E 303: Groupement des ASSEDIC de la région parisienne (GARP) 90, rue Baudin, 92537, Levallois-Perret

B. Scheme for self-employed persons

(a) scheme for self-employed persons not engaged in agriculture:

(i) sickness, maternity:

Caisse Mutuelle Régionale (Regional Mutual Benefit Fund)

(ii) Old-age:

(aa) craftsmen's scheme:

Caisse Nationale de l'Organisation autonome d'assurance-vieillesse des travailleurs non salariés des professions artisanales (CANCAVA) Paris (National Independent Old-age Insurance Fund for Self-Employed Persons in Craft Occupations)

Caisses de base professionnelles ou interprofessionnelles (Local Occupational or Inter-occupational Funds)

(bb) manufacturers' and tradesmen's scheme:

Caisse Nationale de l'organisation autonome d'assurance-vieillesse des travailleurs non salariés des professions industrielles et commerciales (ORGANIC) (National Independent Old-age Insurance Fund for Self-Employed Persons in Manufacturing or Trading Occupations)

Caisses de base professionnelles ou interprofessionnelles (Local Occupational or Inter-occupational Funds)

(cc) scheme for the professions:

Caisse Nationale d'assurance-vieillesse des professions Libérales (CNAVPL) — Sections professionnelles (National Old-age Insurance Fund for Members of the Professions — Professional Branches)

(dd) lawyers' scheme

Caisse nationale des barreaux français (CNBF) (National Fund for Members of the French Bar)

(b) agricultural scheme:

(i) Sickness, maternity, invalidity:

Organisme assureur habilité auprès duquel le travailleur non salarié agricole est affilié (the authorized insurance body with which the self-employed person engaged in agriculture is insured)

(ii) Old-age insurance and benefits for the surviving spouse:

Caisse de Mutualité Sociale Agricole (Agricultural Social Insurance Mutual Benefit Fund)

(iii) Non-industrial accidents, accidents at work and occupational diseases;

- Organisme agréé auprès duquel le travailleur non salarié agricole est affilié (the appointed body with which the self-employed person engaged in agriculture is insured)
- For the départements Moselle, Bas-Rhin and Haut-Rhin: Caisse d'Assurance accidents agricoles (Agricultural Accidents Insurance Fund);

II. OVERSEAS DEPARTMENTS

(a) Scheme for employed persons (all schemes with the exception of the mariners' scheme and all risks, with the exception of family benefits):

(i) in general:

Caisse générale de sécurité sociale (General Social Security Fund)

(ii) for pension increases in respect of accidents at work occurring in overseas departments before 1 January 1952:

Direction départementale de l'enregistrement (Departmental Directorate of Registration)

(b) Scheme for self-employed persons:

(i) Sicknes, maternity:

Caisse mutuelle régionale (Regional Mutual Benefit Fund)

(ii) Old-age:

— craftsmen's scheme:

Caisse nationale de l'organisation autonome d'assurance-vieillesse des travailleurs non salariés des professions artisanales (CANCVA) (National Independent Old-age Insurance Fund for Self-employed Persons in Craft Occupations)

- manufacturers' and tradesmen's scheme: Caisse interprofessionnelle d'assurance-vieillesse des industriels et commerçants d'Algérie et d'Outre-Mer (CAVICORG) (Inter-professional Old-age Insurance Fund for Manufacturers and Traders in Algeria and Overseas)

- scheme for the professions: Caisse Nationale d'assurance-vieillesse des professions libérales (CNAVPL) — Sections professionnelles (National Old-age Insurance Fund for Members of the Professions — Professional Branches)

- lawyers' scheme: Caisse nationale des barreaux français (CNBF) (National Fund for Members of the French Bar)

- (c) Family benefits: Caisse d'allocations familiales (Family Allowances Fund)

- (d) Mariners' scheme:
 - (i) all risks, except old-age and family benefits: Section "Caisse générale de prévoyance des marins" du Quartier des affaires maritimes (The General Welfare Fund for Mariners, Department of the Maritime Affairs Division)

 - (ii) old-age: Section "Caisse de retraite des marins" du Quartier des affaires maritimes (The Mariners' Pension Fund Department of the Maritime Affairs Division)

 - (iii) family benefits: Caisse d'allocations familiales (Family Allowances Fund)

E. GREECE

1. Sickness and maternity

- (i) as a general rule:

ΙΑΡΥΜΑ ΚΟΙΝΩΝΙΚΩΝ
ΑΣΦΑΛΙΣΕΩΝ (ΙΚΑ) ΑΘΗΝΑ
(Social Insurance Institute) or the insurance
body with which the worker is or was
insured Athens

- (ii) for mariners: ΟΙΚΟΣ ΝΑΥΤΟΥ (Seamen's Home) ΠΕΙΡΑΙΑΣ Piraeus
- (iii) agricultural scheme: ΟΡΓΑΝΙΣΜΟΣ ΓΕΩΡΓΙΚΩΝ ΑΣΦΑΛΙΣΕΩΝ (ΟΓΑ), (National Agricultural Insurance Institute) ΑΘΗΝΑ Athens

2. Invalidity, old-age, death (pensions)

- (i) as a general rule: ΙΔΡΥΜΑ ΚΟΙΝΩΝΙΚΩΝ ΑΣΦΑΛΙΣΕΩΝ (ΙΚΑ) (Social Insurance Institute) or the insurance body with which the worker is or was insured ΑΘΗΝΑ Athens
- (ii) mariners' scheme: ΝΑΥΤΙΚΟΝ ΑΠΟΜΑΧΙΚΟΝ ΤΑΜΕΙΟΝ (ΝΑΤ) (Mariners' Retirement Fund) ΠΕΙΡΑΙΑΣ Piraeus
- (iii) agricultural scheme: ΟΡΓΑΝΙΣΜΟΣ ΓΕΩΡΓΙΚΩΝ ΑΣΦΑΛΙΣΕΩΝ (ΟΓΑ) (National Agricultural Insurance Institute) ΑΘΗΝΑ Athens

3. Accidents at work, occupational diseases

- (i) as a general rule: ΙΔΡΥΜΑ ΚΟΙΝΩΝΙΚΩΝ ΑΣΦΑΛΙΣΕΩΝ (ΙΚΑ) (Social Insurance Institute) or the insurance body with which the worker is or was insured ΑΘΗΝΑ Athens

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|----------------------------|---|---------------------|
| (ii) mariners' scheme: | ΝΑΥΤΙΚΟΝ ΑΠΟΜΑΧΙΚΟΝ
ΤΑΜΕΙΟΝ (ΝΑΤ)
(Mariners' Retirement Fund) | ΠΕΙΡΑΙΑΣ
Piraeus |
| (iii) agricultural scheme: | ΟΡΓΑΝΙΣΜΟΣ ΓΕΩΡΓΙΚΩΝ
ΑΣΦΑΛΙΣΕΩΝ (ΟΓΑ)
(National Agricultural Insurance Institute) | ΑΘΗΝΑ
Athens |

4. Death grants (funeral expenses)

- | | | |
|----------------------------|---|---------------------|
| (i) as a general rule: | ΙΔΡΥΜΑ ΚΟΙΝΩΝΙΚΩΝ
ΑΣΦΑΛΙΣΕΩΝ (ΙΚΑ)
(Social Insurance Institute) or the insurance
body with which the worker is or was
insured | ΑΘΗΝΑ
Athens |
| (ii) mariners' scheme: | ΟΙΚΟΣ ΝΑΥΤΟΥ
(Seamen's Home) | ΠΕΙΡΑΙΑΣ
Piraeus |
| (iii) agricultural scheme: | ΟΡΓΑΝΙΣΜΟΣ ΓΕΩΡΓΙΚΩΝ
ΑΣΦΑΛΙΣΕΩΝ (ΟΓΑ)
(National Agricultural Insurance Institute) | ΑΘΗΝΑ
Athens |

5. Family allowances

- | | | |
|--|---|-----------------|
| (i) employed persons' scheme,
including undertakings'
schemes: | ΟΡΓΑΝΙΣΜΟΣ ΑΠΑΣΧΟΛΗΣΕΩΣ
ΕΡΓΑΤΙΚΟΥ ΔΥΝΑΜΙΚΟΥ (ΟΑΕΔ)
(Labour Employment Office) | ΑΘΗΝΑ
Athens |
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(ii) general scheme: ΟΡΓΑΝΙΣΜΟΣ ΓΕΩΡΓΙΚΩΝ
ΑΣΦΑΛΙΣΕΩΝ (ΟΓΑ) ΑΘΗΝΑ
(National Agricultural Insurance Institute) Athens

6. Unemployment

- (i) as a general rule: ΟΡΓΑΝΙΣΜΟΣ ΑΠΑΣΧΟΛΗΣΕΩΣ
ΕΡΓΑΤΙΚΟΥ ΔΥΝΑΜΙΚΟΥ (ΟΑΕΔ) ΑΘΗΝΑ
(Labour Employment Office) Athens
- (ii) mariners' scheme: ΟΙΚΟΣ ΝΑΥΤΟΥ ΠΕΙΡΑΙΑΣ
(Seamen's Home) Piraeus
- (iii) newspaper industry employees
scheme, administered by:
1. ΤΑΜΕΙΟΝ ΑΣΦΑΛΙΣΕΩΣ
ΕΡΓΑΤΩΝ ΤΥΠΟΥ ΑΘΗΝΑ
(Insurance Fund for Press Employees)
 2. ΤΑΜΕΙΟΝ ΣΥΝΤΑΞΕΩΣ
ΠΡΟΣΩΠΙΚΟΥ ΕΦΗΜΕΡΙΔΩΝ ΑΘΗΝΩΝ — ΘΕΣΣΑΛΟΝΙΚΗΣ ΑΘΗΝΑ
(Pension Fund for Press Employees in
Athens and Salonika) Athens

F. IRELAND

1. Benefits in kind:

The Eastern Health Board, 1 James' St, Dublin

The Midland Health Board, Arden Road, Tullamore,
Co. Offaly

The Mid-Western Health Board, 31/33 Catherine Street,
Limerick

The North-Eastern Health Board, Ceanannus Mor, Co. Meath

The North-Western Health Board, Manorhamilton, Co. Leitrim

The South-Eastern Health Board, Arus Slainte, Patrick St, Kilkenny

The Southern Health Board, Cork Farm Centre, Dennehy's Cross, Cork

The Western Health Board, Merlin Park, Galway

2. Cash benefits:

(a) Unemployment benefits

Department of Social Welfare, Dublin, including the provincial offices responsible for unemployment benefits

(b) Other cash benefits

Department of Social Welfare, Dublin

G. ITALY

1. Sickness (including tuberculosis) and maternity:

A. Employed persons

(a) benefits in kind:

(i) in general:

the competent local health unit with which the person concerned is registered

- (ii) for certain categories of civil servants : Ministero della sanità (Ministry of Health), Roma
 - (iii) for mariners and civil aircrew : Ministero della sanità (Ministry of Health), the relevant area health office for the merchant navy or civil aviation
- (b) cash benefits :
- (i) in general : Istituto nazionale della previdenza sociale (National Social Welfare Institution), provincial offices
 - (ii) for mariners and civil aircrew : the maritime fund with which the person concerned is registered
- (c) certificates for periods of insurance :
- (i) in general : Istituto nazionale della previdenza sociale (National Social Welfare Institution), provincial offices
 - (ii) for mariners and civil aircrew : the maritime fund with which the person concerned is registered
- B. Self-employed persons**
- benefits in kind : the competent local health unit with which the person concerned is registered

2. Accidents at work and occupational diseases :

A. Employed persons

(a) benefits in kind :

(i) in general : the competent local health unit with which the person concerned is registered

(ii) for mariners and civil aircrew : Ministero della sanità (Ministry of Health), the relevant area health office for the merchant navy or civil aviation

(b) prostheses and major appliances, medico-legal benefits and related examinations and certificates :

(i) in general : Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), provincial offices

(ii) for mariners and civil aircrew : the maritime fund with which the person concerned is registered

(c) cash benefits :

(i) in general : Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), provincial offices

(ii) for mariners and civil aircrew : the maritime fund with which the person concerned is registered

(iii) also for agricultural and forestry workers, if required:

Ente nazionale di previdenza e assistenza per gli impiegati agricoli (National Welfare and Assistance Office for Agricultural Workers)

B. Self-employed persons (for medical radiologists only):

(a) benefits in kind:

the competent local health unit with which the person concerned is registered

(b) prostheses and major appliances, medico-legal benefits and related examinations and certificates:

Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), provincial offices

(c) cash benefits:

Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), provincial offices

3. Invalidity, old-age, survivors' (pensions):

A. Employed persons:

(a) in general:

Istituto nazionale della previdenza sociale (National Social Welfare Institution), provincial offices

- (b) for workers in the entertainment business : Ente nazionale di previdenza e assistenza per i lavoratori dello spettacolo (National Welfare and Assistance Office for Workers in the Entertainment Business), Roma
- (c) for supervisory staff in industrial undertakings : Istituto nazionale di previdenza per i dirigenti di aziende industriali (National Welfare Institution for Supervisory Staff in Industry), Roma
- (d) for journalists : Istituto nazionale di previdenza per i giornalisti italiani "G. Amendola" (The G. Amendola National Welfare Institution for Italian Journalists), Roma

B. Self-employed persons

- (a) for medical practitioners: Ente nazionale di previdenza ed assistenza medici (National Welfare and Assistance Office for Medical Practitioners)
- (b) for pharmacists: Ente nazionale di previdenza ed assistenza farmacisti (National Welfare and Assistance Office for Pharmacists)
- (c) for veterinarians: Ente nazionale di previdenza ed assistenza veterinari (National Welfare and Assistance Office for Veterinarians)
- (d) for midwives: Ente nazionale di previdenza ed assistenza per le ostetriche (National Welfare and Assistance Office for Midwives)

- (e) for engineers and architects: Cassa nazionale di previdenza per gli ingegneri ed architetti (National Welfare Fund for Engineers and Architects)
- (f) for surveyors: Cassa nazionale di previdenza ed assistenza a favore dei geometri (National Welfare and Assistance Fund for Surveyors)
- (g) for solicitors and barristers: Cassa nazionale di previdenza ed assistenza a favore degli avvocati e dei procuratori (National Welfare and Assistance Fund for Solicitors and Barristers)
- (h) for economists: Cassa nazionale di previdenza ed assistenza a favore dei dottori commercialisti (National Welfare and Assistance Fund for Economists)
- (i) for accountants: Cassa nazionale di previdenza ed assistenza a favore dei ragionieri e periti commerciali (National Welfare and Assistance Fund for Accountants)
- (j) for employment experts: Ente nazionale di previdenza ed assistenza per i consulenti del lavoro (National Welfare and Assistance Office for Employment Experts)
- (k) for notaries: Cassa nazionale notariato (National Fund for Notaries)

- (l) for customs agents : Fondo di previdenza a favore degli spedizionieri doganali (Welfare Fund for Customs Agents)
4. Death grants : Istituto nazionale della previdenza sociale (National Social Welfare Institution), provincial offices
Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), provincial offices
The maritime fund with which the person concerned is registered
5. Unemployment (for employed persons):
- (a) in general : Istituto nazionale della previdenza sociale (National Social Welfare Institution), provincial offices
- (b) for journalists : Istituto nazionale di previdenza per i giornalisti italiani "G. Amendola" (The G. Amendola National Welfare Institution for Italian Journalists), Roma
6. Family allowances (for employed persons):
- (a) in general : Istituto nazionale della previdenza sociale (National Social Welfare Institution), provincial offices
- (b) for journalists : Istituto nazionale di previdenza per i giornalisti italiani „G. Amendola” (The G. Amendola National Welfare Institution for Italian Journalists), Roma

