Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

**Doc. 10**
20 May 1952

# Two draft European Interim Agreements relating to Social Security

**Request for an opinion**
Committee of Ministers

*Explanatory Memorandum*

1. The Committee of Ministers has decided to transmit to the Consultative Assembly for its opinion the following draft Agreements :

*a.* European Interim Agreement on Social Security other than schemes for old age, invalidity and survivors.

*b.* European Interim Agreement on Social Security schemes relating to old age, invalidity and survivors.

2. Annex I to each Agreement lists the social security schemes to which the Agreement applies. Annex II lists the bilateral and multilateral agreements to which the Agreement applies. Annex III lists the reservations made by representatives of certain Members, which have been accepted by the Committee of Experts.

I. History of the Agreements

3. The Consultative Assembly, during its First Session, adopted on 6th September, 1949 a Recommendation on the subject of the rôle of the Council of Europe in the field of social security and recommended that Member States " should be guided by action already taken through bilateral or regional agreements in order to prepare one multilateral agreement which would make their own social security legislation completely applicable to the nationals of other countries " (1st Session, 1949 : Doc. 79, I, 3). The Assembly thus proposed equality of treatment as regards social security for the benefit of the nationals of all Member States.

4. Subsequently, the Committee of Ministers, at its Third Session, examined the possibility of extending to all Member States of the Council of Europe the provisions of the Multilateral Convention on Social Security signed on 7th November, 1949, at Paris by the five States signatory to the Brussels Treaty. It decided, in view of the complexity of the problem, to convene a Committee of Experts on social security, to consist of representatives of all Members, in order to study this question (2nd Session : Doc. 8 (1950), Report from the Committee of Ministers, para. 53).

5. At its first meeting (15th-17th June, 1950) at Strasbourg, the Committee of Experts came to the conclusion that this project would take a very long time, since it depended on the establishment of a network of bilateral treaties of the type which formed the basis of the multilateral convention in question. The Committee, therefore, as an interim measure designed to reach some practical results more quickly, proposed the conclusion of provisional multilateral agreements of the type now submitted to the Consultative Assembly.

6. The Committee of Ministers submitted the first report of the Experts (2nd Session, 1950 : Doc. 11, Appendix C) to the Consultative Assembly and ihe latter, in Recommendation 29 (1950) adopted on 24th August, 1950, took note of the report and requested to be associated more closely with the examination of the problem and to be kept informed of the results obtained.

7. At its second meeting the Committee of Experts decided what should be the main principles of the proposed agreements and requested the International Labour Office to prepare the necessary drafts. The I. L. 0. submitted the drafts to the Committee of Experts at its third meeting, and then again, after various amendments had been agreed, in a revised form, at its fourth meeting. Eventually two separate draft agreements were worked out, because there was reason to believe that some Governments might have difficulties in ratifying one Agreement covering the whole field of social security. Subsequently, there has been reason to hope that all Member- Governments will sign both agreements.

8. A joint meeting of the Committee of Experts on Social Security and the Committee of Experts on Social and Medical Assistance was held on 14th-16th November, 1951, in order to co-ordinate the scope of the agreements on social security and the proposed Convention on social and medical assistance, the intention being that the three instruments taken together should cover the entire field of social security and assistance.

9. The two draft Agreements on social security were subsequently submitted to the Governments and considered by the Ministers' Advisers in order to enable any final drafting changes to be made. In the course of the meeting of the Ministers' Advisers from 6th to 8th February, 1952, a number of changes of this sort was proposed, and the revised texts were then submitted to a further plenary meeting of the Committee of Experts, which was held from 10th to 13th March, 1952. On this occasion the final texts were prepared which are now submitted to the Consultative Assembly for its opinion.

10. It will be observed that much detailed work has been performed at successive meetings of the Committee of Experts and of the Ministers' Advisers. This was necessary in view of the fact that the Agreements will apply to 119 different schemes of social security in fifteen different countries and to 28 different bilateral or multilateral agreements.

11. In the meantime, the Consultative Assembly during the Second Part of its Third Session in December, 1951 had an opportunity of expressing its opinion on the work in progress on this subject. The Assembly expressed its complete agreement with the principles which had guided the work of the Committee of Experts and expressed the hope that it would be kept informed of the result of this work (See 3rd Session, 1951 : Reply of the Consultative Assembly to the Second Supplementary Report of the Committee of Ministers)

II. General principles of the Agreements

12. Each agreement gives, within its own field, effect to the following main principles :

*a.* Equal treatment in each contracting State, with respect to the laws and regulations on social security, between its own nationals and the nationals of other contracting States.

*b.* Extension to the subjects of all contracting States of the benefits derived from the bilateral or multilateral conventions on social security concluded between two or more contracting States.

13. The latter point should perhaps be explained in more detail. There are a considerable number of bilateral social security conventions in force between pairs of Member States. These conventions provide, among other things, for the maintenance of acquired rights and of rights in course of acquisition when a person moves from one country to the other and, in particular, for adding together insurance periods for the purpose of establishing the rights to receive benefits and calculating the amount of benefits due. The importance of the new European Interim Agreements in this connection is best shown by an example : France and the United Kingdom have concluded a bilateral convention of the above type. If a national of any other State which is a Party to the new Agreement comes to work in France, he will be insured on the same basis as a French national. If, after some time, he proceeds to the United Kingdom, he will not only be treated there like a national of the United Kingdom, but he may also invoke the French-British bilateral convention, so that he will be credited for the contributions he has paid in France.

14. Article 1 of each Agreement determines its scope. Article 2 embodies the principle of equality of treatment and states the conditions for such equality. Article 3 embodies the principle of the extension of the benefits from existing bilateral and multilateral conventions. It will be seen that in regard to non-contributory social security schemes these principles are applied only after certain waiting periods, which are considered necessary and reasonable, in view of the fact that benefits under such schemes are paid entirely out of public funds.

15. Reservations. — Owing to the fact that certain of the laws at present in force in Member States do not grant equality of treatment to nationals and foreigners, and that it has not yet been possible for the Governments concerned to amend their legislation accordingly, certain Governments have found it necessary to make reservations as regards the application of the principle of equality to the social security schemes in question.

16. Nevertheless, the Committee of Experts has proposed, and the Committee of Ministers has agreed, to recommend to the Governments at the time of signature that they should take any necessary steps in order to amend their legislation, so that these reservations may be withdrawn by the end of the first period of two years for which the agreements will be in force.

17. Effect of the Agreements

1. Equality of treatment : Even with the reservations now formulated by the Governments, the Agreements will do away with at least 15 cases of discrimination on nationality grounds. When the reservations have been withdrawn, full equality of treatment will have been established on the conditions laid down in the Agreements, which include certain waiting periods with regard to benefits granted under non-contributory schemes.
2. Extension of the benefits of existing conventions : this principle will be applied to 28 existing conventions.

18. Extension of the Agreements to refugees. —At its fifth meeting, the Committee of Experts on Social Security discussed a proposal made to extend the benefits of the interim agreements to refugees resident in the contracting States. It was not possible to reach a conclusion at this meeting, in view of the complicated nature of the problem, and the question was therefore postponed until the next meeting of the Committee, in order that the latter should have further time.to study the question in the light of the Geneva Convention on the Status of Refugees of 1951, and, if possible, prepare a Protocol for this purpose.

19. Signature of the Agreements by the Government of the Saar. — The Government of the German Federal Republic has made known its objection to the signature of international agreements by the Government of the Saar. At the same time it did not wish to prevent the inhabitants of the territory of the Saar from benefiting from the provisions of the two agreements. Accordingly, the German representative, at the meeting of the Ministers' Advisers in March, 1952, proposed certain amendments to the draft Agreements which would make it possible for the inhabitants of the Saar to benefit from their provisions without their being signed by the Government of the Saar. When this question was considered by the Ministers' Deputies at their meeting from April 28th to May 5th, 1952, the German representative renewed this proposal, and the French representative reserved the position of his Government. The Ministers' Deputies agreed that this was a political question which would have to be submitted to the Committee of Ministers at its Eleventh Session.

III. Detailed comments on the draft Agreements

20. With the exception of Articles 1, 2 and 3, the corresponding Articles of the two draft Agreements are identical. Even the three first Articles correspond to a large extent, and separate remarks on each draft Agreement will be made only where necessary. The comments are based on the discussions of the Committee of Experts on Social Security. (For reasons of brevity, the Agreement on Social Security other than schemes for Old Age, Invalidity and Survivors is referred to below as " the First Agreement ". The Agreement covering these three schemes is referred to as " the Second Agreement " . )

21. The litle indicates the interim nature of the two draft agreements. They are intended to he replaced in due course by a multilateral social security convention, based on a network of bilateral agreements between the Contracting Parties, similar to the system established by the five Brussels Treaty Powers.

