

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 13 final

Brussels, 2 February 1983

Proposal for a  
COUNCIL REGULATION (EEC)  
implementing within the European Economic Community Decision No 3/80  
of the EEC-Turkey Association Council on the application of the  
social security schemes of the Member States of the  
European Communities to Turkish workers and  
members of their families

(submitted to the Council by the Commission)

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## I. INTRODUCTION

1. Article 39 of the Additional Protocol to the Ankara Agreement provides as follows:
  - "1. Before the end of the first year after the entry into force of this Protocol the Council of Association shall adopt social security measures for workers of Turkish nationality moving within the Community and for their families residing in the Community.
  2. These provisions must enable workers of Turkish nationality, in accordance with arrangements to be laid down, to aggregate periods of insurance of employment completed in individual Member States in respect of old-age pensions, death benefits and invalidity pensions, and also as regards the provision of health services for workers and their families residing in the Community. These measures shall create no obligation on Member States to take into account periods completed in Turkey.
  3. The abovementioned measures must ensure that family allowances are paid if a worker's family resides in the Community.
  4. It must be possible to transfer to Turkey old-age pensions, death benefits and invalidity pensions obtained under the measures adopted pursuant to paragraph 2.
  5. The measures provided for in this Article shall not affect the rights and obligations arising from bilateral agreements between Turkey and Member States of the Community, in so far as these agreements provide more favourable arrangements for Turkish nationals."
2. The EEC-Turkey Association Council reached an agreement ad referendum on the text concerning the social provisions on 30 June 1980 to reactivate the Association.

On 19 September 1980 the EEC-Turkey Association Council adopted Decision No 3/80 on the application of the social security schemes of the Member States of the European Communities to Turkish workers and members of their families, designed to implement the provisions of Article 39 of the abovementioned Additional Protocol.

3. The attached proposal for a regulation is intended to bring Decision No 3/80 into effect in the Community and to lay down the implementing provisions thereof at Community level.

## II. ANALYSIS OF DECISION NO 3/80

1. Decision No 3/80 is in fact an additional instrument to the bilateral agreements concluded between the Member States and Turkey; the Decision is not meant to replace these agreements.

Consequently, the Decision does not deal with the problems arising from the situation of a Turkish worker moving to a Member State and vice versa, such as the provision of medical treatment to be guaranteed in the case of the temporary residence of the worker in Turkey, the provision of medical treatment and family allowances to the members of the worker's family who have stayed behind in Turkey, the aggregation of insurance periods completed in Turkey and in a Member State for the acquisition of the right to benefits in Turkey and in a Member State.

However, Decision No 3/80 guarantees, basically in the absence of bilateral agreements between the Member State of employment and Turkey,

- equality of treatment between Turkish workers and nationals of the Member State of employment under its domestic legislation;
- the export to Turkey of pensions in respect of invalidity, old age, death, accidents at work and occupational diseases acquired in a Member State.

2. The principal achievement of the Decision is that it affords Turkish workers a degree of protection that is very similar to that extended by the Community regulations to Community workers in identical circumstances.

To this end the Decision provides for

- (1) the taking into account of all periods of insurance or employment completed in the Member States for the acquisition of the right to sickness, maternity, invalidity, old age, survivors' and family benefits;
- (2) the right to sickness insurance benefits and pensions regardless of the Member State in whose territory the worker or his family reside.

The essential differences between the scheme applicable to Community workers and that applying to Turkish workers in the same situation are as follows:

- on the one hand, the absence of any provision concerning the aggregation or export of unemployment benefits which are not covered by Article 39 of the Additional Protocol (1);
- on the other hand, the absence of provisions for payment of family allowances to the members of the worker's family who do not reside in his country of employment, failing agreement among the Member States on the extension of the system in force for Community workers, which is currently being reexamined by the Council.

Despite these shortcomings Decision No 3/80 may be regarded as constituting a broad application of Article 39 of the Additional Protocol and as an important step towards equality of treatment between Turkish and Community workers in identical circumstances.

3. In addition to the basic rules for implementing the objectives discussed in 1 and 2 above, the Decision contains a number of implementing rules intended to be applied by the Turkish social security authorities and institutions as well as by the corresponding Community ones.

### III. ANALYSIS OF THE PROPOSAL FOR A REGULATION

1. The proposal is, first and foremost, designed to make Decision No 3/80 of the EEC-Turkey Association Council applicable in the Community through a regulation adopted by the Council in pursuance of Article 238 of the Treaty; this is the purpose of Article 1 of the proposal.
2. The second purpose of the proposal is to lay down the implementing rules for the Decision that are designed to be applied purely in the Community context.

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(1) However, equality of treatment continues to be guaranteed.

The provisions do not give rise to any particular comments. Actually, Decision No 3/80 largely refers back to the provisions of EEC Regulation No 1408/71 (1) which it makes applicable to Turkish workers and their families subject to certain adaptations.

The proposal for a regulation thus comprises the provisions of EEC Regulation No 574/72 (2) in so far as these are implementing rules of the provisions of Regulation No 1408/71 made applicable to Turkish workers by Decision No 3/80.

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- (1) Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (OJ No L 149, 5.7.1971, P.2)
- (2) Regulation (EEC) No 574/72 of the Council of 21 March 1972 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 74, 27.3.1972, p. 1)

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implementing within the European Economic Community Decision No 3/80 of the EEC-Turkey Association Council on the application of the social security schemes of the Member States of the European Communities to Turkish workers and members of their families

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community, and in particular Article 238 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas an agreement establishing an Association between the European Economic Community and Turkey was signed in Ankara on 12 September 1963 and came into force on 1 December 1964;

Whereas an Additional Protocol to the said agreement between the European Economic Community and Turkey was signed in Brussels on 23 November 1970 and came into force on 1 January 1973;

Whereas Article 39 of the Additional Protocol provides that the Association Council shall adopt the provisions concerning social security for workers of Turkish nationality moving within the Community and for their families residing within the Community; whereas pursuant to that Article the Association Council adopted on 19 September 1980 Decision No 3/80 on the application of the social security schemes of the Member States of the European Communities to Turkish workers and members of their families;

Whereas it is necessary to bring this Decision into force within the Community and to lay down supplementary detailed rules for its implementation,

HAS ADOPTED THIS REGULATION:

PART ONE

APPLICATION WITHIN THE COMMUNITY OF DECISION No 3/80

Article 1

Decision No 3/80 of the EEC-Turkey Association Council of 19 September 1980 on the application of the social security schemes of the Member States of the European Communities to Turkish workers and members of their families, annexed to the present Regulation, shall be applicable within the Community.

PART TWO

Supplementary detailed rules for implementing Decision No 3/80.

TITLE I

GENERAL PROVISIONS

Article 2

Definitions

For the purposes of this Regulation:

- a) "Decision" means Decision No 3/80 of the Council of Association between the European Economic Community and Turkey, of 19 September 1980;
- b) "Implementing Regulation" means this Regulation;
- c) "Regulation (EEC) No 1408/71" means Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community<sup>1</sup> in its version in force on 13 June 1982;
- d) "Regulation (EEC) No 574/72" means Council Regulation (EEC) No 574/72 of 21 March 1972 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<sup>2</sup>, in its version in force on 13 June 1982;
- e) the definitions in Article 1 of the Decision have the meanings assigned to them in the said Article;
- f) "Administrative Commission" means the Commission referred to in Article 80 of Regulation (EEC) No 1408/71;
- g) "Audit Board" means the Board referred to in Article 101 (3) of Regulation (EEC) No 574/72.

<sup>1</sup> OJ No L 149, 5 July 1971, p. 2

<sup>2</sup> OJ No L 74, 27 March 1972, p. 1

Article 3

Model Forms

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

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 26 of the Decision are listed in Annex 4.
5. The provisions referred to in Articles 5, 68 and 78 of the Implementing Regulation are listed in Annex 5.
6. The Member States to which the provisions of Article 9 (2)(d) of the Implementing Regulation apply in their dealings with each other are listed in Annex 6.
7. Annex 7 lists the institutions or bodies designated by the competent authorities pursuant in particular to the following provisions:
  - a) Article 9 of the Decision insofar as it applies by analogy Article 14 (3) and Article 17 of Regulation (EEC) No. 1408/71;
  - b) Implementing Regulation: Article 10 (1), Article 12, Article 56 (1), Article 65 (2), Article 66 (4), Article 72, Article 75 (2).



TITLE II

IMPLEMENTATION OF THE GENERAL PROVISIONS OF THE DECISION

Implementation of Article 5 of the Decision

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 continuing to apply in accordance with Article 5 of the Decision, insofar as they are not listed in Annex 5.

Implementation of Article 8 of the Decision

Article 6

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)

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

- a) if the application of Article 8 (2) or (3) of the Decision 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 Articles 12 and 13 of the Decision 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 Regulation (EEC) No. 1408/71 but exclusively for the reduction or suspension of the amount referred to in Article 46 (2) (b) of that 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 Regulation (EEC) No. 1408/71.

Article 7

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

If a worker 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 worker was last subject.

If a worker is entitled to claim sickness benefits under the legislations 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 worker was last subject.

If a worker or member of his family is entitled for the same period 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 other Member States, these benefits shall be granted exclusively under the legislation to which the worker was last subject.

Article 8

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 a Member State 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 9.

Rules applicable in the case of overlapping of rights to family benefits or family allowances or when, during the same period or part of a period, the worker is successively subject to the legislation of several Member States

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 or employment, shall be suspended when, during the same period and for the same member of the family, family allowances are due in pursuance of Article 19 (1) of the Decision and family allowances and, where appropriate, supplementary or special allowances for orphans are due in pursuance of Article 19 (2) of the Decision. If however a pensioner who is entitled to family allowances under Article 19 (1) of the Decision, his spouse, or the person looking after the orphans for whom allowances are due under Article 19 (2) of the Decision exercises a professional or trade activity in the territory of the said Member State, entitlement to family allowances due in pursuance of Article 19 (1) or (2) of the Decision under the legislation of another Member State shall be suspended; where this is the case, the person concerned shall be entitled to the family allowances and where appropriate supplementary or special allowances for orphans of the Member State in whose territory the children reside, the cost to be borne by that Member State.

2. If a worker 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 both of the Member States concerned, the following rules shall apply:

a) the family benefits or family allowances which such worker 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 such worker 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 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 worker has also been subject during the same period, the conversion shall be carried out in accordance with the provisions of Article 13 (3) of the Implementing Regulation;

d) notwithstanding the provisions of subparagraph (a), in respect of dealings between the Member States listed in Annex 6 to the Implementing Regulation, the institution bearing the costs of the family benefits or family allowances by reason of the first employment during the period concerned, shall bear their cost throughout the whole of the current period.

TITLE III

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

Implementation of Article 9 of the Decision which applies by analogy Articles 13 (1) and 2 (a) and (b), 14, 15, and 17 of Regulation (EEC) No. 1408/71

Article 10

Formalities in the case of posting elsewhere pursuant to Article 14 (1) (a) and (2) (a) and in the case of Agreements concluded under Article 17 of Regulation (EEC) No. 1408/71.

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

a) at the request of the worker or his employer in cases referred to in Article 14 (1) (a) and 2 (a) of Regulation (EEC) No. 1408/71;

b) in cases where Article 17 of that Regulation applies.

2. The consent provided for in Article 14 (1) (a) (ii) of Regulation (EEC) No. 1408/71 shall be requested by the employer.

Article 11

Special provisions concerning insurance under the German social security scheme

Where, under the terms of Article 13 (2) (a), Article 14 (1) (a), (b) and (c) or (2) (a) of Regulation (EEC) No. 1408/71, or under an agreement concluded pursuant to Article 17 of that Regulation, German legislation applies to a worker employed by an undertaking or employer whose registered office or place of business is not situated on German territory, and the worker has no fixed job on German territory, this legislation shall apply as if the worker were employed in his place of residence on German territory.

