

Status: Point in time view as at 02/01/2007.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed), ANNEX I (A) (B) (8) (9) (13) (14) (15). (See end of Document for details)

ANNEX I (A) (B)
(8) (9) (13) (14) (15)

PERSONS COVERED BY THE REGULATION

I. Employed persons and/or self-employed persons (Article 1 (a) (ii) and (iii) of the Regulation)

A. BELGIUM

Does not apply.

B. ^[F1]BULGARIA

Any person working without an employment contract within the meaning of points 5 and 6 of Article 4(3) of the Social Security Code shall be considered a self-employed person within the meaning of Article 1(a)(ii) of the Regulation.]

C. ^[F2]^[F3]CZECH REPUBLIC]

Does not apply.]

D. ^[F3]DENMARK]

1. Any person who, from the fact of pursuing an activity as an employed person, is subject:

- (a) to the legislation on accidents at work and occupational diseases for the period prior to 1 September 1977;
- (b) to the legislation on supplementary pensions for employed persons (arbejdsmarkedets tillægspension, ATP) for a period commencing on or after 1 September 1977, shall be considered as an employed person within the meaning of Article 1 (a) (ii) of the Regulation.

2. Any person who, pursuant to the law on daily cash benefits in the event of sickness or maternity, is entitled to such benefits on the basis of an earned income other than a wage or salary shall be considered a self-employed person within the meaning of Article 1 (a) (ii) of the Regulation.

E. ^[F3]GERMANY]

If the competent institution for granting family benefits in accordance with Chapter 7 of Title III of the Regulation is a German institution, then within the meaning of Article 1 (a) (ii) of the Regulation:

- (a) ‘employed person’ means compulsorily insured against unemployment or any person who, as a result of such insurance, obtains cash benefits under sickness insurance or comparable benefits ^[F4]or any established civil servant in receipt of a salary in respect of his/her civil servant status which is at least equal to that which, in the case of an employed person, would result in compulsory insurance against unemployment];
- (b) ‘self-employed person’ means any person pursuing self-employment which is bound:
 - to join, or pay contributions in respect of, an old-age insurance within a scheme for self-employed persons,

or

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— to join a scheme within the framework of compulsory pension insurance.

F. [F2][F3ESTONIA]

Does not apply.]

G. [F3GREECE]

1. Persons insured under the OGA scheme who pursue exclusively activities as employed persons or who are or have been subject to the legislation of another Member State and who consequently are or have been 'employed persons' within the meaning of Article 1 (a) of the Regulation are considered as employed persons within the meaning of Article 1 (a) (iii) of the Regulation.
2. For the purposes of granting the national family allowance, persons referred to in Article 1 (a) (i) and (iii) of the Regulation are considered as employed persons within the meaning of Article 1 (a) (ii) of the Regulation.

H. [F3SPAIN]

Does not apply.

I. [F3FRANCE]

If a French institution is the competent institution for the grant of family benefits in accordance with Title III, Chapter 7 of the Regulation:

1. 'employed person' within the meaning of Article 1 (a) (ii) of the Regulation shall be deemed to mean any person who is compulsorily insured under the social security scheme in accordance with Article L 311-2 of the Social Security Code and who fulfils the minimum conditions regarding work or remuneration provided for in Article L 313-1 of the Social Security Code in order to benefit from cash benefits under sickness insurance, maternity and invalidity cover or the person who benefits from these cash benefits;
2. 'self-employed person' within the meaning of Article 1 (a) (ii) of the Regulation shall be deemed to mean any person who performs a self-employed activity and who is required to take out insurance and to pay old-age benefit contributions to a self-employed persons' scheme.

F. [F5]

J. [F3IRELAND]

1. Any person who is compulsorily or voluntarily insured pursuant to the provisions of [F6Sections 9, 21 and 49 of the Social Welfare (Consolidation) Act 1993] shall be considered an employed person within the meaning of Article 1 (a) (ii) of the Regulation.
2. Any person who is compulsorily or voluntarily insured pursuant to the provisions of [F6Sections 17 and 21 of the Social Welfare (Consolidation) Act 1993] shall be considered a self-employed person within the meaning of Article 1 (a) (ii) of the Regulation.