H. LUXEMBOURG

1. **Sickness and maternity:**

(a) for the purpose of applying Article 28 (2) of the Regulation

Caisse nationale d'assurance maladie des ouvriers (National Sickness Insurance Fund for Manual Workers), Luxembourg

(b) other cases:

The sickness fund with which the employed or self-employed person is insured by reason of his professional or trade activity, or with which he was last insured

2. **Invalidity, old-age, death (pensions):**

(a) for manual workers:

Etablissement d'assurance contre la vieillesse et l'invalidité, Luxembourg (Old-age and Invalidity Insurance Institution), Luxembourg

(b) for clerical staff and self-employed members of the professions:

Caisse de pension des employés privés, Luxembourg (Pension Fund for Clerical Staff in the Private Sector), Luxembourg

(c) for self-employed persons engaged in a craft industry, in trading or in manufacture:

Caisse de pension des artisans, des commerçants et des industriels, Luxembourg (Pension Fund for Craftsmen, Tradesmen and Manufacturers), Luxembourg

(d) for self-employed persons engaged in agriculture:

Caisse de pension agricole, Luxembourg (Agricultural Pension Fund), Luxembourg

3. Accidents at work and occupational diseases:

- (a) for employed and self-employed persons engaged in agriculture or forestry:

Association d'assurance contre les accidents, section agricole et forestière, Luxembourg (Accident Insurance Association, Agricultural and Forestry Department), Luxembourg

- (b) for all other cases of insurance on a compulsory or optional basis:

Association d'assurance contre les accidents, section industrielle, Luxembourg (Accident Insurance Association, Industrial Department), Luxembourg

4. Unemployment:

Administration de l'emploi (Employment Office), Luxembourg

5. Family benefits:

- (a) for manual workers:

Caisse d'allocations familiales des ouvriers près l'établissement d'assurance contre la vieillesse et l'invalidité, Luxembourg (Family Allowances Fund for Manual Workers at the Old-age and Invalidity Insurance Institution), Luxembourg

- (b) for clerical staff:

Caisse d'allocations familiales des employés près la caisse de pension des employés privés, Luxembourg (Family Allowances Fund for Clerical Staff at the Pension Fund for Clerical Staff in the Private Sector), Luxembourg

6. Death grants:

For the purpose of applying Article 66 of the Regulation:

Caisse nationale d'assurance-maladie des ouvriers (National Sickness Insurance Fund for Manual Workers), Luxembourg

I. NETHERLANDS

1. Sickness and maternity:

- (a) benefits in kind:

The Ziekenfonds (Sickness Fund) with which the person concerned is insured

(b) cash benefits:

The Bedrijfsvereniging (Professional and Trade Association) with which the insured person's employer is insured

2. Invalidity

(a) Where, even without applying the Regulation, the right to benefit exists under Netherlands legislation alone:

— for employed persons: The Bedrijfsvereniging (Professional and Trade Association) with which the insured person's employer is insured

— for self-employed persons: The Bedrijfsvereniging (Professional and Trade Association) with which the insured person would be insured if he had personnel in his employ

(b) Other cases:

— for employed and self-employed persons: The Nieuwe Algemene Bedrijfsvereniging (New General Professional and Trade Association), Amsterdam

3. Old-age, death (pensions):

Sociale Verzekeringsbank (Social Insurance Bank), Amsterdam

4. Unemployment:

(a) unemployment insurance benefits: The Bedrijfsvereniging (Professional and Trade Association) with which the insured persons' employer is insured

(b) benefits from public authorities:

(i) if the person concerned resides in the Netherlands:

The local authority of the place of residence

(ii) for the purposes of applying Article 71 of the Regulation if the person concerned resides outside the Netherlands:

The local authority of the place in whose territory the employer has his registered office or place of business

5. Family benefits:

(a) where the person entitled to benefits resides in the Netherlands:

The Raad van Arbeid (Labour Council) in whose district he resides

(b) where the person entitled to benefits resides outside the Netherlands, but his employer resides or is established in the Netherlands:

The Raad van Arbeid (Labour Council) in whose district the employer resides or is established

(c) other cases:

Sociale Verzekeringsbank (Social Insurance Bank), Amsterdam

6. Occupational diseases to which the provisions of Article 57 (3) of the Regulation apply:

For the purposes of applying Article 57 (3) (c) of the Regulation:

— where the benefit is granted with effect from a

date prior to 1 July 1967:	Sociale Verzekeringsbank (Social Insurance Bank), Amsterdam
— where the benefit is granted with effect from a date after 30 June 1967:	Bedrijfsvereniging voor de Mijnindustrie (Professional and Trade Association for the Mining Industry), Heerlen

J. UNITED KINGDOM

1. Benefits in kind:

Great Britain and Northern Ireland:	Authorities which grant National Health Service benefits
Gibraltar:	Medical and Public Health Department, Gibraltar

2. Cash benefits:

Great Britain:	Department of Health and Social Security, London
Northern Ireland:	Department of Health and Social Services for Northern Ireland, Belfast
Gibraltar:	Department of Labour and Social Security, Gibraltar

ANNEX 3

INSTITUTIONS OF THE PLACE OF RESIDENCE AND INSTITUTIONS OF THE PLACE OF STAY

(Article 1 (p) of the Regulation and Article 4 (3) of the Implementing Regulation)

A. BELGIUM

I. INSTITUTIONS OF THE PLACE OF RESIDENCE

1. **Sickness and maternity:**

(a) for the purposes of applying Articles 17, 18, 22, 25, 28, 29, 30 and 32 of the Implementing Regulation: The insurance bodies

(b) for the purposes of applying Article 31 of the Implementing Regulation:

(i) in general: The insurance bodies

(ii) for mariners: Caisse de secours et de prévoyance en faveur des marins navigant sous pavillon belge — Hulp- en verzorgingskas voor zeevarenden onder Belgische vlag — (Relief and Welfare Fund for Mariners Sailing under the Belgian Flag), Antwerpen

or

The insurance bodies

2. **Invalidity:**

(a) general invalidity (manual workers, clerical staff, miners) and invalidity of self-employed persons: Institut national d'assurance maladie-invalidité, Bruxelles — Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel — (National Sickness and Invalidity Insurance Institute, Brussels) together with the insurance bodies

for the purposes of applying Article 105 of the Implementing Regulation:

- (b) special invalidity scheme for miners: Institut national d'assurance maladie-invalidité, Bruxelles — Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel — (National Sickness and Invalidity Insurance Institute, Brussels)
- (c) mariners' invalidity scheme: Fonds national de retraite des ouvriers-mineurs, Bruxelles — Nationaal Pensioenfonds voor mijnwerkers, Brussel — (National Pension Fund for Miners, Brussels)
- Caisse de secours et de prévoyance en faveur des marins navigant sous pavillon belge — Hulp- en verzorgingskas voor zeevarenden onder Belgische vlag — (Relief and Welfare Fund for Mariners Sailing under the Belgian Flag), Antwerpen
3. Old-age, death (pensions): Office national des pensions pour travailleurs salariés, Bruxelles — Rijksdienst voor werknemerspensioenen, Brussel — (National Pension Office for Employed Persons, Brussels)
- Institut national d'assurances sociales pour travailleurs indépendants, Bruxelles — Rijksinstituut voor de sociale verzekeringen der zelfstandigen, Brussel — (National Social Insurance Institute for the Self-Employed), Brussels
4. Accidents at work (benefits in kind): The insurance bodies
5. Occupational Diseases: Fonds des maladies professionnelles, Bruxelles (Occupational Diseases Fund, Brussels)
6. Death grants: The insurance bodies, together with the Institut national d'assurance maladie-invalidité, Bruxelles — Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel — (National Sickness and Invalidity Insurance Institute, Brussels)
7. Unemployment:
- (a) in general: Office national de l'emploi, Bruxelles — Rijksdienst voor arbeidsvoorziening, Brussel — (National Employment Office, Brussels)
- (b) for mariners: Pool des marins de la marine marchande — Pool van de zeelieden ter koopvaardij — (Merchant Navy Pool), Antwerpen
8. Family benefits: Office national des allocations familiales pour travailleurs salariés, Bruxelles — Rijksdienst voor kinderbijslag voor werknemers, Brussel — (National Family Allowances Offices for Employed Persons, Brussels)
- Institut national d'assurances sociales pour travailleurs indépendants, Bruxelles — Rijksinstituut voor de sociale verzekeringen der zelfstandigen, Brussel — (National Social Insurance Institute for the Self-Employed), Brussels

II. INSTITUTIONS OF THE PLACE OF STAY:

- | | |
|---------------------------|---|
| 1. Sicknes and maternity: | Institut national d'assurance maladie-invalidité, Bruxelles — Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel — (National Sicknes and Invalidity Insurance Institute, Brussels) through the insurance bodies |
| 2. Accidents at work: | Institut national d'assurance maladie-invalidité, Bruxelles — Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel — (National Sicknes and Invalidity Insurance Institute, Brussels) through the insurance bodies |
| 3. Occupational diseases: | Fonds des maladies professionnelles, Bruxelles — Fonds voor beroepsziekten, Brussel — (Occupational Diseases Fund, Brussels) |

B. DENMARK

• DENMARK WITH THE EXCEPTION OF GREENLAND

I. Institutions of the place of residence

(a) Sicknes and maternity:

(i) For the purposes of applying Articles 17, 22, 28, 29 and 30 of the Implementing Regulation:

The competent amtskommune (district administration). In the commune of København: Magistraten (the communal administration). In the commune of Frederiksberg: the communal administration

(ii) For the purposes of applying Articles 18 and 25 of the Implementing Regulation:

The social commission of the commune in which the beneficiary resides. In the communes of København, Odense, Ålborg and Århus: Magistraten (the communal administration)

- (b) Invalidity (pensions): Sikringsstyrelsen (National Social Security Office), København
- (c) Old-age and death (pensions):
- (i) Pensions under legislation covering old-age and widows' pensions: Sikringsstyrelsen (National Social Security Office), København
- (ii) Pensions granted under the law on supplementary pensions for employed persons ('loven om Arbejdsmarkedets Tillægspension'): Arbejdsmarkedets Tillægspension (Supplementary Pensions Office for Employed Persons), Hillerød
- (d) Accidents at work and occupational diseases:
- (i) For the purposes of applying Title IV, Chapter 4, except for Article 61, of the Implementing Regulation: Sikringsstyrelsen (National Social Security Office), København.
- (ii) For the purposes of applying Article 61 of the Implementing Regulation: The social commission of the commune in which the beneficiary resides. In the communes of København, Odense, Ålborg and Århus: Magistraten (the communal administration)
- (e) Death grants:
- For the purposes of applying Article 78 of

the Implementing Regulation:

Sikringsstyrelsen (National Social Security office),
København

II. *Institutions of the place of stay:*

(a) **Sickness and maternity:**

(i) For the purpose of applying Articles 20, 21 and 31 of the Implementing Regulation:

The competent amtskommune (district administration).
In the commune of København: Magistraten (the communal administration). In the commune of Frederiksberg: the communal administration

(ii) For the purposes of applying Article 24 of the Implementing Regulation:

The social commission of the commune in which the beneficiary is staying. In the communes of København, Odense, Ålborg and Århus: Magistraten (the communal administration)

(b) **Accidents at work and occupational diseases:**

(i) For the purposes of applying Title IV, Chapter 4, except for Article 64, of the Implementing Regulation:

Sikringsstyrelsen (National Social Security Office),
København

(ii) For the purposes of applying Article 64 of the Implementing Regulation:

The social commission of the commune in which the beneficiary is staying. In the communes of København, Odense, Ålborg and Århus: Magistraten (the communal administration).

(c) Unemployment

- (i) For the purposes of applying Title IV, Chapter 6, except for Article 83, of the Implementing Regulation: The competent unemployment fund
- (ii) For the purposes of applying Article 83 of the Implementing Regulation: The local employment office

2. GREENLAND

I. Institutions of the place of residence

- (a) **Sickness and maternity:**
 - Benefits in kind: Bestyrelsen for sundhedsvaesenet i Grønland (Health Service Board for Greenland), Godthåb
- (b) **Old-age:**
 - Pensions pursuant to the Regional Council Orders on old-age pensions in Greenland: Arbejds- og socialdirektoratet (Regional Employment and Social Affairs Office), Godthåb
- (c) **Accidents at work and occupational diseases:** Det grønlandske naevn for ulykkesforsikring (Greenland Accident Insurance Commission), Godthåb

II. Institutions of the place of stay

- (a) **Sickness and maternity:**
 - Benefits in kind: Bestyrelsen for sundhedsvaesenet i Grønland (Health Service Board for Greenland), Godthåb
- (b) **Accidents at work and occupational diseases:** Det grønlandske naevn for ulykkesforsikring (Greenland

Accident Insurance Commission), Godthåb

C. GERMANY

1. Sickness insurance:

- (a) in all cases, except for the application of Article 19 (2) of the Regulation and of Article 17 of the Implementing Regulation:

The competent Allgemeine Ortskrankenkasse (Local General Sickness Fund) of the place of residence or place of stay of the person concerned

for persons insured under the scheme for miners and members of their families:

Bundesknappschaft (Federal Insurance Fund for Miners), Bochum

- (b) for the purposes of applying Article 19 (2) of the Regulation and Article 17 of the Implementing Regulation:

The Institution with which the person concerned was last insured

In the absence of such an institution or when the insured person was last insured with an Allgemeine Ortskrankenkasse, with a landwirtschaftliche Krankenkasse (Agricultural Sickness Fund) or with the Bundesknappschaft:

The competent institution of the place of residence or place of stay of the person concerned, referred to under (a)

(c) for tuberculosis treatment in a treatment centre:

The competent pension insurance institution for manual workers of the place of residence or place of stay of the person concerned

2. Accident insurance:

(a) benefits in kind (with the exception of therapeutic treatment carried out under accident insurance and of prostheses and appliances) and cash benefits (with the exception of pensions, increases for constant attendance (Pflegegeld) and death grants):

The competent Allgemeine Ortskrankenkasse (Local General Sickness Fund) of the place of residence or place of stay of the person concerned

for persons insured under the miners' scheme and the members of their families:

Bundesknappschaft (Federal Insurance Fund for Miners), Bochum

(b) benefits in kind and in cash excluded under (a) and for the application of Article 76 of the Implementing Regulation:

Hauptverband der gewerblichen Berufsgenossenschaften (Federation of Professional and Trade Associations in Industry), Bonn

3. Pension insurance:

(a) *Pension insurance for manual workers:*

- | | |
|------------------------------------|---|
| (i) dealings with Belgium: | Landesversicherungsanstalt Rheinprovinz (Regional Insurance Office of the Rhine Province), Düsseldorf |
| (ii) dealings with France: | Landesversicherungsanstalt Rheinland-Pfalz (Regional Insurance Office of the Rhineland-Palatinate), Speyer or, as a competent institution under Annex 2, Landesversicherungsanstalt Saarland (Regional Insurance Office of the Saarland), Saarbrücken |
| (iii) dealings with Italy: | Landesversicherungsanstalt Schwaben (Regional Insurance Office of Swabia), Augsburg |
| (iv) dealings with Luxembourg: | Landesversicherungsanstalt Rheinland-Pfalz (Regional Insurance Office of the Rhineland-Palatinate), Speyer |
| (v) dealings with the Netherlands: | Landesversicherungsanstalt Westfalen (Regional Insurance Office of Westphalia), Münster |
| (vi) dealings with Denmark: | Landesversicherungsanstalt Schleswig-Holstein (Regional Insurance Office of Schleswig-Holstein), Lübeck |