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

Article 12

Rules applicable in respect of a worker, other than one employed in international transport, who normally pursues his activity in the territory of two or more Member States

1. For the purposes of Article 14 (1) (c) (i) of Regulation (EEC) No. 1408/71 a worker who normally pursues his activity in the territory of two or more Member States shall notify this fact to the institution designated by the competent authority of the Member State in the territory of which he resides.

That institution shall issue to him a certificate stating that he is subject to the legislation of that Member State and shall send a copy thereof to the institution designated by the competent authority of any other Member State:

- a) in the territory of which the said worker pursues a part of his activity; and/or
- b) in the territory of which an undertaking or an employer by whom he is employed has its registered office or place of business.

This latter institution shall, where necessary, send to the institution designated by the competent authority of the Member State whose legislation is applicable the information necessary to assess the contributions for which the employer or employers and/or the worker are liable by virtue of that legislation.

2. For the purposes of Article 14 (1) (c) (ii) of Regulation (EEC) No. 1408/71 a worker who normally pursues his activity in the territory of two or more Member States shall notify this fact to the institution designated by the competent authority of the Member State in the territory of which the undertaking or employer employing the said worker has its registered office or place of business.

The provisions of paragraph 1, second subparagraph (a) shall apply by analogy. However, the said worker may obtain the certificate in question through the institution designated by the competent authority of the Member State in the territory of which he resides.

TITLE IV

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

CHAPTER 1

GENERAL RULES FOR THE AGGREGATION OF PERIODS

Article 13

1. Aggregation of periods for the purposes of Articles 10, 12, 13 and 16 of the Decision insofar as they apply by analogy Article 18 (1), 38, 45 (1) and (2) and Article 64 of Regulation (EEC) No. 1408/71 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 it 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 Regulation (EEC) No. 1408/71, 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 worker 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 Article 46 (2) (c) of that 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 Regulation (EEC) No.1408/71 does not apply but which are taken into account under the legislation of that Member State to which that 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 worker has been subject to a six-day week:

(1) 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) where the worker 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 10 of the Decision

#### Article 14

##### Certification of periods of insurance

1. In order to invoke the provisions of Article 10 of the Decision which applies by analogy Article 18 of Regulation (EEC) No. 1408/71, a worker 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 worker 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 11 of the Decision

##### Article 15

The Articles of Regulation (EEC) No. 1408/71 applied by analogy to Turkish workers and members of their families by virtue of Article 11 of the Decision shall be implemented as in the following Articles 16 to 32

#### Implementation of Article 19 of Regulation (EEC) No. 1408/71

##### Article 16

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 Regulation (EEC) No. 1408/71, a worker 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 worker 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 institution.

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 six months following the date of its issue and must be renewed every six months.

3. If the worker 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 every 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 objections 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 worker 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 worker's employment or any transfer of residence or stay of that worker or of a member of his family. Likewise, should the worker 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 worker'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 17

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

Regulation (EEC) No. 1408/71 a worker 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 worker concerned.

2. Where the doctors providing treatment in the country of residence do not issue certificates of incapacity for work, the worker 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 worker applied to it, have the worker 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 worker as if he were insured with that institution. As soon as it establishes that the worker is fit to resume work, it shall forthwith notify the worker and the competent institution thereof, stating the date on which the worker's incapacity ceased. Without prejudice to the provisions of paragraph 6, the notification to the worker 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 worker examined by a doctor of its own choice.

6. If the competent institution decides to withhold the cash benefits because the worker has not completed the formalities laid down by the legislation of the country of residence, or if it establishes that the worker is fit to resume work, it shall notify the worker of its decision and shall simultaneously send a copy of such decision to the institution of the place of residence.

7. When the worker 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 worker 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 worker 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 Regulation (EEC) No. 1408/71

#### Article 18

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 Regulation (EEC) No. 1408/71

#### Article 19

Benefits in kind in the case of a stay in a Member State other than the competent State - special case of workers 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 worker employed in international transport, covered by Article 14 (1) (b) of Regulation (EEC) No. 1408/71, 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 worker 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 worker shall provide in writing the name and address of that institution when submitting his application to the institution of the place of stay. A worker 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 worker 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, a worker 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 16 (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 Regulation (EEC) No. 1408/71.

#### Article 20

Benefits in kind in the case of a stay in a Member State other than the competent State - Workers other than those covered by Article 19 of the Implementing Regulation

1. In order to receive benefits in kind under Article 22 (1) (a) (i) of Regulation (EEC) No. 1408/71, save in the case referred to in Article 19 of the Implementing Regulation, a worker 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 worker's request, 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 worker 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 16 (6), (7) and (9) of the Implementing Regulation shall apply by analogy.

#### Article 21

Benefits in kind for workers who transfer their residence or return to their country of residence, and for workers 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 Regulation (EEC) No. 1408/71, a worker 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 worker's request, be issued after his departure if, for reasons of force majeure, it cannot be drawn up beforehand.

2. The provisions of Article 16 (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 Regulation (EEC) No. 1408/71.

#### Article 22

Benefits in kind for members of the family

The provisions of Article 20 or Article 21 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 Regulation (EEC) No. 1408/71.

However, in the cases referred to in the second subparagraph of Article 22 (3) of Regulation (EEC) No. 1408/71, 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 16 (6) and (7), 20 and 21 of this Implementing Regulation.

#### Article 23

Cash benefits for workers in the case of a stay in a Member State other than the competent State

The provisions of Article 17 of this Implementing Regulation shall apply by analogy in respect of the receipt of cash benefits under Article 22 (1) (a) (ii) of Regulation (EEC) No. 1408/71. However, without prejudice to the obligation to submit a certificate of incapacity for work, a worker 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 17 (1) of the Implementing Regulation.

Implementation of Article 23 (3) of Regulation (EEC) No. 1408/71

#### Article 24

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 Regulation (EEC) No. 1408/71, a worker 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. The 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 worker 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 worker 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 (3) of Regulation (EEC) No. 1408/71.

#### Article 25

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 16 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.

Implementation of Article 26 of Regulation (EEC) No. 1408/71

#### Article 26

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 Regulation (EEC) No. 1408/71, 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 Regulation (EEC) No. 1408/71

Article 27

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 Regulation (EEC) No. 1408/71, 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. The certified statement provided for in paragraph 1 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.

Implementation of Article 29 of Regulation (EEC) No. 1408/71

#### Article 28

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 Regulation (EEC) No. 1408/71, 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 Regulation (EEC) No. 1408/71

#### Article 29

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 Regulation (EEC) No. 1408/71, 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 16 (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 Regulation (EEC) No. 1408/71.

Implementation of Article 35 (1) of Regulation (EEC) No. 1408/71

#### Article 30

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 Regulation (EEC) No. 1408/71 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 (3) of Regulation (EEC) No. 1408/71

#### Article 31

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 (3) of Regulation (EEC) No. 1408/71, the institutions 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 32

1. If it is not possible during a worker's stay in a Member State other than the competent State to complete the formalities provided for in Article 19 (1) and (4), and Articles 20, 22 and 29 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 Regulation (EEC) No. 1408/71 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 33

The Articles of Regulation (EEC) No. 574/72 applied by analogy to Turkish workers, members of their families and survivors by virtue of Article 27 of the Decision shall be supplemented within the Community by the provisions of the following Articles 34 to 44

Article 34

Investigation of claims for invalidity benefits in the case where the worker has been insured exclusively under the legislations specified in Annex III to Regulation (EEC) No 1408/71

1. If a worker has submitted a claim for invalidity benefits, and the institution establishes that the provisions of Article 37 (1) of Regulation (EEC) No. 1408/71 apply by analogy, that institution shall, where necessary, obtain from the institution with which the worker 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 Regulation (EEC) No. 1408/71, the institution which has investigated the claimant's case shall forward his file to the institution with which the worker was last insured.
4. Articles 36 to 44 of the Implementing Regulation shall not apply to the investigation of claims referred to in paragraphs 1, 2 and 3.

Article 35

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 Regulation (EEC) No. 1408/71 apply by analogy.

Investigation of claims for benefits in respect of invalidity, old age and survivors in the cases referred to in Article 36 (1), (2) and (4) of Regulation (EEC) No. 574/72 applied by analogy by virtue of Article 27 of the Decision

#### Article 36

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 (1) and (2) of Regulation (EEC) No. 574/72. 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 37

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 worker 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 38

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 37(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 worker 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 Regulation (EEC) No. 1408/71.

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 established 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 Regulation (EEC) No. 1408/71, 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 Regulation (EEC) No. 1408/71 should be applied, it shall inform the other institutions concerned accordingly.

#### Article 39

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 Regulation (EEC) No. 1408/71 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 Regulation (EEC) No. 1408/71, 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 Regulation (EEC) No. 1408/71, 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 worker 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 worker was first subject.

#### Article 40

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 38 (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 Regulation (EEC) No. 1408/71, 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 the said Article 46 (2).

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 41

Calculation of benefits in the event of overlapping of periods

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 Regulation (EEC) No. 1408/71, the rules provided for in Article 13 (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.

#### Article 42

Notification to the claimant of the decisions of the institutions

1. The final decisions taken by each of the institutions concerned 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 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 43

Recalculation of benefits

1. For the purposes of implementing the provisions of Article 49 (2) and (3) and 51 (2) of Regulation (EEC) No. 1408/71, the provisions of Article 40 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 44

Measures designed to accelerate the award of benefits

1. Where a Turkish worker who has been subject to the legislation 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, at the time of registration of the said worker, forward to the body designated by the competent authority of that same Member State (country of employment), all information relating to the identification of the worker, the date on which he commenced employment, the name of the said competent institution, the insurance number allotted by the latter, and any other information which may facilitate and accelerate the ultimate award of pension.

2. The institutions concerned shall at the request of the worker 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.

CHAPTER 4

ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES

Implementation of Article 15 of the Decision

Article 45

The Articles of Regulation (EEC) No. 1408/71 applied by analogy to Turkish workers by virtue of Article 15 of the Decision shall be implemented as in the following Articles 46 to 62.

Implementation of Articles 52 and 53 of Regulation (EEC) No. 1408/71.

Article 46

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 Regulation (EEC) No. 1408/71, a worker 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 worker 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 worker 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. The certified statement referred to in paragraph 1 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 six months following the date of its issue, and must be renewed every six months.
3. If the worker 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 worker 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 worker 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 any transfer of residence or stay. Likewise, should the worker 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 worker's insurance 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 those Member States may, having received the opinion of the Administrative Commission, agree on other implementing provisions.

Article 47

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 Regulation (EEC) No. 1408/71, a worker 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 worker concerned.

2. If the doctors providing treatment in the country of residence do not issue certificates of incapacity for work, the worker 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 worker applied to it, have the worker 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 worker as if he were insured with that institution. As soon as it establishes that the worker is fit to resume work it shall forthwith notify the worker and the competent institution thereof, stating the date on which the worker's incapacity ceased. Without prejudice to the provisions of paragraph 6, the notification to the worker 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 worker examined by a doctor of its own choice.



6. If the competent institution decides to withhold the cash benefits because the worker has not completed the formalities laid down by the legislation of the country of residence, or if it establishes that the worker is fit to resume work, it shall notify the worker of its decision and shall simultaneously send a copy of such decision to the institution of the place of residence.
7. When the worker 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 worker 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 worker 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 Regulation (EEC) No. 1408/71

Article 48

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 worker employed in international transport covered by Article 14 (1) (b) of Regulation (EEC) No. 1408/71 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 worker has been employed by the said employer and the name and address of the competent institution. A worker 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 worker 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 a worker covered by paragraph 1 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 Regulation (EEC) No. 1408/71.

5. In place of the certified statement provided for in paragraph 1, a worker covered by 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) (1) of Regulation (EEC) No. 1408/71, except in cases where a presumption is made under paragraph 1, a worker 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 worker 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 worker 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 46 (5), (6) and (9) of the Implementing Regulation shall apply by analogy.

