



Opinion 141 (1988)¹

Draft revised European code of social security

Parliamentary Assembly

The Assembly,

1. Having been asked for an opinion on the draft revised European code of social security, drawn up by the Steering Committee for Social Security ;
2. Having carefully considered the draft and ascertained its great value ;
3. Bearing in mind that, since the European Code of Social Security came into force in 1968, there have been major changes in lifestyles and new developments in the world of work which have not yet been reflected in the way in which the code is applied ;
4. Noting that, as a result of these developments and the onset of the economic crisis in the 1970s which has severely afflicted Europe as well as the other continents, the social security legislation of Council of Europe member states has been substantially modified ;
5. Believing that the terms of the European Code of Social Security need to be adjusted to current circumstances ;
6. Stressing that these adjustments should relate, inter alia, to : the extension of social security to the whole population, so as to eliminate the various new forms of poverty ; an improvement in the standards of the code at present in force ; the introduction of the desirable degree of flexibility in the code's provisions, so as to facilitate its ratification and the acceptance of its various parts by member states ; the abolition of sexual discrimination ; the strengthening of the prevention of risks and, as far as possible, the elimination of their consequences through the introduction of arrangements regarding training, rehabilitation, retraining, re-education, integration and reintegration schemes ; the provision of new social services ; an increase in the effectiveness of the code's provisions ;
7. Noting with satisfaction that, through the drawing up of a draft revised code by the Steering Committee for Social Security and the transmission thereof to the Assembly for an opinion, the Assembly's [Recommendation 873 \(1979\)](#) on the application and revision of the European Code of Social Security and its Protocol has largely been implemented ;
8. Believing that tribute should be paid to the Steering Committee for Social Security which, with the help of the International Labour Office, has accomplished a creditable task by producing a draft revised European code of social security comprising an excellent set of ingeniously arranged new provisions, meeting most of the needs which have arisen recently ;
9. Considering, however, that the draft calls for a number of remarks, which are set out below,
10. Recommends that the Committee of Ministers :
 - a. adopt a revised European code of social security on the basis of the draft drawn up by the Steering Committee for Social Security ;

1. Assembly debate on 4 October 1988 (10th Sitting) (see [Doc. 5817](#), request from the Committee of Ministers for an opinion ; and [Doc. 5927](#), report of the Social, Health and Family Affairs Committee, Rapporteur : Mr Bohl). Text adopted by the Assembly on 4 October 1988 (10th Sitting).



- b. incorporate in the revised code the arrangements proposed in the draft, together with the following additions :
1. the prohibition of sexual discrimination in branches of the social security covered by the revised code with regard to the personal scope, benefits and financing of social security schemes ;
 2. the making of certain types of benefit available to people who cohabit with a protected person, but are not that person's spouse or child, with the possibility of opting out of this requirement ;
 3. the insertion in the instrument of clauses providing that, in the branches of old age and invalidity, account shall be taken, among the factors determining the entitlement to benefits, of activities of a family nature, such as bringing up children or taking care of elderly or handicapped dependants ;
 4. the insertion in the instrument of clauses under which, in the same branches, the amounts credited during marriage to one or the other of the spouses and serving as the basis for determining their rights to benefit shall be partially transferred to the credit of the other spouse, to the extent necessary to ensure an equal division between the spouses ;
 5. a supervisory system whereby protected persons or groups of such persons, notably in connection with professional organisations, may apply to a Council of Europe body for the enforcement of the guarantees given by member states with regard to the application of the code (Article 3, paragraph 2, Article 76, paragraph 2, and Article 77, paragraph 3, of the draft) ;
 6. the creation, to that end, of an independent body within the Council of Europe for the purpose of considering reports submitted by states and receiving petitions from protected persons or groups of such persons ;
 7. the publication of the above-mentioned reports and petitions, along with the replies they receive ;
 8. periodic reviews of the revised code as well as procedures for a future revision thereof ;
 9. the possibility for the European Communities to accede to the revised code, in accordance with the Arrangement of 16 June 1987 ;
 10. the inclusion of provisions allowing the adhesion of states not members of the Council of Europe.