

Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self employed persons, to self-employed persons and to their families moving within the Community (Consolidated version — OJ No L 28 of 30. 1. 1997, p. 1See annex B.) (repealed)

TITLE IV

IMPLEMENTATION OF THE SPECIAL PROVISIONS OF THE REGULATION RELATING TO THE VARIOUS CATEGORIES OF BENEFITS

CHAPTER 4

ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES

Implementation of Articles 52 and 53 of the Regulation

Article 60

Benefits in kind in the case of residence in a Member State other than the competent State

1 In order to receive benefits in kind under Article 52 (a) of the Regulation, an employed or self-employed person shall submit to the institution of the place of residence a certified statement testifying that he is entitled to such benefits in kind. This certified statement, based upon information supplied by the employer, where appropriate, shall be issued by the competent institution. Moreover, if the legislation of the competent State so provides, the employed or self-employed person shall submit to the institution of the place of residence a receipt from the competent institution of notification of an accident at work or of an occupational disease. If the person concerned does not submit such documents, the institution of the place of residence shall obtain them from the competent institution and, pending their arrival, it shall grant him the benefits in kind under sickness insurance, provided that he satisfies the conditions for entitlement thereto.

2 That certified statement shall remain valid until the institution of the place of residence receives notification of its cancellation. However, when the said certified statement has been issued by a French institution, it shall be valid only for a year following the date of its issue, and must be renewed every year.

3 If the person concerned is a seasonal worker, the certified statement referred to in paragraph 1 shall be valid for the whole of the expected duration of the seasonal work unless, in the meanwhile, the competent institution notifies the institution of the place of residence of its cancellation.

4 Upon each application for benefits in kind, the person concerned shall submit the supporting documents for the granting of benefits in kind under the legislation of the Member State in whose territory he resides.

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Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 574/72 (repealed), CHAPTER 4. (See end of Document for details)

5 In the event of hospitalization the institution of the place of residence shall, within three days of becoming aware of the fact, notify the competent institution of the date of entry into hospital, the probable duration of hospitalization and the date of leaving hospital.

6 The institution of the place of residence shall notify the competent institution in advance of any decision relating to the granting of benefits in kind where the likely or actual cost exceeds a lump sum which is fixed and periodically reviewed by the Administrative Commission.

The competent institution shall have 15 days from the day on which such information is sent within which to raise any objection and to state the reasons on which such objection is based; if, at the end of that period, no such objection has been raised, the institution of the place of residence shall grant the benefits in kind. Where such benefits in kind have to be granted in a case of extreme urgency, the institution of the place of residence shall forthwith inform the competent institution thereof.

7 The person concerned shall inform the institution of the place of residence of any change in his situation which is likely to alter his entitlement to benefits in kind, in particular any cessation or change of employment or self-employment or any transfer of residence or stay. Likewise, should the person concerned cease to be insured or cease to be entitled to benefits in kind, the competent institution shall inform the institution of the place of residence accordingly. The institution of the place of residence may, at any time, request the competent institution to supply it with any information relating to the insurance of the person concerned or to his entitlement to benefits in kind.

8 In the case of frontier workers, medicinal products, bandages, spectacles and small appliances may be issued, and laboratory analyses and tests carried out, only in the territory of the Member State in which they were prescribed in accordance with the provisions of the legislation of that Member State.

9 Two or more Member State or the competent authorities of these Member States may, having received the opinion of the Administrative Commission, agree on other implementing provisions.

Article 61

Cash benefits other than pensions in the case of residence in a Member State other than the competent State

1 In order to receive cash benefits other than pensions under Article 52 (b) of the Regulation, an employed or self-employed person shall, within three days of commencement of the incapacity for work, apply to the institution of the place of residence by submitting a notification of having ceased work or, if the legislation administered by the competent institution or by the institution of the place of residence so provides, a certificate of incapacity for work issued by the doctor providing treatment for the person concerned.

2 If the doctors providing treatment in the country of residence do not issue certificates of incapacity for work, the person concerned shall apply directly to the institution of the place of residence within the time limit fixed by the legislation which it administers.

