

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (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. [F1CZECH REPUBLIC

Does not apply.]

C. [F2DENMARK]

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.

D. [F2GERMANY]

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 [F3or 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

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

E. [F1ESTONIA

Does not apply.]

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F. [F<sup>1</sup>GREECE]

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.

G. [F<sup>2</sup>SPAIN]

Does not apply.

H. [F<sup>2</sup>FRANCE]

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. [F<sup>4</sup> . . . . .]

I. [F<sup>2</sup>IRELAND]

1. Any person who is compulsorily or voluntarily insured pursuant to the provisions of [F<sup>5</sup>Sections 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 [F<sup>5</sup>Sections 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.

J. [F<sup>2</sup>ITALY]

Does not apply.

K. [F<sup>1</sup>CYPRUS]

Does not apply.

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- L. LATVIA  
Does not apply.
- M. LITHUANIA  
Does not apply.
- N. LUXEMBOURG]  
Does not apply.
- O. [F1]HUNGARY  
Does not apply.
- P. MALTA  
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.
- Q. NETHERLANDS]  
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.
- R. [F2]AUSTRIA]  
Does not apply.
- S. [F1]POLAND  
Does not apply.
- T. PORTUGAL]  
Does not apply.
- U. [F1]SLOVENIA  
Does not apply.
- V. SLOVAKIA  
Does not apply.]
- W. [F2]FINLAND]  
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.
- X. [F2]SWEDEN]  
Any person who is an employed or self-employed person within the meaning of the legislation on work injury insurance shall be considered respectively as employed or self-employed with the meaning of Article 1 (a) (ii) of the Regulation.

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Y. [F<sup>2</sup>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 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.
- F2** Substituted 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** 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.
- F4** 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.
- F5** Inserted by Council Regulation (EC) No 1223/98 of 4 June 1998.

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

A. BELGIUM

Does not apply.

B. [F<sup>1</sup>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.

C. 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

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2. a child under 18 years of age in the care of someone who is an entitled person under the terms of the Regulation.

D. [F<sup>2</sup>GERMANY]

Does not apply.

E. [F<sup>1</sup>ESTONIA]

Does not apply.]

F. [F<sup>1</sup>GREECE]

Does not apply.

G. [F<sup>2</sup>SPAIN]

Does not apply.

H. [F<sup>6</sup>[F<sup>2</sup>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.]

E. [F<sup>4</sup>. . . . .]

I. [F<sup>2</sup>IRELAND]

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.

J. [F<sup>2</sup>ITALY]

Does not apply.

K. [F<sup>1</sup>CYPRUS]

Does not apply.

L. LATVIA

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.

M. LITHUANIA

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.]

N. [F<sup>2</sup>LUXEMBOURG]

Does not apply.

O. [F<sup>1</sup>HUNGARY]

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Does not apply.

P. MALTA

Does not apply.]

Q. [F<sup>2</sup>NETHERLANDS]

Does not apply.

R. [F<sup>2</sup>AUSTRIA]

Does not apply.

S. [F<sup>1</sup>POLAND]

Does not apply.]

T. [F<sup>2</sup>PORTUGAL]

Does not apply.

U. [F<sup>1</sup>SLOVENIA]

Does not apply.

V. SLOVAKIA

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 allowances and additional child allowances.]

W. [F<sup>2</sup>FINLAND]

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.

X. [F<sup>2</sup>SWEDEN]

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.

Y. [F<sup>2</sup>UNITED 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;

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- 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:
    - (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**

**F6** Inserted by [Council Regulation \(EC\) No 1290/97 of 27 June 1997](#).

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ANNEX II (A)  
(B) (8) (10) (15)

(Article 1 (j) and (u) of the Regulation)

I. Special schemes for self-employed persons excluded from the scope of the Regulation pursuant to the fourth subparagraph of Article 1 (j)

A. BELGIUM

Does not apply.

B. [F1CZECH REPUBLIC

Does not apply.]

C. [F2DENMARK]

Does not apply.

D. [F2GERMANY]

[F7Does not apply.]

E. [F1ESTONIA

Does not apply.]

F. [F1GREECE]

Does not apply.

G. [F2SPAIN]

1. [F6Self-employed persons as referred to in Article 10 (2) (c) of the Consolidated Text of the General Law on Social Security (Royal Legislative Decree No 1/1994 of 20 June 1994) and in Article 3 of Decree No 2530/1970 of 20 August 1970 regulating the special scheme for self-employed persons who join a professional association and decide to become members of the mutual insurance society set up by the said association instead of joining the special social security scheme for self-employed persons.]

