



Recommendation 873 (1979)¹

Application and revision of the European Code of Social Security and its Protocol

Parliamentary Assembly

The Assembly,

1. Aware of the special responsibility of parliamentarians in regard to the social protection of the population in Europe ;
2. Observing that, since the entry into force of the European Code of Social Security in 1968, the legislation of the Council of Europe member states has evolved considerably ;
3. Observing also that major changes in ways of life and new phenomena affecting work have occurred during the same period, creating new needs which have not yet been wholly reflected in national legislation or international standard-setting instruments ;
4. Noting with satisfaction, from the Communication on the activities of the Committee of Ministers of January 1979, that a group of experts has already begun considering a possible adaptation of the European Code of Social Security, and that its work is due to be completed in 1980 ;
5. Believing not only that revision of the Code would bring its standards more closely into line with realities of present-day European society, but that recasting it as proposed below would encourage more member states to ratify and apply it,
6. Recommends that the Committee of Ministers :
 - a. invite the steering committee responsible for the revision of the Code :
 1. to set itself the aim of preparing a single, comprehensive document, incorporating various Council of Europe texts on social security, at present of a somewhat fragmentary nature, such as those on social security for women at home and on social security measures in favour of pensioners ;
 2. to take account in its activities of current tendencies in European societies, notably the new forms of communal life as opposed to the traditional family, one of the most significant examples, with a view to adapting social measures and standards to the new ways of life ; however, the central role played by the family should not be denied ;
 3. to take account of the present evolution of social security, implying the guarantee of basic protection for the entire population, irrespective of the individual's professional status (employed, self-employed or non-employed) - this basic protection, comprising cash benefits, guarantees a minimum income, medical care and access to occupational rehabilitation, including assistance for the disabled, medical rehabilitation and family benefits ;

1. See [Doc. 4373](#), report of the Committee on Social and Health Questions. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 28 June 1979.



4. to go beyond the traditional sector-by-sector approach to the problem of defining standards, and to take a more comprehensive view, placing emphasis on the beneficiary's real needs rather than on the nature of the contingency which gave rise to the need - this implies :

a certain flexibility in the provisions of any new instrument, so as to enable the Contracting Parties to conform to the prescribed protection standards by means consonant with the general principles underlying their systems ;

recognition of the tendency towards harmonising the benefits paid to the beneficiary by different branches, where the needs they fulfil are similar (for example, industrial injury and general invalidity) ;

- b. to provide for equality of treatment for men and women, bearing in mind the trend in certain legal systems towards greater freedom of choice for couples as regards the distribution of family tasks between parents ;
- c. to affirm the principle that present-day social security must give increasing importance to measures for the prevention of risks, such as the improvement of safety in workplaces and environmental hygiene ;
- d. . to bear in mind the need to provide benefits constituting a truly effective answer to the population's needs, considering the very heavy charge placed on the national economy by social protection systems ;
- e. to introduce into the text of the new Code a special clause providing for its regular revision, so that the Code may continue to play its role, in the future, as the dynamic element in social progress ;
- a. transmit to the Assembly, for an opinion, the text of any draft revised Code or any other proposals made by the committees of governmental experts before their final examination and adoption by the Committee of Ministers ;
- b. take account of the information and views expressed in Chapter III.B of the report of its Committee on Social and Health Questions([Doc. 4373](#)) when adopting their position on the application of the present Code and Protocol by Contracting States