- (vii) dealings with Ireland and the United Kingdom: Landesversicherungsanstalt Freie und Hansestadt Hamburg (Regional Insurance Office of the Free and Hanseatic City of Hamburg), Hamburg
- (viii) dealings with Greece: Landesversicherungsanstalt Württemberg (Regional Insurance Office of Württemberg), Stuttgart
- (b) *Pension insurance for clerical staff:* Bundesversicherungsanstalt für Angestellte (Federal Insurance Office for Clerical Staff), Berlin
- (c) *Pension insurance for miners:* Bundesknappschaft (Federal Insurance Fund for Miners) Bochum
4. Old-age insurance for farmers: Landwirtschaftliche Alterskasse Rheinhessen-Pfalz (Agricultural Old-Age Fund Rhine-Hesse-Palatinate), Speyer
5. Unemployment benefits and family benefits: The competent employment office of the place of residence or place of stay of the person concerned

D. FRANCE

I. METROPOLITAN FRANCE:

A. Scheme for employed persons

1. Risks other than unemployment and family benefits:

(a) in general:

Caisse primaire d'assurance-maladie
(Local Sickness Insurance Fund) of the
place of residence or place of stay

(b) for joint application of Article 19 (1) and (2) and Article 35 (1) of the Regulation in the case of benefits in kind under the miners' scheme for sickness, maternity, invalidity and death (grants) insurance:

Société de secours minière (Miners' Relief Society) of the place of residence of the persons concerned

(c) for the purposes of applying Article 35 of the Implementing Regulation:

(i) general scheme:

(aa) as a general rule, except for Paris and the Paris region:

Caisse primaire d'assurance-maladie (Local Sickness Insurance Fund)

for Paris and the Paris region:

Caisse régionale d'assurance-maladie (Regional Sickness Insurance Fund), Paris

(bb) special scheme provided for in Articles L 365 to L 382 of the Social Security Code:

Caisse régionale d'assurance-maladie (Regional Sickness Insurance Fund), Strasbourg

(ii) agricultural scheme:

Caisse de mutualité sociale agricole (Agricultural Social Insurance Mutual Benefit Fund)

(iii) miners' scheme:

Caisse autonome nationale de sécurité sociale dans les mines (National Independent Social Security Fund for Miners), Paris

(d) for the purposes of applying Article 36 of the Implementing Regulation with regard to invalidity pensions:

- (i) in general except for Paris and the Paris region: Caisse primaire d'assurance-maladie (Local Sickness Insurance Fund)
- for Paris and the Paris region: Caisse régionale d'assurance-maladie (Regional Sickness Insurance Fund), Paris
- (ii) special scheme provided for in Articles L 365 to L 382 of the Social Security Code: Caisse régionale d'assurance-maladie (Regional Sickness Insurance Fund), Strasbourg
- (e) for the purposes of applying Article 36 of the Implementing Regulation with regard to old-age pensions:
- (i) general scheme:
- (aa) as a general rule, except for Paris and the Paris region: Caisse régionale d'assurance maladie branche "vieillesse" (Regional Sickness Insurance Fund, Old-Age Branch)
- for Paris and the Paris region: Caisse nationale d'assurance vieillesse des travailleurs salariés (National Old-Age Insurance Fund for Employed Persons), Paris
- (bb) special scheme provided for in Articles L 365 to L 382 of the Social Security Code: Caisse régionale d'assurance vieillesse (Regional Old-Age Insurance Fund), Strasbourg
- (ii) agricultural scheme: Caisse centrale de secours mutuels agricoles (Central Agricultural Mutual Benefit Fund), Paris
- (iii) miners' scheme: Caisse autonome nationale de sécurité sociale dans les mines (National Independent Social Security Fund for Miners), Paris
- (f) for the purposes of applying Article 75 of the Implementing Regulation: Caisse primaire d'assurance-maladie (Local Sickness Insurance Fund)

2. Unemployment:

- (a) for the purposes of applying Articles 80, 81 and 82 (2) of the Implementing Regulation

Direction départementale du travail et de la main-d'œuvre (Departmental Directorate of Labour and Manpower) of the place in which the employment for which the certified statement is requested was pursued

The local branch of the Agence nationale pour l'emploi (National Employment Office)

The Town Hall of the place of residence of the members of the family

- (b) for the purposes of applying Article 83 (1) and (2) and Article 97 of the Implementing Regulation:

l'Association pour l'emploi dans l'industrie et le commerce (ASSEDIC) (Association for Employment in Industry and Trade) of the place of residence of the person concerned

- (c) for the purposes of applying Article 84 of the Implementing Regulation:

- (i) total unemployment:

l'Association pour l'emploi dans l'industrie et le commerce (ASSEDIC) (Association for Employment in Industry and Trade) of the place of residence of the person concerned

- (ii) partial unemployment:

Direction départementale du travail et de la main-d'œuvre (Departmental Directorate of Labour and Manpower) of the place of employment of the person concerned

- (d) for the purposes of applying Article 89 of the Implementing Regulation:

Direction départementale du travail et de la main-d'œuvre (Departmental Directorate of Labour and Manpower)

B. Scheme for self-employed persons

1. **Sickness and maternity:**

- in general:

Organismes conventionnés par les Caisses mutuelles régionales (Bodies acting on behalf of Regional Mutual Benefit Funds)

2. For the purposes of applying Article 35 of the Implementing Regulation with regard to the agricultural scheme:

Caisse de Mutualité Sociale Agricole et tout autre organisme assureur dûment habilité (Agricultural Social Insurance Mutual Benefit Fund and all other duly authorized insurance bodies)

3. For the purposes of applying Article 36 of the Implementing Regulation with regard to old-age pensions:
- (a) craftsmen's scheme: Caisse Nationale de l'organisation autonome d'assurance-vieillesse des travailleurs non salariés des professions artisanales (CANCAVA) (National Independent Old-age Insurance Fund for Self-Employed Persons in Craft Occupations)
Caisses de base professionnelles (Local Professional Funds)
 - (b) manufacturers' and tradesmen's scheme: Caisse Nationale de l'organisation autonome d'assurance-vieillesse des travailleurs non salariés des professions industrielles et commerciales (ORGANIC) (National Independent Old-age Insurance Fund for Self-Employed Persons in Manufacturing or Trading Occupations)
Caisses de base professionnelles ou interprofessionnelles (Local Professional or Interprofessional Funds)
 - (c) professional occupations scheme: Caisse Nationale d'assurance-vieillesse des professions libérales (CNAVPL) — Sections professionnelles (National Old-age Insurance Fund for Members of the Professions — Professional Branches)
 - (d) lawyers' scheme: Caisse Nationale des Barreaux français (CNBF) (National fund for Members of the French Bar)
 - (e) agricultural scheme: Caisse Nationale d'Assurance-Vieillesse Mutuelle Agricole (National Old-age Insurance Agricultural Mutual Benefit Fund)
- C. Mariners' scheme
- (a) for the purposes of applying Article 27 of the Regulation with regard to the mariners' scheme: La section "Caisse générale de prévoyance des marins" du Quartier des affaires maritimes (The General Welfare Fund for Mariners, Department of the Maritime Affairs Division)
 - (b) for the purposes of applying Article 35 of the Implementing Regulation: La section "Caisse Générale de prévoyance des marins" du Quartier des affaires maritimes (The General Welfare Fund for Mariners, Department of the Maritime Affairs Division)
- D. Family benefits:
- Caisse d'allocation familiales (Family Allowances Fund) of the place of residence of the person concerned

II. OVERSEAS DEPARTMENTS:

A. Scheme for employed persons

Risks other than family benefits:

- in general:

Caisse générale de sécurité sociale
(General Social Security Fund)

B. Scheme for self-employed persons

(a) Sickness and maternity:

Organismes conventionnés par les
Caisses mutuelles régionales (Bodies
acting on behalf of Regional
Mutual Benefit Funds)

(b) Old-age pensions:

— craftsmen's scheme:

Caisse Nationale de l'organisation
Autonome d'assurance-vieillesse des
travailleurs non salariés des
professions artisanales (CANCVA)
(National Independent Old-age
Insurance Fund for Self-Employed
Persons in Craft Occupations)

— manufacturers' and
tradesmen's scheme:

Caisse interprofessionnelle d'assur-
ance-vieillesse des industriels et com-
merçants d'Algérie et d'Outre-
Mer (CAVICORG) (Interprofessional
Old-age Insurance Fund for Manu-
facturers and Traders In Algeria and
Overseas)

— professional occupations
scheme:

Sections professionnelles (Pro-
fessional Departments)

— lawyers' scheme:

Caisse Nationale des Barreaux
français (National Fund for Members
of the French bar)

C. Mariners:

(i) invalidity pensions:

Section "Caisse générale de pré-
voyance des marins" du Quartier des
affaires maritimes (The General
Welfare Fund for Mariners,
Department of the Maritime Affairs
Division)

(ii) old-age pensions:

Section "Caisse de retraite des
marins" du Quartier des affaires
maritimes (The Mariners' Pension
Fund, Department of the Maritime
Affairs Division)

D. Family benefits:

Caisse d'allocations familiales (Family
Allowances Fund) of the place of
residence of the person concerned

E. GREECE

1. Unemployment, family allowances:

ΟΡΓΑΝΙΣΜΟΣ ΑΠΑΣΧΟΛΗΣΕΩΣ
ΕΡΓΑΤΙΚΟΥ ΔΥΝΑΜΙΚΟΥ (ΟΑΕΔ) ΑΘΗΝΑ
(Labour Employment Office) Athens

2. Other benefits:

ΙΔΡΥΜΑ ΚΟΙΝΩΝΙΚΩΝ
ΑΣΦΑΛΙΣΕΩΝ (ΙΚΑ)
(Social Insurance Institute)

ΑΘΗΝΑ
Athens

3. Benefits for mariners:

ΝΑΥΤΙΚΟΝ ΑΠΟΜΑΧΙΚΟΝ
ΤΑΜΕΙΟΝ (ΝΑΤ) ἢ ΟΙΚΟΣ ΝΑΥΤΟΥ
κατὰ περίπτωση
(Mariners' Retirement Fund or Seamen's
Home, as appropriate)

ΠΕΙΡΑΙΑΣ
Piraeus

F. IRELAND

1. Benefits in kind:

The Eastern Health Board, 1 James' St, Dublin

The Midland Health Board, Arden Road, Tullamore,
Co. Offaly

The Mid-Western Health Board,
31/33 Catherine Street, Limerick

The North-Eastern Health Board, Ceanannus Mor, Co.
Meath

The North-Western Health Board, Manorhamilton, Co.
Leitrim

The South-Eastern Health Board, Arus Slainte, Patrick
St, Kilkenny

The Southern Health Board, Cork Farm Centre,
Dennehy's Cross, Cork

The Western Health Board, Merlin Park, Galway

2. Cash benefits:

(a) Unemployment benefits:

Department of Social Welfare, Dublin, including the provincial offices responsible for unemployment benefits

(b) Other cash benefits:

Department of Social Welfare, Dublin

G. ITALY

1. Sickness (including tuberculosis) and maternity:

A. Employed persons

(a) benefits in kind:

(i) in general:

The competent local health unit

(ii) for mariners and civil aircrew: Ministero della sanità (Ministry of Health) - The relevant area health office for the merchant navy or civil aviation

(b) cash benefits:

(i) in general:

Istituto nazionale della previdenza sociale (National Social Welfare Institution), provincial offices

(ii) for mariners and civil aircrew: the maritime fund responsible for the area

B. Self-employed persons:

benefits in kind: the competent local health unit

2. Accidents at work, occupational diseases :

A. Employed persons

(a) benefits in kind:

(i) in general: the competent local health unit

(ii) for mariners and civil aircrew: Ministero della sanità (Ministry of Health) - The relevant area health office for the merchant navy or civil aviation

(b) prostheses and major appliances, medico-legal benefits, related examinations and certificates and cash benefits :

Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), provincial offices

B. Self-employed persons (for medical radiologists only):

(a) benefits in kind: the competent local health unit

(b) prostheses and major appliances, medico-legal benefits and related examinations and certificates:

Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), provincial offices

(c) cash benefits: Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), provincial offices

3. Invalidity, old-age, survivor's (pensions):

A. Employed persons

(a) in general: Istituto nazionale della previdenza sociale (National Social Welfare Institution), provincial offices

(b) for workers in the entertainment business: Ente nazionale di previdenza e assistenza per i lavoratori dello spettacolo (National Welfare and Assistance Office for Workers in the Entertainment Business), Roma

(c) for supervisory staff in industrial undertakings: Istituto nazionale di previdenza per i dirigenti di aziende industriali (National Welfare Institution for Supervisory Staff in Industry), Roma

(d) for journalists: Istituto nazionale di previdenza per i giornalisti italiani "G. Amendola" (The G. Amendola National Welfare Institution for Italian Journalists), Roma

B. Self-employed persons

(a) for medical practitioners: Ente nazionale di previdenza ed assistenza medici (National Welfare and Assistance Office for Medical Practitioners)

(b) for pharmacists: Ente nazionale di previdenza ed assistenza farmacisti (National Welfare and Assistance Office for

Pharmacists)

- (c) for veterinarians: Ente nazionale di previdenza ed assistenza veterinari (National Welfare and Assistance Office for Veterinarians)
- (d) for midwives: Ente nazionale di previdenza ed assistenza per le ostetriche (National Welfare and Assistance Office for Midwives)
- (e) for engineers and architects: Cassa nazionale di previdenza per gli ingegneri ed architetti (National Welfare Fund for Engineers and Architects)
- (f) for surveyors: Cassa nazionale di previdenza ed assistenza a favore dei geometri (National Welfare and Assistance Fund for Surveyors)
- (g) for solicitors and barristers: Cassa nazionale di previdenza ed assistenza a favore degli avvocati e dei procuratori (National Welfare and Assistance Fund for Solicitors and Barristers)
- (h) for economists: Cassa nazionale di previdenza ed assistenza a favore dei dottori commercialisti (National Welfare and Assistance Fund for Economists)
- (i) for accountants: Cassa nazionale di previdenza ed assistenza a favore dei ragionieri e periti commerciali (National Welfare and Assistance Fund for Accountants)

- (j) for employment experts: Ente nazionale di previdenza ed assistenze per i consulenti del lavoro (National Welfare and Assistance Office for Employment Experts)
- (k) for notaries: Cassa nazionale notariato (National Fund for Notaries)
- (l) for customs agents: Fondo di previdenza a favore degli spedizionieri doganali (Welfare Fund for Customs Agents)
4. Death grants : Istituto nazionale della previdenza sociale (National Social Welfare Institution), provincial offices
Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), provincial offices
the maritime fund responsible for the area
5. Unemployment for employed persons
- (a) in general : Istituto nazionale della previdenza sociale (National Social Welfare Institution), provincial offices
- (b) for journalists : Istituto nazionale di previdenza per i giornalisti italiani "G. Amendola" (The G. Amendola National Welfare Institution for Italian Journalists), Roma
6. Family allowances for employed persons
- (a) in general: Istituto nazionale della previdenza

sociale (National Social Welfare Institution), provincial offices

(b) for journalists:

Istituto nazionale di previdenza per i giornalisti italiani "G. Amendola" (The G. Amendola National Welfare Institution for Italian Journalists), Roma

H. LUXEMBOURG

1. **Sickness, maternity:**

(a) for the purposes of applying Articles 19, 22, 28 (1), 29 (1) and 31 of the Regulation, and Articles 17, 18, 20, 21, 22, 24, 29, 30 and 31 of the Implementing Regulation:

Caisse nationale d'assurance-maladie des ouvriers (National Sickness Insurance Fund for Manual Workers), Luxembourg

(b) for the purposes of applying Article 27 of the Regulation:

The sickness fund which, under Luxembourg legislation, is competent for the Luxembourg partial pension