2. Welfare system and/or with the character of social assistance or a charity, managed by the institutions not subject to the General Law on Social Security or to the Law of 6 December 1941.

H. [F2FRANCE]

1. Self-employed persons outside the agricultural sphere:

(a) The supplementary old-age insurance schemes and the invalidity and death insurance schemes for self-employed persons, such as are mentioned in Articles L 658, L 659, L 663-11, L 663-12, L 682 and L 683-1 of the Social Security Code.

(b) The additional benefits referred to in Article 9 of Law No 66.509 of 12 July 1966.

2. Self-employed persons in agriculture:

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The types of insurance set out in Articles 1049 and 1234.19 of the Rural Code, concerning, on the one hand, sickness, maternity and old-age, on the other, accidents at work and occupational diseases of self-employed persons in agriculture.

- F. [F4 . . . . .]
- I. [F2 IRELAND]  
Does not apply.
- H. ITALY  
Does not apply.
- K. [F1 CYPRUS
1. Pension scheme for doctors in private practice set up under the Medical (Pensions and Allowances) Regulations of 1999 (P.I. 295/99) issued under the Medical (Associations, Discipline and Pension Fund) Law of 1967 (Law 16/67), as amended.
  2. Advocates' pension scheme set up under the Advocates (Pensions and Allowances) Regulations of 1966 (P.I. 642/66), as amended, issued under the Advocates Law, Cap. 2, as amended.
- L. LATVIA  
Does not apply.
- M. LITHUANIA  
Does not apply.]
- N. [F2 LUXEMBOURG]  
Does not apply.
- O. [F1 HUNGARY  
Does not apply.
- P. MALTA  
Does not apply.]
- Q. [F2 NETHERLANDS]  
Does not apply.
- R. [F2 AUSTRIA]  
[F7 Does not apply.]
- S. [F1 POLAND  
Does not apply.]
- T. [F2 PORTUGAL]

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- Does not apply.
- U.    [F<sup>1</sup>SLOVENIA  
Does not apply.
- V.    SLOVAKIA  
Does not apply.]
- W.    [F<sup>2</sup>FINLAND]  
Does not apply.
- X.    [F<sup>2</sup>SWEDEN]  
Does not apply.
- Y.    [F<sup>2</sup>UNITED KINGDOM]  
Does not apply.

#### **Textual Amendments**

- F7** Substituted by Regulation (EC) No 647/2005 of the European Parliament and of the Council of 13 April 2005 amending Council Regulations (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 (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71.

- II.    Special childbirth or adoption allowances excluded from the scope of the Regulation under the terms of Article 1 (u) (i)
  - A.    BELGIUM
    - (a)    Childbirth allowance;
    - (b)    Adoption premium.
  - B.    [F<sup>1</sup>CZECH REPUBLIC  
Childbirth allowance.]
  - C.    [F<sup>2</sup>DENMARK]  
None.
  - D.    [F<sup>2</sup>GERMANY]  
None.
  - E.    [F<sup>1</sup>ESTONIA  
Childbirth allowance.]
  - F.    [F<sup>1</sup>GREECE]  
None.

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- G. [F2]SPAIN  
[F7]Childbirth allowances (one-off cash benefits for the birth of the third child and subsequent children and one-off cash benefits in the event of a multiple birth).]
- H. [F2]FRANCE  
[F7]Birth or adoption grant (early childhood benefit).]
- F. [F4] . . . . .]
- I. [F2]IRELAND  
None.
- J. [F2]ITALY  
None.
- K. [F1]CYPRUS  
None.
- L. LATVIA  
Childbirth grant.
- M. LITHUANIA  
Childbirth grant.]
- N. [F2]LUXEMBOURG  
(a) antenatal allowance;  
(b) childbirth allowance.
- O. [F1]HUNGARY  
Maternity grant.
- P. MALTA  
None.]
- Q. [F2]NETHERLANDS]  
None.
- R. [F5]AUSTRIA  
[F2]None]
- S. [F1]POLAND  
One-time social assistance childbirth benefit (Act of 29 November 1990 on social assistance).]]
- T. [F2]PORTUGAL]

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None.