The institution shall immediately have the incapacity for work medically confirmed and the certificate referred to in paragraph 1 drawn up. Such certificate shall state the probable duration of the incapacity and shall be forwarded to the competent institution forthwith.

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3 In case where paragraph 2 does not apply, the institution of the place of residence shall, as soon as possible and in any event within the three days following the date on which the person concerned applied to it, have him medically examined as if he were insured with that institution. The report of the examining doctor shall indicate, in particular, the probable duration of the incapacity for work, and shall be forwarded to the competent institution of the place of residence within the three days following the date of the examination.

4 The institution of the place of residence shall subsequently carry out any necessary administrative checks or medical examinations of the person concerned as if he were insured with that institution. As soon as it establishes that he is fit to resume work it shall forthwith notify the person concerned and the competent institution accordingly stating the date on which the incapacity for work ceased. Without prejudice to the provisions of paragraph 6, the notification to the person concerned shall be treated as a decision taken on behalf of the competent institution.

5 In all cases, the competent institution shall reserve the right to have the person concerned examined by a doctor of its own choice.

6 If the competent institution decides to withhold the cash benefits because the person concerned has not completed the formalities laid down by the legislation of the country of residence, or if it establishes that the person concerned is fit to resume work, it shall notify the person concerned of its decision and shall simultaneously send a copy of such decision to the institution of the place of residence.

7 When the person concerned resumes work, he shall notify the competent institution accordingly if such notification is required by the legislation administered by that institution.

8 The competent institution shall pay cash benefits by the appropriate method, in particular by international money order, and shall inform the institution of the place of residence and the person concerned accordingly. Where cash benefits are paid by the institution of the place of residence on behalf of the competent institution, the latter shall inform the person concerned of his rights and shall notify the institution of the place of residence of the amount of the cash benefits, the dates for payment and the maximum period during which they should be granted, in accordance with the legislation of the competent State.

9 Two or more Member States or the competent authorities of those Member States may, having received the opinion of the Administrative Commission, agree on other implementing provisions.

Implementation of Article 55 of the Regulation

Article 62

Benefits in kind in the case of a stay in a Member State other than the competent State

1 In order to receive benefits in kind, a person employed in international transport covered by Article 14 (2) (a) of the Regulation who, in the course of his employment, goes to the territory of a Member State other than the competent State, shall, as soon as possible, submit to the institution of the place of stay a special certified statement issued by the employer or by his agent during the current calendar month or during the two calendar months preceding its submission. Such certified statement shall state in particular the date from which the person concerned has been employed by the said employer and the name and address of the competent institution. If the person concerned has submitted such certified statement, he shall be presumed to have satisfied the conditions for acquisition of the right to benefits in kind. If the person

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concerned is unable to contact the institution of the place of stay before receiving medical treatment he shall nevertheless receive such treatment on presentation of the said certified statement as if he were insured with that institution.

2 The institution of the place of stay shall within three days inquire of the competent institution whether the person concerned satisfied the conditions for acquisition of the right to benefits in kind. The institution of the place of stay shall provide the benefits in kind until it receives a reply from the competent institution, but for not more than 30 days.

3 The competent institution shall send its reply to the institution of the place of stay within 10 days of the receipt of the request from that institution. If that reply is in the affirmative, the competent institution shall indicate, if necessary, the maximum period during which the benefits in kind may be granted, in accordance with the legislation which it administers, and the institution of the place of stay shall continue to provide the said benefits.

4 Benefits in kind provided by virtue of the presumption made in paragraph 1 shall be reimbursed as provided for in Article 36 (1) of the Regulation.

5 In place of the certified statement provided for in paragraph 1 the employed person referred to in that paragraph may submit to the institution of the place of stay a certified statement as provided for in paragraph 6.