Definition

22. During the preparation of the agreements, the question arose of defining the terms " nationals " and " territory which are used in the text of the Agreements in many places. It was clear that there would be many difficulties both of a legal and political nature in finding definitions of these terms that would be acceptable to the fifteen Member Governments. Consequently, it was decided not to hold up signature of the Agreements for this purpose. At the same time, in order that each signatory should know to which persons and to what territories the other signatories would expect the Agreements to apply, it was decided to ask each Government to transmit to the Secretary-General, for communication to the other signatories, the interpretation which it proposed to give to the terms in question.

23. Although the provisions of the agreements apply differently to contributory schemes and non-contributory schemes, the Committee of Experts did not consider it feasible to draw any generally accepted and precise border-line between the two types of schemes. Each Contracting Party has been invited to give its interpretation of these terms in a separate document.

Article 1

24. No definition of the term " social security " is given in the draft agreements. The scope of the Agreements in this respect is, however, determined by the sub—paragraphs of paragraph 1 and by the list of laws and regulations contained in Annex I (Sec further comments on Article 7).

25. The term " laws and regulations " as used in the Agreements does not cover advantages granted by local authorities and not provided for in the national legislation. Benefits granted under such decisions are therefore not covered by the Agreements.

26. Article 1 of each Agreement enumerates the types of benefit to which that Agreement applies. Taken together, the two Agreements are intended to cover the whole field of social security. There are excluded special schemes applying to civil servants and benefits paid in respect of war injuries due to foreign occupation. Such schemes are not based on ordinary social security principles. With regard to the First Agreement, the long-term sickness benefits included in the United Kingdom social security legislation are recognised as equivalent to invalidity pensions under the terms of the Agreement. The same applies to the longterm disablement benefits included in the Irish social security scheme.

27. Death grants, and benefits in respect of invalidity and survivors' benefits granted under an employment injury scheme, are excluded from the Second Agreement because they are covered by the First Agreement.

Article 2

28. This Article incorporates the principle that each Contracting Party shall treat the nationals of the other Contracting Parties on a basis of equality with its own nationals.

29. Since a case exists where eligibility to participate in an unemployment assistance scheme is based not on nationality, but on place of birth, and since this tends in practice to operate mainly against aliens, the Committee of Experts considered that the Agreements, in order to be true to their spirit, should cover this case specifically. This is the purpose of Article 2, paragraph 2.

30. Article 2 of the First Agreement has a third paragraph relating to discrimination on grounds of nationality, where the right to benefit depends on the nationality of a child. This is intended to cover a French maternity benefit scheme under which birth-grants are paid to parents whose, children are of French nationality at birth or acquire that nationality within a period of three months.

31. Article 2 of each Agreement lays down the conditions for equal treatment in respect of benefits covered by that Agreement.

32. First Agreement. — The main rule, covering any benefit other than in respect of employment injury, is that the person in question must be ordinarily resident in the territory of the Contracting Party of which he claims the benefit. The Agreement does not define the term " ordinarily resident " which has been adopted from the text previously agreed on in the Convention of the Brussels Treaty Powers. The interpretation of this term is thus left to the appropriate authorities in each country in the light of the national legislation; nevertheless, a Contracting Party which disagrees with the interpretation given in an individual case by another Contracting Party may have recourse to Article 11 which deals with the settlement of disagreements. Intermittent or occasional sojourn, however, will not be considered as ordinary residence.

33. In addition to the above general rule there is, in regard to benefits claimed in respect of sickness, maternity or unemployment, the further requirement that these events must have materialised after the person in question became ordinarily resident in the country concerned.

34. In accordance with general practice the residence requirements are considerably relaxed in regard to employment injury benefits. It is sufficient that the person in question simply resides in the territory of any one of the Contracting Parties. This has importance not only for the establishment of the claim but also for the payment of the benefits. It is not necessary for the claimant to satisfy the stricter requirements of " ordinary residence " in the country in question before the occurrence of the event giving rise to the claim. And if that country pays employment injury benefits to its own nationals anywhere abroad without restriction, it will pay the benefits to the alien claimant even if he leaves the country, provided that he continues to reside in the territory of one of the other Contracting Parties.

35. In respect of benefits provided under a non-contributory scheme, other than benefits for employment injuries, the claimant mushave resided in the territory where he makes the claim for at least six months.

36. Second Agreement. — It follows from Article 2, paragraph 1 (c) that once the right to old age, invalidity or survivors' benefits has been established under a contributory scheme, the benefit will be paid to an alien abroad on the same conditions as to nationals, provided that the alien resides in the territory of any one of the

Contracting Parties. With regard to the establishment of the right, however, the residence requirements are stricter for invalidity benefits than for the other benefits covered by this Agreement, since the claimant must have been ordinarily resident in the country concerned at the time of the event giving rise to the claim.

37. With regard to benefits under noncontributory schemes the residence period required for the establishment of the right to benefit is 15 years, qualified as mentioned in paragraph 1, (b). And in this case the payment of the benefits depends on continued ordinary residence in the territory of the Contracting Party responsible for the payment.

38. The reference in Article 2 in both agreements to Article 9 indicates that the equality of treatment is subject to reservations, (see further comments on Article 9).

Article 3

39. This Article incorporates the other main principle of the two Agreements : Extension to the nationals of all Contracting Parties of the benefits derived from the bilateral or multilateral conventions on social security concluded between two or more Contracting Parties. The Article is identical in both agreements except for the residence period required in relation to non-contributory schemes. The difference between the Agreements in this respect is the same as with regard to the application of the principle of equal treatment. The reference to Article 9 again indicates the possibility of reservations.

40. Article 3 will also apply to multilateral conventions concluded between some of the Contracting Parties and other States, provided that no additional obligations will thereby be imposed on those third-party States.

Article 4

41. " The date of the entry into force of this Agreement for all the Contracting Parties concerned with the claim in question " is the first day of the month following the date on which the last one so concerned ratifies or accedes to the agreement.

Article 5

42. No comment.

Article 6

43. This Article is intended to make it clear that the Agreements do not apply to national laws or regulations relating to the election of persons concerned with the administration of social security schemes.

Article 7

44. Annex I to the First Agreement and Annex I to the Second Agreement taken together are designed, in regard to each Contracting Party, to contain a list of all its social security schemes, without exception. Thus, even social security schemes to which a Government does not want the agreements to apply, are listed, but in such a case a reservation may be made. Annex I does not mention in detail the various laws relating to social security. It gives broad references to whole schemes. Thus, if a new law or regulation relates to a scheme already listed in Annex I and does not change the character of the scheme, it is not necessary to notify such law or regulation to the Secretary-General of the Council of Europe.

45. Some further indication of the content of Annex I is as follows : autonomous orphans' benefit schemes which are not linked to survivors' benefit schemes are included in Annex I of the First Agreement; the same applies to unemployment assistance schemes which do not form an integral part of general assistance. Annex I of each Agreement includes schemes based on laws of a temporary character if they are in force at the time of signature or accession. The same applies to schemes based on laws which have been repealed, if any provisions thereof continue to be effective.

46. Mutual aid society schemes are excluded. This applies also to schemes not based on laws or regulations, such as schemes operated by unofficial associations granting benefits additional to those based on laws or regulations.

47. Annex I also indicates in regard to each scheme whether it is of a contributory or a non-contributory nature.

Article 8

48. Bilateral or multilateral conventions which provide only for equality of treatment, such as the convention concluded by the Nordic countries on 27th August, 1949 concerning old age pensions, are not included in Annex II.

Article 9

49. This Article makes it possible for the original Contracting Parties to make reservations which may limit the full application of the principles incorporated in the agreements, either with regard to a certain social security scheme or to a particular bilateral or multilateral convention. Such reservations may be made at the date of signature or at a future date in connection with the notification of any new law, regulation or convention.

50. Eighteen reservations of the first type mentioned above have been made and accepted by the Committee of Experts. They are set out in Annex III. However, since the two Agreements together cover 119 social security schemes in 15 countries, it is not to be expected that the Governments should be ready to extend the benefits of all these schemes to the nationals of all other Contracting Parties immediately, because in some cases such extension would necessitate changes in legislation. No reservations of the second type mentioned above have been made.