- U.    [F<sup>1</sup>SLOVENIA  
Childbirth grant.
- V.    SLOVAKIA  
Childbirth allowance.]
- W.    [F<sup>2</sup>FINLAND]  
[F<sup>7</sup>Maternity package, maternity lump-sum grant and assistance in the form of a lump sum intended to offset the cost of international adoption pursuant to the Maternity Grant Act.]
- X.    [F<sup>2</sup>SWEDEN]  
None.
- Y.    [F<sup>2</sup>UNITED KINGDOM]  
None.
- III.   Special non-contributory benefits within the meaning of Article 4 (2b) which do not fall within the scope of the Regulation
- A.    BELGIUM  
None.
- B.    [F<sup>1</sup>CZECH REPUBLIC  
None.]
- C.    [F<sup>2</sup>DENMARK]  
None.
- D.    [F<sup>2</sup>GERMANY]  
(a)    Benefits granted under Länder legislation for the disabled, and in particular for the blind.  
(b)    [F<sup>8</sup> . . . . .]
- E.    [F<sup>1</sup>ESTONIA  
None.]
- F.    [F<sup>1</sup>GREECE  
None.]
- G.    [F<sup>2</sup>SPAIN]  
None.
- H.    [F<sup>2</sup>FRANCE]

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None.

F. [F4 . . . . .]

I. [F2 IRELAND]

None.

J. [F2 ITALY]

None.

K. [F1 CYPRUS]

None.

L. LATVIA

None.

M. LITHUANIA

None.]

N. [F2 LUXEMBOURG]

None.

O. [F1 HUNGARY]

None.

P. MALTA

None.]

Q. [F2 NETHERLANDS]

None.

R. [F2 AUSTRIA]

Benefits granted under Bundesländer legislation for disabled persons and persons in the need of care.

S. [F1 POLAND]

None.]

T. [F2 PORTUGAL]

None.

U. [F1 SLOVENIA]

None.

V. SLOVAKIA]

None.

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- W. [F<sup>2</sup>FINLAND]  
None.
- X. [F<sup>2</sup>SWEDEN]  
None.
- Y. [F<sup>2</sup>UNITED KINGDOM]  
None.

#### Textual Amendments

- F8** Deleted by Regulation (EC) No 647/2005 of the European Parliament and of the Council of 13 April 2005 amending Council Regulations (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 (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71.

### [F<sup>7</sup>ANNEX IIa

#### SPECIAL NON-CONTRIBUTORY CASH BENEFITS

##### Article 10a

#### A. BELGIUM

- (a) Income replacement allowance (Law of 27 February 1987)
- (b) Guaranteed income for elderly persons (Law of 22 March 2001).

#### B. CZECH REPUBLIC

Social allowance (State Social Support Act No 117/1995 Sb.).

#### C. DENMARK

Accommodation expenses for pensioners (Law on individual accommodation assistance, consolidated by Law No 204 of 29 March 1995).

#### D. GERMANY

Basic subsistence income for the elderly and for persons with reduced earning capacity under Chapter 4 of Book XII of the Social Code.

#### E. ESTONIA

- (a) Disabled adult allowance (Social Benefits for Disabled Persons Act of 27 January 1999)
- (b) State unemployment allowance (Social Protection of the Unemployed Act of 1 October 2000).

#### F. GREECE

Special benefits for the elderly (Law 1296/82).

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G. SPAIN

- (a) Minimum income guarantee (Law No 13/82 of 7 April 1982)
- (b) Cash benefits to assist the elderly and invalids unable to work (Royal Decree No 2620/81 of 24 July 1981)
- (c) Non-contributory invalidity and retirement pensions as provided for in Article 38(1) of the Consolidated Text of the General Law on Social Security, approved by Royal Legislative Decree No 1/1994 of 20 June 1994
- (d) Allowances to promote mobility and to compensate for transport costs (Law No 13/1982 of 7 April 1982).

H. FRANCE

- (a) Supplementary allowances of the Special Invalidity Fund and the Old Age Solidarity Fund (Law of 30 June 1956, codified in Book VIII of the Social Security Code)
- (b) Disabled adults' allowance (Law of 30 June 1975, codified in Book VIII of the Social Security Code)
- (c) Special allowance (Law of 10 July 1952, codified in Book VIII of the Social Security Code).

I. IRELAND

- (a) Unemployment assistance (Social Welfare (Consolidation) Act 1993, Part III, Chapter 2)
- (b) Old age (non-contributory) pension (Social Welfare (Consolidation) Act 1993, Part III, Chapter 4)
- (c) Widow's (non-contributory) pension and widower's (non-contributory) pension (Social Welfare (Consolidation) Act 1993, Part III, Chapter 6 as amended by Part V of the Social Welfare Act 1997)
- (d) Disability allowance (Social Welfare Act 1996, Part IV)
- (e) Mobility allowance (Health Act 1970, Section 61)
- (f) Blind pension (Social Welfare (Consolidation) Act 1993, Part III, Chapter 5).