6 In order to receive benefits in kind under Article 55 (1) (a) (i) of the Regulation, except in cases where a presumption is made under paragraph 1, the employed or self-employed person shall submit to the institution of the place of stay a certified statement stating that he is entitled to benefits in kind. Such certified statement, which shall be issued by the competent institution, if possible before the person concerned leaves the territory of the Member State in which he resides, shall specify in particular, where necessary, the maximum period during which benefits in kind may be granted, in accordance with the legislation of the competent State. If the person concerned does not submit the said certified statement, the institution of the place of stay shall obtain it from the competent institution.

7 The provisions of Article 60 (5), (6) and (9) of the implementing Regulation shall apply by analogy.

Article 63

Benefits in kind for employed or self-employed persons who transfer their residence or return to their country of residence, and for employed or self-employed persons authorized to go to another Member State for medical treatment

1 In order to receive benefits in kind under Article 55 (1) (b) (i) of the Regulation, an employed or self-employed person shall submit to the institution of the place of residence a certified statement testifying that he is entitled to continue receiving the said benefits. This certified statement, which shall be issued by the competent institution, shall specify in particular, where necessary, the maximum period during which such benefits may continue to be provided, in accordance with the provisions of the legislation of the competent State. The certified statement may, at the request of the person concerned, be issued after his departure if, for reasons of force majeure, it cannot be drawn up beforehand.

2 The provisions of Article 60 (5), (6) and (9) of the implementing Regulation shall apply by analogy.

3 Paragraphs 1 and 2 shall apply by analogy in respect of the provision of benefits in kind in the case referred to in Article 55 (1) (c) (i) of the Regulation.

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Article 64

Cash benefits other than pensions in the case of a stay in a Member State other than the competent State

The provisions of Article 61 of the implementing Regulation shall apply by analogy in respect of the receipt of cash benefits, other than pensions, under Article 55 (1) (a) (ii) of the Regulation. However, without prejudice to the obligation to submit a certificate of incapacity for work, an employed or self-employed person who is staying in the territory of a Member State without pursuing any professional or trade activity there shall not be required to submit the notification of having ceased work referred to in Article 61 (1) of the implementing Regulation.

Implementation of Articles 52 to 56 of the Regulation

Article 65

Declarations, investigations and exchange of information between institutions to an accident at work sustained in, or an occupational disease contracted in, a Member State other than the competent State

1 When an accident at work is sustained in, or an occupational disease is diagnosed for the first time in, the territory of a Member State other than the competent State, a declaration of the accident at work or occupational disease must be made in accordance with the provisions of the legislation of the competent State without prejudice to any legal provisions in force in the territory of the Member State in which the accident at work was sustained or in which the occupational disease was first diagnosed, and which shall in such a case remain applicable. This declaration shall be sent to the competent institution and a copy shall be sent to the institution of the place of residence or to the institution of the place of stay.

2 The institution of the Member State in whose territory the accident at work was sustained or in which the occupational disease was first diagnosed, shall forward to the competent institution, in duplicate, the medical certificate drawn up in that territory and any relevant information which the latter institution may request.

3 If, in the case of an accident sustained while travelling in the territory of a Member State other than the competent State, there are grounds for holding an enquiry in the territory of the first Member State, an investigator may be appointed for that purpose by the competent institution, which shall so inform the authorities of that Member State. Those authorities shall assist the said investigator, in particular by appointing a person to assist him in the consultation of official reports and any other documents relating to the accident.

4 At the end of the treatment, a detailed report shall be forwarded to the competent institution together with medical certificates concerning the permanent consequences of the accident or disease, and in particular the present condition of the person concerned, and the recovery from the injuries or their consolidation. The relevant fees shall be paid by the institution of the place of residence or the institution of the place of stay, as the case may be, in accordance with the rate applied by the institution, but shall be chargeable to the competent institution.

5 The competent institution shall, on request, notify the institution of the place of residence or the institution of the place of stay, as the case may be, of the decision determining

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the date of recovery from the injuries or their consolidation and, where appropriate, the decision relating to the granting of a pension.