Article 49

Benefits in kind for workers who transfer their residence or return to their country of residence, and for workers 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 Regulation (EEC) No. 1408/71, a worker 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 worker's request, be issued after his departure if, for reasons of force majeure, it cannot be drawn up beforehand.

2. The provisions of Article 46 (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 Regulation (EEC) No. 1408/71.

Article 50

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

The provisions of Article 47 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 Regulation (EEC) No. 1408/71. However, without prejudice to the obligation to submit a certificate of incapacity for work, a worker 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 47 (1) of the Implementing Regulation.

Implementation of Articles 52 to 56 of Regulation (EEC) No. 1408/71

Article 51

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 victim, 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 52

Disputes concerning the occupational nature of the accident or disease

1. When, in the cases referred to in Articles 52 or 55 (1) of Regulation (EEC) No. 1408/71, 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 19 and 20 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 worker is entitled thereto. In other cases, the benefits in kind received by the worker under sickness insurance shall be considered as benefits for an accident at work or an occupational disease.

Implementation of Article 57 of Regulation (EEC) No. 1408/71

### Article 53

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 Regulation (EEC) No. 1408/71, 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 Regulation (EEC) No. 1408/71, 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 54

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 53 (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 Regulation (EEC) No. 1408/71, 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 55

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 Regulation (EEC) No. 1408/71:

- (a) the competent institution of the Member State under whose legislation cash benefits are granted pursuant to Article 57 (1) of Regulation (EEC) No. 1408/71 (hereinafter called the 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 then 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 Regulation (EEC) No. 1408/71

Article 56

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 Regulation (EEC) No. 1408/71 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 24(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 Regulation (EEC) No. 1408/71

Article 57

Aggravation of an occupational disease

1. In the cases covered by Article 60 (1) of Regulation (EEC) No. 1408/71, the worker 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 Regulation (EEC) No. 1408/71 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 Regulation (EEC) No. 1408/71, 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 Regulation (EEC) No. 1408/71, the provisions of paragraph 2 shall apply by analogy.

Implementation of Article 61 (5) of Regulation (EEC) No. 1408/71

#### Article 58

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 Regulation (EEC) No. 1408/71, a worker 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 worker 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 a 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 Regulation (EEC) No. 1408/71

#### Article 59

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 Regulation (EEC) No. 1408/71 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 worker 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 Regulation (EEC) No. 1408/71

#### Article 60

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 Regulation (EEC) No. 1408/71, 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 Regulation (EEC) No. 1408/71

#### Article 61

1. In order to receive a pension or supplementary allowance under the legislation of a Member State, a worker 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 62**

1. Administrative checks and 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.

CHAPTER 5

DEATH GRANTS

Implementation of Articles 16 and 17 of the Decision.

Article 63

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 64

Certified statement of periods

1. In order to invoke the provisions of Article 16 of the Decision a claimant shall submit to the competent institution a certified statement specifying the periods of insurance or residence completed by the worker 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 worker 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.

FAMILY BENEFITS AND FAMILY ALLOWANCES

Implementation of Article 18 of the Decision

Article 65

Certified statement of periods of employment.

1. In order to invoke the provisions of Article 18 of the Decision which applies by analogy Article 72 of Regulation (EEC) No. 1408/71, a person shall submit to the competent institution a certified statement specifying the periods of 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 above-mentioned institutions unless the sickness insurance institution is able to forward him a copy of the certified statement provided for in Article 14 (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 completed previously under the legislation of any other Member State.

Implementation of Article 19 of the Decision.

Article 66

1. In order to receive benefits under Article 19 of the Decision insofar as it applies by analogy Article 77 (2) or Article 78 (2) of Regulation (EEC) No. 1408/71, 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. That 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 that claim forthwith, together with all necessary documents and information, to the institution of the Member State to whose legislation the worker 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 worker completed the shortest of his periods of insurance or residence.

4. The competent authorities of the Member States shall, where necessary, designate the competent institution for paying benefits due under Article 77 (2) or Article 78 (2) of Regulation (EEC) No. 1408/71.

#### Article 67

Any person to whom benefits are paid under Article 77(2) or Article 78(2) of Regulation (EEC) No. 1408/71 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 children or orphans for whom benefits are due,
- 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

Refunds arising from the implementation of Title III of the Decision

Article 68

1. Refund of the costs of benefits in kind and cash benefits provided in respect of Turkish nationals within the Community by virtue of Title III of the Decision, as also the costs of administrative checks, medical examinations, observations, doctors visits and checks of all kinds necessary for the implementation of the Decision, shall be effected in the same way as costs for similar contingencies arising from the implementation of Regulation (EEC) No. 1408/71.

Agreements in force between Member States on reimbursement or on the waiving of reimbursement which are listed in Annex 5 to Regulation (EEC) No 574/72 shall apply to Turkish workers and members of their families unless otherwise provided in Annex 5 to the Implementing Regulation.

2. The rate of conversion into a national currency of a Member State of amounts shown in the national currency of another Member State shall be effected in accordance with the rules laid down in Regulation (EEC) No 574/72.

Functions of the Administrative Commission and the Audit Board

Article 69

The functions of the Administrative Commission and the Audit Board with regard to the implementation of the Decision within the Community shall be similar in all respects to those which they exercise with regard to the implementation of Regulation (EEC) No. 574/72. The same applies for the compilation and the notification to the Administrative Commission of statistical and accounting data by the competent authorities of the Member States.

TITLE VI

MISCELLANEOUS PROVISIONS

Article 70

Proof of status of seasonal worker

In order to prove that he is a seasonal worker, the Turkish worker covered by analogy by Article 1 (c) of Regulation (EEC) No. 1408/71 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 worker, the work which he is doing or has done is of a seasonal nature.

#### Article 71

Arrangements for payment of contributions.

The employer who has no place of business in the Member State in whose territory the worker is employed may agree with the worker that the worker 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 72

Mutual administrative aid relating to the recovery of benefits which were not due

If the institution of a Member State which provided benefits proposes 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 73

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 Decision, 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 Decision 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 Decision 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 74

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 75

Recovery of benefits in kind provided but not due to workers 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 worker in international transport by the institution of the place of stay by virtue of the presumption referred to in Article 19 (1) or 48 (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 worker 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 19 (1) or 48 (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 which shall draw up a statement thereof.

Article 76

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 to a worker under Title II of the Decision, 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.

## TITLE VII

### TRANSITIONAL AND FINAL PROVISIONS

#### Article 77

Transitional provisions relating to pensions

1. Where the date on which the contingency arises precedes the date of implementation of the Decision, 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 the date of implementation of the Decision, in accordance with the agreements in force between the Member States concerned and applicable to Turkish workers;
- (b) for the period commencing from the date of implementation of the Decision, in accordance with the provisions of the Decision.

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 as from the date of entry into force of the Decision 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 Decision.

#### Article 78

Supplementary implementing agreements

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 Decision. Such agreements are listed in Annex 5.

Article 79

Special provisions concerning the amendment of certain Annexes

Annexes 1, 4, 5, and 6 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.

Article 80

This Regulation shall enter into force on the first day of the seventh month following its publication in the Official Journal of the European Communities.

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

Done at Brussels,

For the Council

The President

ANNEX 1

COMPETENT AUTHORITIES

(Article 1 of the Decision and Article 3 (1) of the Implementing Regulation)

- A. BELGIUM                   Ministre de la prévoyance sociale, Bruxelles -  
Minister van sociale Voorzorg, Brussel  
(Minister of Social Welfare, Brussels)
- B. DENMARK                   1. Socialministeren (Minister of Social Affairs),  
København  
2. Arbejdsministeren ( Minister of Labour),  
København  
3. Indenrigsministeren (Minister of the Interior),  
København  
4. Ministeren for Grønland (Minister for Greenland),  
København
- C. GERMANY                   Bundesminister für Arbeit und Sozialordnung  
(Federal Minister of Labour and Social Affairs),  
Bonn
- D. FRANCE                   1. Ministre de la Solidarité Nationale  
(Minister of National Solidarity), Paris  
2. Ministre de l'agriculture ( Minister of  
Agriculture), Paris  
3. Ministre de la mer (Minister for the Sea), Paris
- E. GREECE                   1. Υπουργός Κοινωνικών Υπηρεσιών (Minister of Social  
Affairs), Athens  
2. Υπουργός Εργασίας (Minister of Labour), Athens  
3. Υπουργός Εμπορικής Ναυτιλίας (Minister of the  
Merchant Navy), Piraeus
- F. IRELAND                   1. Minister for Social Welfare, Dublin  
2. Minister for Health, Dublin

- G. ITALY
1. Ministro del Lavoro e della Previdenza Sociale (Minister of Labour and Social Welfare), Roma
  2. Ministro della Sanità (Minister of Health), Roma
- H. LUXEMBOURG
1. Ministre du travail et de la sécurité sociale (Minister of Labour and Social Security), Luxembourg
  2. Ministre de la famille (Minister of Family Affairs), Luxembourg.
- I. NETHERLANDS
1. Minister van Sociale Zaken (Minister of Social Affairs), Den Haag
  2. Minister van Volksgezondheid en Milieuhygiëne (Minister of Public Health and the Environment), Leidschendam
- 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 of the Decision and Article 4 (2) of the Implementing Regulation)

A. BELGIUM

1. Sickness, maternity :

a) for the purposes of applying Articles 14 to 26  
of the Implementing Regulation :

i) as a general rule :

The insurance body with which the  
worker is insured

ii) for mariners :

Caisse de secours et de prévoyance en  
faveur des marins naviguant sous pavillon  
belge - Hulp- en verzorgingskas voor zee-  
varenden 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 ivaliditeitsverzekering,  
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) :

Institut national d'assurance maladie-  
invalidité, Bruxelles - Rijksinstituut  
voor ziekte- en ivaliditeitsverzekering,  
Brussel (National Sickness and Invalidity  
Insurance Institution, Brussels) together  
with the insurance body with which the  
worker is, or has been, insured

b) special invalidity scheme for  
miners :

Fonds national de retraite des ouvriers-  
mineurs, Bruxelles - Nationaal pensioen-  
fonds 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) : Office national des pensions pour travailleurs salariés, Bruxelles - Rijksdienst voor werknemerspensioenen, Brussel - (National Pension Office for Employed Persons, Brussels)

4. Accidents at work :

a) in general : The insurer

b) for mariners,  
for applications for supplementary pension allowances,  
after expiry of the time limit for revision :

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 - 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 worker was insured

ii) 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

- 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. Family benefits : 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. DENMARK

I. DENMARK WITH THE EXCEPTION OF GREENLAND

1. Sickness and maternity:

A. Sickness

(a) 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.

(b) 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. Maternity

(a) 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.

(b) 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).

2. Invalidity:

(a) benefits granted under the law on invalidity pensions:

Sikringsstyrelsen, (National Social Security Office), København

(b) 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).

3. Old-age and death (pensions):

(a) pensions granted under legislation covering old-age and widows' pensions:

Sikringsstyrelsen (National Social Security Office), København

(b) pensions granted under 'loven om Arbejdsmarkedets Tillægspension' (the law on supplementary pensions for employed persons):

Arbejdsmarkedets Tillægspension (Supplementary Pensions Office for Employed Persons), Hillerød

4. Accidents at work and occupational diseases

(a) benefits in kind and pensions:

Sikringsstyrelsen (National Social Security Office) København

(b) 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)



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)(d) of Regulation (EEC) No. 1408/71

(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 16 (1) of the Implementing Regulation:

The sickness insurance institution with which these members of the family are insured

For the purposes of applying Article 25 (1) of Regulation (EEC) No. 1408/71

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

For the sickness insurance of pension claimants and of pensioners and the members of their families under the provisions of Title III, chapter 1, section 4 and 5 of Regulation (EEC) No. 1408/71:

(a) 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:

Allgemeine Ortskrankenkasse Bonn (Local General Sickness Fund Bonn) Bonn

(b) 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 Decision:

for persons who have been insured or are considered as insured either under German legislation and the legislation of one or more other Member States and/or Turkish legislation, and for their survivors:

if the last contribution was paid into the manual workers' pension insurance scheme

Landesversicherungsanstalt Oberfranken und Mittelfranken (Regional Insurance Office of Oberfranken and Mittelfranken), Bayreuth.

if, however the last contribution was paid into:

- 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), (Pension Insurance Scheme for Manual Workers or Clerical Staff), Hamburg;
- the Bundesbahnversicherungsanstalt (Federal Railways Insurance Office), Frankfurt am Main;

Seekasse (Mariners' Insurance Fund), Hamburg.