J. ITALY

- (a) Social pensions for persons without means (Law No 153 of 30 April 1969)
- (b) Pensions and allowances for the civilian disabled or invalids (Laws No 118 of 30 March 1974, No 18 of 11 February 1980 and No 508 of 23 November 1988)
- (c) Pensions and allowances for the deaf and dumb (Laws No 381 of 26 May 1970 and No 508 of 23 November 1988)
- (d) Pensions and allowances for the civilian blind (Laws No 382 of 27 May 1970 and No 508 of 23 November 1988)
- (e) Benefits supplementing the minimum pensions (Laws No 218 of 4 April 1952, No 638 of 11 November 1983 and No 407 of 29 December 1990)

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- (f) Benefits supplementing disability allowances (Law No 222 of 12 June 1984)
  - (g) Social allowance (Law No 335 of 8 August 1995)
  - (h) Social increase (Article 1(1) and (12) of Law No 544 of 29 December 1988 and successive amendments).
- K. CYPRUS
- (a) Social Pension (Social Pension Law of 1995 (Law 25(I)/95), as amended)
  - (b) Severe motor disability allowance (Council of Ministers' Decisions Nos 38210 of 16 October 1992, 41370 of 1 August 1994, 46183 of 11 June 1997 and 53675 of 16 May 2001)
  - (c) Special grant to blind persons (Special Grants Law of 1996 (Law 77(I)/96), as amended).
- L. LATVIA
- (a) State Social Security Benefit (Law on Social Assistance of 26 October 1995)
  - (b) Allowance for the compensation of transportation expenses for disabled persons with restricted mobility (Law on Social Assistance of 26 October 1995).
- M. LITHUANIA
- (a) Social pension (Law of 1994 on Social Pensions)
  - (b) Special transport compensation for the disabled who have mobility problems (Law of 2000 on Transport Compensations, Article 7).
- N. LUXEMBOURG
- Income for the seriously disabled (Article 1(2), Law of 12 September 2003), with the exception of persons recognised as being disabled workers and employed on the mainstream labour market or in a sheltered environment.
- O. HUNGARY
- (a) Invalidity annuity (Decree No 83/1987 (XII 27) of the Council of Ministers on Invalidity Annuity)
  - (b) Non-contributory old age allowance (Act III of 1993 on Social Administration and Social Benefits)
  - (c) Transport allowance (Government Decree No 164/1995 (XII 27) on Transport Allowances for Persons with Severe Physical Handicap).
- P. MALTA
- (a) Supplementary allowance (Section 73 of the Social Security Act (Cap. 318) 1987)
  - (b) Age pension (Social Security Act (Cap. 318) 1987).
- Q. NETHERLANDS
- (a) Disablement Assistance Act for Handicapped Young Persons, of 24 April 1997 (Wajong)
  - (b) Supplementary Benefits Act of 6 November 1986 (TW).

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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R. AUSTRIA

Compensatory supplement (Federal Act of 9 September 1955 on General Social Insurance — ASVG, Federal Act of 11 October 1978 on Social insurance for persons engaged in trade and commerce — GSVG and Federal Act of 11 October 1978 on Social insurance for farmers — BSVG).

S. POLAND

Social pension (Act of 29 November 1990 on social assistance).

T. PORTUGAL

- (a) Non-contributory State old-age and invalidity pension (Decree-Law No 464/80 of 13 October 1980)
- (b) Non-contributory widowhood pension (Regulatory Decree No 52/81 of 11 November 1981).

U. SLOVENIA

- (a) State pension (Pension and Disability Insurance Act of 23 December 1999)
- (b) Income support for pensioners (Pension and Disability Insurance Act of 23 December 1999)
- (c) Maintenance allowance (Pension and Disability Insurance Act of 23 December 1999).

V. SLOVAKIA

Adjustment of pensions as the sole source of income (Act No 100/1988 Zb.).

W. FINLAND

- (a) Disability allowance (Disability Allowance Act, 124/88)
- (b) Child care allowance (Child Care Allowance Act, 444/69)
- (c) Housing allowance for pensioners (Act concerning the Housing allowance for pensioners, 591/78)
- (d) Labour market support (Act on Unemployment Benefits 1290/2002)
- (e) Special assistance for immigrants (Act on Special Assistance for Immigrants, 1192/2002).