2. **Invalidity, old-age, death (pensions)**

(a) for manual workers:

Établissement d'assurance contre la vieillesse et l'invalidité, Luxembourg (Old-age and Invalidity Insurance Institution), Luxembourg

(b) for clerical staff and members of the professions:

Caisse de pension des employés privés, Luxembourg (Pension Fund for Clerical Staff in the Private Sector), Luxembourg

(c) for self-employed persons engaged in a craft industry, in trading or in manufacture:

Caisse de pension des artisans, des commerçants et industriels, Luxembourg (Pension Fund for Craftsmen, Tradesmen and Manufacturers), Luxembourg

- (d) for self-employed persons engaged in agriculture: Caisse de pension agricole, Luxembourg (Agricultural Pension Fund), Luxembourg
3. Accidents at work and occupational diseases:
- (a) for employed and self-employed persons engaged in agriculture or forestry: Association d'assurance contre les accidents, section agricole et forestière, Luxembourg (Accident Insurance Association, Agricultural and Forestry Department), Luxembourg
- (b) for all other cases of insurance on a compulsory or optional basis: Association d'assurance contre les accidents, section industrielle, Luxembourg (Accident Insurance Association, Industrial Department), Luxembourg
4. Unemployment: Administration de l'emploi (Employment Office), Luxembourg
5. Family benefits:
- (a) for manual workers: Caisse d'allocations familiales des ouvriers près l'établissement d'assurance contre la vieillesse et l'invalidité, Luxembourg (Family Allowances Fund for Manual Workers at the Old-age and Invalidity Insurance Institution), Luxembourg
- (b) for clerical staff: Caisse d'allocations familiales des employés près la caisse de pension des employés privés, Luxembourg (Family Allowances Fund for Clerical Staff at the Pension Fund for Clerical Staff in the Private Sector), Luxembourg

I. NETHERLANDS

1. Sickness, maternity, accidents at work, occupational diseases:

(a) benefits in kind:

(i) institutions of the place of residence:

One of the competent sickness funds for the place of residence, at the choice of the person concerned

(ii) institutions of the place of stay:

Algemeen Nederlands Onderling Ziekenfonds (General Sickness Fund of the Netherlands), Utrecht

(b) cash benefits:

Nieuwe Algemene Bedrijfsvereniging (New General Professional and Trade Association), Amsterdam

2. Invalidity:

(a) Where, even without applying the Regulation, the right to benefit exists under Netherlands legislation alone:

The competent Bedrijfsvereniging (Professional and Trade Association)

(b) in all other cases:

Nieuwe Algemene Bedrijfsvereniging (New General Professional and Trade Association), Amsterdam

3. Old-age and death (pensions):

for the purposes of applying Article 36 of the Implementing Regulation:

(a) in general:

Sociale Verzekeringsbank (Social Insurance Bank), Amsterdam

(b) dealings with Belgium:

Bureau voor Belgische Zaken de sociale verzekering betreffende (Department for Belgian Social Security Affairs), Breda

(c) dealings with Germany:

Bureau voor Duitse Zaken van de Vereniging van Raden van Arbeid (Department of German Affairs of the Federation of Labour Councils), Nijmegen

4. Unemployment:

- (a) unemployment insurance benefits: Nieuwe Algemene Bedrijfsvereniging (New General Professional and Trade Association), Amsterdam
- (b) public authority benefits: The local authority of the place of residence or place of stay

5. Family allowances:

- For the purposes of applying Articles 73 (2) and 74 (2) of the Regulation: The Raad van Arbeid (Labour Council) in whose district the members of the family are resident

J. UNITED KINGDOM

1. Benefits in kind:

- Great Britain and Northern Ireland: Authorities which grant National Health Service benefits
- Gibraltar: Medical and Public Health Department, Gibraltar

2. Cash benefits:

- Great Britain: Department of Health and Social Security — Overseas Branch, Newcastle upon Tyne
- Northern Ireland: Department of Health and Social Services for Northern Ireland — Overseas Branch, Belfast

Gibraltar:

Department of Labour and Social Security, Gibraltar

ANNEX 4

LIAISON BODIES

(Articles 3 (1), 4 (4) and 122 of the Implementing Regulation)

A. BELGIUM

1. Sickness and maternity:

- (a) in general: Institut national d'assurance maladie-invalidité, Bruxelles — Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel — (National Sickness and Invalidity Insurance Institute, Brussels)
- (b) for mariners: Caisse de secours et de prévoyance en faveur des marins naviguant sous pavillon belge — Hulp- en verzorgingskas voor zeevarenden onder Belgische vlag — (Relief and Welfare Fund for Mariners Sailing under the Belgian Flag), Antwerpen

2. Invalidity:

- (a) general invalidity: Institut national d'assurance maladie-invalidité, Bruxelles — Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel — (National Sickness and Invalidity Insurance Institute, Brussels)
- (b) special invalidity scheme for miners: Fonds national de retraite des ouvriers-mineurs, Bruxelles — Nationaal pensioenfonds voor mijnwerkers, Brussel — (National Pension Fund for Miners, Brussels)
- (c) mariners' invalidity scheme: Caisse de secours et de prévoyance en faveur des marins naviguant sous pavillon belge — Hulp- en verzorgingskas voor zeevarenden onder Belgische vlag — (Relief and Welfare Fund for Mariners Sailing under the Belgian Flag), Antwerpen

3. Old-age, death (pensions):

- (a) for the purposes of applying Articles 41 to 43 and 45 to 50 of the Implementing Regulation: Office national des pensions pour travailleurs salariés, Bruxelles — Rijksdienst voor werknemerspensioenen, Brussel — (National Pension Office for Employed Persons, Brussels)
- Institut national d'assurances sociales pour travailleurs indépendants, Bruxelles — Rijksinstituut voor de sociale verzekeringen der zelfstandigen, Brussel — (National Social Insurance Institute for Self-Employed Persons, Brussels)
- (b) for the purposes of applying Articles 45 (paying institution), 53 (1), 110 and 111 (1) and (2) of the Implementing Regulation: Caisse nationale des pensions de retraite et de survie, Bruxelles — Rijkskas voor rust- en overlevingspensioenen, Brussel — (National Fund for Retirement and Survivors' Pensions, Brussels)

4. **Accidents at work and occupational diseases:** Ministère de la prévoyance sociale, Bruxelles — Ministerie van sociale verzorging, Brussel — (Ministry of Social Welfare, Brussels)
5. **Death Grants:**
- (a) in general: Institut national d'assurance maladie- invalidité, Bruxelles — Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel — (National Sickness and Invalidity Insurance Institute, Brussels)
- (b) for mariners: Caisse de secours et de prévoyance en faveur des marins naviguant sous pavillon belge — Hulp- en verzorgingskas voor zeevarenden onder Belgische vlag — (Relief and Welfare Fund for Mariners Sailing under the Belgian Flag), Antwerpen
6. **Unemployment:**
- (a) in general: Office national de l'emploi, Bruxelles — Rijksdienst voor arbeidsvoorziening, Brussel — (National Employment Office, Brussels)
- (b) for mariners: Pool des marins de la marine marchande — Pool van de zeelieden ter koopvaardij — (Merchant Navy Pool), Antwerpen
7. **Family benefits:**
- Office national d'allocations familiales pour travailleurs salariés, Bruxelles — Rijksdienst voor kinderbijslag voor werknemers, Brussel — (National Family Allowances Office for Employed Persons, Brussels)
- Institut national d'assurances sociales pour travailleurs indépendants, Bruxelles — Rijkinstituut voor de sociale verzekeringen der zelfstandigen, Brussel — (National Social Insurance Institute for Self-Employed Persons, Brussels)

B. DENMARK

I. DENMARK WITH THE EXCEPTION OF GREENLAND

- | | | |
|---|---|---|
| <p>1. Benefits for sickness, pregnancy and child-birth:</p> <p>2. Pensions under legislation covering old-age and widows' pensions and benefits under the law covering invalidity pensions:</p> <p>3. Rehabilitation benefits:</p> <p>4. Benefits for accidents at work and occupational diseases</p> | } | <p>Sikringsstyrelsen (National Social Security Office), København</p> |
|---|---|---|

- 5. Family benefits (family allowances):
- 6. Death grants:
- 7. Pensions under 'loven om arbejdsmarkedets tillægspension' (the law on supplementary pensions for employed persons):
- 8. Unemployment benefits: Arbejdsdirektoratet (National Employment Office), København

II. GREENLAND

- 1. Benefits in kind for sickness and maternity: Bestyrelsen for sundhedsvæsenet i Grønland (Health Service Board for Greenland), Godthåb
- 2. Pensions pursuant to the Regulation of the Regional Council on old-age pensions in Greenland: Arbejds- og socialdirektoratet (Regional Employment and Social Affairs Office), Godthåb
- 3. Family benefits (family allowances):
- 4. Benefits for accidents at work and occupational diseases: Det grønlandske nævn for ulykkesforsikring (Greenland Accident Insurance Commission), Godthåb

C. GERMANY

- 1. Sickness insurance: Bundesverband der Ortskrankenkassen (National Federation of Local Sickness Funds), Bonn-Bad Godesberg
- 2. Accident insurance: Hauptverband der gewerblichen Berufsgenossenschaften (Federation of Professional and Trade Associations), Bonn
- 3. Pension insurance for manual workers:
 - (a) for the purposes of applying Article 3 (2) of the Implementing Regulation: Verband Deutscher Rentenversicherungsträger (Federation of German Pension Insurance Institutions), Frankfurt am Main
 - (b) for the purposes of applying Articles 51 and 53 (1) of the Implementing Regulation, and under the heading 'Paying Body' referred to in Article 55 of the Implementing Regulation:
 - (i) dealings with Belgium: Landesversicherungsanstalt Rheinprovinz (Regional Insurance Office of the Rhine Province), Düsseldorf
 - (ii) dealings with Denmark: Landesversicherungsanstalt Schleswig-Holstein (Regional Insurance Office of Schleswig-Holstein), Lübeck
 - (iii) dealings with France: Landesversicherungsanstalt Rheinland-Pfalz (Regional Insurance Office of the Rhine-Palatinate), Speyer, or, as a competent institution under Annex 2 Landesversicherungsanstalt Saarland (Regional Insurance Office of the Saarland), Saarbrücken

- | | |
|--|---|
| (iv) dealings with Greece: | Landesversicherungsanstalt Württemberg (Regional Insurance Office of Württemberg), Stuttgart |
| (v) dealings with Italy: | Landesversicherungsanstalt Schwaben (Regional Insurance Office of Swabia), Augsburg |
| (vi) dealings with Luxembourg: | Landesversicherungsanstalt Rheinland-Pfalz (Regional Insurance Office of the Rhine-Palatinate), Speyer |
| (vii) dealings with the Netherlands: | Landesversicherungsanstalt Westfalen (Regional Insurance Office of Westphalia), Münster |
| (viii) dealings with Ireland and the United Kingdom: | Landesversicherungsanstalt Freie und Hansestadt Hamburg (Regional Insurance Office of the Free and Hanseatic City of Hamburg), Hamburg |
| 4. Pension insurance for clerical staff: | Bundesversicherungsanstalt für Angestellte (Federal Insurance Office for Clerical Staff), Berlin |
| 5. Miner's pension insurance: | Bundesknappschaft (Federal Insurance Fund for Miners), Bochum |
| 6. Old-age insurance for farmers: | Landwirtschaftliche Alterskasse Rheinhessen-Pfalz (Old-Age Insurance Fund for Farmers, Rhine-Hesse-Palatinate), Speyer |
| 7. Complementary insurance for workers in the iron and steel industry: | Landesversicherungsanstalt Saarland, Abteilung Hüttenknappschaftliche Pensionsversicherung, (Regional Insurance Office of the Saarland, Pension Insurance Department for Workers in the Iron and Steel Industry), Saarbrücken |
| 8. Unemployment and family benefits: | Hauptstelle der Bundesanstalt für Arbeit (Headquarters of the Federal Labour Institute), Nürnberg |

D. FRANCE

- | | |
|---|--|
| 1. In general: | Centre de sécurité sociale des travailleurs migrants (Centre for the Social Security of Migrant Workers), Paris |
| 2. For the miners' scheme (invalidity, old-age and death (pensions)): | Caisse autonome nationale de sécurité sociale dans les mines (National Independent Social Security Fund for Miners), Paris |

E. GREECE

- | | |
|-------------------------------------|---|
| 1. In general: | Ίδρυμα Κοινωνικών Ασφαλίσεων (IKA), Αθήνα
(Social Insurance Institute, Athens) |
| 2. Unemployment, family allowances: | Όργανισμός Απασχολήσεως Έργατικού Δυναμικού (ΟΑΕΔ), Αθήνα
(Labour Employment Office, Athens) |
| 3. For mariners | Ναυτικόν Απομαχικόν Ταμείον (NAT), Πειραιάς
(Mariners' Retirement Fund, Piraeus) |

F. IRELAND

- | | |
|----------------------|------------------------------|
| 1. Benefits in kind: | Department of Health, Dublin |
|----------------------|------------------------------|

2. Cash benefits:

Department of Social Welfare, Dublin .

G. ITALY

1. Sickness (including tuberculosis), maternity:

A. Employed persons

(a) benefits in kind:

Ministero della sanità (Ministry of Health), Roma

(b) cash benefits:

Istituto nazionale della previdenza sociale, direzione generale (Directorate-General of the National Social Welfare Institution), Roma

B. Self-employed persons

— benefits in kind:

Ministero della sanità (Ministry of Health), Roma

2. Accidents at work and occupational diseases:

A. Employed persons

(a) benefits in kind

Ministero della sanità (Ministry of Health), Roma

(b) prostheses and major appliances, statutory medical benefits, examinations and certified statements relating thereto and cash benefits

Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro, direzione generale (Directorate-General of the National Institution for Insurance against Accidents at Work), Roma

B. Self-employed persons:

(for medical radiologists only)

(a) benefits in kind:

Ministero della sanità (Ministry of Health), Roma

(b) prostheses and major appliances, medico-legal benefits and related examinations and certificates:

Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), Directorate-General, Roma

(c) cash benefits:

Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), Directorate-General, Roma

3. Invalidity, old-age, survivors, unemployment, family allowances:

Istituto nazionale della previdenza sociale, direzione generale (Directorate-General of the National Social Welfare Institution), Roma

H. LUXEMBOURG

I. FOR THE GRANTING OF BENEFITS:

1. Sickness, maternity:

Caisse nationale d'assurance-maladie des ouvriers (National Sickness Insurance Fund for Manual Workers),

Luxembourg. The funds needed in excess of its share shall be provided by the other sickness funds by means of a working capital which shall be made up of the appropriate advances fixed by the General Inspectorate for Social Security.

