



Recommendation 761 (1975)¹

Payments of pensions in cases of mixed careers and on the establishment of a European passport of social security

Parliamentary Assembly

The Assembly,

1. Observing that the workers of European states, when they have completed "social security careers" in different member states, encounter great difficulties over the collection of long-term benefits to which they are entitled ;
2. Considering the bilateral and multilateral agreements on social security concluded between member states of the Council of Europe ;
3. Considering that the practical application of these agreements often raises difficulties, particularly with respect to decisions over pension rights and the implementation of these decisions ;
4. Considering that the workers are entitled to a decision and benefits without delay, but that in practice administrative problems often interfere with their legitimate interests by postponing the enjoyment of acquired rights ;
5. Aware of the difficulties which arise whenever an industrial accident has occurred abroad and a disablement pension has to be paid to a worker or a survivor's pension to a widow or an orphan, if the persons concerned have returned to or remained in the country of origin ;
6. Considering that most of these difficulties are due to the methods used in individual countries to trace the career of the person concerned when the latter has been subject in different states to a number of social security systems or schemes ;
7. Believing that all the administrative formalities required at present for a pension to be paid in the case of a mixed career could be simplified by the use of appropriate administrative methods ;
8. Recalling its Recommendations 28, of 1950, and 3, of 1951, in which it asked that full equality of treatment be secured to all nationals of Council of Europe member states, as regards not only contributory but also certain non-contributory benefits ;
9. Noting with satisfaction that the Committee of Ministers decided to open for signature in December 1972 the European Convention on Social Security and the Supplementary Agreement for its application, which should resolve many of the problems considered above, and that it has approved in principle the medium-term programme of the "Committee of Experts on Social Security" for the harmonisation of social security in the member states, which, when implemented, should remove legislative and administrative barriers which still delay the payment of long-term benefits to migrant workers,
10. Recommends that the Committee of Ministers:

A. Invite member governments :

1. Text adopted by the Standing Committee acting on behalf of the Assembly on 3 July 1975. See [Doc. 3622](#), report of the Committee on Social and Health Questions.



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a. in the field of legislation :

i. progressively to improve the social security protection of the migrant worker, whether employed or self-employed, so that he may, after a reasonable qualification period, enjoy full equality of treatment, with respect not only to contributory benefits but also to non-contributory benefits, and as regards both the acquisition of the right and the transfer of payments ;

ii. to abolish the restrictive clauses contained in the legislation of individual countries, whereby workers are required to have been subject to a particular legislation for a certain number of years immediately preceding the contingency ;

iii. to take positive steps to further the attempt at harmonising social security in the member states, undertaken through the Intergovernmental Programme of the Council of Europe, with a view, inter alia :

1. to agreeing on "uniform compensation thresholds" for industrial accidents ;
2. to arriving at a common definition of the "basic concepts" generally employed in social security co-ordination instruments such as contingencies covered, persons protected etc. ;
3. to proceeding steadily towards a "harmonisation of the conditions of entitlement to benefit" ; iv. to take steps to liberalise the provisions governing the transfer of funds or exchange controls in all cases relating to the payment of old-age, invalidity or survivors' pensions ;

iv. to take steps to liberalise the provisions governing the transfer of funds or exchange controls in all cases relating to the payment of old-age, invalidity or survivors' pensions ;

v. to explore the possibility of introducing a system of mutual administrative assistance, enabling an institution which has paid too much or in error to operate a sort of "attachment" of sums owed by other social security institutions of member states to the same beneficiaries, subject to the relevant provisions in civil law regarding the maximum monthly amount attachable ;

b. in the administrative field :

i. to standardise the procedures used in the member states of the Council of Europe for the "identification" of migrant workers ;

ii. to create a standard system of social security "registration" for all Europeans, which would make it possible on the basis of a code number to establish the basic data required for reconstituting a worker's career in the various countries ;

iii. to complete the proposals under i and ii above by the creation of a "European passport of social security" containing the most essential details of the social security career of the person concerned ;

iv. to set up in each country concerned, on condition that the confidential nature of the data is respected, a "complete index" of migrant workers, all social security data relating to each worker being computerised or summarised in magnetic memories (implementing this measure, the states concerned should make a point of adopting mutually compatible data processing systems, so that information can be exchanged without the need for institutions of other states to adapt the data each time to a different type of computer) ;

v. to establish in each member country a "Co-ordination Centre" to assist the social security institutions in the work of applying the international conventions and agreements on social security, in particular at the beginning and end of the administrative procedure for the payment of pensions (this centre could be given the task of issuing the "European passports of social security" and keeping the index of migrant workers up to date by using the individual account method now employed in certain member states) ;

B. Consider :

a. studying the possibility of establishing within the Council of Europe- even in the form of a Partial Agreement- an "International Social Security Co-ordinating Agency", to act as a clearing-house for all national co-ordination centres, and assessing the expediency of vesting this international agency with powers of arbitration in disputes which may arise between institutions, or between institutions and individuals, regarding the payment of pensions in cases of mixed careers ;

b. examining the feasibility of providing this international co-ordinating agency with a "fund", from which to pay advances in all cases where it is not possible to pay a migrant worker's pension within a reasonable time, on the understanding that this fund should be financed by contributions from member states which had chosen to join it ; at a later stage, this fund might be made responsible for the management of contributions paid by or

for migrant workers towards old-age, invalidity and survivors' insurance, which would be transferred to it by the states concerned when a worker had a mixed career, and for paying the corresponding pensions (free legal assistance for appeals in administrative or judicial proceedings abroad) ;

c. instructing the Committee of Experts on Social Security of the Council of Europe to study the possibility of instituting, within the framework of the recently concluded European Convention on Social Security and Supplementary Agreement for its application, machinery for the payment without delay of pensions in cases of mixed careers along the lines of the above suggestions, it being understood that certain of the suggested measures should be laid down in a new European agreement, whereas other measures might simply be the object of recommendations ;

d. instructing the Committee of Experts on Social Security of the Council of Europe to take action as soon as possible to complete the European Convention on Social Security and Supplementary Agreement for its application, by setting up appropriate machinery to enable the migrant worker to benefit also by the advantages deriving from the international co-ordination of supplementary insurance schemes ;

e. convening, immediately after the European Convention on Social Security and Supplementary Agreement for its application have come into force, an information meeting at which the representatives of social security institutions of member states responsible for pensions and the government experts who drew up these instruments could exchange ideas, with a view to enabling decisions on pensions for mixed careers to be taken and implemented within a reasonable period of time ;

f. examining the extension of the measures proposed above to citizens of non-member states.