Article 66

Disputes concerning the occupational nature of the accident or disease

1 When, in the cases referred to in Article 52 or 55 (1) of the Regulation, the competent institution disputes the application of the legislation relating to accidents at work or occupational diseases, it shall forthwith notify that fact to the institution of the place of residence or institution of the place of stay which provided the benefits in kind; those benefits shall then be considered as coming under sickness insurance and shall continue to be provided thereunder upon presentation of the certificates or certified statements referred to in Articles 20 and 21 of the implementing Regulation.

2 When a final decision has been reached on this subject, the competent institution shall forthwith notify the fact to the institution of the place of residence or to the institution of the place of stay which provided the benefits in kind. Where the case is not one of an accident at work or an occupational disease that institution shall continue to provide the said benefits in kind under sickness insurance if the employed or self-employed person is entitled thereto. In other cases, the benefits in kind received by the person concerned under sickness insurance shall be considered as benefits for an accident at work or an occupational disease.

Implementation of Article 57 of the Regulation

Article 67 (7)

Procedure in the case of exposure to the risk of an occupational disease in several Member States

1 In the case covered by Article 57 (1) of the Regulation, notification of the occupational disease shall be forwarded either to the competent institution in respect of occupational diseases of the Member State under whose legislation the person suffering from the disease last pursued an activity likely to cause the disease in question, or to the institution of the place of residence, which shall forward the notification to the said competent institution.

2 If the competent institution referred to in paragraph 1 ascertains that an activity which might cause the occupational disease in question was last pursued under the legislation of another Member State, it shall forward the notification and the accompanying documents to the corresponding institution of that Member State.

3 When the institution of the Member State under whose legislation the person suffering from the disease last pursued an activity which might cause the occupational disease in question ascertains that such person or his survivors do not satisfy the conditions of that legislation, taking into account the provisions of Article 57 (2), (3) and (4) of the Regulation, the said institution shall:

- a forward, without delay, to the institution of the Member State under whose legislation the person suffering from the disease previously pursued an activity which might cause the disease in question, the notification and all accompanying documents, including the findings and reports of the medical examinations arranged by the first institution, and a copy of the decision referred to under (b);

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- b simultaneously notify the person concerned of its decision, indicating in particular the reasons for the refusal of benefits, the grounds and time limits for appeal, and the date on which the file was forwarded to the institution referred to under (a).

4 Where necessary the case should be referred back, in accordance with the same procedure, to the corresponding institution of the Member State under whose legislation the person suffering from the disease first pursued the activity which might cause the occupational disease in question.

Article 68 (7)

Exchange of information between institutions in the event of an appeal against a decision to reject a claim — Payment of advances in the event of such an appeal

1 Where an appeal is lodged against a decision to reject a claim taken by the institution of one of the Member States under whose legislation the person suffering from the disease pursued an activity which might cause the occupational disease in question, that institution shall so inform the institution to which the notification has been forwarded in accordance with the procedure laid down in Article 67 (3) of the implementing Regulation, and shall subsequently notify it of the final decision reached.

2 If the right to benefits was acquired under the legislation administered by the latter institution, taking into account the provisions of Article 57 (2), (3) and (4) of the Regulation, that institution shall pay advances up to an amount to be determined, where necessary, after consultation with the institution against whose decision the appeal was lodged. The latter institution shall reimburse the amount of the advance paid if, as a result of the appeal, it is required to provide the benefits. That amount shall then be deducted from the total amount of the benefits due to the person concerned.

Article 69 (7)

Apportionment of the cost of cash benefits in cases of sclerogenic pneumoconiosis

The following rules shall apply for the implementation of Article 57 (5) of the Regulation:

- (a) the competent institution of the Member State under whose legislation cash benefits are granted pursuant to Article 57 (1) of the Regulation (hereinafter called ‘the institution responsible for payment of cash benefits’) shall use a form containing, in particular, a statement and summary of all periods of insurance (old-age insurance) or periods of residence completed by the person suffering from the disease under the legislation of each one of the Member States concerned;
- (b) the institution responsible for payment of cash benefits shall forward that form to all old-age insurance institutions of those Member States with which the person suffering from the disease was insured; each one of the said institutions shall enter on the form the periods of insurance (old-age insurance) or periods of residence completed under the legislation which it administers and shall return the form to the institution responsible for payment of cash benefits;
- (c) the institution responsible for payment of cash benefits shall then apportion the costs between itself and the other competent institutions concerned; it shall notify the latter of such apportionment for their approval together with appropriate supporting