2. Invalidity, old-age, death (pensions):

- (a) for manual workers: Établissement d'assurance contre la vieillesse et l'invalidité (Old-Age and Invalidity Insurance Institution), Luxembourg
- (b) for clerical staff and members of the professions: Caisse de pension des employés privés (Pension Fund for Clerical Staff in the Private Sector), Luxembourg
- (c) for self-employed persons engaged in a craft industry, in trading or in manufacture: Caisse de pension des artisans, des commerçants et industriels (Pension Fund for Craftsmen, Tradesmen and Manufacturers), Luxembourg
- (d) for self-employed persons engaged in agriculture: Caisse de pension agricole (Agricultural Pension Fund), Luxembourg

3. Accidents at work and occupational diseases:

- (a) for employed and self-employed persons engaged in agriculture or forestry: Association d'assurance contre les accidents, section agricole et forestière (Accident Insurance Association, Agricultural and Forestry Department), Luxembourg
- (b) for all other cases of insurance on a compulsory or optional basis: Association d'assurance contre les accidents, section industrielle (Accident Insurance Association, Industrial Department), Luxembourg

4. Unemployment

Administration de l'emploi (Employment Service), Luxembourg

5. Family benefits:

- (a) for manual workers: Caisse d'allocations familiales des ouvriers près l'Établissement d'assurance contre la vieillesse et l'invalidité (Family Allowances Fund for Manual Workers at the Old-Age and Invalidity Insurance Institution), Luxembourg
- (b) for clerical staff: Caisse d'allocations familiales des employés près la Caisse de pension des employés privés (Family Allowances Fund for Clerical Staff at the Pension Fund for Clerical Staff in the Private Sector), Luxembourg

6. Death grants:

- (a) for the purposes of applying Article 66 of the Regulation: Caisse nationale d'assurance-maladie des ouvriers (National Sickness Insurance Fund for Manual Workers), Luxembourg
- (b) in other cases: the institutions referred to under 1, 2 or 3, depending upon which branch of insurance is responsible for the payment of benefit

II. OTHER CASES:

Inspection générale de la sécurité sociale (General Inspectorate for Social Security), Luxembourg

I. NETHERLANDS

1. **Sickness, maternity, invalidity, accidents at work, occupational diseases, and unemployment:**

- (a) benefits in kind: Ziekenfondsraad (Sickness Funds Council), Amstelveen
(b) cash benefits: Nieuwe Algemene Bedrijfsvereniging (New General Professional and Trade Association), Amsterdam

2. **Old-age, death (pensions), family benefits:**

- (a) in general: Sociale Verzekeringsbank (Social Insurance Bank), Amsterdam
(b) dealings with Belgium: Bureau voor Belgische Zaken de sociale verzekering betreffende (Department of Belgian Social Security Affairs), Breda
(c) dealings with Germany: Bureau voor Duitse Zaken van de Vereniging van Raden van Arbeid (Department of German Affairs of the Federation of Labour Councils), Nijmegen

J. UNITED KINGDOM

- Great Britain: Department of Health and Social Security — Overseas Branch, Newcastle upon Tyne
Northern Ireland: Department of Health and Social Services for Northern Ireland — Overseas Branch, Belfast
Gibraltar: Department of Health and Social Security — Overseas Branch, Newcastle upon Tyne
-

ANNEX 5

IMPLEMENTING PROVISIONS OF BILATERAL CONVENTIONS WHICH REMAIN IN FORCE

(Articles 4 (5), 5, 53, (3), 104, 105, (2), 116, 120, 121 and 122 of the Implementing Regulation)

General observations

- I. Whenever the provisions set out in this Annex refer to the provisions of Conventions or of Regulations No 3, No 4 or No 36/63/EEC, those references shall be replaced by references to the corresponding provisions of the Regulation or of the Implementing Regulation, unless the provision of those Conventions which remain in force by virtue of their inclusion in Annex II of the Regulation.
- II. The denunciation clause contained in a Convention, certain provisions of which are included in this Annex, shall remain in force in respect of the said provisions.

1. BELGIUM — DENMARK

The arrangement of 23 November 1978 on the reciprocal waiving of reimbursement pursuant to Article 36 (3) (sickness and maternity benefits in kind) of the Regulation and Article 105 (2) (costs of administrative checks and medical examinations) of the Implementing Regulation.

2. BELGIUM — GERMANY

- (a) Administrative Arrangement No 2 of 20 July 1965 on the implementation of the Complementary Agreement No 3 to the General Convention of 7 December 1957 (payment of pensions for the period prior to the entry into force of the Convention).
- (b) Article 9 (1) of the Agreement of 20 July 1965 concerning the implementation of Regulations No 3 and No 4 of the Council of the European Economic Community, concerning social security for migrant workers.
- (c) The Agreement of 6 October 1964 on the refund of benefits in kind provided to pensioners who were formerly frontier workers, implementing Article 14 (3) of Regulation No 36/63/EEC and Article 73 (4) of Regulation No 4 of the Council of the European Economic Community.
- (d) The Agreement of 29 January 1969 on the recovery of social contributions.
- (e) The Agreement of 4 December 1975 on the waiving of reimbursement of the amount of benefits provided to unemployed persons.

3. BELGIUM — FRANCE

- (a) The Arrangement of 22 December 1951 on the implementation of Article 23 of the Complementary Agreement of 17 January 1948 (Workers in mines and similar undertakings).
- (b) The Administrative Arrangement of 21 December 1959 supplementing the Administrative Arrangement of 22 December 1951 made pursuant to Article 32 of the Complementary Agreement of 17 January 1948 (Workers in mines and similar undertakings).
- (c) The Agreement of 8 July 1964 on the refund of benefits in kind provided to pensioners who were formerly frontier workers, implementing Article 14 (3) of Regulation No 36/63/EEC and Article 73 (4) of Regulation No 4 of the Council of the European Economic Community.
- (d) Sections I, II and III of the Agreement of 5 July 1967 on the medical examinations and administrative checks of frontier workers residing in Belgium and working in France.

- (e) The Agreement of 14 May 1976 on the waiving of reimbursement of the costs of administrative checks and medical examinations, adopted pursuant to Article 105 (2) of the Implementing Regulation.
- (f) The Agreement of 3 October 1977 implementing Article 92 of Regulation (EEC) No 1408/71 (recovery of social security contributions).
- (g) The Agreement of 29 June 1979 concerning the reciprocal waiving of reimbursement provided for in Article 70 (3) of the Regulation (costs of unemployment benefit).
- (h) The Administrative Arrangement on the procedures for the implementation of the Additional Convention of 12 October 1978 on social security between Belgium and France in respect of its provisions relating to self-employed persons.
- (i) The Administrative Arrangement of 6 March 1979 for the purposes of Article 14a (3) of the Regulation in relation to farmers who are cultivating land on both sides of the Franco-Belgian frontier.

4. BELGIUM — GREECE

No convention

5. BELGIUM — IRELAND

The exchange of letters of 19 May and 28 July 1981 concerning Articles 36 (3) and 70 (3) of the Regulation (reciprocal waiving of reimbursement of the costs of benefits in kind and of unemployment benefits under the provisions of Chapters 1 and 6 of Title III of the Regulation) and Article 105 (2) of the Implementing Regulation (reciprocal waiving of reimbursement of the costs of administrative checks and medical examinations).

6. BELGIUM — ITALY

- (a) Articles 7, 8, 9, 10, 12, 13, 14, 15, 17, 18, 19, the second and third paragraphs of Article 24 and Article 28 (4) of the Administrative Arrangement of 20 October 1950, as amended by Corrigendum 1 of 10 April 1952, Corrigendum 2 of 9 December 1957 and Corrigendum 3 of 21 February 1963.
- (b) Articles 6, 7, 8 and 9 of the Agreement of 21 February 1963 in so far as they concern the implementation of Regulations No 3 and No 4 of the Council of the European Economic Community on social security for migrant workers.
- (c) The Agreement of 12 January 1974 for the implementation of Article 105 (2) of the Implementing Regulation.
- (d) The Agreement of 31 October 1979 for the purposes of Article 18 (9) of the Implementing Regulation.

7. BELGIUM — LUXEMBOURG

- (a) The Administrative Arrangement of 16 November 1959 on the implementation of the Convention of 16 November 1959, as amended on 12 February 1964 and 10 February 1966, with the exception of Articles 5 to 9 (inclusive).
- (b) The Agreement of 24 July 1964 on the refund of benefits in kind provided to pensioners who were formerly frontier workers, implementing Article 14 (3) of Regulation No 36/63/EEC and Article 73 (4) of Regulation No 4 of the Council of the European Economic Community.
- (c) The Agreement of 28 January 1961 on the recovery of social security contributions.
- (d) The Agreement of 1 August 1975 on the waiver of reimbursement provided for in Article 36 (3) of Council Regulation (EEC) No 1408/71 of 14 June 1971 in the case of expenditure on benefits in kind granted under sickness and maternity insurance to members of the family of a worker who do not reside in the same country as the worker.
- (e) The Agreement of 16 April 1976 on the waiving of reimbursement of the costs of administrative checks and medical examinations, adopted pursuant to Article 105 (2) of the Implementing Regulation.
- (f) Exchange of letters of 10 and 12 July 1968 relating to procedures for determining the legislation applicable to the self-employed.

8. BELGIUM — NETHERLANDS

- (a) Articles 2, 3, 25 (2), 26 (1) and (2), 27, 46 and 48 of the Agreement of 4 November 1957 on insurance for sickness, maternity, death (funeral expenses), medical treatment and invalidity, and the Agreement of 24 March 1975 amending this Agreement.
- (b) Articles 6, 9 to 15 and the fourth paragraph of Article 17 of the Agreement of 7 February 1964 on family and childbirth allowances.
- (c) The Agreement of 24 December 1980 on insurance — health care.
- (d) Articles 9, 15 (2), 17, 18, 29 and 37 of the Agreement of 10 April 1965 on insurance against sickness, invalidity and the unemployment of mariners of the merchant navy.
- (f) The Agreement of 21 March 1968 on the collection and recovery of social security contributions, and the Administrative Arrangement of 25 November 1970 made pursuant to the said Agreement.
- (g) The Agreement of 17 November 1976 on administrative checks and medical examinations and mutual administrative aid in connection with insurance against sickness and invalidity.

9. BELGIUM — UNITED KINGDOM

- (a) The exchange of letters of 4 May and 14 June 1976 regarding Article 105 (2) of the Implementing Regulation (waiving of reimbursement of the costs of administrative checks and medical examinations).
- (b) The exchange of letters of 18 January and 14 March 1977 regarding Article 36 (3) of the Regulation (arrangement for reimbursement or waiving of reimbursement of the costs of benefits in kind provided under the terms of Chapter 1 of Title III of the Regulation).

10. DENMARK — GERMANY

- (a) Articles 8 to 14 of the Arrangement of 4 June 1954 on the implementation of the Convention of 14 August 1953.
- (b) The Agreement of 27 April 1979 concerning:
 - (i) the partial reciprocal waiving of costs of reimbursement provided for in Articles 36 (3) and 63 (3) of the Regulation and the reciprocal waiving of reimbursement provided for in Article 70 (3) of the Regulation and Article 105 (2) of the Implementing Regulation (partial waiving of costs of reimbursement in respect of benefits in kind for sickness, maternity, accident at work and occupational disease and waiving of costs of reimbursement in respect of unemployment benefit and administrative checks and medical examinations);
 - (ii) Article 93 (6) of the Implementing Regulation (method of assessing the amount to be refunded in respect of benefits in kind for sickness and maternity).

11. DENMARK — FRANCE

The Arrangement of 29 June 1979 and the additional Arrangement of 10 July 1980 concerning the reciprocal waiving of reimbursement pursuant to Article 36 (3) and Article 63 (3) (benefits in kind in respect of sickness, maternity, accidents at work and occupational diseases) and the Arrangement of 29 June 1979 concerning the reciprocal waiving of reimbursement pursuant to Article 70 (3) of the Regulation (unemployment benefits) and Article 105 (2) (costs of administrative checks and medical examinations) of the Implementing Regulation.

12. DENMARK — GREECE

No convention

13. DENMARK — IRELAND

The exchange of letters of 22 December 1980 and 11 February 1981 on the reciprocal waiving of reimbursement of benefits in kind granted under insurance for sickness, maternity, accidents at work and occupational diseases,

unemployment benefits and costs of administrative checks and medical examinations (Articles 36 (3), 63 (3), 70 (3) and 105 (2) of the Regulation).

14. DENMARK — ITALY

No convention

15. DENMARK — LUXEMBOURG

The Agreement of 19 June 1978 concerning the reciprocal waiving of reimbursement provided for in Articles 36 (3), 63 (3) and 70 (3) of the Regulation and Article 105 (2) of the Implementing Regulation (costs of benefits in kind for sickness, maternity, accidents at work and occupational diseases, costs of unemployment benefit and costs of administrative checks and medical examinations).

16. DENMARK — NETHERLANDS

The exchange of letters of 30 March and 25 April 1979 regarding Articles 36 (3), and 63 (3) of the Regulation (partial reciprocal waiving of reimbursement of costs of benefits in kind for sickness, maternity, accident at work and occupational disease).

17. DENMARK — UNITED KINGDOM

The exchange of letters of 30 March and 19 April 1977 regarding Articles 36 (3), 63 (3) and 70 (3) of the Regulation and Article 105 (2) of the Implementing Regulation waiving of reimbursement of the costs of:

- (a) benefits in kind provided under the terms of Chapter 1 or 4 of Title III of the Regulation;
- (b) benefits paid in accordance with Article 69 of the Regulation; and
- (c) administrative checks and medical examinations referred to in Article 105 of the Implementing Regulation.

18. GERMANY — FRANCE

- (a) Articles 2 to 4 and 22 to 28 of Administrative Arrangement No 2 of 31 January 1952 on the implementation of the General Convention of 10 July 1950.
- (b) Article 1 of the Agreement of 27 June 1963 on the implementation of Article 74 (5) of Regulation No 4 (refund of benefits in kind provided to the members of the families of insured persons).
- (c) The Agreement of 14 October 1977 concerning the waiving of reimbursement provided for in Article 70 (3) of the Regulation (costs of unemployment benefit).
- (d) The Agreement of 26 May 1981 concerning Article 36 (3) of the Regulation (reciprocal waiving of reimbursement of the costs of benefits in kind in case of sickness, provided under Article 32 of the Regulation to pensioners who were formerly frontier workers, to members of their families or to their survivors).
- (e) The Agreement of 26 May 1981 implementing Article 92 of the Regulation (collection and recovery of social security contributions).
- (f) The Agreement of 26 May 1981 concerning the implementation of Article 105 (2) of the Implementing Regulation (reciprocal waiving of reimbursement of the costs of administrative and medical controls).

19. GERMANY — GREECE

- (a) Articles 1 and 3 to 6 of the Administrative Arrangement of 19 October 1962 and the Second Administrative Arrangement of 23 October 1972 concerning the convention on unemployment insurance of 31 May 1961.
- (b) The Agreement of 11 May 1981 concerning the reimbursement of family allowances.

20. GERMANY — IRELAND

The Agreement of 20 March 1981 concerning Articles 36 (3), 63 (3) and 70 (3) of the Regulation (reciprocal waiving of reimbursement of the costs of benefits in kind in respect of sickness, maternity, accidents at work and occupational diseases, and of unemployment benefits) and Article 105 (2) of the Implementing Regulation (reciprocal waiving of reimbursement of the costs of administrative and medical controls).

21. GERMANY — ITALY

- (a) Articles 14, 17 (1), 18, 35, 38 (1), 39, 42, 45 (1) and 46 of the Administrative Arrangement of 6 December 1953 on the implementation of the Convention of 5 May 1953 (payment of pensions).
- (b) Articles 1 and 2 of the Agreement of 27 June 1963 on the implementation of Articles 73 (4) and 74 (5) of Regulation No 4 (refund of benefits in kind provided to members of the families of insured persons).
- (c) The Agreement of 5 November 1968 on the refund, by the German competent institutions, of expenditure incurred in the provision of benefits in kind in Italy by Italian sickness insurance institutions to the members of the families of Italian workers insured in the Federal Republic of Germany.

22. GERMANY — LUXEMBOURG

- (a) Articles 1 and 2 of the Agreement of 27 June 1963 on the implementation of Article 73 (4) and Article 74 (5) of Regulation No 4 (refund of benefits in kind provided to members of the families of insured persons).
- (b) The Agreement of 9 December 1969 on the waiver of the refund, provided for in Article 14 (2) of Regulation No 36/63/EEC, of expenditure incurred in the provision of benefits in kind for sickness to a pensioner who is either a former frontier worker or the survivor of a frontier worker, and to the members of his family.
- (c) The Agreement of 14 October 1975 on the waiving of reimbursement of the costs of administrative checks and medical examinations, adopted pursuant to Article 105 (2) of the Implementing Regulation.
- (d) The Agreement of 14 October 1975 on the collection and recovery of social security contributions.
- (e) The Agreement of 20 July 1978 concerning the reciprocal waiving of reimbursement provided for under Article 63 (3) of the Regulation (reciprocal waiving of costs of benefits in kind for accidents at work and occupational disease).