X. SWEDEN

- (a) Housing supplements for persons receiving a pension (Law 2001: 761)
- (b) Financial support for the elderly (Law 2001: 853)
- (c) Disability allowance and care allowance for disabled children (Law 1998: 703).

Y. UNITED KINGDOM

- (a) State Pension credit (State Pension Credit Act 2002)

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

- (b) Income-based allowances for jobseekers (Jobseekers Act 1995, 28 June 1995, Sections 1, (2)(d)(ii) and 3, and Jobseekers (Northern Ireland) Order 1995 of 18 October 1995, Articles 3(2)(d)(ii) and 5)
- (c) Income Support (Social Security Act 1986 of 25 July 1986, Section 20 to 22 and Section 23, and Social Security (Northern Ireland) Order 1986 of 5 November 1986, Articles 21 to 24)
- (d) Disability Living Allowance (Disability Living Allowance and Disability Working Allowance Act 1991 of 27 June 1991, Section 1, and Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991 of 24 July 1991, Article 3)
- (e) Attendance Allowance (Social Security Act 1975 of 20 March 1975, Section 35, and Social Security (Northern Ireland) Act 1975 of 20 March 1975, Section 35)
- (f) Carer's Allowance (Social Security Act 1975 of 20 March 1975, Section 37, and Social Security (Northern Ireland) Act 1975 of 20 March 1975, Section 37).]

ANNEX III (A) (B)  
(6) (7) (12) (14) (15)

PROVISIONS OF SOCIAL SECURITY CONVENTIONS REMAINING  
APPLICABLE NOTWITHSTANDING ARTICLE 6 OF THE REGULATION —  
PROVISIONS OF SOCIAL SECURITY CONVENTIONS WHICH DO NOT  
APPLY TO ALL PERSONS TO WHOM THE REGULATION APPLIES  
(Articles 7 (2) (c) and 3 (3) of the Regulation)

General comments

1. In so far as the provisions contained in this Annex provide for references to the provisions of other conventions, those references shall be replaced by references to the corresponding provisions of this Regulation, unless the provisions of the conventions in question are themselves contained in this Annex.
2. The termination clause provided for in a social security convention, some of whose provisions are contained in this Annex, shall continue to apply as regards those provisions.
3. [<sup>F9</sup>Account being taken of the provisions of Article 6 of this Regulation, it is to be noted that the provisions of bilateral Conventions which do not fall within the scope of this Regulation and which remain in force between Member States are not listed in this Annex, *inter alia*, provisions providing for aggregation of insurance periods fulfilled in a third country.]

**Textual Amendments**

- F9** Inserted by Regulation (EC) No 647/2005 of the European Parliament and of the Council of 13 April 2005 amending Council Regulations (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 (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71.

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- A. Provisions of social security conventions remaining applicable notwithstanding Article 6 of the Regulation.(Article 7 (2) (c) of the Regulation)
  - 1. [F1BELGIUM-CZECH REPUBLIC  
No convention.]
  - 2. [F8 . . . . .]
  - 3. [F2BELGIUM-GERMANY]  
[F7 Articles 3 and 4 of the Final Protocol of 7 December 1957 to the General Convention of that date, as in the Complementary Protocol of 10 November 1960 (reckoning of insurance periods completed in some border regions before, during and after the Second World War).]  
[F8 . . . . .]
  - 4. [F1BELGIUM-ESTONIA  
No convention.]
  - 5. [F8 . . . . .]
  - 6. . . . .
  - 7. . . . .
  - 5. [F4 . . . . .]
  - 8. . . . .
  - 9. . . . .]
  - 10. [F1BELGIUM-CYPRUS  
No convention.
  - 11. BELGIUM-LATVIA  
No convention.
  - 12. BELGIUM-LITHUANIA  
No convention.]
  - 13. [F8 . . . . .]
  - 14. [F1BELGIUM-HUNGARY  
No convention.
  - 15. BELGIUM-MALTA  
No convention.]
  - 16. [F8 . . . . .]
  - 17. . . . .]

