



Doc. 13

25 May 1952

Two draft European Interim Agreements relating to Social Security

Report¹

Social, Health and Family Affairs Committee

Rapporteur: Mr Henri C. J. HEYMAN, Belgium

1. 1952 - 4th Session - First part



A. Explanatory Memorandum

1.

1. The Committee on Social Questions has examined with great interest the two draft Interim Agreements in question, which, together, cover the whole field of social security. The Committee agrees entirely with the principles embodied in the draft agreements, namely :

- 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, and
- 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. The Committee recalls that the Consultative Assembly during its Third Session, in December, 1951, expressed its complete agreement with these principles.

2. The Committee considers that the two draft agreements will constitute an important step towards the achievement of the ultimate goal set by the Consultative Assembly in its Recommendation of 6 September, 1949, namely the formulation of a multilateral agreement on Social Security.

3. The Committee wishes to pay tribute to the Committee of Ministers for its work in drafting these agreements along the lines desired by the Consultative Assembly. The Committee also wishes to express its appreciation of the work of the Committee of Experts on Social Security and of the International Labour Office whose collaboration in this matter has been of great value.

4. Desirous of seeing the agreements signed and ratified as soon as possible, the Committee on Social Questions is of the opinion that the drafts can be approved in their present form. The Committee wishes, however, to make the following remarks of a general nature :

- a. Having noted that the two Agreements are of an interim nature, the Committee wishes to emphasise the desirability and necessity of arriving, at the earliest possible moment, at the conclusion of a general multilateral convention on social security between the Members of the Council of Europe.
- b. It is desirable to find, as soon as possible, a method of extending to refugees the advantages deriving from these draft agreements, in the light of the Geneva Convention on the Status of Refugees, 1951.
- c. Although the Committee recognises the necessity for certain Governments to make reservations to the agreements, it trusts, on the basis of the explanations given by the Committee of Ministers in [Doc. 10](#), para. 52, that such reservations will be of a temporary nature, and that the Governments responsible for them will take effective steps to amend their legislation in such a way as to render possible the complete withdrawal of the reservations within two years after the entry into force of the agreements..

5. In conclusion Your Committee submit to the Assembly the following draft Opinion for transmission to the Committee of Ministers :

B. Draft Opinion for the Committee of Ministers

The Assembly,

Having been asked by the Committee of Ministers for an opinion on the two draft European Interim Agreements on Social Security,

Is of the opinion that the draft agreements are completely satisfactory by way of an interim measure,

Recommends that the Committee of Ministers should sign these draft agreements as soon as possible and make immediate arrangements for their ratification,

Considers that steps should be taken to replace the Interim Agreements, as soon as possible, by a general multilateral Convention on Social Security between the Members of the Council of Europe,

Considers that the problem of extending social security rights under these agreements to refugees should be solved as soon as possible, in the light of the Geneva Convention on the Status of Refugees, 1951, and that, if possible, a protocol should be prepared for this purpose,

Trusts that each Government which has considered it necessary to make reservations to the Agreements will take effective steps to amend its legislation in such a way as to render possible the withdrawal of the reservations within two years after the entry into force of the Agreements.