51. Consideration has been given to the question whether provisions should be included in the Agreements to the effect that States which may accede thereto in the future in accordance with Article 14 should be allowed to make reservations. It was decided that no such provision should be made. In other words, reservations may not be made by acceding States so far as concerns schemes in force at the date of accession.

52. The whole question of the permissibility of reservations should be considered in the light of the temporary nature which the reservations are intended to have, and of the interim nature of the Agreements themselves. The desire to make it possible for the Members of the Council of Europe to ratify the Agreements in the near future has led to the acceptance of reservations. This consideration, however, does not apply to States acceding in the future. Furthermore, it is hoped that the Member States of the Council of Europe will withdraw their reservations within the initial period for which the Agreements will be concluded, i.e. two years from the date of their entry into force in accordance with paragraph 2 of Article 13. Where this involves changes in legislation, Governments will take such action as may be necessary in accordance with their constitutional procedure. It is envisaged that reservations will be withdrawn at the latest by the end of 1955. In the case of reservations not withdrawn by that date, Governments will be requested to inform the Secretary- General of the Council of Europe of the reasons why it was impossible to withdraw them.

53. The Governments of Ireland and the United Kingdom have indicated that they hope to be in a position to withdraw their reservations within the above time-limit. The Belgian Government has already withdrawn its reservation contained in Annex III to the Second Agreement.

Article 10

54. No comment.

Article 11

55. This Article contains provisions for the settlement of disagreements regarding the interpretation of the agreements or their application. These provisions are based on the model bilateral agreement prepared by the Brussels Treaty Powers.

Article 12

56. The Article provides that even a Contracting Party which denounces the agreements will respect rights acquired on the basis thereof. The special reference to the right to receive benefits under the laws and regulations of one of the Contracting Parties while the beneficiary is resident in the territory of another, applies to benefits in respect of employment injury, and benefits in respect of old age and invalidity or survivors' benefits acquired under a contributory scheme.

57. The question of rights in course of acquisition at the time when a denunciation becomes effective may be settled by special agreements between the Contracting Parties concerned. If no such agreements are concluded, the principle is that provisions of the Agreement which has been denounced continue to apply to insurance periods and equivalent periods completed before the date when the denunciation becomes effective.

Articles 13 to 15

58. These Articles contain standard provisions concerning signature and ratification by Members, accession by non-Member States and notification by the Secretary-General of important information received by him under the provisions of the agreements.

Article 16

59. . Although the agreements are concluded for an initial period of two years, no positive act is required in order to keep them in force indefinitely, from year to year. On the other hand, a State which wishes not to be bound by the agreements any longer must positively denounce them, and the denunciation procedure is, for practical reasons, so arranged that the denunciation always takes effect from the expiry, either of the initial two—year period or of a subsequent yearly period.

Draft European Interim Agreement on Social Security other than schemes for old age, invalidity and survivors

The Governments signatory hereto, being Members of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity between its Memb ers for the purpose, among others, of facilitating their social progress.

Affirming the principle that the nation als of any one of the Contracting Parties to this Agreement should receive under the social security laws and regulations of any other Contracting Party equal treatment with the nationals of the latter, a principle sanctioned by Conventions of the International Labour Organisation,

Affirming also the principle that nationals of any one of the Contracting Parties should receive the benefits of agreements on social security concluded by any two or more of the other Contracting Parties,

Desirous of giving effect to these principles by means of an Interim Agreement, pending the conclusion of a general convention based on a network of bilateral agreements,

Have agreed as follows :

Article 1

1. This Agreement shall apply to all social security laws and regulations which are in force at the date of signature or may subsequently come into force in any part of the territory of the Contracting Parties and which relate to :

*a.* sickness, maternity and death (death grants), including medical benefits insofar as they are not subject to a needs test;

*b.* employment injury;

*c.* unemployment;

*d.* family allowances.

2. This Agreement shall apply to schemes of contributory and non-contributory benefits, including employers' obligations to compensate for employment injuries. It shall not apply to public assistance, special schemes for civil servants, or benefits paid in respect of war injuries or injuries due to foreign occupation.

3. For the purpose of this Agreement, the word " benefit " includes any increase in or supplement to the benefit.

Article 2

1 Subject to the provisions of Article 9, a national of any one of the Contracting Parties shall be entitled to receive the benefits of the laws and regulations of any other of the Contracting Parties under the same conditions as if he were a national of the latter :

*a.* In the case of benefit in respect of employment injury, provided that he resides in the territory of one of the Contracting Parties ;

*b.* in the case of any benefit other than benefit in respect of employment injury, provided that he is ordinarily resident in the territory of the latter Contracting Party;

*c.* in the case of benefit claimed in respect of sickness, maternity or unemployment, provided that he had become ordinarily resident in the territory of the latter Contracting Party before the first medical certification of the sickness, the presumed date of conception or the beginning of the unemployment, as the case may be;

*d.* in the case of a benefit provided under a non-contributory scheme, other than a benefit in respect of employment injury, provided that he has been resident for six months in the territory of the latter Contracting Party.

2. In any case where the laws and regulations of any one of the Contracting Parties impose a restriction on the rights of a national of that Party who was not born in its territory, a national of any other of the Contracting Parties born in the territory of the latter shall be treated as if he were a national of the former Contracting Party born in its territory.

3. In any case where, in determining a right to benefit, the laws and regulations of any one of the Contracting Parties make any distinction which depends on the nationality of a child, a child who is a national of any other of the Contracting Parties shall be treated as if he were a national of the former Contracting Party.

Article 3

1. Any agreement relating to the laws and regulations referred to in Article 1 which has been or may be concluded by any two or more of the Contracting Parties shall, subject to the provisions of Article 9, apply to a national of any other of the Contracting Parties as if he were a national of one of the former Parties insofar as it provides, in relation to those laws and regulations :

1. for determining under which laws and regulations a person should be insured;
2. for maintaining acquired rights and rights in course of acquisition and, in particular, for adding together insurance periods and equivalent periods for the purpose of establishing the right to receive benefit and calculating the amount of benefit due;
3. for paying benefit to persons residing in the territory of any one of the Parties to such Agreement;
4. for supplementing and administering the provisions of such Agreement referred to in this paragraph.

2. The provisions of paragraph 1 of this Article shall not apply to any provision of the said Agreement which concerns benefits provided under a non-contributory schemes unless the national concerned has resided for six months in the territory of the Contracting Party under whose laws and regulations he claims benefit.

Article 4

Subject to the provisions of any relevant bilateral and multilateral agreements, benefits which in the absence of this Agreement have not been awarded or have been suspended shall be awarded or reinstated from the date of the entry into force of this Agreement for all the Contracting Parties concerned with the claim in question, provided that the claim thereto is presented within one year after such date or within such longer period as may be determined by the Contracting Party under whose laws and regulations the benefit is claimed. If the claim is not presented within such period, the benefit shall be awarded or reinstated from the date of the claim or such earlier date as may be determined by the latter Contracting Party.

Article 5

The provisions of this Agreement shall not limit the provisions of any national laws or regulations, international conventions, or bilateral or multilateral agreements which are more favourable for the beneficiary,

Article 6

This Agreement shall not affect those provisions of national laws or regulations which relate to the participation of insured persons, and of other categories of persons concerned, in the management of social security.

Article 7

1. Annex I to this Agreement sets out in relation to each Contracting Party the social security schemes to which Article 1 applies which are in force in any part of its territory at the date of signature of this Agreement.

2. Each Contracting Party shall notify the Secretary-General of the Council of Europe of every new law or regulation of a type not included in Annex I in relation to that Party. Such notifications shall be made by each Contracting Party within three months of the date of publication of the new law or regulation, or if such law or regulation is published before the date of ratification of this Agreement by the Contracting Party concerned, at that date of ratification.

Article 8

1. Annex II to this Agreement sets out in relation to each Contracting Party the agreements concluded by it to which Article 3 applies which are in force at the date of signature of this Agreement.

2. Each Contracting Party shall notify the Secretary-General of the Council of Europe of every new agreement concluded by it to which Article 3 applies. Such notification shall be made by each Contracting Party within three months of the date of coming into force of the agreement, or if such new agreement has come into force before the date of ratification of this Agreement, at that date of ratification.

Article 9

1. Annex III to this Agreement sets out the reservations hereto made at the date of signature.

2. Any Contracting Party may, at the time of making a notification in accordance with Article 7 or Article 8, make a reservation in respect of the application of this Agreement to any law, regulation or agreement which is referred to in such notification. A statement of any such reservation shall accompany the notification concerned; it will take effect from the date of entry into force of the new law, regulation or agreement.