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evidence in particular as regards the total amount of cash benefits granted and the calculation of the percentages of the apportionment;

- (d) at the end of each calendar year, the institution responsible for payment of cash benefits shall forward to each of the other competent institutions concerned a statement of cash benefits paid during the financial year under consideration, showing the amount due from each of them according to the apportionment provided for under (c); each one of those institutions shall refund the amount due to the institution responsible for payment of cash benefits as soon as possible, and within three months at the latest.

Implementation of Article 58 (3) of the Regulation

Article 70

Certified statement relating to the members of the family to be taken into consideration when calculating cash benefits including pensions

1 In order to receive benefits under the provisions of Article 58 (3) of the Regulation the claimant shall submit a certified statement relating to the members of his family who are residing in the territory of a Member State other than that in which the institution responsible for the award of cash benefits is situated.

This certified statement shall be issued by the sickness insurance institution of the place of residence of the member of the family or by another institution designated by the competent authority of the Member State in whose territory they are resident. The provisions of the second and third subparagraphs of Article 25 (2) of the implementing Regulation shall apply by analogy.

In place of the certified statement provided for in the first subparagraph, the institution responsible for the award of cash benefits may require the claimant to produce recent civil status documents relating to member of his family who are residing in the territory of a Member State other than that in which the said institution is situated.

2 In the case referred to in paragraph 1, if the legislation administered by the institution concerned requires that the members of the family should live under the same roof as the claimant, the fact that the said member of the family who do not satisfy that condition are nevertheless mainly dependent on the claimant must be established by documents proving the regular transmission of part of the claimant's earnings.

Implementation of Article 60 of the Regulation

Article 71

Aggravation of an occupational disease

1 In the cases covered by Article 60 (1) of the Regulation, the claimant shall supply the institution of the Member State from which he is claiming rights to benefits with all information relating to benefits previously granted in respect of the occupational disease in question. That institution may apply to any other institution which has previously been competent in order to obtain any information which it considers necessary.

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2 In the case covered by Article 60 (1) of the Regulation, the competent institution required to pay the cash benefits shall notify the other institution concerned, for its approval, of the amount of costs to be borne by the latter institution as a result of the aggravation, together with appropriate supporting evidence. At the end of each calendar year, the first institution shall send the second institution a statement of the cash benefits paid during the financial year in question, showing the amount due from the latter institution which shall make the refund to the first institution as soon as possible, and within three months at the latest.

3 In the case referred to in the first sentence of Article 60 (2) (b) of the Regulation, the institution responsible for payment of cash benefits shall notify the competent institutions concerned, for their approval, of the changes made in the previous apportionment of costs together with the appropriate supporting evidence.

4 In the case referred to in the second sentence of Article 60 (2) (b) of the Regulation, the provisions of paragraph 2 shall apply by analogy.

Implementation of Article 61 (5) and (6) of the Regulation

Article 72

Assessment of the degree of incapacity in the case of an accident at work sustained previously or subsequently or an occupational disease diagnosed previously or subsequently

1 In order to assess the degrees of incapacity, to establish a right to any benefit, or to determine the amount of such benefit in the cases referred to in Article 61 (5) and (6) of the Regulation, a claimant shall supply the competent institution of the Member State to whose legislation he was subject at the time when the accident at work was sustained or the occupational disease was first diagnosed, with all information on previous or subsequent accidents at work sustained or occupational diseases contracted by him when he was subject to the legislation of any other Member State, whatever the degree of incapacity caused by those previous or subsequent cases.