Bundesbahnversicherungsanstalt (Federal Railways Insurance Office), Frankfurt am Main.

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:
- 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:

Bundesversicherungsanstalt für Angestellte (Federal Insurance Office for Clerical Staff), Berlin.

Seekasse (Mariners' Insurance Fund), Hamburg.

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.

3. Complementary insurance for iron and steel workers:

Landesversicherungsanstalt Saarland (Regional Insurance Office of the Saarland), Saarbrücken.

4. Accident insurance (accidents at work and occupational diseases):

The institution responsible for accident insurance for the case \_\_\_\_\_ concerned

5. Family benefits:

Bundesanstalt für Arbeit (Federal Labour Office), Nürnberg.

D. FRANCE

1. For the purposes of Articles 93 (1), 94 and 95 of Regulation (EEC)  
No 574/72

- a) general scheme: Caisse nationale de l'assurance-maladie  
(National Sickness 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 Indepen-  
dent Social Security Fund for Miners),  
Paris
- d) mariners' scheme: Établissement national des invalides de  
la marine (National Institution for  
Disabled Mariners), Paris

2. For the purposes of applying Article 96 of Regulation (EEC) No.574/72

- 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. The other competent institutions are those defined under French legislation, namely:

I. Metropolitan France

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)

b) Agricultural scheme:

i) Sickness, maternity,  
death (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

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)

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) or Caisse nationale d'allocations  
familiales de la pêche maritime  
(National Family Allowances Fund for the  
Sea Fishing Industry), as appropriate

## II. Overseas Departments

a) 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'enregistre-  
ment (Departmental Directorate of  
Registration)

- b) Family benefits: Caisse d'allocations familiales  
(Family Allowances Fund)
- c) 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, maternity

(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) 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

ΝΑΥΤΙΚΩΝ ΑΠΟΜΑΧΙΚΩΝ  
ΤΑΜΕΙΩΝ (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

(ii) mariners' scheme:

ΝΑΥΤΙΚΩΝ ΑΠΟΜΑΧΙΚΩΝ  
ΤΑΜΕΙΩΝ (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<br>(ΙΚΑ)<br>(Social Insurance Institute) or the<br>insurance body with which the worker<br>is or was insured | ΑΘΗΝΑ<br>Athens     |
| (ii) mariners' scheme:     | ΟΙΚΟΣ ΝΑΥΤΟΥ<br>(Seamen's home)   | ΠΕΙΡΑΙΑΣ<br>Piraeus |
| (iii) agricultural scheme: | ΟΡΓΑΝΙΣΜΟΣ ΓΕΩΡΓΙΚΩΝ<br>ΑΣΦΑΛΙΣΕΩΝ (ΟΓΑ)<br>(National Agricultural<br>Insurance Institute)  | ΑΘΗΝΑ<br>Athens     |

5. Family allowances

- |  |  |                 |
|--|--|-----------------|
| (i) employed persons' scheme<br>including undertakings'<br>schemes | ΟΡΓΑΝΙΣΜΟΣ ΑΠΑΣΧΟΛΗΣΕΩΣ<br>ΕΡΓΑΤΙΚΟΥ ΔΥΝΑΜΙΚΟΥ (ΟΑΕΔ)<br>(Labour Employment Office)        | ΑΘΗΝΑ<br>Athens |
| (ii) general scheme:   | ΟΡΓΑΝΙΣΜΟΣ ΓΕΩΡΓΙΚΩΝ<br>ΑΣΦΑΛΙΣΕΩΝ (ΟΓΑ)<br>(National Agricultural<br>Insurance Institute) | ΑΘΗΝΑ<br>Athens |

**F. IRELAND**

1. Benefits in kind:
- The Eastern Health Board,  
1 James' St, Dublin
  - The Midland Health Board,  
Arden Road, Tullamore, Offaly
  - The Mid-Western Health Board,  
31/33 Catherine St, 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: Department of Social Welfare, Dublin



G. ITALY

1. Sickness (including tuberculosis),  
maternity:

(a) benefits in kind:

- (i) in general: The local health unit with which the person concerned is registered
- (ii) for certain categories of employed persons: Ministero della sanità (Ministry of Health), Roma
- (iii) for mariners and flight crews in civil aviation: Ministero della sanità (Ministry of Health), Roma  
Ufficio di sanità marittima o aerea competente per territorio (the competent maritime and aviation health office)

(b) cash benefits:

- (i) in general: Istituto nazionale della previdenza sociale (National Social Welfare Institution), provincial offices
- (ii) for mariners and flight crews in civil aviation: The maritime fund with which the person concerned is registered

(c) certification of insurance periods:

- (i) in general: Istituto nazionale della previdenza sociale (National Social Welfare Institution), provincial offices
- (ii) for mariners and civil aviation staff: The maritime fund with which the person concerned is registered

2. Accidents at work and occupational diseases:

(a) benefits in kind:

- (i) in general: The local health unit with which the person concerned is registered
- (ii) for mariners and flight crews in civil aviation: Ministero della sanità (Ministry of Health), Roma  
Ufficio di sanità marittima o aerea competente per territorio (the competent maritime and aviation health office)

(b) prostheses and major appliances, statutory medical benefits and matters concerning declarations and certificates:

(i) in general:

Istituto nazionale per la assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), provincial offices

(ii) for mariners and flight crews in civil aviation

The maritime fund with which the person concerned is registered

(c) benefits in kind:

(i) in general:

Istituto nazionale per la assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), provincial offices

(ii) for mariners and flight crews in civil aviation

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)

3. Invalidity, old age, survivors (pensions):

(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 industry:

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 (National Welfare Institution for Italian journalists G. Amendola), Roma
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. Family allowances:
- (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 (National Welfare Institution for Italian journalists G. Amendola), Roma

H. LUXEMBOURG

1. Sickness, maternity :

- a) for the purpose of applying Article 28 (2) of Regulation (EEC) No. 1408/71 Caisse nationale d'assurance-maladie des ouvriers (National Sickness Insurance Fund for Manual Workers), Luxembourg
- b) other cases : The sickness fund with which the worker is insured by reason of his employment or with which he was last insured

2. Invalidity, old-age, death (pensions) :

- a) for clerical staff, including technicians working in mines (underground) : Caisse de pension des employés privés (Pension Fund for Clerical Staff in the Private Sector), Luxembourg
- b) other cases : Établissement d'assurance contre la vieillesse et l'invalidité (Old-age and invalidity Insurance Institution), Luxembourg

3. Accidents at work and occupational diseases :

- a) for agricultural and forestry workers : Association d'assurance contre les accidents, section agricole et forestière (Accident Insurance Association, Agricultural and Forestry Department), Luxembourg
- b) other cases : Association d'assurance contre les accidents, section industrielle (Accident Insurance Association, Industrial Department), Luxembourg

4. Family benefits :

- a) for persons insured with the institution referred to in 2 b) : 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) other cases : Caisse d'allocations familiales des employés près la Caisse de pension des employés privés (Family Allowance Fund for Clerical Staff at the Pension Fund for Clerical Staff in the Private Sector), Luxembourg

5. Death grants :

- For the purpose of applying Article 66 of Regulation (EEC) 1408/71: Caisse nationale d'assurance-maladie des ouvriers (National Sickness Insurance Fund for Manual Workers), Luxembourg

I. NETHERLANDS

1. Sickness, 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 the right to benefit exists outside the scope of the Decision, under Netherlands legislation only:
- The Bedrijfsvereniging (Professional and Trade Association) with which the insured person's employer is insured
- b) other cases: Nieuwe Algemene Bedrijfsvereniging (New General Professional and Trade Association), Amsterdam

3. Old-age, death (pensions):

Sociale Verzekeringsbank (Social Insurance Bank), Amsterdam

4. 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

5. Occupational diseases to which the provisions of Article 57 (3) of Regulation (EEC) No. 1408/71 apply:

For the purposes of applying Article 57 (3) (c) of Regulation (EEC) No. 1408/71

- 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

INSTITUTIONS OF THE PLACE OF RESIDENCE AND INSTITUTIONS OF THE PLACE OF STAY

(Article 1 of the Decision and Article 4 (3) of the Implementing Regulation)

A. BELGIUM

I. Institutions of the place of residence

1. Sickness, maternity :

- a) for the purposes of applying articles 15, 16, 21, 24, 26, 27, 28, 30 of the Implementing Regulation :

The insurance bodies

- b) for the purposes of applying article 29 of the Implementing Regulation :

i) in general :

The Insurance bodies

ii) 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

or

The insurance bodies

2. Invalidity :

- a) general invalidity (manual workers, clerical staff, miners ) :

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 62 of the implementing Regulation :

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) : Office national des pensions pour travailleurs salariés, Bruxelles - Rijksdienst voor werknemerspensioenen, Brussel - (National Pension Office for Employed Persons, Brussels)
4. Accidents at work : (benefits in kind) : The insurance bodies
5. Occupational diseases : Fonds des maladies professionnelles, Bruxelles - Fonds voor beroepsziekten, Brussel - (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. 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)



## II. Institutions of the place of stay

1. Sickness, maternity :  
Institut national d'assurance maladie-  
invalidité, Bruxelles - Rijksinstituut  
voor ziekte- en invaliditeitsverzekering,  
Brussel - (National Sickness 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 Sickness 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

A. DENMARK WITH THE EXCEPTION OF GREENLAND

I. Institutions of the place of residence

1. Sickness and maternity:

(a) For the purposes of applying Articles 16, 21, 26, 27 and 28 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

(b) For the purposes of applying Articles 17, and 24 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)

2. Invalidity (pensions):

Sikringsstyrelsen (National Social Security Office), København

3. Old-age and death (pensions):

(a) Pensions under legislation covering old-age and widows' pensions:

Sikringsstyrelsen (National Social Security Office), København

(b) Pensions granted under 'loven om Arbejdsmarkedets Tillægspension' (the law on supplementary pensions for Employed persons):

Arbejdsmarkedets Tillægspension (Supplementary Pensions Office for Employed Persons), Hillerød

4. Accidents at work and occupational diseases:

(a) For the purposes of applying Title IV, Chapter 4, except for Article 47, of the Implementing Regulation:

Sikringsstyrelsen (National Social Security Office), København

(b) For the purposes of applying Article 62 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. Death grants:

For the purposes of applying Article 63 of the Implementing Regulation:

Sikringsstyrelsen (National Social Security Office), København

II. Institutions of the place of stay:

1. Sickness and maternity:

(a) For the purpose of applying Articles 19, 20 and 29 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

(b) For the purposes of applying Article 23 of the Implementing Regulation:

The social commission in which the beneficiary resides. In the communes of København, Odense, Ålborg and Århus: Magistraten (the communal administration)

2. Accidents at work and occupational diseases:

(a) For the purposes of applying Title IV, Chapter 4, except for Article 50, of the Implementing Regulation:

Sikringsstyrelsen (National Social Security Office), København

(b) For the purposes of applying Article 50 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. GREENLAND

I. Institutions of the place of residence

1. Sickness and maternity

Benefits in kind

Bestyrelsen for sundhedsvaesenet i Grønland (Health Service Commission in Greenland), Godthåb

2. Old-age:

Pensions pursuant to the Regulation of the Regional Council on old-age pensions in Greenland:

Arbejds- og socialdirektoratet (Regional Office of Employment and Social Affairs), Godthåb

3. Accidents at work and occupational diseases:

Det grønlandske naevn for ulykkesforsikring (Greenland Accident Insurance Commission), Godthåb

II. Institutions of the place of stay

1. Sickness and maternity:

Benefits in kind:

Bestyrelsen for sundhedsvaesenet i Grønland (Health Service Commission in Greenland), Godthåb

2. 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 Regulation (EEC) No. 1408/71 of Article 16 of the Implementing Regulation:

for persons insured under the scheme for miners and members of their families:

- (b) for the purposes of applying Article 19(2) of Regulation (EEC) No. 1408/71 and Article 16 of Implementing Regulation:

- (c) for tuberculosis treatment in a treatment centre:

The competent Allgemeine Ortskrankenkasse (Local General Sickness Fund) of the place of residence or place of stay of the person concerned

Bundesknappschaft (Federal Insurance Fund for Miners), Bochum.