3. Any Contracting Party may withdraw either in whole or in part any reservation made by it by a notification to that effect addressed Lo the Secretary-General of the Council of Europe. Such notification shall take effect on the first day of the month following the month in which it is received : and this Agreement shall apply accordingly.

Article 10

The Annexes to this Agreement shall constitute an integral part of this Agreement.

Article 11

1. Arrangements where necessary between the competent authorities of the Contracting Parties shall determine the methods of implementation of this Agreement.

2. The competent authorities of the Contracting Parties concerned shall endeavour lo resolve by negotiation any disagreement relating to the interpretation or application of this Agreement.

3. If any such disagreement has not been resolved by negotiation within a period of three months, the disagreement shall be submitted to arbitration by an arbitral body whose composition and procedure shall be agreed upon by the Contracting Parties concerned, or, in default of such agreement within a further period of three months, by an arbitrator chosen at the request of any of the Contracting Parties concerned by the President of the International Court of Justice.

4. The decision of the arbitral body, or arbitrator, as the case may be, shall be made in accordance with the principles and • spirit of this Agreement and shall be final and binding.

Article 12

In the event of the denunciation of (his Agreement by any of the Contracting Parties,

(a) Any right acquired by a person in accordance with its provisions shall be maintained and, in particular, if he has, in accordance with its provisions, acquired the right to receive any benefit under the laws and regulations of one of the Contracting Parties while he is resident in the territory of another, he shall continue to enjoy that right;

(b) Subject to any conditions which may be laid down by supplementary agreements concluded by the Contracting Parties concerned for the settlement of any rights then in course of acquisition, the provisions of this Agreement shall continue to apply to insurance periods and equivalent periods completed before the date when the denunciation becomes effective.

Article 13

1. This Agreement shall be open to the signature of the Members of the Council of Europe. It shall be ratified. Instruments of ratification shall be deposited with the Secretary- General of the Council of Europe.

2. This Agreement shall come into force on the first day of the month following the date of deposit of the second instrument of ratification.

3. As regards any Signatory ratifying subsequently, the Agreement shall come into force on the first day of the month following the date of the deposit of its instrument of ratification.

Article 14

1. The Committee of Ministers of the Council of Europe may invite any State not a member of the Council of Europe to accede to this Agreement.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the Council of Europe, which shall take effect on the first day of the month following the date of deposit.

3. Any instrument of accession deposited in accordance with this Article shall be accompanied by a notification of such information as would be contained in the Annexes I and II to this Agreement if the Government of the State concerned were, on the date of accession, a Signatory hereto.

4. For the purposes of this Agreement any information notified in accordance with paragraph 3 of this Article shall be deemed to be part of the Annex in which it would have been recorded if the Government of the State concerned were a Signatory hereto.

Article 15

The Secretary-General of the Council of Europe shall notify :

*a.* The Members of the Council and the Director-General of the International Lahour Office;

1. Of the date of entry into force of this Agreement and the names of any Members who ratify it;
2. Of the deposit of any instrument of accession in accordance with Article 14 and of such notifications as are received with it;
3. Of any notification received in accordance with Article 16 and its effective date;

*b.* The Contracting Parties and the Director-General of the International Labour Office;

1. Of any notification received in accordance with Articles 7 and 8;
2. Of any reservation made in accordance with paragraph 2 of Article 9;
3. Of the withdrawal of any reservation in accordance with paragraph 3 of Article 9.

Article 16

This Agreement shall remain in force for a period of two years from the date of its entry into force in accordance with paragraph 2 of Article 13. Thereafter it shall remain in force from year to year for such Contracting Parties as have not denounced it by a notification to that effect addressed to the Secretary-General of the Council of Europe, at least six months before the expiry either of the preliminary two year period, or of any subsequent yearly period. Such notification shall take effect at the end of the period to which it relates.

Done at this day of 1952, in the English and French languages, both texts being equally authoritative, in a single copy which shall remain in the archives of the Council of Europe and of which the Secretary-General shall send certified copies to each of the Signatories and to the Director-General of the International Labour Office.

**Appendix 1**

**TO THE DRAFT EUROPEAN INTERIM AGREE. MENT ON SOCIAL SECURITY OTHER THAN SCHEMES FOR OLD AGE, INVALIDITY AND SURVIVORSX**

**Social Security Schemes to which the Agreement applies**

BELGIUM :

Laws and regulations relating to :

1. Social security for employees, respecting the organisation of compulsory insurance against sickness or invalidity.
2. Compensation for injuries resulting from industrial accidents, including provision for benefit increments for employment injuries and compensation for employment . injuries of mariners.
3. Compensation for injuries caused by occupational diseases, including provision for the granting of additional allowances to persons entitled to occupational disease pensions.
4. Social security for employees (organisation of assistance to unemployed).
5. Family allowances for salaried employees and family allowances for employers and self-employed workers.

All the above mentioned schemes are of a contributory nature.

DENMARK :

Laws and regulations relating to :

*a.* Sickness insurance (sickness, maternity, death).

*b.* Accident insurance.

*c.* Unemployment insurance.

*d.* Benefits to widows' and widowers' children and to orphans (Chapter XVI of the Social Welfare Act).

*e.* Various medical services.

*f.* Temporary law on family benefits.

All these schemes are of a contributory nature, except (d) (e) and (/) which are of a non-contributory nature.

FRANCE :

Laws and regulations relating to :

*a.* The organisation of social security.

*b.* General provisions governing the social insurance system applicable to insured persons in non-agricultural employment.

*c.* Social insurance provisions applicable to employed persons, and persons treated as employed persons, in agricultural employment.

*d.* Family allowances.

*e.* rovisions for the prevention of, and compensation for, employment injuries.

*f.* Special social security schemes.

*g.* The granting of unemployment allowances.

All the above schemes except that listed under (g) are of a contributory nature.

GERMAN FEDERAL REPUBLIC :

Law and regulations relating to :

*a.* Sickness insurance (sickness, maternity, death grants).

*b.* Insurance against employment injuries (including disablement scheme for prisoners).

*c.* Unemployment insurance and assistance.

All the above schemes, except that covering unemployment assistance, are of a contributory nature.

GREECE :

Laws and regulations relating to :

1. Social insurance, including unemployment insurance.
2. Special schemes for certain categories of workers.

These schemes are of a contributory nature.

ICELAND :

Laws and regulations relating to :

*a.*
   1. Sickness insurance.
   2. Sickness benefits, daily allowances.
   3. Maternity and death grants.

*b.* Accident insurance.

*c.* Family allowances.

All these schemes are of a contributory nature.

IRELAND :

Laws and regulations relating to :

*a.* national health insurance.

*b.* workmen's compensation.

*c.* Unemployment insurance.

*d.* Unemployment assistance.

*e.* Intermittent unemployment insurance.

*f.* Children's allowances.

*g.* The diagnosis, prevention and treatment of infectious disease.

*h.* The grant of allowances to persons suffering from infectious disease.

*i.* Maternity and child welfare medical schemes.

*j.* The school medical service.

The schemes listed under (a) (c) and (e) above are of a contributory nature. The others are non-contributory. (The scheme mentioned under (b) imposes an obligation on employers, with no State contribution.)

ITALY :

Laws and regulations relating to :

1. Compulsory sickness insurance.
2. Compulsory insurance against tuberculosis.
3. Compulsory insurance against employment injuries.
4. Physical and economic protection of working mothers, insofar as provisions for economic benefits for those among them who are pregnant or confined are concerned.
5. Benefits for unemployed.
6. Special compulsory insurance schemes for certain categories of employees.
7. Family benefits.

The scheme mentioned under (e) above is partly of a contributory nature and partly non-contributory. All other schemes are contributory.

LUXEMBOURG :

Laws and regulations relating to :

*a.* Sickness insurance (sickness, maternity and death).

*b.* Employment injury insurance, including provisions for accident pension increments.

*c.* Unemployment benefits.

*d.* Family allowances, including birth grants to independent workers. Including also provisions respecting the admission of frontier workers working in the Grand Duchy to family allowances.

The above schemes, with the exception of unemployment allowances and birth grants to independent workers, are of a contributory character.

NETHERLANDS :

Laws and regulations relating to :

1. Health insurance (benefits in cash and in kind, maternity).
2. Insurance against employment injuries, including provisions relating to pensions increments.
3. Family allowances (wage-earners, pensioners, self-employed workers).
4. Allocation of unemployment benefits.
5. Health insurance for miners (benefits in cash and in kind, maternity, death).
6. Family allowances for miners.