K. [F3ITALY]

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- Does not apply.
- L. [F2[F3CYPRUS]
Does not apply.
- M. [F3LATVIA]
Does not apply.
- N. [F3LITHUANIA]
Does not apply.
- O. [F3LUXEMBOURG]]
Does not apply.
- P. [F2[F3HUNGARY]
Does not apply.
- Q. [F3MALTA]
Any person who is a self-employed person or a self-occupied person within the meaning of the Social Security Act (Cap. 318) 1987 shall be considered as a self-employed person within the meaning of Article 1 (a) (ii) of the Regulation.
- R. [F3NETHERLANDS]]
Any person pursuing an activity or occupation without a contract of employment shall be considered a self-employed person within the meaning of Article 1 (a) (ii) of the Regulation.
- S. [F3AUSTRIA]
Does not apply.
- T. [F2[F3POLAND]
Does not apply.
- U. [F3PORTUGAL]]
Does not apply.
- V. [F1ROMANIA
Does not apply.]
- W. [F2[F3SLOVENIA]
Does not apply.
- X. [F3SLOVAKIA]]
Does not apply.
- Y. [F3FINLAND]

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Any person who is an employed or self-employed person within the meaning of the legislation on the Employment Pensions Scheme shall be considered respectively as employed or self-employed with the meaning of Article 1 (a) (ii) of the Regulation.

Z. [F7] SWEDEN

Persons who are engaged in gainful activity and who pay their own contributions on this income pursuant to Chapter 3, paragraph 3, of the Social Insurance Contributions Act (2000:980) shall be considered as self-employed.]

AA. [F3] UNITED KINGDOM]

Any person who is an 'employed earner' or a 'self-employed earner' within the meaning of the legislation of Great Britain or of the legislation of Northern Ireland shall be regarded respectively as an employed person or a self-employed person within the meaning of Article 1 (a) (ii) of the Regulation. Any person in respect of whom contributions are payable as an 'employed person' or a 'self-employed person' in accordance with the legislation of Gibraltar shall be regarded respectively as an employed person or a self-employed person within the meaning of Article 1 (a) (ii) of the Regulation.

Textual Amendments

- F1** Inserted by Council Regulation (EC) No 1791/2006 of 20 November 2006 adapting certain Regulations and Decisions in the fields of free movement of goods, freedom of movement of persons, company law, competition policy, agriculture (including veterinary and phytosanitary legislation), transport policy, taxation, statistics, energy, environment, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy and institutions, by reason of the accession of Bulgaria and Romania.
- F2** Inserted by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.
- F3** Substituted by Council Regulation (EC) No 1791/2006 of 20 November 2006 adapting certain Regulations and Decisions in the fields of free movement of goods, freedom of movement of persons, company law, competition policy, agriculture (including veterinary and phytosanitary legislation), transport policy, taxation, statistics, energy, environment, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy and institutions, by reason of the accession of Bulgaria and Romania.
- F4** Inserted by Council Regulation (EC) No 1399/1999 of 29 April 1999 amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71.
- F5** Deleted by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.
- F6** Inserted by Council Regulation (EC) No 1223/98 of 4 June 1998.
- F7** Substituted by Regulation (EC) No 1992/2006 of the European Parliament and of the Council of 18 December 2006 amending Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (Text with EEA relevance).

Status: Point in time view as at 02/01/2007.

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II. Members of the family (Second sentence of Article 1 (f) of the Regulation)

A. BELGIUM

Does not apply.

B. [F1]BULGARIA

Does not apply.]

C. [F2][F3]CZECH REPUBLIC]

For the purpose of determining entitlement to benefits in kind pursuant to the provisions of Chapter 1 of Title III of the Regulation, the expression ‘member of the family’ means a spouse and/or a dependent child as defined by the State Social Support Act No 117/1995 Sb.

D. [F3]DENMARK]]

For the purpose of determining a right to sickness or maternity benefits in kind existing pursuant to Articles 22 (1) (a) and 31 of the Regulation, the expression ‘member of the family’ shall mean:

1. the spouse of an employed person, a self-employed person or other entitled persons under the terms of the Regulation, in so far as they are not themselves entitled persons under the terms of the Regulation;
- or
2. a child under 18 years of age in the care of someone who is an entitled person under the terms of the Regulation.

E. [F3]GERMANY]

Does not apply.

F. [F2][F3]ESTONIA]

Does not apply.]

G. [F3]GREECE]

Does not apply.

H. [F3]SPAIN]

Does not apply.

I. [F8][F3]FRANCE]

For the purpose of determining entitlement to family allowances or family benefits, the term ‘member of the family’ means any person mentioned in Article L 512-3 of the Social Security Code.]