The Institution with which the worker 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)

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):

for persons insured under the miners' scheme and the members of their families:

- (b) benefits in kind and in cash excluded under (a) and for the application of Article 62 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

Bundesknappschaft (Federal Insurance Fund for Miners), Bochum

Hauptverband der gewerblichen Berufsgenossenschaften (Federation of Professional and Trade Associations in Industry), Bonn

3. Pension insurance:

- |   |   |
|---|---|
| (a) Pension insurance for manual workers: | Landesversicherungsanstalt Oberfranken und Mittelfranken (Regional Insurance Office of Oberfranken and Mittelfranken), Bayreuth |
| (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. Family benefits:

The competent employment office of the place of residence or place of stay of the person concerned

D. FRANCE

I. Metropolitan France:

1. Risks other than  
family benefits:

a) in general: 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  
Regulation (EEC) No. 1408/71  
in the case of benefits in  
kind under the miners' scheme  
for sickness, maternity,  
invalidity and death  
insurance (grants): Société de secours minière  
(Miners' Relief Society) of the  
place of residence of the person  
concerned

- c) for the purposes of applying article 27 of Regulation (EEC) No.1408/71 with regard to the mariners' scheme: 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) for the purposes of applying article 35 of Regulation (EEC) No. 574/72
- 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
- iv) mariners' scheme: Section 'Caisse générale de prévoyance des marins du Quartier des affaires maritimes' (The General Welfare Fund for Mariners, Department of the Maritime Affairs Division)

e) for the purposes of applying Article 36 of Regulation (EEC) No. 574/72 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

f) for the purposes of applying Article 35 of Regulation (EEC) No. 574/72 with regard to old-age pensions:

i) general scheme:

aa) in general, 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



- ii) agricultural scheme: Caisse centrale de secours mutuels agricoles (Central Agricultural Relief Fund), Paris
- iii) miners' scheme: Caisse autonome nationale de sécurité sociale dans les mines (National Independent Social Security Fund for Miners), Paris
- iv) mariners' scheme: Section 'Caisse de retraite des marins' du Quartier des affaires maritimes (The Mariners' Pension Fund, Department of the Maritime Affairs Division)
- g) for the purposes of applying Article 61 of the Implementing Regulation: Caisse primaire d'assurance-maladie (Local Sickness Insurance Fund)

- 2. Family benefits: Caisse d'allocations familiales (Family Allowances Fund) of the place of residence of the person concerned

## II. Overseas Departments:

### 1. Risks other than family benefits:

- a) in general: Caisse générale de sécurité sociale (General Social Security Fund)
- b) mariners:
  - i) invalidity pensions: 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 pensions: Section 'Caisse de retraite des marins' du Quartier des affaires maritimes (The Mariners' Pension Fund, Department of the Maritime Affairs Division)

- 2. Family benefits: Caisse d'allocations familiales (Family Allowances Fund) of the place of residence of the person concerned

E. GREECE

- |                           |   |                     |
|---------------------------|---|---------------------|
| 1. Family allowances:     | ΟΡΓΑΝΙΣΜΟΣ ΑΠΑΣΧΟΛΗΣΕΩΣ<br>ΕΡΓΑΤΙΚΟΥ ΔΥΝΑΜΙΚΟΥ(ΟΑΕΔ)<br>(Labour Employment Office)  | ΑΘΗΝΑ<br>Athens     |
| 2. Other benefits:        | ΙΔΡΥΜΑ ΚΟΙΝΩΝΙΚΩΝ<br>ΑΣΦΑΛΙΣΕΩΝ (ΙΚΑ)<br>(Social Insurance Institute)   | ΑΘΗΝΑ<br>Athens     |
| 3. Benefits for mariners: | ΝΑΥΤΙΚΩΝ ΑΠΟΜΑΧΙΚΩΝ<br>ΤΑΜΕΙΩΝ(ΝΑΤ) ἢ ΟΙΚΟΣ ΝΑΥΤΟΥ<br>κατὰ περίπτωσιν<br>(Mariners' Retirement Fund or<br>Seamen's Home as appropriate) | ΠΕΙΡΑΙΑΣ<br>Piraeus |

F. IRELAND

1. Benefits in kind:

The Eastern Health Board,  
1 James' St, Dublin

The Midland Health Board,  
Arden Road, Tullamore, Offaly

The Mid-Western Health Board,  
31/33 Catherine St, 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:

Department of Social Welfare,  
Dublin

6. ITALY

1. Sickness (including tuberculosis),  
maternity:

(a) benefits in kind:

(i) in general:

The local health unit with  
which the person concerned is  
registered

(ii) for mariners and flight  
crews in civil aviation:

Ministero della sanità  
(Ministry of Health), Roma  
Ufficio di sanità marittima  
o aerea competente per  
territorio (the competent  
maritime and aviation health  
office)

(b) cash benefits

(i) in general:

Istituto nazionale della  
previdenza sociale (National  
Social Welfare Institution),  
provincial offices

(ii) for mariners and flight  
crews in civil aviation

The maritime fund with which  
the person concerned is  
registered

2. Accidents at work and occupational  
diseases:

(a) benefits in kind:

(i) in general:

The local health unit with  
which the person concerned  
is registered

(ii) for mariners and flight  
crews in civil aviation

Ministero della sanità  
(Ministry of Health), Roma  
Ufficio di sanità marittima o  
aerea competente per territorio  
(the competent maritime and  
aviation health office)

(b) prostheses and major appliances,  
statutory medical benefits, matters  
concerning declarations and  
certificates and cash benefits:

Istituto nazionale per la  
assicurazione contro gli  
infortuni sul lavoro (National  
Institution for Insurance  
against Accidents at Work),  
provincial offices

3. Invalidity, old age, survivors (pensions):

- (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 industry: 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 (National Welfare Institution for Italian journalists G. Amendola), Roma

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. Family allowances:

- (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 (National Welfare Institution for Italian journalists G. Amendola), Roma

## H. LUXEMBOURG

### 1. Sickness, maternity

- a) for the purposes of applying Articles 19, 22, 28(1), 29(1) and 31 of Regulation (EEC) No. 1408/71 and Articles 16, 17, 19, 20, 21, 23, 27, 28 and 29 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 Regulation (EEC) No. 1408/71

The sickness fund which, under Luxembourg legislation, is competent for the Luxembourg partial pension

### 2. Invalidity, old-age, death :

- a) for clerical staff, including technicians in mines (underground) :

Caisse de pension des employés privés (Pension Fund for Clerical Staff in the private sector), Luxembourg

- b) other cases :

Etablissement d'assurance contre la vieillesse et l'invalidité (Old-age and Invalidity Insurance Institution), Luxembourg

### 3. Accidents at work and occupational diseases :

- a) for agricultural and forestry workers :

Association d'assurance contre les accidents, section agricole et forestière (Accident Insurance Association, Agricultural and Forestry Department), Luxembourg

- b) other cases :

Association d'assurance contre les accidents, section industrielle (Accident Insurance Association, Industrial Department), Luxembourg

### 4. Family benefits :

- a) for persons insured with the institution referred to under 2(b) :

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) other cases :

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

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 Zieken-  
fonds (General Sickness Fund of the  
Netherlands), Utrecht

b) cash benefits:

Nieuwe Algemene Bedrijfsvereniging  
(New General Professional and Trade  
Association), Amsterdam

2. Invalidity:

a) when the person concerned  
is also entitled to benefit  
under Netherlands legislation  
only, outside the scope of  
the Decision:

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 Regulation (EEC) No. 574/72

- 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  
Vereeniging van Reden van Arbeid  
(Department of German Affairs of the  
Federation of Labour Councils),  
Nijmegen



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

(Article 26 (1) of the Decision and Article 5 (4) 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 zee-  
varenden 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 pensioen-  
fonds 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 zee-  
varenden 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 36 to 38 and 40 to 44 of the Implementing Regulation :

Office national des pensions pour travailleurs salariés, Bruxelles - Rijksdienst voor werknemerspensioenen, Brussel - (National Pension Office for Employed Persons, Brussels)

b) for the purposes of applying Article 40 (paying institution), article 73 (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 Voorzorg, 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 navigant sous pavillon belge - Hulp- en verzorgingskas voor zeevarenden onder Belgische vlag - (Relief and Welfare Fund for Mariners Sailing under the Belgian Flag), Antwerpen

6. Family benefits :

Office national d'allocations familiales pour travailleurs salariés, Bruxelles - Rijksdienst voor kinderbijslag voor werknemers, Brussel - (National Office for Family Allowances for Employed Persons, Brussels)

B. DENMARK

I. DENMARK WITH THE EXCEPTION OF GREENLAND

1. Benefits for sickness, pregnancy and child-birth:)
2. Pensions under legislation covering old-age and widows' pensions and benefits under the law covering invalidity pensions:
3. Rehabilitation benefits:
4. Benefits for accidents at work and occupational diseases:
5. Family benefits (family allowances):
6. Death grants:
7. Pensions under 'loven om arbejdsmarkedets tillægspension' (the law on supplementary pensions for employed persons):

Sikringsstyrelsen (National Social Security Office), København

II. GREENLAND

1. Benefits in kind for sickness and maternity:
2. Pensions pursuant to the Regulation of the Regional Council on old-age pensions in Greenland:
3. Family benefits (family allowances):
4. Benefits for accidents at work and occupational diseases:

Bestyrelsen for sundhedsvæsenet i Grønland (Health Service Commission in Greenland), Godthåb

Arbejds- og socialdirektoratet (Regional Office of Employment and Social Affairs), Godthåb

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 26(2) of the Decision: Verband Deutscher Rentenversicherungsträger (Federation of German Pension Insurance Institution), Frankfurt am Main
  - (b) For the purposes of applying Chapter 3 and Article 61 of the Implementing Regulation: Landesversicherungsanstalt Oberfranken und Mittelfranken (Regional Insurance Office of Oberfranken and Mittelfranken), Bayreuth."
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. 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
7. 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:        | ΙΔΡΥΜΑ ΚΟΙΝΩΝΙΚΩΝ<br>ΑΣΦΑΛΙΣΕΩΝ (ΙΚΑ)<br>(Social Insurance Institute)              | ΑΘΗΝΑ<br>Athens     |
| 2. Family allowances: | ΟΡΓΑΝΙΣΜΟΣ ΑΠΑΣΧΟΛΗΣΕΩΣ<br>ΕΡΓΑΤΙΚΟΥ ΔΥΝΑΜΙΚΟΥ(ΟΑΕΔ)<br>(Labour Employment Office) | ΑΘΗΝΑ<br>Athens     |
| 3. For mariners:      | ΝΑΥΤΙΚΟΝ ΑΠΟΜΑΧΙΚΟΝ<br>ΤΑΜΕΙΟΝ (ΝΑΤ)<br>(Mariners' Retirement Fund)                | ΠΕΙΡΑΙΑΣ<br>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) 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.

2. Accidents at work and occupational  
diseases:

(a) benefits in kind

Ministero della Sanità (Ministry of  
Health), Roma

(b) prostheses and major appliances,  
statutory medical benefits, exami-  
nations, 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.