The above-mentioned schemes are of a contributory nature, with the following exceptions : family allowances for self-employed persons and for pensioners, and unemployment assistance.

NORWAY :

Laws and regulations relating to :

*a.* Sickness insurance (sickness, maternity, death).

*b.* Accident insurance of industrial employees, etc. Accident insurance for fishermen. Accident insurance for seamen.

*c.* Unemployment insurance.

*d.* Family allowances.

These schemes, with the exception of that covering family allowances, are of a contributory nature.

SAAR :

Laws and regulations relating to :

*a.* Sickness insurance (sickness, maternity, death).

*b.* Insurance against employment injuries

*c.* Family allowances.

*d.* Unemployment insurance and assistance.

These schemes, with the exception of those concerned with unemployment assistance, are of a contributory nature.

SWEDEN :

Laws and regulations relating to :

*a.* Sickness insurance.

*b.* Insurance against industrial accidents and occupational diseases.

*c.* Unemployment insurance and unemployment assistance.

*d.* Common family allowances.

*e.* Maternity grants.

*f.* Various medical services.

The schemes listed under (a) and (b) and the unemployment insurance scheme listed under (c) are of a contributory nature. The schemes listed under (e) are partly contributory and partly non-contributory. The unemployment assistance scheme listed under (c) and the schemes listed under (d) and (/) are non-contributory.

TURKEY :

Laws and regulations relating to :

*a.* Sickness and maternity insurance.

*b.* Insurance relating to employment injuries and maternity.

*c.* Special schemes for certain categories of workers.

*d.* Provisions concerning the civil liability of employers to pay compensation for employment injuries contracted by wageearners who are not covered by the compulsory social insurance scheme.

All these schemes are of a contributory nature

UNITED KINGDOM :

Laws and regulations concerning Great Britain, Northern Ireland, and the Isle of Man :

*a.* Establishing insurance schemes in respect of unemployment, sickness and death and of the confinement of women.

*b.* Establishing insurance schemes in respect of personal injury caused by industrial accident and of prescribed diseases and injuries due to employment.

*c.* Establishing the scheme of family allowances.

*d.* Establishing the national health services.

*e.* Relating to previous schemes of workmen's compensation for industrial accidents and diseases insofar as they continue to have effect.

The schemes listed under (a) and (b) are of a contributory nature. Those listed under (c) and (d) are of a non-contributory nature

**Appendix 2**

**TO THE DRAFT EUROPEAN INTERIM AGREEMENT ON SOCIAL SECURITY OTHER THAN SCHEMES FOR OLD AGE, INVALIDITY AND SURVIVORS**

**Bilateral and Multilateral Agreements to which the Agreement Applies[1]**

BELGIUM :

*a.* Convention between Belgium and the Netherlands respecting insurance against occupational accidents, dated 9 February, 1921.

*b.* Convention between Belgium and the Netherlands respecting the application of the legislation of the two countries as regards social insurance, dated 29 August, 1947.

*c.* General Convention between Belgium and France on social security, dated 17 January, 1948.

*d.* Convention between Belgium and Italy on social insurance, dated 30 April, 1948.

*e.* General convention between Belgium and the Grand Duchy of Luxembourg on social security, dated 3 December, 1949.

*f.* Multilateral Convention on social security concluded by the Brussels Treaty Powers on 7 November, 1949.

DENMARK :

*a.* Convention between Denmark, Norway and Sweden respecting industrial accidents, 12 February, 1919.

*b.* Convention between Denmark and the Netherlands respecting accident insurance, dated 23 October, 1926.

*c.* Convention between Denmark and Iceland respecting reciprocity in connection with the accident insurance of workers and invalidity insurance, dated 13 October, 1927.

*d.* Convention between Denmark and Sweden respecting unemployment insurance, dated 31 May, 1946.

*e.* Convention between Denmark and Sweden respecting the transfer of members between the sick funds in Denmark and those in Sweden, dated 23 December, 1947.

*f.* Convention between Denmark and Norway respecting the transfer of members between the sick funds in Denmark and those in Norway, dated 21 January, 1948.

*g.* Convention between Denmark and Iceland respecting the transfer of members of sick funds, dated April, 1939[2]

*h.* Convention between Denmark and Norway on the reciprocal recognition of unemployment insurance contributions, dated 12 March, 1951.

FRANCE :

1. General Convention between France and Belgium on social security, dated 17 January, 1948.

2. General Convention between France and Italy to co-ordinate the application of French social security legislation and of the Italian social insurance and family benefits legislation to the nationals of the two countries, dated 31 March, 1948.

3. General Convention between France and the United Kingdom in respect of Great Britain on social security, dated 11 June, 1948.

4. General Convention between France and the Saar on social security, dated 25 February, 1949.

5. General Convention between France and the Grand Duchy of Luxembourg on social security, dated 12 November, 1949.

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1. It is understood that the Agreement applies equally to all the complementary agreements, supplements, protocols and arrangements which have completed or amended the said agreements.
2. The Convention of 14 May, 1948 previously listed here has not yet entered into force.

6. General Convention between France and the United Kingdom in respect of Northern Ireland on social security, dated 28 January, 1950.
7. General Convention between France and the Netherlands on social security, dated 7 January, 1950.
8. General Convention between France and the German Federal Republic on social security, dated 10 July, 1950.
9. Multilateral Convention on social security concluded by the Brussels Treaty Powers on 7 November, 1949.

GERMAN FEDERAL REPUBLIC :

General Convention between the German Federal Republic and France on social security, dated 10 July, 1950.

ICELAND :

1. Convention between Iceland and Denmark respecting reciprocity in connection with the accident insurance of workers and invalidity insurance, dated 13 October, 1927.
2. Convention between Iceland and Denmark respecting the transfer of members of sick funds, dated April, 1939.
3. Convention between Iceland and Norway on industrial accident insurance, dated 31 May, 1930.
4. Convention between Iceland and Sweden respecting industrial accidents, dated 31 October, 1930.

IRELAND :

1. Agreement between Ireland and the United Kingdom relating to insurance for sickness benefit and maternity benefit, dated 13 September, 1948.
2. Agreement between Ireland and the United Kingdom relating to insurance for unemployment benefit, dated 24 March, 1949.

ITALY :

*a.* General Convention between Italy and France to co-ordinate the application of French social security legislation and of the Italian social insurance and family benefits legislation to the nationals of the two countries, dated 31 March, 1948.

*b.* General Convention between Italy and Belgium on social insurance, dated 30 April, 1948.

LUXEMBOURG :

*a.* General Convention between the Grand Duchy of Luxembourg and France on social security, dated 12 November, 1949.

*b.* General Convention between the Grand Duchy of Luxembourg and Belgium on social security, dated 3 December, 1949.

*c.* Multilateral Convention on social security concluded by the Brussels Treaty Powers on 7 November, 1949.

NETHERLANDS :

*a.* Convention between the Netherlands and Belgium respecting insurance against occupational accidents, dated 9 February, 1921.

*b.* Convention between the Netherlands and Norway respecting reciprocity of treatment with regard to the insurance of industrial workers and seamen, dated 9 January, 1925.

*c.* Convention between the Netherlands and Denmark respecting accident insurance, dated 23 October, 1926.

*d.* Convention between the Netherlands and Belgium respecting the application of the legislation of the two countries as regards social insurance, dated 29 August, 1947.

*e.* Convention between the Netherlands and France on social security dated 7 January, 1950.

*f.* Multilateral Convention on social security concluded by the Brussels Treaty Powers on 7 November, 1949.

NORWAY :

*a.* Convention between Norway, Denmark and Sweden respecting industrial accidents, dated 12 February, 1919.

*b.* Convention between Norway and the Netherlands respecting reciprocity of treatment with regard to the insurance of industrial workers and seamen, dated 9 January, 1925.

*c.* Convention between Norway and Iceland on industrial accident insurance, dated 31 May, 1930.

*d.* Convention between Norway and Sweden respecting the transfer of members between the sick funds in Norway and those in Sweden, dated 22 December, 1947.

*e.* Convention between Norway and Denmark respecting the transfer of members between the sick funds in Denmark and those in Norway, dated 21 January, 1948.

*f.* Convention between Norway and Sweden on the reciprocal recognition of unemployment insurance contributions, dated 18 December, 1948.

*g.* Convention between Norway and Denmark on the reciprocal recognition of unemployment insurance contributions, dated 12 March, 1951.

SAAR :

General Convention between the Saar and France on social securitv, dated 25 February, 1949.