2 In accordance with the legislation which it administers in respect of the acquisition of the right to benefit, and the determination of the amount of benefit, the competent institution shall take into account the degree of incapacity caused by those previous or subsequent cases.

3 The competent institution may apply to any other institution which was previously or subsequently competent to obtain any information which it considers necessary.

When a previous or a subsequent incapacity for work was caused by an accident sustained while the person concerned was subject to the legislation of a Member State which makes no distinction as to the origin of the incapacity for work, the competent institution in respect of a previous or subsequent incapacity for work or the body designated by the competent authority of the Member State concerned shall, at the request of the competent institution of another Member State, supply information on the degree of the previous or subsequent incapacity for work and, as far as possible, any information which would make it possible to determine whether the incapacity was the result of an accident at work within the meaning of the legislation administered by the institution of the second Member State. Where such is the case, the provisions of paragraph 2 shall apply by analogy.

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Implementation of Article 61 (1) of the Regulation

Article 73

Institutions to which workers in mines and similar undertakings may apply when staying or residing in a Member State other than the competent State

1 In the cases referred to in Article 62 (1) of the Regulation and where, in the country of stay or residence, the benefits provided under the insurance scheme for accidents at work and occupational disease covering manual workers in the steel industry are equivalent to those provided under the special scheme for workers in mines and similar undertakings, workers belonging to the latter category may apply to the nearest institution in the territory of the Member State in which they are staying or residing specified in Annex 3 of the implementing Regulation, even if the latter is an institution of the scheme applicable to manual workers in the steel industry, which institution shall then provide such benefits.

2 Where the benefits provided under the special scheme for workers in mines and similar undertakings are more advantageous, such workers shall have the option of applying either to the institution responsible for the administration of that scheme, or to the nearest institution in the territory of the Member State in which they are staying or residing, which administers the scheme for manual workers in the steel industry. In the latter case the institution in question shall draw the attention of the person concerned to the fact that by applying to the institution responsible for the administration of the abovementioned special scheme, he will obtain more advantageous benefits; it must, furthermore, inform him of the name and address of such institution.

Implementation of Article 62 (2) of the Regulation

Article 74

Taking account of the period during which benefits have already been provided by the institution of another Member State

For the purpose of Article 61 (2) of the Regulation, the institution of a Member State called upon to provide benefits may request the institution of another Member State to supply it with information relating to the period during which the latter institution has already provided benefits for the same case of accident at work or occupational disease.

Submission and investigation of pension claims, excluding pensions in respect of occupational diseases covered by Article 57 of the Regulation

Article 75

1 In order to receive a pension or supplementary allowance under the legislation of a Member State, an employed or self-employed person or his survivors residing in the territory of another Member State shall make a claim either to the competent institution, or to the institution of the place of residence, which shall forward such claim to the competent institution. The submission of the claim shall be subject to the following rules:

- a the claim must be accompanied by the required supporting documents and made on the form provided for by the legislation administered by the competent institution;

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- b the accuracy of the information supplied by the claimant must be established by official documents attached to the claim form, or confirmed by the competent bodies of the Member State in whose territory the claimant resides.

2 The competent institution shall notify the claimant of its decisions directly or through the liaison body of the competent State; it shall send a copy of that decision to the liaison body of the Member State in whose territory the claimant resides.

Administrative checks and medical examinations

Article 76

1 Administrative checks and medical examinations, including medical examinations provided for in the event of pensions being reviewed, shall be carried out at the request of the competent institution by the institution of the Member State in whose territory the person entitled to benefits happens to be, in accordance with the procedures laid down by the legislation administered by the latter institution. The competent institution shall, however, reserve the right to have the person entitled to benefits examined by a doctor of its own choice.

2 Any person drawing a pension for himself or for an orphan shall inform the institution responsible for payment of any change in his situation or in that of the orphan which is likely to modify the pension rights.

Payment of pensions

Article 77

Payment of pensions due from the institution of one Member State to pensioners resident in the territory of another Member State shall be made in accordance with the provisions of Articles 53 to 58 of the implementing Regulation.

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