3. Invalidity, old-age, survivors,  
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
2. Invalidity, old-age, death (pensions) :
  - a) for clerical staff, including technicians working in mines (underground) : Caisse de pension des employés privés (Pension Fund for Clerical Staff in the Private Sector), Luxembourg
  - b) for other cases : Établissement d'assurance contre la vieillesse et l'invalidité (Old-Age and Invalidity Insurance Institution), Luxembourg
3. Accidents at work and occupational diseases :
  - a) for agricultural and forestry workers : Association d'assurance contre les accidents, section agricole et forestière (Accident Insurance Association, Agricultural and Forestry Department), Luxembourg
  - b) for other cases : Association d'assurance contre les accidents, section industrielle (Accident Insurance Association, Industrial Department), Luxembourg
4. Family benefits :
  - a) for persons insured with the institution referred to in 2 b) : 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 other cases : 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
5. Death grants :
  - a) for the purposes of applying Article 66 of Regulation (EEC) No. 1408/71: 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 and occupational diseases :

a) benefits in kind: Ziekenfondsraad (Sickness Funds Council), Amsterdam

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 Vereeniging 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 Group,  
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 Group,  
Newcastle upon Tyne

ANNEX 5

A. IMPLEMENTING PROVISIONS OR BILATERAL CONVENTIONS AND REIMBURSEMENT AGREEMENTS WHICH ARE INCLUDED IN ANNEX 5 OF REGULATION (EEC) NO. 574/72 AND ARE NOT APPLICABLE TO TURKISH WORKERS.  
(Articles 4, 5 and 68 of the Implementing Regulation)

1. BELGIUM - GERMANY

- (a) 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.
- (b) 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.
- (c) The Agreement of 29 January 1969 on the recovery of social security contributions.

2. GERMANY - FRANCE

The Agreement of 14 October 1977 concerning the waiving of reimbursement provided for in Article 70 (3) of the Regulation (costs of unemployment benefit).

3. 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.

4. GERMANY - NETHERLANDS

The Agreement of 22 July 1976 on the waiving of reimbursement of unemployment benefits.

**B. SUPPLEMENTARY IMPLEMENTING AGREEMENTS  
(Article 78 of the Implementing Regulation).**

**None.**

ANNEX 6

GRANT OF FAMILY BENEFITS

(Article 4(6) and Article 9(2)(d) of the  
Implementing Regulation)

Article 9(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 Ireland
- between Germany and Luxembourg
- between Germany and the United Kingdom
- between France and Luxembourg

b) with a reference period  
of three calendar month's  
duration in dealings

- between Denmark and Germany
- between Denmark and the Netherlands
- between Germany and the Netherlands
- between France and the Netherlands
- between Luxembourg and the Netherlands



ANNEX 7

INSTITUTIONS OR BODIES DESIGNATED BY THE COMPETENT AUTHORITIES

(Article 4 paragraph 7 of the Implementing Regulation)

A. BELGIUM

1. For the purposes of applying Articles 10 and 12 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 10 of the Implementing Regulation : 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. For the purposes of applying Article 75 of the Implementing Regulation : Institut national d'assurance maladie-invalidité, Bruxelles - Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel - (National Sickness and Invalidity Insurance Institute, Brussels)

B. DENMARK

I. DENMARK WITH THE EXCEPTION OF GREENLAND

1. For the purposes of applying Article 10(1), Article 12, Article 72 and Article 75(2) of the Implementing Regulation:

Sikringsstyrelsen (National Social Security Office), København

2. For the purposes of applying Article 56(1) 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).

3. For the purposes of applying Article 65(2) of the Implementing Regulation:

Arbejdsdirektoratet (National Employment Office), København

II. GREENLAND

1. For the purposes of applying Article 10(1), Article 12 and Article 75(2) of the Implementing Regulation:

Ministeriet for Grønland (Ministry for Greenland), København

2. For the purposes of applying Article 56(1) of the Implementing Regulation:

Vedkommende Kommunalbestyrelse (The competent communal administration)

3. For the purposes of applying Article 65(2) and Article 72 of the Implementing Regulation:

Arbejds- og socialdirektoratet (Regional Office of Employment and Social Affairs), Godthåb

C. GERMANY

- "1. For the purpose of applying Annex II(C)(2) to the Decision:
- (a) depending upon the nature of the activity last pursued: the pension insurance institutions for manual workers and clerical staff specified in Annex 2;
  - (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;
  - (c) persons who, pursuant to Dutch legislation, have been insured under the General Old-Age Insurance Scheme 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 9 of the Decision in conjunction with Article 9 (1) of the Implementing Regulation as well as in conjunction with Article 14 (1)(a)(i) of Regulation(EEC) No. 1408/71 and Article 17 of Regulation(EEC) No.1408/71 in conjunction with Article 10(1) of the Implementing Regulation and for the purposes of applying Article 14(1)(c) of Regulation (EEC) No. 1408/71 in conjunction with Article 12a of Regulation (EEC)No.574/72
- (a) worker insured with sickness insurance: the institution with which he is insured;
  - (b) worker not insured with sickness insurance: Bundesversicherungsanstalt für Angestellte (Federal Insurance Office for Clerical Staff), Berlin
3. For the purposes of applying Article 9 of the Decision in conjunction with Article 8(2) of the Implementing Regulation and Article 14(1)(c)(ii) of Regulation (EEC) No. 1408/71.
- Bundesverband der Ortskrankenkasse (National Federation of Local Sickness Funds), Bonn.
4. For the purposes of applying Article 9 of the Decision in conjunction with Article 17 of Regulation (EEC) No. 1408/71.
- Bundesverband der Ortskrankenkassen (National Federation of Local Sickness Funds), Bonn.

5. For the purposes of applying Article 18 of the Decision in conjunction with Article 65(2) of the Implementing Regulation:

The Arbeitsamt of the district in which the worker was last employed

6. For the purposes of applying Article 19 of the Decision in conjunction with Article 66(4) of the Implementing Regulation:

(a) family allowances paid to a person in respect of an orphan:

Arbeitsamt (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.

7. For the application of:

Articles 36 and 63 of Regulation (EEC) 1408/71 and Article 102 (2) of Regulation (EEC) 574/72

Bundesverband der Ortskrankenkassen (National Federation of Local Sickness Funds, Bonn - Bad-Godesberg; 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.

8. For the purposes of applying Article 75(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 19(2) of the Implementing Regulation:

Bundesverband der Ortskrankenkassen (National Federation of Local Sickness Funds), Bonn - Bad-Godesberg; by means of the compensation fund provided for in Annex V to Regulation (EEC) No 1408/71, point C, paragraph 5

(b) refund of benefits in kind incorrectly provided to workers on presentation of the certified statement provided for in Article 48(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 - Bad-Godesberg; by means of the compensation fund provided for in Annex V to Regulation (EEC) No 1408/71, point C, paragraph 5

(ii) in other cases:

Hauptverband der gewerblichen Berufsgenossenschaften (Federation of Professional and Trade Associations), Bonn.

9. For the purpose of applying Article 14(3) of Regulation (EEC) 1408/71:

The institution to which pension insurance contributions are paid or, if the application is made together with or after the pension application, the institution investigating the application.

D. FRANCE

1. For the purposes of applying  
Article 10 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  
(The 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 Maritimes  
(The Mariners' Pension Fund, Department  
of the Maritime Affairs Division)

2. For the purposes of applying  
Article 17 in conjunction  
with Article 14 (1) (a) (ii)  
of Regulation (EEC)  
No. 1408/71

- i) general: Direction Régionale des Affaires  
Sanitaires et Sociales  
(Regional Directorate of Sanitary  
and Social Affairs)
- ii) agricultural scheme: Ministre de l'Agriculture, Paris  
(Ministry of Agriculture, Paris)

3. For the implementation of  
Articles 36 and 63 of  
Regulation (EEC) No. 1408/71 in  
conjunction with Article 102 (2)  
of Regulation (EEC) No. 574/72: Centre de sécurité sociale des  
travailleurs migrants  
(Social Security Centre for  
Migrant Workers), Paris
  
4. For the purposes of applying  
Article 113 (2) of Regulation  
(EEC) No. 574/72: Centre de sécurité sociale des  
travailleurs migrants  
(Social Security Centre for  
Migrant Workers), Paris

E. GREECE

1. For the purposes of applying Article 9 of the Decision in so far as it applies by analogy Article 14(1) (a) and (3) of Regulation (EEC) 1408/71 in conjunction with Article 10(1) of the Implementing Regulation:

a) in general:

ΙΔΡΥΜΑ ΚΟΙΝΩΝΙΚΩΝ  
ΑΣΦΑΛΙΣΕΩΝ (ΙΚΑ) ΑΘΗΝΑ  
(Social Insurance Institute)  
Athens

b) for mariners:

ΝΑΥΤΙΚΟ ΑΠΟΜΑΧΙΚΟ  
ΤΑΜΕΙΟ (ΝΑΤ) ΠΕΙΡΑΙΑΣ  
(Mariners' Retirement Fund)  
Piraeus

2. For the purposes of applying Article 72 of the Implementing Regulation:

a) benefits for mariners:

ΝΑΥΤΙΚΟ ΑΠΟΜΑΧΙΚΟ ΤΑΜΕΙΟ  
(ΝΑΤ) ΠΕΙΡΑΙΑΣ  
(Mariners' Retirement Fund)  
Piraeus

b) other benefits:

ΙΔΡΥΜΑ ΚΟΙΝΩΝΙΚΩΝ  
ΑΣΦΑΛΙΣΕΩΝ (ΙΚΑ) ΑΘΗΝΑ  
(Social Insurance Institute)  
Athens

3. For the purposes of applying Article 75 (2) of the Implementing Regulation:

a) for mariners:

ΝΑΥΤΙΚΟ ΑΠΟΜΑΧΙΚΟ  
ΤΑΜΕΙΟ (ΝΑΤ) ΠΕΙΡΑΙΑΣ  
(Mariners' Retirement Fund)  
Piraeus

b) for other cases:

ΙΔΡΥΜΑ ΚΟΙΝΩΝΙΚΩΝ  
ΑΣΦΑΛΙΣΕΩΝ (ΙΚΑ) ΑΘΗΝΑ  
(Social Insurance Institute)  
Athens



F. IRELAND

1. For the purposes of applying  
Article 10(1), Article 12,  
Article 56 (1), Article 65 (2) and  
Article 66 (4) of the  
Implementation Regulation: Department of Social Welfare,  
Dublin

2. For the purposes of applying  
Articles 36 and 63 of Regulation  
(EEC) No. 1408/71 and Article 102 (2)  
of Regulation (EEC) No. 574/72:  
Department of Health, Dublin

3.a) For the purposes of applying  
Article 72 of the Implementing  
Regulation (for cash benefits):  
Department of Social Welfare,  
Dublin

b) For the purposes of applying  
Article 72 (for benefits in kind)  
and Article 75 (2) of the  
Implementing Regulation:

The Eastern Health Board,  
1 James' St., Dublin

The Midland Health Board,  
Arden Road, Tullamore, Offaly

The Mid-Western Health Board,  
31/33 Catherine St., 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

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The Western Health Board,  
Merlin Park, Galway

G. ITALY

1. For the purposes of applying Article 10  
(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 12  
of the Implementing Regulation: Istituto nazionale della previdenza  
sociale (National Social Welfare  
Institution) provincial offices
3. For the purposes of applying Article 61(2)  
of the Implementing Regulation: Istituto nazionale per l'assicura-  
zione contro gli infortuni sul lavoro  
(National Institution for Insurance  
against Accidents at Work), provincial  
offices
4. For the purposes of applying Articles 65(2)  
of the Implementing Regulation: Istituto nazionale della previdenza  
sociale (National Social Welfare  
Institution), provincial offices
5. For the purposes of applying Article 102(2)  
of Regulation (EEC) No. 574/72:
  - (a) Refunds under Article 36 of  
Regulation (EEC) No. 1408/71 Ministero della sanità (Ministry of  
Health), Roma
  - (b) Refunds under Article 63 of  
Regulation (EEC) No. 1408/71
    - (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
6. For the purposes of applying Article 75(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 9 of the Decision in so far as it makes applicable Article 14 (3) of Regulation (EEC) n° 1408/71