SWEDEN :

1. Convention between Sweden, Denmark and Norway respecting industrial accidents, dated 12 February, 1919.

2. Convention between Sweden and Iceland respecting industrial accidents, dated 31 October, 1930.

3. Convention between Sweden and Denmark respecting unemployment insurance, dated 31 May, 1946.

4. Convention between Sweden and Norway respecting the transfer of members between sick funds in Norway and those in Sweden, dated 22 December, 1947.

5. Convention between Sweden and Denmark respecting the transfer of members between sick funds in Denmark and those in Sweden, dated 23 December, 1947.

6. Convention between Sweden and Norway respecting the reciprocal recognition of unemployment insurance contributions, dated 18 December, 1948.

UNITED KINGDOM :

*a.* General Convention between the United Kingdom in respect of Great Britain and France on social security, dated 11 June, 1948.

*b.* Agreement between the United Kingdom and Ireland relating to insurance for sickness benefit and maternity benefit, dated 13 September, 1948.

*c.* Agreement between the United Kingdom and Ireland relating to insurance for unemployment benefit, dated 24 March, 1949.

*d.* Multilateral Convention on social security concluded by the Brussels Treaty Powers on 7 November, 1949.

*e.* General Convention between the United Kingdom in respect of Northern Ireland and France, on social security, dated 28 January, 1950.

**Appendix 3**

**TO THE DRAFT EUROPEAN INTERIM AGREE. MENT ON SOCIAL SECURITY OTHER THAN SCHEMES FOR OLD AGE, INVALIDITY AND SURVIVORS**

**Reservations to the Agreement formulated by the Contracting Parties**

1. The Government of Denmark has formulated the following reservation : The provisions of the Danish law of 10th May, 1951 concern infectious diseases, which impose a residence requirement of one year when the party concerned is neither a Danish national nor a member of a sick fund recognised by the State, shall be excluded from the application of this agreement.

2. The Government of France has formulated the following reservations :

*a.* The provisions of the French legislation respecting compensation for industrial accidents for prisoners shall be excluded from the application of the Agreement, unless there is in the country concerned a scbeme offering similar benefits of which prisoners of French nationality in such country may avail themselves.

*b.* The French Act of 23rd September, 1948, No. 48-1473, as amended, extending to students certain provisions of the Order of 17th October, 1945 respecting the scheme of social insurance applicable to insured persons in non-agricultural employment, shall be excluded from the application of the Agreement, unless there is in the country concerned a scheme offering similar benefits of which students of French nationality in such country may avail themselves.

*c.* The inclusion of family benefits within the field of application of the Agreement shall in no way prejudice the right of the French legislation on maternity benefits to reserve these benefits to parents whose children are of French nationality at birth or acquire that nationality within a period of three months, so long as it makes no distinction based on the nationality of the parents.

3. The Government of Iceland has formulated the following reservations : The provisions respecting family allowances which are contained in the Social Security Act No. 50/1946 shall be excluded from the application of the Agreement, unless there is a family allowance scheme in the country concerned of which Icelandic nationals may avail themselves.

4. The Government of Ireland formulated the following reservation : The provision of the frish Unemployment Assistance Legislation, which requires in certain cases five years residence in the State to qualify a person born outside the State to participate in the Scheme, shall be excluded from the application of this Agreement.

5. The Government of Luxembourg has formulated the following reservations :

*a.* The Luxembourg Government reserves the right not to apply the provisions of this Agreement to the system of birth allowances.

*b.* The application of the Agreement to unemployment benefits shall be subject to organising the financial contribution of employers and employees, or of one of these groups, in the allocation of unemployment assistance.

6. The Government of Norway has formulated the following reservation : The Norwegian Act of 24th October, 1946 respecting family allowances shall be excluded from the application of the Agreement, unless there is a family allowance scheme in the country concerned, of which Norwegian nationals may avail themselves.

7. The Government of Sweden has formulated the following reservations :

*a.* The Swedish Act respecting maternity grants, payable, subject to a means test, to all mothers, shall not apply to the nations of a Contracting Party which has repealed the legal provisions under which maternity cash benefits are payable.

*b.* The clause in the Swedish Legislation concerning family allowances that regulates the right of allowance to a child who is subject of another country shall be considered to conform with the provisions of Article 2 of this Agreement.

*c.* The provision of the Swedish Unemployment Assistance, which requires one year of work in Sweden to qualify a person who is subject of another country to benefit from the Assistance system, shall be excluded from the application of this Agreement.

8. The Government of the United Kingdom has formulated the following reservation : The legislation of the United Kingdom docs not at present permit the full application of the principles of the Agreement to the schemes of family allowances in its territory, and the Government is accordingly obliged to make the following provisional reservation :

9. For the purpose of the family allowances schemes in Great Britain, Northern Ireland and the Isle of Man, a national of another Contracting Party shall be treated as a national of the United Kingdom only after he has been present in Great Britain, Northern Ireland, or the Isle of Man, or, where not so present, has been a member of the Forces or a merchant seaman, as defined in the relevant British legislation, for at least 156 weeks in the aggregate out of the four years immediately preceding the date on which an allowance is claimed.

**European Interim Agreement on social security schemes relating to old age, invalidity and survivors**

The Governments signatory hereto, being Members of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity between its Members, for the purpose, among others, of facilitating their social progress,

Affirming the principle that the nationals of any one of the Contracting Parties to this Agreement should receive, under the laws and regulations of any other Contracting Party relating to benefits payable in respect of old age, invalidity or survivors, equal treatment witb the nationals of the latter, a principle sanctioned by Conventions of the International Labour Organisation,

Affirming also the principle that the nationals of any one of the Contracting Parties should receive the benefits of agreements relating to old age, invalidity and survivors concluded by any two or more of the other Contracting Parties,

Desirous of giving effect to these principles by means of an Interim Agreement pending the conclusion of a general convention based on a network of bilateral agreements;

Have agreed as follows :

Article 1

1. This Agreement shall apply to all social security laws and regulations which are in force at the date of signature or may subsequently come into force in any part of the territory of the Contracting Parties and which relate to :

*a.* benefits in respect of old age;

*b.* benefits in respect of invalidity, other than those awarded under an employment injury scheme;

*c.* benefits payable to survivors, other than death grants or benefits awarded under an employment injury scheme.

2. This Agreement shall apply to schemes of contributory and non-contributory benefits. It shall not apply to public assistance, special schemes for civil servants or benefits paid in respect of war injuries or injuries due to foreign occupation.

3. For the purpose of this Agreement the word " benefit " shall include any increase in or supplement to the benefit.

Article 2

4. Subject to the provisions of Article 9, a national of any one of the Contracting Parties shall be entitled to receive the benefits of the laAvs and regulations of any other of the Contracting Parties under the same conditions as if he were a national of the latter, provided that :

*a.* in the case of invalidity benefit under either a contributory or non-contributory scheme he had become ordinarily resident in the territory of the latter Contracting Party before the first medical certification of the sickness responsible for such invalidity;

*b.* in the case of benefit payable under a non-contributory scheme, he has been resident in that territory for a period in the aggregate of not less than fifteen years after the age of twenty, has been ordinarily resident without interruption in that territory for at least five years immediately preceding the claim for benefit and continues to be ordinarily resident in that territory;

*c.* in the case of benefit payable under a contributory scheme, he is resident in the territory of any one of the Contracting Parties.

5. In any case where the laws and regulations of any one of the Contracting Parties impose a restriction on the rights of a national of that Party who was not born in its territory, a national of any other of the Contracting Parties born in the territory of the latter shall be treated as if he were a national of the former Contracting Party born in its territory.

Article 3

6. Any agreement relating to the laws and regulations referred to in Article 1 which has been or may be concluded by any two or more of the Contracting Parties shall, subject to the provisions of Article 9, apply to a national of any other of the Contracting Parties, as if he were a national of one of the former Parties, insofar as it provides, in relation to those laws and regulations :

*a.* for determining under which laws and regulations a person should be insured;

*b.* for maintaining acquired rights and rights in course of acquisition and, in particular, for adding together insurance periods and equivalent periods for the purpose of establishing the right to receive benefit and calculating the amount of benefit due;

*c.* for paying benefit to persons residing in the territory of any one of the Parties to such Agreement;

*d.* for supplementing and administering the provisions of such Agreement referred to in this paragraph.

7. The provisions of paragraph 1 of this Article shall not apply to any provision of the said Agreement which concerns benefits provided under a non-contributory scheme, unless the national concerned has been resident in the territory of the Contracting Party under whose laws and regulations he claims benefit for a period in the aggregate of not less than fifteen years after the age of twenty, and has been ordinarily resident without interruption in that territory for a period of at least five years immediately preceding the claim for benefit.