23. GERMANY — NETHERLANDS

- (a) Articles 9, 10 (2) to (5), 17, 18, 19 and 21 of Administrative Arrangement No 1 of 18 June 1954 on the Convention of 29 March 1951 (sickness insurance and payment of pensions).
- (b) The Agreement of 27 May 1964 on the waiver of the refund of expenditure incurred in medical examinations and administrative checks regarding insurance for invalidity, old-age and survivors (pension insurance).
- (c) Articles 1 to 4 of the Agreement of 27 June 1963 on the implementations of Articles 73 (4), 74 (5), and 75 (3) of Regulation No 4 (refund of benefits in kind provided to members of the families of insured persons).
- (d) The Agreement of 21 January 1969 on the recovery of social insurance contributions.
- (e) The Agreement of 3 September 1969 on the waiver of the refund, provided for in Article 14 (2) of Regulation No 36/63/EEC, of expenditure incurred in the provision of benefits in kind for sickness to a pensioner who is either a former frontier worker or the survivor of a frontier worker, and to the members of his family.
- (f) The Agreement of 22 July 1976 on the waiving of reimbursement of unemployment benefits.

- (g) The Agreement of 11 October 1979 implementing Article 92 of the Regulation (minimum amount stipulated for the recovery of social security contributions).

24. GERMANY — UNITED KINGDOM

- (a) Articles 8, 9, 25 to 27 and 29 to 32 of the Arrangement of 10 December 1964 on the implementation of the Agreement of 20 April 1960.
- (b) The Agreement of 29 April 1977 concerning the waiving of the reimbursement of costs of benefits in kind for sickness, maternity, accidents at work and occupational diseases, costs of unemployment benefit and costs of administrative checks and medical examinations.

25. FRANCE — GREECE

No convention

26. FRANCE — IRELAND

The exchange of letters of 30 July and 26 September 1980 concerning the reciprocal waiving of reimbursement of benefits in kind granted under insurance for sickness, maternity, accidents at work and occupational diseases, unemployment benefits and costs of administrative checks and medical examinations (Articles 36 (3), 63 (3), 70 (3) and 105 (2) of the Regulation).

27. FRANCE — ITALY

Articles 2 to 4 of the Administrative Arrangement of 12 April 1950 on the implementation of the General Convention of 31 March 1948 (increase of French pensions for accidents at work).

28. FRANCE — LUXEMBOURG

- (a) The Agreement of 24 February 1969 concluded pursuant to Article 51 of Regulation No 3, and the Administrative Arrangement of the same date made pursuant to the said Agreement.
- (b) The Agreement of 2 July 1976 on the waiving of reimbursement, provided for in Article 36 (3) of Council Regulation (EEC) No 1408/71 of 14 June 1971, of the costs of sickness or maternity insurance benefits in kind provided to members of a worker's family who do not reside in the same country as the worker.
- (c) The Agreement of 2 July 1976 on the waiving of reimbursement, provided for in Article 36 (3) of Council Regulation (EEC) No 1408/71 of 14 June 1971, of the costs of sickness or maternity insurance benefits in kind provided to former frontier workers, the members of their families, or their survivors.
- (d) The Agreement of 2 July 1976 on the waiving of reimbursement of the costs of administrative checks and medical examinations provided for in Article 105 (2) of Council Regulation (EEC) No 574/72 of 21 March 1972.

29. FRANCE — NETHERLANDS

- (a) The exchange of letters of 5 May and 21 June 1960 concerning Article 23 (5) of Regulation No 3 (waiving of reimbursement of benefits in kind provided to the members of the families of insured persons and to pensioners and members of their families).
- (b) The Agreement of 28 April 1977 on the waiving of reimbursement of expenses for medical treatment provided to applicants for a pension and members of their families and to members of the families of pensioners within the framework of the Regulations.

- (c) The Agreement of 28 April 1977 on the waiving of reimbursement of the costs of administrative checks and medical examinations pursuant to Article 105 of the Implementing Regulation.

30. FRANCE — UNITED KINGDOM

- (a) The exchange of letters of 25 March and 28 April 1977 regarding Articles 36 (3) and 63 (3) of the Regulation (arrangement for reimbursement or waiving of reimbursement of the costs of benefits in kind provided under the terms of Chapter 1 or 4 of Title III of the Regulation).
- (b) The exchange of letters of 25 September 1980 and 27 January 1981 concerning Article 36 (3) of the Regulation (reciprocal waiving for an unspecified period of reimbursement of benefits in kind provided under Articles 28, 28a and 29 (1) (a) of the Regulation).
- (c) The exchange of letters of 25 March and 28 April 1977 regarding Article 105 (2) of the Implementing Regulation (waiving of reimbursement of the costs of administrative checks and medical examinations).

31. GREECE — IRELAND

No convention

32. GREECE — ITALY

No convention

33. GREECE — LUXEMBOURG

No convention

34. GREECE — NETHERLANDS

No convention

35. GREECE — UNITED KINGDOM

No convention

36. IRELAND — ITALY

No convention

37. IRELAND — LUXEMBOURG

The exchange of letters of 26 September 1975 and 5 August 1976 concerning Articles 36 (3) and 63 (3) of the Regulation and Article 105 (2) of the Implementing Regulation (waiving of reimbursement of benefits in kind provided pursuant to Chapter 1 or 4 of Title III of the Regulation, and of the costs of administrative checks and medical examinations referred to in Article 105 of the Implementing Regulation).

38. IRELAND — NETHERLANDS

The exchange of letters of 28 July and 10 October 1978 regarding Articles 36 (3) and 63 (3) of the Regulation (partial reciprocal waiving of reimbursement of costs of benefits in kind for sickness, maternity, accidents at work and occupational diseases).

39. IRELAND — UNITED KINGDOM

The exchange of letters of 9 July 1975 regarding Articles 36 (3) and 63 (3) of the Regulation (arrangement for reimbursement or waiving of reimbursement of the costs of benefits in kind provided under the terms of Chapter 1 or 4 of Title III of the Regulation) and Article 105 (2) of the Implementing Regulation (waiving of reimbursement of the costs of administrative checks and medical examinations).

40. ITALY — LUXEMBOURG

Article 4 (5) and (6) of the Administrative Arrangement of 19 January 1955 on the implementing provisions of the General Convention on Social Security (sickness insurance for agricultural workers).

41. ITALY — NETHERLANDS

- (a) The third paragraph of Article 9 and the third paragraph of Article 11 of the Administrative Arrangement of 11 February 1955 on the implementation of the General Convention of 28 October 1952 (sickness insurance).
- (b) The Agreement of 27 June 1963 on the implementation of Article 75 (3) of Regulation No 4 (refund of benefits in kind awarded to pensioners and to members of their families).

42. ITALY — UNITED KINGDOM

No convention

43. LUXEMBOURG — NETHERLANDS

- (a) The Agreement of 1 November 1976 on the waiving of reimbursement of the costs of administrative checks and medical examinations adopted pursuant to Article 105 (2) of the Implementing Regulation.
- (b) The Agreement of 3 February 1977 on the waiving of reimbursement of the costs of sickness or maternity insurance benefits in kind provided pursuant to Articles 19 (2), 26, 28 and 29 (1) of Council Regulation (EEC) No 1408/71 of 14 June 1971.

44. LUXEMBOURG — UNITED KINGDOM

- (a) The exchange of letters of 28 November and 18 December 1975 regarding Article 70 (3) of the Regulation (waiving of reimbursement of benefits paid pursuant to Article 69 of the Regulation).
- (b) The exchange of letters of 18 December 1975 and 20 January 1976 regarding Articles 36 (3) and 63 (3) of the Regulation and Article 105 (2) of the Implementing Regulation (waiving of reimbursement of costs of benefits in kind provided under the terms of Chapter 1 or 4 of Title III of the Regulation, and also of the costs entailed in administrative checks and medical examinations referred to in Article 105 of the Implementing Regulation).

45. NETHERLANDS — UNITED KINGDOM

- (a) The second sentence of Article 3 of the Administrative Arrangement of 12 June 1956 on the implementation of the Convention of 11 August 1954.
- (b) The exchange of letters of 8 and 28 January 1976 regarding Article 70 (3) of the Regulation (waiving of reimbursement of benefits provided pursuant to Article 69 of the Regulation).
- (c) The exchange of letters of 24 February and 5 March 1976 on Articles 36 (3) and 63 (3) of the Regulation (waiving of reimbursement of benefits in kind provided pursuant to Chapter 1 or 4 of Title III of the Regulation).

ANNEX 6

PROCEDURE FOR THE PAYMENT OF BENEFITS

(Articles 4 (6), 53 (1) and 122 of the Implementing Regulation)

General observation

Payments of arrears and other single payments shall in principle be made through the liaison bodies. Current and sundry payments shall be made in accordance with the procedures set out in this Annex.

A. BELGIUM

Direct payment

B. DENMARK

Direct payment

C. GERMANY

1. Pension insurance for manual workers (invalidity, old age, death):

(a) dealings with Belgium, Denmark, France, Greece, Ireland, Luxembourg and the United Kingdom:

direct payment

(b) dealings with Italy:

payment through the liaison bodies (joint implementation of Articles 53 to 58 of the Implementing Regulation and of the provisions set out in Annex 5), unless the beneficiary requests direct payments of the benefits

(c) dealings with the Netherlands:

payment through the liaison bodies (joint implementation of Articles 53 to 58 of the Implementing Regulation and of the provisions set out in Annex 5)

2. Pension insurance for clerical staff and miners (invalidity, old age, death):

(a) dealings with Belgium, Denmark, France, Greece, Ireland, Italy, Luxembourg and the United Kingdom:

direct payment

(b) dealings with the Netherlands:

payment through the liaison bodies (joint implementation of Articles 53 to 58 of the Implementing Regulation and of the provisions set out in Annex 5)

3. **Old-age insurance for farmers:** direct payment
4. **Accident insurance:**
dealings with all Member States: payment through the liaison bodies (joint implementation of Articles 53 to 58 of the Implementing Regulation and of the provisions set out in Annex 5)

D. FRANCE

1. **All schemes except mariners' scheme:** direct payment
2. **Mariners' scheme:** payment by the paying authority of the Member State wherein the person entitled to benefits resides

E. GREECE

Pension insurance for employed persons (invalidity, old-age, death)

- (a) dealings with France: payment through the liaison bodies
- (b) dealings with Belgium, Denmark, Germany, Ireland, Italy, Luxembourg, the Netherlands and the United Kingdom: direct payment

F. IRELAND

Direct payment

G. ITALY

(a) *EMPLOYED PERSONS*

1. **Pensions for invalidity, old-age and survivors:**
- (a) dealings with Belgium, Denmark, France, Greece (excluding the French Miners' Funds), Ireland, Luxembourg, the Netherlands and the United Kingdom: direct payment
- (b) dealings with Germany and the French Miners' Funds: payment through liaison bodies

2. **Pensions for accidents at work and occupational diseases:** direct payment

(b) *SELF-EMPLOYED PERSONS:* direct payment

H. LUXEMBOURG

Direct payment

I. NETHERLANDS

1. Dealings with Belgium, Denmark, France, Greece, Ireland, Italy, Luxembourg and the United Kingdom: direct payment
2. Dealings with Germany: payment through liaison bodies (implementation of the provisions set out in Annex 5)

J. UNITED KINGDOM

Direct payment

ANNEX 7

BANKS

(Articles 4 (7), 55 (3) and 122 of the Implementing Regulation)

A. BELGIUM:	None
B. DENMARK:	Danmarks Nationalbank (National Bank of Denmark), København
C. GERMANY:	Deutsche Bundesbank (Federal Bank of Germany), Frankfurt am Main
D. FRANCE:	Banque de France (Bank of France), Paris
E. GREECE	Τράπεζα της Ελλάδος, Αθήνα (Bank of Greece, Athens)
F. IRELAND:	Central Bank of Ireland, Dublin
G. ITALY:	Banca nazionale del lavoro (National Labour Bank), Roma
H. LUXEMBOURG:	Caisse d'Épargne (Savings Bank), Luxembourg
I. NETHERLANDS:	None
J. UNITED KINGDOM:	Great Britain: Bank of England, London Northern Ireland: Northern Bank Limited, Belfast Gibraltar: Barclays Bank, Gibraltar

ANNEX 8

GRANT OF FAMILY BENEFITS

(Articles 4 (8), 10 (2) (d) and 122 of the Implementing Regulation)

Article 10 (2) (d) of the Implementing Regulation shall apply

(a) with a reference period of one calendar month's duration in dealings

- between Germany and France
- between Germany and Greece
- between Germany and Ireland
- between Germany and Luxembourg
- between Germany and the United Kingdom
- between France and Luxembourg

(b) with a reference period of three calendar months' duration in dealings

- between Denmark and Germany
- between the Netherlands and Denmark, France, Germany and Luxembourg

ANNEX 9

CALCULATION OF THE AVERAGE ANNUAL COST OF BENEFITS IN KIND

(Articles 4 (9), 94 (3) (a) and 95 (3) (a) of the Implementing Regulation)

A. BELGIUM

The general social security scheme shall be taken into consideration when calculating the average annual cost of benefits in kind.

B. DENMARK

The average annual costs of benefits in kind shall be calculated by taking into account the schemes set up by the Law on the public health service, the Law on hospital services and, in respect of the cost of rehabilitation, the Law on social assistance.

C. GERMANY

The following institutions shall be taken into consideration when calculating the average annual cost of benefits in kind.

1. For the purposes of applying Article 94 (3) (a) of the Implementing Regulation:
 - (a) Ortskrankenkassen (Local Sickness Funds)
 - (b) Betriebskrankenkassen (Sickness Funds of Undertakings)
 - (c) Innungskrankenkassen (Sickness Funds for Trade Guilds)
 - (d) Bundesknappschaft (Federal Insurance Fund for Miners)
 - (e) Seekasse (Mariners' Insurance Fund)
 - (f) Ersatzkassen für Arbeiter (Compensatory Funds for Manual Workers)

(g) Ersatzkassen für Angestellte (Compensatory Funds for Clerical Staff)

(h) Landwirtschaftliche Krankenkassen (Agricultural Sickness Funds)

depending on the fund which provided the benefits

2. For the purpose of applying Article 95 (3) (a) of the Implementing Regulation:

(a) Ortskrankenkassen (Local Sickness Funds)

(b) Bundesknappschaft (Federal Insurance Fund for Miners)

depending on the fund which provided the benefits

D. FRANCE

The general social security scheme shall be taken into consideration when calculating the average annual cost of benefits in kind.

E. GREECE

The general social security scheme administered by the ΙΔΡΥΜΑ ΚΟΙΝΩΝΙΚΩΝ ΑΣΦΑΛΙΣΕΩΝ (ΙΚΑ) (SOCIAL INSURANCE INSTITUTE) shall be taken into consideration when calculating the average annual cost of benefits in kind.

F. IRELAND

The average annual cost of benefits in kind shall be calculated by taking into consideration the benefits in kind (health services) provided by the Health Boards mentioned in Annex 2, in accordance with the provisions of the Health Acts 1947-1970.

G. ITALY

The average annual cost of benefits in kind shall be calculated by taking into account the benefits granted by the national health service in Italy.