The competent institution for the relevant type of employment

2. For the purposes of applying Article 10 (1) of the Implementing Regulation

Inspection générale de la sécurité sociale (General Inspectorate for Social Security), Luxembourg

3. For the purposes of applying Article 12 of the Implementing Regulation

Centre d'informatique, d'affiliation et de perception des cotisations commun aux institutions de sécurité sociale (Joint Data Processing, Membership and Contributions Centre of the Social Security Institutions), Luxembourg

4. For the purposes of applying Article 66 (4) of the Implementing Regulation

a) invalidity, old-age, death (pensions) :

- i) for clerical staff including technicians in mines (underground)

Caisse de pension des employés privés (Pension Fund for Clerical Staff in the Private Sector), Luxembourg

ii) for other cases :

Etablissement d'assurance contre la vieillesse et l'invalidité (Old-age and Invalidity Insurance Institution), Luxembourg

b) family benefits :

- i) for persons insured with the institution referred to under a) ii) :

Caisse d'allocations familiales des ouvriers près l'Etablissement d'assurance contre la vieillesse et l'invalidité (Family Allowances Fund for Manual Workers at the Old-age and Invalidity Insurance Institution), Luxembourg

ii) for other cases :

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

5. For the purposes of applying Article 75 (2)  
of the Implementing Regulation

a) Sickness, maternity :

Caisse nationale d'assurance-maladie des  
ouvriers (National Sickness Fund for Manual  
Workers), Luxembourg

b) Accidents at work :

Association d'assurance contre les acci-  
dents, section industrielle (Accident  
Insurance Association, Industrial Department),  
Luxembourg

I. NETHERLANDS

1. For the purposes of  
Articles 10 and 12 of  
the Implementing Regulation: Sociale Verzekeringsraad  
(Social Insurance Council),  
Zoetermeer
  
2. For the purposes of applying  
Article 68 of the  
Implementing Regulation, in  
respect of the reimbursements  
referred to in articles 36  
and 63 of Regulation (EEC)  
No. 1408/71 which have been  
declared to apply to Turkish  
workers under the terms of  
Articles 11 and 15 of the  
Decision: Ziekenfondsraad  
(Sickness Funds Council),  
Amstelveen

J. UNITED KINGDOM

For the purposes of applying  
Article 10 (1)  
Article 12  
Article 56 (1)  
Article 65 (2)  
Article 66 (4) and  
Article 72 of the  
Implementing Regulation:

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

DECISION No 3/80 OF THE ASSOCIATION COUNCIL  
OF 19 SEPTEMBER 1980

on the application of the social security schemes  
of the Member States of the European Communities  
to Turkish workers and members of their families

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THE COUNCIL OF ASSOCIATION,

Having regard to the Agreement establishing an Association between  
the European Economic Community and Turkey,

Having regard to the Additional Protocol, and in particular  
Article 39 thereof,

HAS DECIDED AS FOLLOWS:

TITLE I - GENERAL PROVISIONS

Article 1

Definitions

For the purposes of this Decision:

- (a) the terms "frontier worker", "seasonal worker", "member of family", "survivor", "residence", "stay", "competent State", "insurance periods", "periods of employment", "periods of residence", "benefits", "pensions", "family benefits", "family allowances" and "death grants" have the meanings assigned to them in Article 1 of Regulation (EEC) No 1408/71 of the Council of the European Communities of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community <sup>(1)</sup>, hereinafter referred to as "Regulation (EEC) No 1408/71";

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<sup>(1)</sup> OJ No L 149, 5.7.1971, p. 2



(b) "worker" means:

(i) subject to the restrictions set out in Annex V, A. BELGIUM (1), of Regulation (EEC) No 1408/71, any person who is insured, compulsorily or on an optional continued basis, against one or more of the contingencies covered by the branches of a social security scheme for employed persons;

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

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

- failing such criteria, is insured against some other contingency specified in the Annex under a scheme for employed persons, either compulsorily or on an optional continued basis;

(c) "legislation" means all the laws, regulations and other statutory provisions and all other implementing measures, present or future, of each Member State relating to the branches and schemes of social security covered by Article 4 (1) and (2).

This term excludes the provisions of existing or future industrial agreements, whether or not the public authorities have taken a decision rendering them compulsory or extending their scope;

- (d) "social security convention" means any bilateral or multilateral instrument which binds or will bind either two or more Member States exclusively, or one Member State and Turkey 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;
- (e) "competent authority" means in respect of each Member State and of Turkey, 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;
- (f) "institution" means, in respect of each Member State or of Turkey, the Minister, the body or authority responsible for administering all or part of the legislation;
- (g) "competent institution" means:
  - (i) the institution of the Member State with which the person concerned is insured at the time of the application for benefits, or

- (ii) the institution from which the person concerned is entitled or would be entitled to receive 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, failing these, a body or authority designated by the competent authority of the Member State concerned;
- (h) "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 State in question.

Article 2

Persons covered

This Decision shall apply:

- to workers who are or have been subject to the legislation of one or more Member States and who are Turkish nationals,
- to the members of the families of these workers, resident in the territory of one of the Member States,
- to the survivors of these workers.

Article 3

Equality of treatment

1. Subject to the special provisions of this Decision, persons resident in the territory of one of the Member States to whom this Decision 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.

Article 4

Matters covered

1. This Decision 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 Decision 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 shipowner in respect of the benefits referred to in paragraph 1.
3. The provisions of Title III shall not, however, affect the legislative provisions of any Member State concerning a shipowner's liability.
4. This Decision shall not apply to social and medical assistance or to benefit schemes for victims of war and its consequences.

#### Article 5

Relationship between this Decision and social security conventions binding two or more Member States exclusively

This Decision shall, as regards the persons and matters which it covers, replace the provisions of any social security convention, exclusively binding two or more Member States, save for such provisions of Part A of Annex II to Regulation (EEC) No 1408/71 as are not laid down in Part B of that Annex.

Article 6

Waiving of residence clause -  
Effect of compulsory insurance on  
reimbursement of contributions

1. Save as otherwise provided in this Decision, invalidity, old-age or survivors' cash benefits and pensions for accidents at work or occupational diseases, 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 Turkey or in the territory of a Member State other than that in which the institution responsible for payment is situated.

The provisions of the first subparagraph shall also apply to lump-sum benefits granted in the case of the 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 as a worker to compulsory insurance under the legislation of another Member State.

Article 7

Revalorization of benefits

Rules for revalorization provided by the legislation of a Member State shall apply to benefits due under that legislation subject to the provisions of this Decision.

Article 8

Prevention of overlapping of benefits

1. This Decision 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, or death (pensions) which are awarded by the institutions of two or more Member States, in accordance with the provisions of Title III.
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 against the beneficiary, even if the right to such benefits was acquired under the legislation of another Member State or of Turkey or the income was obtained in the territory of another Member State.



or of Turkey. However, this provision shall not apply when the person concerned receives benefits of the same kind in respect of invalidity, old age or death (pensions) which are awarded by the institutions of two or more Member States in accordance with Title III or by a Turkish institution pursuant to the provisions of a bilateral social security convention.

3. The provisions of the legislation of a Member State for reduction, suspension or withdrawal of benefits 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 or of Turkey.

4. For the purposes of paragraphs 2 and 3, the institutions concerned shall, on request, exchange all appropriate information.

## TITLE II - DETERMINATION OF THE LEGISLATION APPLICABLE

### Article 9

The legislation applicable to Turkish workers employed in the Community shall be determined in accordance with the rules laid down by Article 13 (1) and (2) (a) and (b), Articles 14, 15 and 17 of Regulation (EEC) No 1408/71.

TITLE III - SPECIAL PROVISIONS RELATING TO THE VARIOUS  
CATEGORIES OF BENEFITS

Chapter 1: Sickness and Maternity

Article 10

For the purposes of acquisition, retention or recovery of the right to benefits, Article 18 of Regulation (EEC) No 1408/71 shall apply.

Article 11

For the purposes of the granting of benefits and reimbursements between institutions of the Member States Articles 19 to 24, Article 25(3) and Articles 26 to 36 of Regulation (EEC) No 1408/71 shall apply.

Moreover, Article 19 of Regulation (EEC) No 1408/71 shall apply to wholly unemployed frontier workers who satisfy the conditions specified by the legislation of the competent State for entitlement to sickness benefits.

Chapter 2 - Invalidity

Article 12

The rights to benefits of a worker who has successively or alternately been subject to the legislation of two or more

Member States shall be established in accordance with Article 37(1), first sentence, and (2), Articles 38 to 40, Article 41(1)(a), (b), (c) and (e) and (2), and Articles 42 and 43 of Regulation (EEC) No 1408/71.

However:

- (a) for the purpose of applying Article 39(4) of Regulation (EEC) No 1408/71, all the members of the family, including children, residing in the Community or in Turkey, shall be taken into account;
- (b) the reference in Article 40(1) of this Regulation to the provisions of Title III, Chapter 3 of Regulation (EEC) No 1408/71 shall be replaced by a reference to the provisions of Title III, Chapter 3 of this Decision.

Chapter 3 - Old age and death (pensions)

Article 13

The rights to benefits of a worker who has been subject to the legislation of two or more Member States, or of his survivors, shall be established in accordance with Article 44(2), first sentence, Articles 45, 46(2), Articles 47, 48, 49 and 51 of Regulation (EEC) No 1408/71.

However:

- (a) Article 46 (2) of Regulation (EEC) No 1408/71 shall apply even if the conditions for acquiring entitlement to benefits are satisfied without the need to have recourse to Article 45 of the said Regulation;
- (b) for the purposes of applying Article 47 (3) of Regulation (EEC) No 1408/71, all the members of the family, including children, residing in the Community or in Turkey shall be taken into account;
- (c) for the purposes of applying Article 49 (1) (a) and (2) and Article 51 of Regulation (EEC) No 1408/71, the reference to Article 45 shall be replaced by a reference to Article 46 (2).

#### Article 14

1. The benefit due under the legislation of a Member State which is bound to Turkey by a bilateral social security convention shall be awarded in accordance with the provisions of that convention.

Where a worker has been subject to the legislation of two or more Member States, a supplement shall be added, where appropriate, equal to the difference between the amount of the said benefit and the amount of the benefit obtained pursuant to Article 12 or Article 13, as the case may be.

2. Where a supplement is due pursuant to the second subparagraph of paragraph 1, Article 51 of Regulation (EEC) No 1408/71 shall apply to the whole amount of the benefit owed by the Member State concerned.

Chapter 4 - Accidents at work and occupational diseases

Article 15

For the granting of benefits and for reimbursements between Member States' institutions, Articles 52 to 63 inclusive of Regulation (EEC) No 1408/71 shall apply.

Chapter 5 - Death grants

Article 16

For the acquisition, retention or recovery of the right to benefits, the provisions of Article 64 of Regulation (EEC) No 1408/71 shall apply.

Article 17

Where the death occurs in the territory of a Member State other than the competent State, or the person entitled resides in such State, the death grants shall be awarded in accordance with Article 65 and Article 56 of Regulation (EEC) No 1408/71.

Chapter 6 - Family benefits and family allowances

Article 18

For the acquisition of the right to benefits, Article 72 of Regulation (EEC) No 1408/71 shall apply.

Article 19

1. Pensioners and their dependent children residing in the territory of a Member State shall be entitled to family allowance in accordance with Article 77(2) and Article 79(1)(a), (2) and (3) of Regulation (EEC) No 1408/71.
2. The natural or legal person responsible for an orphan and residing with him in the territory of a Member State shall be entitled to family allowances and, where appropriate, to supplementary or special allowances for orphans under the rules laid down in Article 78(2) and Article 79(1)(a), (2) and (3) of Regulation (EEC) No 1408/71.