Article 4

Subject to the provisions of any relevant bilateral and multilateral agreements, benefits which, in the absence of this Agreement, have not been awarded or have been suspended shall be awarded or reinstated from the date of the entry into force of this Agreement for all the Contracting Parties concerned with the claim in question, provided that the claim thereto is presented within one year after such date or within such longer period as may be determined by the Contracting Party under whose laws and regulations the benefit is claimed. If the claim is not presented within such period, the benefit shall be awarded or reinstated from the date of the claim or such earlier date as may be determined by the latter • Contracting Party.

Article 5

The provisions of this Agreement shall not limit the provisions of any national laws or regulations, international conventions, or bilateral or multilateral agreements which arc more favourable for the beneficiary.

Article 6

This Agreement shall not affect those provisions of national laws or regulations which relate to the participation of insured persons, and of other categories of persons concerned in the management of social security.

Article 7

8. Annex I to this Agreement sets out in relation to each Contracting Party the social security schemes to which Article i applies which arc in force in any part of its territory at the date of signature of this Agreement.

9. Each Contracting Party shall notify the Secretary-General of the Council of Europe of every new law or regulation of a type not included in Annex I in relation to that Party. Such notifications shall be made by each Contracting Party within three months of the date of publication of the new law or regulation, or if such law or regulation is published before the date of ratification of this Agreement by the Contracting Party concerned, at that date of ratification.

Article 8

10. Annex II to this Agreement sets out in relation to each Contracting Party the agreements concluded by it to which Article 3 applies that are in force at the date of signature of this Agreement.

11. Each Contracting Party shall notify the Secretary-General of the Council of Europe of every new agreement concluded by it to which Article 3 applies. Such notification shall be made by each Contracting Party within three months of the date of coming into force of the agreement, or, if such new agreement has come into force before the date of ratification of this Agreement, at that date of ratification.

Article 9

Annex III to this Agreement sets out the reservations hereto made at the date of signature.

Any Contracting Party may, at the time of making a notification in accordance with Article 7 or Article 8, make a reservation in respect of the application of the present Agreement to- any law, regulation or agreement which is referred to in such notification. A statement of any such reservation shall accompany the notification concerned; it will take effect from the date of entry into force of the new law, regulation or agreement.

Any Contracting Party may withdraw either in whole or in part any reservation made by it, by a notification to that effect addressed to the Secretary-General of the Council of Europe. Such notification shall take effect on the first day of the month following the month in which it is received, and this Agreement shall apply accordingly.

Article 10

The Annexes to this Agreement shall constitute an integral part of this Agreement.

Article 11

12. Arrangements where necessary between the competent authorities of the Contracting Parties shall determine the methods of implementation of this Agreement.

13. The competent authorities of the Contracting Parties concerned shall endeavour to resolve by negotiation any disagreement relating to the interpretation or application of this Agreement.

14. If any Such disagreement has not been resolved by negotiation within a period of three months, the disagreement shall be submitted to arbitration by an arbitral body whose composition and procedure shall be agreed upon by the Contracting Parties concernédj or in default of such agreement within a further period of three months, by an arbitrator chosen at the request of any of the Contracting Parties concerned by the President of the International Court of Justice.

15. The decision of the arbitral body, or arbitrator, as thé case may be, shall be made in accordance with the principles and spirit of this Agreement and shall be final and binding.

Article 12

In the event of the denunciation of this Agreement by any of the Contracting Parties,

(a) Any "right acquired by a person in accordance With its provisions shall be maintained, and, in particular, if he has in accordance with its provisions, acquired the right to receive any benefit under the laws and regulations of one of the Contracting Parties while he is resident in the territory of another, he shall continue to enjoy that right;

(b) Subject to any conditions which may be laid down by supplementary agreements concluded by the Contracting Parties concerned for the settlement of any rights then in course of acquisition, the provisions of this Agreement shall continue to apply to insurance periods and equivalent periods completed before the date when the denunciation becomes effective.

Article 13

16. This Agreement shall be open to the signature of the Members of the Council of Europe. It shall be ratified. Instruments of ratification shall be deposited with the Secretary- General of the Council of Europe.

17. This Agreement shall come into force on the first day of the month following the date of deposit of the second instrument of ratification.

18. As regards any Signatory ratifying subsequently, the Agreement shall come into force on the first day of the month following the date of the deposit of its instrument of ratification.

Article 14

19. The Committee of Ministers of the Council of Europe may invite any State not a member of the Council of Europe to accede to this Agreement.

20. Accession shall be effected by the deposit of an instrument of accession with the Secretary- General of the Council of Europe, which shall take effect on the first day of the month following the date of deposit.

21. Any instrument of accession deposited in accordance with this Article shall be accompanied by a notification of such information as would be contained in Annexes I and II to this Agreement, if the Government of the State concerned were, on the date of accession, a Signatory hereto.

22. For tho purposes of this Agreement any information notified in accordance with paragraph 3 of this Article shall be deemed to be part of the Annex in which it would have been recorded, if the Government of the State concerned were a Signatory hereto.

Article 15

The Secretary-General of the Council of Europe shall notify :

*a.* the Members of the Council and the Director-General of the International Labour Office :

1. of the date of entry into force of this Agreement and the names of any Members who ratify it;
2. of the deposit of any instrument of acession in accordance with Article 14 and of such notifications as are received with it;
3. of any notification received in accordance with Article 16 and its effective date;

*b.* the Contracting Parties and the Director-General of the International Labour Office :

1. of any notifications received in accordance with Article 7 and 8;
2. of any reservation made in accordance with paragraph 2 of Article 9;
3. of the withdrawal of any reservation in accordance with paragraph 3 of Article 9.

Article 16

This Agreement shall remain in force for a period of two years from the date of its entry into force in accordance with paragraph 2 of Article 13. Thereafter it shall remain in force from year to year for such Contracting Parties as have not denounced it by a notification to that effect addressed to the Secretary-General of the Council of Europe, at least six months before the expiry either of the preliminary two year period, or of any subsequent yearly period. Such notification shall take effect at the end of the period to which it relates.

Done at this day of 1952, in the English and French languages, both texts being equally authoritative, in a single copy which shall remain in the archives of the Council of Europe and of which the Secretary-General shall send certified copies to each of the Signatories and to the Director-General of the International Labour Office.

**Appendix 4**

**TO THE DRAFT EUROPEAN INTERIM AGREEMENT ON SOCIAL SECURITY SCHEMES FOR OLD AGE, INVALIDITY AND SURVIVORS**

**Social Security Schemes to which the Agreement applies**

BELGIUM :

Laws and regulations relating to :

1. Insurance against ol-dage and premature death for manual workers and selfemployed workers.
2. Insurance against oldage and premature death of salaried employees.
3. Pensions for miners and other workers treated as miners.
4. Social security for employees (supplementary old-age and survivors pensions).
5. Social security for employees, respecting the organisation of compulsory insurance against sickness or invalidity.
6. Special allowances to cripples, the disabled, to congenital invalids and the deaf and dumb.

The scheme listed under (/) above is of a non-contributory nature. The others arc contributory.

DENMARK :

Laws and regulations relating to :

*a.* Old-age pensions.

*b.* Invalidity pensions including pensions awarded according to sections 247-249 of the Social Welfare Act.

Both schemes arc of a non-contributory nature.

FRANCE :

Laws and regulations relating to :

*a.* The organisation of social security.

*b.* General provisions governing the social insurance system applicable to insured persons in non-agricultural employcment.

*c.* Social insurance provisions applicable to employed persons, and persons treated as employed persons, in agricultural employment.

*d.* Allowances granted to aged employees.

*e.* Allowances granted to aged persons other than employees.

*f.* Special social security schemes.

*g.* Provisional laws on temporary oldage allowances.

The schemes listed under (a) (b) (c) and (/) above are of a contributory nature. The schemes listed under (d) and (g) are non-contributory.

The laws relating to (e) provide. first for a permanent scheme of a contributory nature, and secondly for a temporary scheme of a non-contributory nature applied to persons who do not fulfil the conditions governing payment of contributions prescribed under the contributory scheme.

GERMAN FEDERAL REPUBLIC :

Laws and regulations relating to :

*a.* Pension insurance for manual workers.

*b.* Pension insurance for salaried employees and artisans.

*c.* Pension insurance for miners. Ail these schemes are of a contributory character.

GREECE :

Laws and regulations relating to :

*a.* Social insurance.