H. LUXEMBOURG

Sickness funds governed by the Social Insurance Code shall be taken into consideration when calculating the average annual cost of benefits in kind.

I. NETHERLANDS

The general social security scheme shall be taken into consideration when calculating the average annual cost of benefits in kind.

A reduction shall, however, be made to allow for the effects of:

1. Invalidity insurance (arbeidsongeschiktheid, verzekering, WAO)
2. Insurance against special sickness costs (verzekering tegen bijzondere ziektekosten, AWBZ)

J. UNITED KINGDOM

The average annual cost of benefits in kind shall be calculated by taking into consideration the benefits provided by the National Health Service of the United Kingdom.

ANNEX 10

INSTITUTIONS AND BODIES DESIGNATED BY THE COMPETENT AUTHORITIES

(Article 4 (10) of the Implementing Regulation)

A. BELGIUM

1. For the purposes of applying Article 14 of the Regulation and Article 11(1)(a) and (2), and Articles 12a, 13 and 14 of the Implementing Regulation:
Office national de sécurité sociale, Bruxelles —
Rijksdienst voor maatschappelijke zekerheid, Brussel —
(National Social Security Office, Brussels)
2. For the purposes of applying Article 14b(2) of the Regulation and Article 11 of the Implementing Regulation:
Caisse de secours et de prévoyance en faveur des marins
navigant sous pavillon belge — Hulp- en verzorgingskas
voor zeevarenden onder Belgische vlag — (Relief and
Welfare Fund for Mariners sailing under the Belgian
flag), Antwerpen
3. For the purposes of applying Article 17 of the Regulation and Article 11 (1) (b) of the Implementing Regulation:
Ministère de la Prévoyance sociale —
Secrétariat Général — Service des Relations
internationales, Bruxelles
Ministerie van Sociale Voorzorg —
Secretariaat-Generaal — Dienst Internationale
Betrekkingen, Brussel
(Ministry for Social Welfare — General
Secretariat — International Relations
Department)
4. For the purposes of applying Article 14a of the Regulation and Articles 11a and 12a of the Implementing Regulation:
Institut national d'assurances sociales
pour travailleurs indépendants,
Bruxelles — Rijksinstituut voor de
sociale verzekeringen der
zelfstandigen, Brussel (National
Social Insurance Institute for the Self-
Employed), Brussels

5. For the purposes of applying Articles 80 (2), 81, 82 (2), 85 (2) and 88 of the Implementing Regulation:

(a) in general:

Office national de l'emploi, Bruxelles — Rijksdienst voor arbeidsvoorziening, Brussel — (National Employment Office, Brussels)

(b) for mariners:

Pool des marins de la marine marchande — Pool van de zeelieden ter koopvaardij — (Merchant Navy Pool), Antwerpen

6. For the purposes of applying Article 102 (2) of the Implementing Regulation:

(a) Sickness, maternity and accidents at work:

Institut national d'assurance maladie-invalidité, Bruxelles — Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel — (National Sicknes and Invalidity Insurance Institute, Brussels)

(b) Occupational diseases:

Fonds des maladies professionnelles, Bruxelles — Fonds voor beroepsziekten, Brussel — (Occupational Diseases Fund, Brussels)

(c) Unemployment:

(i) in general:

Office national de l'emploi, Bruxelles — Rijksdienst voor arbeidsvoorziening, Brussel — (National Employment Office, Brussels)

(ii) for mariners:

Pool des marins de la marine marchande — Pool van de zeelieden ter koopvaardij — (Merchant Navy Pool), Antwerpen

(d) Family benefits:

Office national des allocations familiales pour travailleurs salariés, Bruxelles — Rijksdienst voor Kinderbijslag voor werknemers, Brussel — (National Family Allowances Office for Employed Persons, Brussels)

7. For the purposes of applying Article 113 (2) of the Implementing Regulation:

Institut national d'assurance maladie-invalidité, Bruxelles — Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel — (National Sicknes and Invalidity Insurance Institute, Brussels)

B. DENMARK

I. DENMARK WITH THE EXCEPTION OF GREENLAND

1. For the purposes of applying Article 11 (1), 11a, 12a, Article 13(2) and (3), Article 14 (1), (2) and (3) and Article 113(2) of the Implementing Regulation:

Sikringsstyrelsen (National Social Security Office),
København

2. For the purposes of Article 14 (1) (b), Article 14a (1) (b) and Article 14b (1) and (2) of the Regulation:

Sikringsstyrelsen, (National Social Security Office), København

3. For the purposes of Article 17 of the Regulation:

Sikringsstyrelsen, (National Social Security Office), København

4. For the purposes of applying Article 38 (1), Article 70 (1) and Article 82 (2) of the Implementing Regulation:

The social commission of the commune in which the beneficiary resides. In the communes of København, Odense, Ålborg and Århus: Magistraten (the communal administration)

5. For the purposes of applying Article 80 (2), Article 81 and Article 85 (2) of the Implementing Regulation:

Arbejdsdirektoratet (National Employment Office),
København

6. For the purposes of applying Article 102 (2) of the Implementing Regulation:

(a) refunds in pursuance of Article 36, Article 63 and Article 75 (2) of the Regulation:

Sikringsstyrelsen (National Social Security Office),
København

(b) refunds in pursuance of Article 70 (2) of the Regulation:

Arbejdsdirektoratet (National Employment Office),
København

7. For the purposes of applying Article 110 of the Implementing Regulation:

(a) benefits in pursuance of Title III, Chapters 1 to 5 and Chapters 7 and 8 of the Regulation:

Sikringsstyrelsen (National Social Security Office),
København

(b) benefits in pursuance of Title III, Chapter 6 of the Regulation:

Arbejdsdirektoratet (National Employment Office),
København

II. *GREENLAND*

1. For the purposes of applying Article 11 (1) and Article 113 (2) of the Implementing Regulation:

Ministeriet for Grønland (Ministry for Greenland),
København

2. For the purposes of applying Article 38 (1) Article 70 (1) and Article 82 (2) of the Implementing Regulation:

The competent communal administration

3. For the purposes of applying Article 80 (2), Article 81 and Article 85 (2) of the Implementing Regulation: Arbejds- og socialdirektoratet (Regional Employment and Social Affairs Office), Godthåb
4. For the purposes of applying Article 102 (2) of the Implementing Regulation:
Refunds in pursuance of Article 36, Article 63 and Article 75 (2) of the Regulation: Sikringsstyrelsen (National Social Security Office), København
5. For the purposes of applying Article 110 of the Implementing Regulation: Arbejds- og socialdirektoratet (Regional Employment and Social Affairs Office), Godthåb

C. GERMANY

1. For the purposes of applying Article 6 (1) of the Implementing Regulation:
 - (a) depending upon the nature of the activity last pursued: The pension insurance institutions for manual workers and clerical staff specified in Annex 2 for the different Member States
 - (b) where it is not possible to determine the nature of the last activity: The pension insurance institutions for manual workers specified in Annex 2 for the different Member States

- (c) persons who, pursuant to Netherlands legislation, have been insured under the general old-age insurance scheme (Algemene Ouderdomswet) whilst they were pursuing an activity which was not subject to compulsory insurance under German legislation:

Bundesversicherungsanstalt für Angestellte (Federal Insurance Office for Clerical Staff), Berlin

2. For the purposes of applying

- Article 14 (1) (a), Article 14b(1) of the Regulation and in the case of agreements pursuant to Article 17 of the Regulation, in conjunction with Article 11 of the Implementing Regulation;
- Article 14a (1) (a) and in the case of agreements pursuant to Article 17 of the Regulation, in conjunction with Article 11a of the Implementing Regulation;
- Article 14 (2) (b), Article 14a (2), first sentence, Article 14b(2) and in the case of agreements pursuant to Article 17 of the Regulation. in con-

junction with Article 12a
of the Implementing Regu-
lation;

- Article 14 (3), Article
14a(3) and Article
14c(1)(a) and in the
case of agreements
pursuant to Article 17 of
the Regulation, in con-
junction with Article 12 a
of the Implementing Regu-
lation:

- (a) person insured with
sickness insurance: the institution with which he is
insured;
- (b) person not insured
with sickness in-
surance: Bundesversicherungsanstalt für An-
gestellte (Federal Insurance Office for
Clerical Staff), Berlin

3. For the purposes of applying
Article 14(1)(b), Article 14a(1)(b)
and Article 14c(1) (in conjunction
with Article 14(1)(b)) and (2)
(in conjunction with Article
14a(1)(b) of the Regulation):

Bundesverband der Ortskranken-
kassen (National Federation of Local
Sickness Funds), Bonn 2

4. For the purposes of applying Article
14a(2) of the Regulation in
conjunction with Article 12a(5)(a)
and (b) of the Implementing
Regulation, Article 14a(4) and
Article 17 of the Regulation:

Bundesverband der Ortskranken-
kassen (National Federation of Local
Sickness Funds), Bonn 2

5. For the purposes of applying:

(a) Article 13 (2) and (3) and Article 14 (1), (2) and (3) of the Implementing Regulation:

Allgemeine Ortskrankenkasse Bonn (Local General Sickness Fund Bonn), Bonn

(b) Article 13 (4) and Article 14 (4) of the Implementing Regulation:

Allgemeine Ortskrankenkasse Bonn (Local General Sickness Fund Bonn), Bonn, except where insured with a substitute fund

6. For the purposes of applying Articles 80 (2), 81 and 82 (2) of the Implementing Regulation:

The Arbeitsamt (Employment Office) of the district in Germany in which the worker was last residing or staying or, where the worker has neither resided nor stayed in Germany whilst working there, the Arbeitsamt of the district in Germany in which the worker was last employed

7. For the purposes of applying Article 85 (2) of the Implementing Regulation:

The Arbeitsamt of the district in which the worker was last employed

8. For the purposes of applying Article 91 (2) of the Implementing Regulation:

(a) family allowances paid to a person in respect

of an orphan:

Arbeitsamt Nürnberg (Employment Office), Nürnberg

(b) pension supplements for children paid under legal pension insurance schemes:

The pension insurance institutions for manual workers, clerical staff and miners, designated as competent institutions in Annex 2, section C, paragraph 2

9. For the purposes of applying:

(a) Articles 36 and 63 of the Regulation, and of Article 102 (2) of the Implementing Regulation:

Bundesverband der Ortskrankenkassen (National Federation of Local Sickness Funds, Bonn 2; for the cases provided for in Annex 3 to the Implementing Regulation, point C, paragraph 2 (b): Hauptverband der gewerblichen Berufsgenossenschaften (Federation of Professional and Trade Associations), Bonn 2

(b) Article 75 of the Regulation, and of Article 102 (2) of the Implementing Regulation:

Bundesanstalt für Arbeit (Federal Labour Office), Nürnberg

10. For the purposes of applying Article 113 (2) of the Implementing Regulation:

(a) refund of benefits in kind incorrectly provided to workers on presentation of the

certified statement provided for in Article 20
(2) of the Implementing Regulation:

Bundesverband der Ortskrankenkassen (National
Federation of Local Sickness Funds), Bonn 2;
by means of the compensation fund provided for in
Annex VI to the Regulation, section C, paragraph 5

(b) refund of benefits in kind incorrectly
provided to workers on presentation of the
certified statement provided for in Article 62
(2) of the Implementing Regulation:

(i) in the case where the competent
institution would have been a sickness
insurance institution had the person
concerned been entitled to benefits:

Bundesverband der Ortskrankenkassen (National
Federation of Local Sickness Funds), Bonn 2;
by means of the compensation fund provided for in
Annex VI to the Regulation, section C, paragraph 5

(ii) in other cases:

Hauptverband der gewerblichen Berufsgenossenschaften
(Federation of Professional and Trade Associations),
Bonn

11. For the purpose of applying Article 14d(2) of
the Regulation:

The institution to which pension insurance contributions
are paid or, if the claim is made together with or
after the pension claim, the institution investigating
the claim

D. FRANCE

1. For the purposes of applying Article 6 (1) of the Implementing Regulation: Direction régionale de la sécurité sociale (Regional Directorate of Social Security)
2. For the purposes of applying Article 11 (1) (a) and Article 12a of the Implementing Regulation:
 - (a) *Metropolitan France*
 - (i) general: Caisse primaire d'assurance-maladie (Local sickness insurance fund)
 - (ii) agricultural scheme: Caisse de mutualité sociale agricole (Agricultural Social Insurance Mutual Benefit Fund)
 - (iii) miners' scheme: Société de secours minière (Miners' Relief Society)
 - (iv) mariners' scheme: Section 'Caisse de retraite des marins' du Quartier des affaires maritimes (Mariners' Pension Fund, Department of the Maritime Affairs Division)
 - (b) *Overseas departments*
 - (i) general: Caisse générale de sécurité sociale (General Social Security Fund)
 - (ii) for mariners: Section 'Caisse de retraite des marins' du Quartier des affaires (The Mariners' Pension Fund, Department of the Maritime Affairs Division)
3. For the purposes of applying Article 11a and Article 12a of the Implementing Regulation: Caisses mutuelles régionales (Regional Mutual Benefit Funds)
4. For the purposes of applying Article 13 (2) and (3) and Article 14 (3) of the Implementing Regulation: Caisse primaire d'assurance maladie de la région parisienne (Local Sickness Insurance Fund of the Paris Region)

5. For the purposes of applying Article 17 in conjunction with Article 14 (1) and 14a (1) of the Regulation:

(i) schemes other than agricultural schemes

Direction régionale des Affaires sanitaires et sociales (Regional Directorate of Health and Welfare)

(ii) agricultural schemes

Ministère de l'Agriculture (Ministry of Agriculture), Paris

6. For the purposes of applying Articles 80 and 81, Article 82 (2) and 85 (2) of the Implementing Regulation:

Direction départementale du travail et de la main-d'œuvre (Departmental Directorate of Labour and Manpower) of the place in which the employment for which the certified statement is requested is being pursued

The local branch of the Agence nationale pour l'emploi (National Employment Office)

The town hall of the place of residence of the members of the family

7. For the purposes of applying Article 84 of the Implementing Regulation:

(a) total unemployment:

Association pour l'emploi dans l'industrie et le commerce (ASSEDIC) (Association for Employment in Industry and Trade) of the place of residence of the person concerned

(b) partial unemployment:

Direction départementale du travail et de la main-d'œuvre (Departmental Directorate of Labour and Manpower) of the place of employment of the person concerned

8. For the purposes of applying Article 89 of the Implementing Regulation:

Direction départementale du travail et de la main-d'œuvre (Departmental Directorate of Labour and Manpower)

9. For the implementation of Articles 36, 63, and 75 of the Regulation in conjunction with Article 102 (2) of the Implementing Regulation:

Centre de sécurité sociale des travailleurs migrants (Centre for the Social Security of Migrant Workers), Paris

Association pour l'emploi dans l'industrie et le commerce
(ASSEDIC) (Association for Employment in Industry and
Trade)

10. For the purposes of applying Article 113(2)
of the Implementing Regulation:

Centre de sécurité sociale des travailleurs migrants
(Social Security Centre for Migrant Workers), Paris

E. GREECE

1. For the purposes of applying
Article 14(1) and Article 14a(1) of the
Regulation in conjunction with Article 11(1)(a) of the
Implementing Regulation:

(a) in general:

ΑΕ
[Ίδρυμα Κοινωνικών Ασφαλίσεων]
[(ΙΚΑ)] [Αθήνα] (Social Insurance Institute),
Athens

(b) for mariners:

[Ναυτικό Απομαχικό Ταμείο
(NAT), Πειραιάς (Mariners'
Retirement Fund), Piraeus

2. For the purposes of applying
Article 14 (2) (b) (i) of the Regu-
lation and Article 12a (1) of the
Implementing Regulation:

[Ίδρυμα Κοινωνικών Ασφαλίσεων
(ΙΚΑ), Αθήνα (Social Insurance
Institute), Athens

3. For the purposes of applying
Article 14a (1) and Article 14b (2)
of the Regulation in conjunction

with Article 11a(1)(a) of the
Implementing Regulation:

(a) in general:

Ίδρυμα Κοινωνικών Ασφαλίσεων
(ΙΚΑ), Αθήνα (Social Insurance
Institute), Athens

(b) for mariners:

Ναυτικό Απομαχικό Ταμείο
(ΝΑΤ), Πειραιάς (Mariners'
Retirement Fund), Piraeus

4. For the purposes of applying
Article 14d (2) of the Regulation:

(a) in general:

Ίδρυμα Κοινωνικών Ασφαλίσεων
(ΙΚΑ), Αθήνα (Social Insurance
Institute), Athens

(b) for mariners:

Ναυτικό Απομαχικό Ταμείο
(ΝΑΤ), Πειραιάς (Mariners'
Retirement Fund), Piraeus

5. For the purposes of applying Articles
13 (2) and (3), and 14 (1) and (2)
of the Implementing Regulation:

ΊΔΡΥΜΑ ΚΟΙΝΩΝΙΚΩΝ
ΑΣΦΑΛΙΣΕΩΝ (ΙΚΑ)
(Social Insurance Institute)

ΑΘΗΝΑ
Athens

6. For the purposes of applying Articles
80 (2) and 85 (2) of the Implemen-
ting Regulation:

ΟΡΓΑΝΙΣΜΟΣ ΑΠΑΣΧΟΛΗΣΕΩΣ
ΕΡΓΑΤΙΚΟΥ ΔΥΝΑΜΙΚΟΥ (ΟΑΕΔ)
(Labour Employment Office)

ΑΘΗΝΑ
Athens

7. For the purposes of applying Article 81 of the Implementing Regulation:

ΙΔΡΥΜΑ ΚΟΙΝΩΝΙΚΩΝ
ΑΣΦΑΛΙΣΕΩΝ (ΙΚΑ)
(Social Insurance Institute)

ΑΘΗΝΑ
Athens

8. For the purposes of applying Articles 102 (2) and 110 of the Implementing Regulation:

(a) Family allowances,
unemployment:

ΟΡΓΑΝΙΣΜΟΣ ΑΠΑΣΧΟΛΗΣΕΩΣ
ΕΡΓΑΤΙΚΟΥ ΔΥΝΑΜΙΚΟΥ (ΟΑΕΔ)
(Labour Employment Office)

ΑΘΗΝΑ
Athens

(b) Mariners' benefits:

ΝΑΥΤΙΚΟΝ ΑΠΟΜΑΧΙΚΟΝ
ΤΑΜΕΙΟΝ (ΝΑΤ)
(Mariners' Retirement Fund)

ΠΕΙΡΑΙΑΣ
Piraeus

(c) Other benefits:

ΙΔΡΥΜΑ ΚΟΙΝΩΝΙΚΩΝ
ΑΣΦΑΛΙΣΕΩΝ (ΙΚΑ)
(Social Insurance Institute)

ΑΘΗΝΑ
Athens

9. For the purposes of applying Article 82 (2) of the Implementing Regulation:

ΟΡΓΑΝΙΣΜΟΣ ΑΠΑΣΧΟΛΗΣΕΩΣ
ΕΡΓΑΤΙΚΟΥ ΔΥΝΑΜΙΚΟΥ (ΟΑΕΔ)
(Labour Employment Office)

ΑΘΗΝΑ
Athens

10. For the purposes of applying Article 113 (2) of the Implementing Regulation:

(a) Mariners' benefits:

ΝΑΥΤΙΚΟΝ ΑΠΟΜΑΧΙΚΟΝ
ΤΑΜΕΙΟΝ (ΝΑΤ)

ΠΕΙΡΑΙΑΣ

(b) Other benefits:

(Mariners' Retirement Fund) r

Piraeus

ΙΔΡΥΜΑ ΚΟΙΝΩΝΙΚΩΝ
ΑΣΦΑΛΙΣΕΩΝ (ΙΚΑ)
(Social Insurance Institute)

ΑΘΗΝΑ
Athens

F. IRELAND

1. For the purposes of applying Article 6 (1), Article 11 (1), Article 11a, Article 12a, Article 13 (2) and (3), Article 14 (1), (2) and (3), Article 38 (1), Article 70 (1), Article 85 (2), Article 86 (2) and Article 91 (2) of the Implementing Regulation:

Department of Social Welfare, Dublin

2. For the purposes of applying Article 80 (2), Article 81 and Article 82 (2) of the Implementing Regulation:

Department of Social Welfare, Dublin, including the provincial offices responsible for unemployment benefits

3. (a) For the purposes of applying Articles 36 and 63 of the Regulation and Article 102 (2) of the

- Implementing Regulation:** **Department of Health, Dublin**
- (b) For the purposes of applying Article 70 and Article 75 (2) of the Regulation and Article 102 (2) of the Implementing Regulation: **Department of Social Welfare, Dublin**
- (a) For the purposes of applying Article 110 of the Implementing Regulation (for cash benefits): **Department of Social Welfare, Dublin**
- (b) For the purposes of applying Article 110 (for benefits in kind) and Article 113 (2) of the Implementing Regulation:
- The Eastern Health Board, 1 James' St, Dublin**
 - The Midland Health Board, Arden Road, Tullamore, Co. Offaly**
 - The Mid-Western Health Board, 31/33 Catherine Street, Limerick**
 - The North-Eastern Health Board, Ceanannus Mor, Co. Meath**
 - The North-Western Health Board, Manorhamilton, Co. Leitrim**
 - The South-Eastern Health Board, Arus Slainte,**

Patrick St, Kilkenny

The Southern Health Board, Cork Farm Centre, Dennehy's Cross, Cork

The Western Health Board, Merlin Park, Galway

6. ITALY

1. For the purposes of applying Article 6 (1) of the Implementing Regulation:

Ministero del lavoro e della previdenza sociale (Ministry of Labour and Social Welfare), Roma

2. For the purposes of applying Article 11 (1), 13 (2) and (3) and 14 (1), (2) and (3) of the Implementing Regulation:

Istituto nazionale della previdenza sociale (National Social Welfare Institution), provincial offices

3. For the purposes of applying Articles 11a and 12a of the Implementing Regulation:

for medical practitioners:

Ente nazionale di previdenza ed assistenza medici (National Welfare and Assistance Office for Medical Practitioners)

for pharmacists:

Ente nazionale di previdenza ed assistenza farmacisti (National Welfare and Assistance Office for Pharmacists)

for veterinarians:

Ente nazionale di previdenza ed assistenza veterinari (National Welfare and Assistance Office for Veterinarians)

for midwives:	Ente nazionale di previdenza ed assistenza per le ostetriche (National Welfare and Assistance Office for Midwives)
for engineers and architects:	Cassa nazionale di previdenza per gli ingegneri ed architetti (National Welfare Fund for Engineers and Architects)
for surveyors:	Cassa nazionale di previdenza ed assistenza a favore dei geometri (National Welfare and Assistance Fund for Surveyors)
for solicitors and barristers:	Cassa nazionale di previdenza ed assistenza a favore degli avvocati e dei procuratori (National Welfare and Assistance Fund for Solicitors and Barristers)
for economists:	Cassa nazionale di previdenza ed assistenza a favore dei dottori commercialisti (National Welfare and Assistance Fund for Economists)
for accountants:	Cassa nazionale di previdenza ed assistenza a favore dei ragionieri e periti commerciali (National Welfare and Assistance Fund for Accountants)
for employment experts:	Ente nazionale di previdenza ed assistenza per i consulenti del lavoro (National Welfare and Assistance Office for Employment Experts)

- for notaries: Cassa nazionale notariato (National Fund for Notaries)
- for customs agents: Fondo di previdenza a favore degli spedizionieri doganali (Welfare Fund for Customs Agents)
4. For the purposes of applying Article 38 (1) of the implementing Regulation: Istituto nazionale della previdenza sociale (National Social Welfare Institution), provincial offices
5. For the purposes of applying Article 75 (2) of the implementing Regulation: Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), provincial offices
6. For the purposes of applying Articles 80 (2), 81, 82 (2), 85 (2), 88 and 91 (2) of the implementing Regulation: Istituto nazionale della previdenza sociale (National Social Welfare Institution), provincial offices
7. For the purposes of applying Article 102 (2) of the implementing Regulation:
- (a) Refunds under Article 36 of the Regulation: Ministero della sanità (Ministry of Health), Roma
- (b) Refunds under Article 63 of the

Regulation :

- (i) benefits in kind : Ministero della sanità (Ministry of Health), Roma
 - (ii) prostheses and major appliances : Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), Roma
 - (c) Refunds under Articles 70 and 75 of the Regulation : Istituto nazionale della previdenza sociale (National Social Welfare Institution), Roma
8. For the purposes of applying Article 113 (2) of the implementing Regulation :
- (a) Sickness (including tuberculosis) : Ministero della sanità (Ministry of Health), Roma
 - (b) Accidents at work and occupational diseases :
 - (i) benefits in kind : Ministero della sanità (Ministry of Health), Roma
 - (ii) prostheses and major appliances : Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), Roma

H. LUXEMBOURG

1. For the purposes of applying Article 14d (2) of the Regulation

The competent authority for the relevant type of occupation pursued

2. For the purposes of applying Article 6(1) of the Implementing Regulation:

The competent scheme for the relevant type of employment or self-employment last pursued in the Grand-Duchy

3. For the purposes of applying Articles 11 (1), 11a, 13(2) and (3), and 14 (1), (2) and (3) of the Implementing Regulation:

Inspection générale de la sécurité sociale (General Inspectorate for Social Security), Luxembourg

4. For the purposes of applying Article 12a of the implementing Regulation:

Centre d'informatique, d'affiliation et de perception, des cotisations, commun aux institutions de sécurité sociale (Joint Centre for Data Processing, Insurance Registration and Collection of the Contributions of the Social Security Institutions)

5. For the purposes of applying Articles 80 (2), 81 and 82 (2) of the Implementing Regulation:

Administration de l'emploi (Employment Office), Luxembourg

6. For the purposes of applying Article 85 (2) of the Implementing Regulation:

The sickness fund with which the person concerned was last insured

7. For the purposes of applying Article 91 (2) of the Implementing Regulation:

(a) Invalidity, old-age, death (pensions):

(i) for manual workers:

Établissement d'assurance contre la vieillesse et l'invalidité, Luxembourg (Old-age and Invalidity Insurance Institution), Luxembourg

(ii) for clerical staff and members of the professions:

Caisse de pension des employés privés, Luxembourg (Pension Fund for Clerical Staff and self-employed members of the professions), Luxembourg

- (iii) for self-employed persons engaged in a craft industry, in trading or in manufacture: Caisse de pension des artisans, des commerçants et industriels, Luxembourg (Pension Fund for Craftsmen, Tradesmen and Manufacturers), Luxembourg
 - (iv) for self-employed persons engaged in agriculture: Caisse de pension agricole, Luxembourg (Agricultural Pension Fund), Luxembourg
- (b) Family benefits:
 - (i) for manual workers: Caisse d'allocations familiales des ouvriers près l'établissement d'assurance contre la vieillesse et l'invalidité, Luxembourg (Family Allowances Fund for Manual Workers at the Old-age and Invalidity Insurance Institution), Luxembourg
 - (ii) for clerical staff: Caisse d'allocations familiales des employés près la caisse de pension des employés privés, Luxembourg (Family Allowances Fund for Clerical Staff at the Pension Fund for Clerical Staff in the Private Sector), Luxembourg
 - (iii) for self-employed persons: Caisse d'allocations familiales des non-salariés, Luxembourg (Family Allowances Fund for the Self-Employed), Luxembourg .
- 8. For the purposes of applying Article 102 (2) of the Implementing Regulation:
 - (a) Sickness and maternity: Caisse nationale d'assurance-maladie des ouvriers (National Sickness Insurance Fund for Manual Workers), Luxembourg
 - (b) Accidents at work: Association d'assurance contre les accidents, section industrielle (Accident Insurance Association, Industrial Department), Luxembourg
 - (c) Unemployment: Administration de l'emploi (Employment Office), Luxembourg
 - (d) Family benefits: Caisse d'allocations familiales des ouvriers près l'Établissement d'assurance contre la vieillesse et l'invalidité (Family Allowances Fund for Manual Workers at the Old-age and Invalidity Insurance Institution), Luxembourg

9. For the purposes of applying Article 113 (2) of the Implementing Regulation:

(a) Sickness and maternity:

Caisse nationale d'assurance-maladie des ouvriers (National Sickness Insurance Fund for Manual Workers), Luxembourg

(b) Accidents at work:

Association d'assurance contre les accidents, section industrielle (Accident Insurance Association, Industrial Department), Luxembourg

1. NETHERLANDS

1. For the purposes of applying Articles 6 (1), 11 (1), 12a, 13 (2) and (3), and 14 (1) and (2) of the Implementing Regulation:

Sociale Verzekeringsraad (Social Insurance Council), Zoetermeer

2. For the purposes of applying Article 14 (3) of the Implementing Regulation, in respect of auxiliary staff of the European Communities, who are not resident in the Netherlands (for benefits in kind only):

Algemeen Nederlands Onderling Ziekenfonds (General Sickness Benefit Fund of the Netherlands), Utrecht

3. For the purposes of applying Article 82 (2) of the Implementing Regulation:

Nieuwe Algemene Bedrijfsvereniging (New General Professional and Trade Association), Amsterdam

4. For the purposes of applying Article 102 (2) of the

Implementing Regulation:

- (a) Refunds provided for in Articles 36 and 63 of the Regulation: Ziekenfondsraad (Sickness Funds Council), Amstelveen
- (b) Refunds provided for in Article 70 of the Regulation: Algemeen Werkloosheidsfond (General Unemployment Fund), Zoetermeer
- (c) Refunds provided for in Article 75 of the Regulation: Sociale Verzekeringsbank (Social Insurance Bank), Amsterdam

J. UNITED KINGDOM

For the purposes of applying Article 11 (1), Article 11a, Article 12a, Article 13 (2) and (3), Article 14 (1), (2) and (3), Article 38 (1), Article 70 (1), Article 80 (2), Article 81, Article 82 (2), Article 85 (2), Article 86 (2), Article 91 (2), Article 102 (2) and Article 110 of the Implementing Regulation:

Great Britain: Department of Health and Social Security — Overseas

Northern Ireland:

Branch, Newcastle upon Tyne
Department of Health and Social Services for Northern
Ireland — Overseas Branch, Belfast

ANNEX 11

SCHEMES REFERRED TO IN ARTICLE 35 (2) OF THE REGULATION

(Article 4 (11) of the Implementing Regulation)

A. BELGIUM

Scheme extending insurance for medical treatment (benefits in kind) to self-employed persons.

B. DENMARK

None

C. GERMANY

None

D. FRANCE

Scheme for self-employed persons not engaged in agriculture

By virtue of Article 35 (2) of the Regulation:

— the sickness and maternity scheme for non-agricultural occupations set up under the law of 12 July 1966 as amended.

E. GREECE

1. Insurance Fund for Craftsmen and Small Traders (TEBE)

2. Traders' Insurance Fund

3. Sickness Insurance Fund for Lawyers:

(a) Provident Fund of Athens

(b) Provident Fund of Piraeus

(c) Provident Fund of Salonika

(d) Health Fund for Provincial Lawyers (TYDE)

4. Medical Personnel's Insurance and Pension Fund

F. IRELAND

None

G. ITALY

None

H. LUXEMBOURG

None

I. NETHERLANDS

None

J. UNITED KINGDOM

None