TITLE IV - MISCELLANEOUS PROVISIONS

Article 20...

1. The competent authorities of the Member States and of Turkey shall communicate to each other all information regarding measures taken to implement this Decision.
2. For the purposes of implementing this Decision, the authorities and institutions of the Member States and of Turkey 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 these States may agree to certain expenses being reimbursed.
3. The authorities and institutions of the Member States and of Turkey may, for the purposes of implementing this Decision, communicate directly with one another and with the persons concerned or their representatives.
4. The authorities, institutions and courts or tribunals of a 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 or in the Turkish language.

Article 21...

1. Any exemption from or reduction of taxes, stamp duty, notarial or registration fees provided for in the legislation of a Member State or of Turkey 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 Turkey, or of this Decision.

2. All statements, documents and certificates of any kind whatsoever required to be produced for the purposes of this Decision shall be exempt from authentication by diplomatic and consular authorities.

#### Article 22

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

#### Article 23

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 or of Turkey, by the institution of the place of stay or residence of the person entitled to benefits, under conditions agreed between the competent authorities of the 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 24

1. Money transfers effected in accordance with this Decision shall be made in accordance with the relevant agreements in force at the time of the transfer between the Member States concerned.  
In the case where no such agreements are in force between two States, the competent authorities in those States or the authorities responsible for international payment shall, by common accord, adopt the measures required to make these transfers.
2. Money transfers effected in accordance with this Decision shall be made in accordance with the relevant agreements in force at the time of the transfer between the Member State concerned and Turkey. In the case where no such agreements are in force between Turkey and a Member State, the competent authorities in both States, or the authorities responsible for international payment shall, by common accord, adopt the measures required to make these transfers.

Article 25

1. For the purposes of implementing this Decision, Annexes I, III and IV of Regulation (EEC) No 1408/71 shall be applicable.
2. For the purposes of implementing this Decision, Annex II of Regulation (EEC) No 1408/71 shall be applicable to the extent laid down in Article 5.
3. For the purposes of implementing this Decision, Annex V of Regulation (EEC) No 1408/71 shall be applicable to the extent laid down in Part I of the Annex.

Other special procedures for applying the laws of certain Member States are laid down in Part II of the Annex.

Article 26

1. The competent authorities may designate liaison bodies which may communicate directly with each other.
2. Any institution of a Member State or of Turkey, and any person residing or staying in the territory of a Member State or of Turkey, may make application to the institution of another Member State or of Turkey, either directly or through the liaison bodies.

Article 27

(a) Claims for invalidity, old-age and survivors benefits (including orphans' pensions) shall be submitted in accordance with Articles 35 (1) and (2), 36 (1), (2) and (4) first clause, 37 (a), (b) and (c) and 38 of Regulation (EEC) No 574/72 of the Council of the European Communities 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 <sup>(1)</sup> hereinafter called "Regulation (EEC) No 574/72".

(b) However,

(i) if the person concerned resides in Turkey, he shall submit his claim to the competent institution of that Member State to whose legislation the worker was subject, where appropriate through the institution of the place of residence;

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<sup>(1)</sup> OJ No L 74, 27.3.1972, p. 1

- (ii) Article 38 of Regulation (EEC) No 574/72 shall apply to all members of the family of the claimant who reside in the territory of the Community or in Turkey.

Article 28

Administrative checks and medical examinations shall be effected in accordance with the provisions of Articles 51 and 52 of Regulation (EEC) No 574/72. These provisions shall apply if the recipient is resident in Turkey.

Article 29

1. In order to draw a pension or supplementary allowance in respect of an accident at work or an occupational disease under the legislation of a Member State, a worker or his survivors residing in Turkey 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 out on the forms provided for by the legislation administered by the competent institution;
  - (b) the accuracy of the information given by the claimant must be established by official documents attached to the claim form, or confirmed by the competent bodies of Turkey.
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 Turkey.
3. Administrative checks and medical examinations provided for in the event of pensions being reviewed shall be carried out at the request of the competent institution by the Turkish institution in accordance with the procedure laid down by the legislation administered by the latter institution. The competent institution shall, however, retain the right to have the person entitled to benefits examined by a doctor of its own choice.

4. 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.
5. Pensions due from the institution of a Member State to claimants resident in Turkey shall be made in accordance with the procedure laid down in Article 30.

Article 30

Benefits shall be paid in accordance with Articles 53 to 59 of Regulation (EEC) No 574/72. Where the recipient is resident in Turkey, payment shall be direct save as otherwise provided in the convention binding the Member State concerned and Turkey.

TITLE V - FINAL PROVISIONS

Article 31

Two or more Member States, or Turkey and one or more Member States, or the competent authorities of those States may, where necessary, conclude agreements designed to supplement the administrative procedures for implementing this Decision.

Article 32

Turkey and the Community shall, each to the extent to which they are concerned, take the necessary steps to implement this Decision.

Done at Brussels, 19 September 1980  
For the Association Council  
The President

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ANNEX

SPECIAL PROCEDURES FOR APPLYING THE LAWS OF CERTAIN MEMBER STATES

referred to in

Article 25(3) of this Decision

I. Special procedures for applying the laws of certain Member States provided for in Annex V of Regulation (EEC) No 1408/71 and applicable for the purposes of this Decision

Annex V to Regulation (EEC) No 1408/71 shall apply for the purposes of this Decision except for the following provisions:

1. Point B. DENMARK

Paragraphs 1, 2, 3, 4, 5, 7, 8 and 11;

2. Point C. GERMANY

Paragraphs 1, 4, 8 and 9;

3. Point D. FRANCE

Paragraph 1(a) (b) and paragraph 3;

4. Point E. IRELAND

Paragraphs 1, 2, 3, 4, 6, 7 and 9;

5. Point H. NETHERLANDS

Paragraph 1(a);

6. Point I. UNITED KINGDOM

Paragraphs 1, 4, 6, 7, 8 and 11.

## II. Other special procedures for applying the laws of certain Member States

### A. BELGIUM

This Decision shall not apply to the guaranteed income for retired people, nor to the allowances paid to handicapped persons.

### B. DENMARK

1. Any person who, by pursuing an activity as an employed person, is subject to legislation on accidents at work and occupational diseases shall be considered a worker within the meaning of Article 1(b) (ii) of the Decision.
2. Workers and pensioners and members of their families referred to in Articles 19, 22(1) and (3), 25(3), 26(1) and Articles 28a, 29 and 31 of Regulation (EEC) No 1408/71 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 whose income does not exceed the level indicated in Article 3 of Law No 311 of 9 June 1971 concerning the Public Health Service, where the cost of the said benefits is payable by the institution of a Member State other than Denmark.
3. Article 1(1) No 2 of the Law on old-age pensions, Article 1(1) No 2 of the Law on disability pensions and Article 2(1) No 2 of the Law on widows' pensions and allowances shall not be applicable to workers or their survivors whose residence is in the territory of a Member State other than Denmark or in Turkey.
4. The terms of this Decision shall be without prejudice to the transitional 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 application.

5. The periods during which a frontier worker residing within the territory of a Member State other than Denmark has worked in Denmark are to be considered as periods of residence for the purposes of Danish legislation. The same shall apply to those periods during which such a worker is posted to the territory of a Member State other than Denmark.
6. For the purposes of applying Article 8(2) of this Decision to Danish legislation, disability, old-age and widows' pensions shall be considered as benefits of the same kind.
7. When a Turkish worker to whom this Decision applies has been subject to Danish legislation and to the legislation of one or more other Member States, and fulfils the requirements for a disability pension under Danish legislation, his entitlement to such pension shall be subject to the condition that he has been resident in Denmark for a period of at least one year and during that period has been capable, physically and mentally, of carrying out a normal occupation.
3. The following provisions shall apply until the entry into force of a bilateral social security convention between Denmark and Turkey:

When a Turkish worker to whom this Decision applies has been subject to Danish legislation and not to the legislation of another Member State, his entitlement and that of his survivors to old-age, disability and death benefits (pensions) shall be determined in accordance with the following provisions:

- (a) Turkish nationals resident in Denmark shall be entitled to an old-age pension granted in accordance with Danish legislation if, between the age of 18 and the minimum age for entitlement to an old-age pension, they have been resident in Denmark for at least fifteen years, at least five of which immediately preceded the date of the application for a pension;



- (b) Turkish nationals resident in Denmark shall be entitled to a disability pension granted in accordance with Danish legislation if they have been resident in Denmark for at least five years immediately preceding the date of the application for a pension and during that period have been capable, physically and mentally, of carrying out a normal occupation;
- (c) Turkish nationals resident in Denmark shall be entitled to a widow's pension granted in accordance with Danish legislation
  - if the deceased spouse had been resident in Denmark after the age of 18 for at least five years immediately preceding the date of death,
  - or if the widow had been resident in Denmark for at least five years immediately preceding the date of the application for a pension.

#### C. GERMANY

1. Article 6 of this Decision 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. 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 Turkish nationals who fulfil the general conditions:
  - (a) if the person concerned has his permanent address or residence in the territory of the Federal Republic of Germany;
  - (b) if the person concerned has his permanent address or residence in the territory of another Member State and at any time previously contributed compulsorily or voluntarily to a German pension insurance scheme.

#### D. FRANCE

The Decision shall not apply to the supplementary allowance of the National Mutual Aid Fund.

E. IRELAND

1. Any person who is compulsorily or voluntarily insured pursuant to the provisions of Section 4 of the Social Welfare Act 1952 shall be considered a worker within the meaning of Article 1(b)(ii) of this Decision.
2. Workers and pensioners, together with members of their families referred to in Articles 19, 22(1) and (3), 25(3), 26(1) and Articles 28a, 29 and 31 of Regulation (EEC) No 1408/71, resident or staying in Ireland, shall be entitled, free of charge, to any such form of medical treatment as is provided for by Irish legislation, where the cost of this treatment is payable by the institution of a Member State other than Ireland.
3. For the purposes of applying Article 8(2) of this Decision to Irish legislation, invalidity, old-age and widows' pensions shall be considered as benefits of the same kind.
4. For the purpose of calculating earnings for the award of earnings-related benefit payable with sickness and maternity benefits under Irish legislation, a worker shall, in derogation from Article 23(1) of Regulation (EEC) No 1408/71, be credited for each week of employment completed under the legislation of another Member State during the relevant income-tax year with an amount equivalent to the average weekly earnings in that year of male and female workers, respectively.

F. ITALY

None.

G. LUXEMBOURG

The supplement to make up the minimum pension as well as the children's supplement in Luxembourg pensions shall be granted in the same proportion as the fixed part.

H. NETHERLANDS

A person receiving an old-age pension under Netherlands legislation and a pension under the legislation of another Member State shall, for the purposes of Article 27 and/or Article 28 of Regulation (EEC) No 1408/71, be considered to be entitled to benefits in kind if he satisfies the conditions required for entitlement to voluntary sickness insurance for elderly persons.

I. UNITED KINGDOM

1. All persons who are "employed earners" within the meaning of the legislation of Great Britain or of the legislation of Northern Ireland and all persons in respect of whom contributions are payable as "employed persons" in accordance with the legislation of Gibraltar shall be regarded as "workers" for the purposes of Article 1(b)(ii) of this Decision.
2. This Decision shall not apply to those provisions of United Kingdom legislation implementing a social security agreement between the United Kingdom and a third State other than Turkey.
3. Wherever required by United Kingdom legislation for the purposes of determining entitlement to benefits, Turkish nationals born in a State other than a Member State or Turkey are to be treated as nationals of the United Kingdom born in such other State.
4. For the purposes of applying Article 8 (2) of this Decision to the legislation of the United Kingdom, disability, old-age and widows' pensions shall be considered as benefits of the same kind.