F. [F5]]

J. [F3]IRELAND]

Status: Point in time view as at 02/01/2007.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed), ANNEX I (A) (B) (8) (9) (13) (14) (15). (See end of Document for details)

In order to determine the right to benefits in kind for sickness and maternity in application of the Regulation, the term ‘member of the family’ shall mean any person considered as being a dependent of an employed person or of a self-employed person for the application of the Health Acts of 1947 to 1970.

K. [F3ITALY]

Does not apply.

L. [F2[F3CYPRUS]

Does not apply.

M. [F3LATVIA]

For the purpose of determining entitlement to benefits in kind pursuant to the provisions of Chapter I of Title III of the Regulation, ‘member of the family’ means a spouse or a child under the age of 18.

N. [F3LITHUANIA]

For the purpose of determining the right to benefits in kind pursuant to the provisions of Chapter 1 of Title III of the Regulation, ‘member of the family’ means a spouse or a child under the age of 18 years.]

O. [F3LUXEMBOURG]

Does not apply.

P. [F2[F3HUNGARY]

Does not apply.

Q. [F3MALTA]

Does not apply.]

R. [F7[F3NETHERLANDS]

For the purpose of determining entitlement to benefits pursuant to Chapters 1 and 4 of Title III of this Regulation, ‘member of the family’ means a spouse, registered partner or child under the age of 18.]

S. [F3AUSTRIA]

Does not apply.

T. [F2[F3POLAND]

Does not apply.]

U. [F3PORTUGAL]

Does not apply.

V. [F1ROMANIA]

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For the purposes of determining entitlement to benefits in kind pursuant to the provisions of Chapter 1 of Title III of the Regulation, ‘member of the family’ means a spouse, a dependent parent, a child under the age of 18 (or under the age of 26 and dependent).]

W. [F2][F3SLOVENIA]

Does not apply.

X. [F9][F3SLOVAKIA]

For the purpose of determining entitlement to benefits in kind pursuant to the provisions of Chapter 1 of title III of the Regulation, ‘member of the family’ means a spouse and/or a dependent child as defined by the Act on Child Allowance.]]

Y. [F3FINLAND]

For the purpose of determining entitlement to benefits in kind pursuant to the provisions of Chapter 1 of Title III of the Regulation, ‘member of the family’ means a spouse or a child as defined by the Sickness Insurance Act.

Z. [F3SWEDEN]

For the purpose of determining entitlement to benefits in kind pursuant to the provisions of Chapter 1 of Title III of the Regulation, ‘member of the family’ means a spouse or a child under the age of 18.

AA. [F3UNITED KINGDOM]

For the purpose of determining entitlement to benefits in kind the term ‘member of the family’ means:

1. As regards the legislation of Great Britain and Northern Ireland:
 - (1) a spouse, provided that:
 - (a) that person, whether employed or self-employed, or another person entitled under the Regulation, is:
 - (i) residing with the spouse;
or
 - (ii) contributing to the maintenance of the spouse;
and
 - (b) the spouse does not:
 - (i) have earnings as an employed or self-employed person or income as a person entitled under the Regulation;
or
 - (ii) receive a social security benefit or pension based on the spouse's own insurance;
 - (2) a person having care of a child, provided that:

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- (a) the employed or self-employed person or person entitled under the Regulation is:
 - (i) living together with the person as though husband and wife; or
 - (ii) contributing to the maintenance of the person;
 and
 - (b) the person does not:
 - (i) have earnings as an employed or self-employed worker or income as a person entitled under the Regulation;
 - or
 - (ii) receive a social security benefit or pension based on that person's own insurance;
 - (3) a child in respect of whom that person, the employed or self-employed person, or another person entitled under the Regulation is or could be paid child-benefit.
2. As regard the legislation of Gibraltar:
- any person regarded as a dependent within the meaning of the Group Practice Scheme Ordinance, 1973.

Textual Amendments

- F8** Inserted by [Council Regulation \(EC\) No 1290/97 of 27 June 1997](#).
- F9** Substituted by [Regulation \(EC\) No 629/2006 of the European Parliament and of the Council of 5 April 2006 amending Council Regulation \(EEC\) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Council Regulation \(EEC\) No 574/72 laying down the procedure for implementing Regulation \(EEC\) No 1408/71 \(Text with EEA relevance\)](#).

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