*b.* Special pension schemes for certain categories of workers, including certain liberal professions (lawyers, doctors, civil engineers, etc.).

These schemes are of a contributory nature.

ICELAND :

Laws and regulations relating to :

*a.* Old-age pensions.

*b.* Invalidity pensions.

*c.*
1. Children's annuities,
2. Widows' annuities.

For the purposes of this Agreement these schemes are accepted as non-contributory.

IRELAND :

Laws and regulations relating to :

*a.* Old-age pensions.

*b.*
1. Blind persons' pensions, and
2. National health insurance.

*c.* Widows' and orphans' pensions.

The scheme listed under (a) above is non-contributory. The scheme listed under (b) (i) is non-contributory, that under (b) (ii) is contributory, and the scheme listed under (c) is partly contributory and partly non-contributory.

ITALY :

Laws and regulations relating to :

*a.* General compulsory insurance in case of invalidity, oldage and death.

*b.* Special compulsory insurance schemes for certain categories of employees.

These schemes are of a contributory character.

LUXEMBOURG :

Laws and regulations relating to :

*a.* Genera} system of insurance against oldage, invalidity and premature death.

*b.* Pensions insurance for salaried employees in private employment.

*c.* Additionalinsurance for mine workers and for manual workers in the metallurgical industries.

*d.* Pensions insurance for artisans.

These schemes are all contributory except the provisional pensions for artisans.

NETHERLANDS :

Laws and regulations relating to :

*a.* Insurance against oldage, invalidity and premature death, including provisions for pension increments.

*b.* Temporary old-age allowances.

*c.* Pension scheme for miners.

The scheme listed under (b) is noncontributory. The other schemes are contributory.

NORWAY :

Laws and regulations relating to :

*a.* Old-age pensions.

*b.* Aid to blind and crippled persons.

*c.* Pension insurance for mariners.

*d.* Old-age, invalidity and survivors' pensions for workers employed by the State.

The schemes listed under (a) and (b) above are non-contributory. The other schemes are contributory.

SAAR :

Laws and regulations relating to :

*a.* Pension insurance for manual workers.

*b.* Pension insurance for salaried employees and artisans.

*c.* Pension insurance of miners.

*d.* Pension insurance in the metal industry.

All these schemes are contributory.

SWEDEN :

Laws and regulations relating to :

1. National pensions.
2. Special family allowances to children of widows and invalids, etc.
3. Allowances to widows and widowers with children.

All these schemes are non-contributory.

TURKEY :

Laws and regulations relating to :

*a.* Old-age insurance.

*b.* Special pension schemes for certain categories of workers.

These schemes arc contributory.

UNITED KINGDOM :

Laws and regulations concerning Great Britain, Northern Ireland and tho Isle of Man :

*a.* Establishing insurance schemes in respect of sickness, widowhood, orphanhood and oldage.

*b.* Relating to non-contributory oldage and blind persons' pensions.

The schemes mentioned under (a) arc contributory. The schemes mentioned under (b) are non-contributory.

**Appendix 5**

**TO THE DRAFT EUROPEAN INTERIM AGREEMENT ON SOCIAL SECURITY SCHEMES FOR OLD AGE, INVALIDITY AND SURVIVORS**

**Bilateral and Multilateral Agreements to which the Agreement applies[3]**

BELGIUM :

*a.* Convention between Belgium and the Netherlands respecting the application of the Legislation of the two countries as regards social insurance, dated 29 August, 1947.

*b.* General Convention between Belgium and France on social security, dated 17 January, 1948.

*c.* General Convention between Belgium and Italy on social insurance, dated 30 April, 1948.

*d.* General Convention between Belgium and the Grand Duchy of Luxembourg on social security, dated 3 December, 1949.

*e.* Multilateral Convention on social security concluded by the Brussels Treaty Powers on 7 November, .1949.

FRANCE :

*a.* General Convention between France and Belgium on social security, dated 17 January, 1948.

*b.* General Convention between France and Italy to co-ordinate the application of French social security legislation and of the Italian social insurance and family benefits legislation to the nationals of the two countries, dated 31 March, 1948.

*c.* General Convention between France and the United Kingdom on social security, dated 11 June, 1948.

*d.* General Convention between France and the Saar on social security, dated 25 February, 1949.

*e.* General Convention between France and the Grand Duchy of Luxembourg on social security, dated 12 November, 1949.

*f.* General Convention between France and the Netherlands on social security, dated 7 January, 1950.

*g.* General Convention between France and the United Kingdom in respect of Northern Ireland on social security, dated 28 January, 1950.

*h.* General Convention between France and the German Federal Republic on social security, dated 10 July, 1950.

*i.* Multilateral Convention on social security concluded by the Brussels Treaty Powers on 7 November, 1949.

GERMAN FEDERAL REPUBLIC :

General Convention between the German Federal Republic and France on social security, dated 10 July, 1950.

IRELAND :

Agreement between Ireland and the United Kingdom relating to insurance for sickness benefit and maternity benefit, dated 13 September, 1948.

ITALY :

*a.* General Convention between Italy and France to co-ordinate the application of French social security legislation and of the Italian social insurance and family benefits legislation to the nationals of the two countries dated 31 March, 1949.

*b.* General Convention between Italy and Belgium on social insurance, dated 30 April, 1948.

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3. It is understood that the Agreement applies equally to all the complementary agreements, supplements, protocols and arrangements which have completed or amended the said agreements.

LUXEMBOURG :

*a.* General Convention between the Grand Duchy of Luxembourg and France, dated 1.2 November, 1949.

*b.* General Convention between the Grand Duchy of Luxembourg and Belgium on social security, dated 3 December, 1949.

*c.* Multilateral Convention on social security concluded by the Brussels Treaty Powers on 7 November, 1949.

NETHERLANDS :

*a.* Convention between the Netherlands and Belgium respecting the application of the legislation of the two countries as regards social insurance, dated 29 August, 1947.

*b.* General Convention between the Netherlands and France on social security, dated 7 January, 1950.

*c.* Multilateral Convention on social security concluded by Brussels Treaty Powers on 7 .November, 1949

SAAR :

General Convention between the Saar and France on social security, dated 25 February, 1949.

UNITED KINGDOM :

1. General Convention between the United Kingdom in respect of Great Britain and France on social security, dated 11 June, 1948.

2. Agreement between the United Kingdom and Ireland relating to insurance for sickness benefit and maternity benefit, dated 13 September, 1948.

3. Multilateral Convention on social security concluded by the Brussels Treaty Powers on 7 November, 1949.

4. General Convention between the United Kingdom in respect of Northern Ireland and France on social security, dated 28 January, 1950.

**Appendix 6**

**TO THE DRAFT EUROPEAN INTERIM AGREE. MENT ON SOCIAL SECURITY SCHEMES FOR OLD AGE, INVALIDITY AND SURVIVORS**

**Reservations to the Agreement formulated by the Contracting Parties**

1. The Government of Belgium has formulated the following reservation : The benefits provided under the Belgian laws on allowances to cripples, tho disabled and to congenital invalids shall only be granted to the nationals of other Contracting Parties on condition that a similar system of benefits exists in the country concerned to which Belgian cripples, disabled and congenital invalids resident in that country may be entitled.

2. The Government of Denmark has formulated the following reservation : The Danish law respecting old-age and invalidity pensions shall not apply to the nationals of a Contracting Party which has repealed its legal provisions relating to old-age and invalidity pensions.

3. The Government of Ireland has formulated the following reservations :

*a.* The provisions of the Irish legislation on the subject of Old-age and Blind Persons Pensions which require for the latter a residence of 6 years in the case of an Irish national, and in any other case 16 years, after reaching 10 years of age in each case, shall be excluded from the operation of the Agreement.

*b.* The provisions of the Irish legislation on old-age pensions which require for such pensions a residence of 30 years, of which six in the case of an Irish national and 16 in any other case must be subsequent to reaching 50 years of age, shall be excluded from the operation of the Agreement.

4. The Government of Luxembourg has formulated the following reservation : Non-contributory, temporary pensions, subject to a needs test, provided for under Luxembourg legislation relating to artisans shall be granted only to nationals of those States whose legislation awards similar pensions to Luxembourg nationals.

5. The Government of the United Kingdom has formulated the following reservation : The provisions of the Agreement shall not apply to the obsolescent schemes for noncontributory old-age pensions in Great Britain, Northern Ireland and the Isle of Man, it being understood that equivalent benefits are available to the nationals of the contracting countries on the same conditions as to British nationals under the schemes of National Assistance in Great Britain, Northern Ireland and the Isle of Man.