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*Status: Point in time view as at 05/05/2005.*

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18. [F1BELGIUM-POLAND  
None.]
19. [F8 . . . . .]
20. [F1BELGIUM-SLOVENIA  
None.]
21. BELGIUM-SLOVAKIA  
No convention.]
22. [F8 . . . . .
23. . . . .
24. . . . .]
25. [F1CZECH REPUBLIC-DENMARK  
No convention.]
26. CZECH REPUBLIC-GERMANY  
No convention.]
27. CZECH REPUBLIC-ESTONIA  
No convention.]
28. CZECH REPUBLIC-GREECE  
None.]
29. CZECH REPUBLIC-SPAIN  
None.]
30. CZECH REPUBLIC-FRANCE  
None.]
31. CZECH REPUBLIC-IRELAND  
No convention.]
32. CZECH REPUBLIC-ITALY  
No convention.]
33. CZECH REPUBLIC-CYPRUS  
No convention.]
34. CZECH REPUBLIC-LATVIA  
No convention.]
35. CZECH REPUBLIC-LITHUANIA

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- None.
36. CZECH REPUBLIC-SPAIN  
None.
37. CZECH REPUBLIC-HUNGARY  
None.
38. CZECH REPUBLIC-MALTA  
No convention.
39. CZECH REPUBLIC-NETHERLANDS  
No convention.
40. CZECH REPUBLIC-AUSTRIA  
Article 32 (3) of the Convention on social security of 20 July 1999.
41. CZECH REPUBLIC-POLAND  
None.
42. CZECH REPUBLIC-PORTUGAL  
No convention.
43. CZECH REPUBLIC-SLOVENIA  
None.
44. CZECH REPUBLIC-SLOVAKIA  
Article 20 of the Convention on social security of 29 October 1992.
45. CZECH REPUBLIC-FINLAND  
No convention.
46. CZECH REPUBLIC-SWEDEN  
No convention.
47. CZECH REPUBLIC-UNITED KINGDOM  
None.]
48. [F8 . . . . .]
49. [F1 DENMARK-ESTONIA  
No convention.]
50. [F8 . . . . .]
51. . . . .
52. . . . .

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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53. . . . .
54. . . . .]
55. [F<sup>1</sup>DENMARK-CYPRUS  
No convention.
56. DENMARK-LATVIA  
No convention.
57. DENMARK-LITHUANIA  
No convention.]
58. [F<sup>8</sup>. . . . .]
59. [F<sup>1</sup>DENMARK-HUNGARY  
No convention.
60. DENMARK-MALTA  
No convention.]
61. [F<sup>8</sup>. . . . .
62. . . . .]
63. [F<sup>1</sup>DENMARK-POLAND  
No convention.]
64. [F<sup>8</sup>. . . . .]
65. [F<sup>1</sup>DENMARK-SLOVENIA  
None.
66. DENMARK-SLOVAKIA  
No convention.]
67. DENMARK-FINLAND  
[F<sup>7</sup>Article 10 of the Nordic Convention on Social Security of 15 June 1992, concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country making a more expensive return travel to the country of residence necessary.]
68. [F<sup>2</sup>DENMARK-SWEDEN]  
[F<sup>7</sup>Article 10 of the Nordic Convention on Social Security of 15 June 1992, concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country making a more expensive return travel to the country of residence necessary.]
69. [F<sup>8</sup>. . . . .]
70. [F<sup>1</sup>GERMANY-ESTONIA

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

No convention.]

71. [F2GERMANY-GREECE]

[F8.....]

[F7Articles 8(1), (2)(b) and (3), 9 to 11 and Chapters I and IV, in so far as they concern these Articles, of the Convention on unemployment insurance of 31 May 1961, together with the note in the minutes of 14 June 1980 (reckoning of insurance periods for unemployment benefits in case of transfer of residence from one State to another).]

[F8.....]

72. [F2GERMANY-SPAIN]

[F7Article 45(2) of the Social Security Convention of 4 December 1973 (representation by diplomatic and consular authorities).]

73. [F2GERMANY-FRANCE]

(a) [F8.....]

(b) .....]

(a) [F7Complementary Agreement No 4 of 10 July 1950 to the General Convention of the same date, as in Supplementary Agreement No 2 of 18 June 1955 (reckoning of periods of insurance completed between 1 July 1940 and 30 June 1950).

(b) Title I of the said Supplementary Agreement No 2 (reckoning of periods of insurance completed before 8 May 1945).

(c) points 6, 7 and 8 of the General Protocol of 10 July 1950 to the General Convention of the same date (administrative arrangements).

(d) Titles II, III and IV of the Agreement of 20 December 1963 (social security in the Saar).]

74. [F8.....]

75. .....]

76. [F1GERMANY-CYPRUS]

No convention.

77. GERMANY-LATVIA

No convention.

78. GERMANY-LITHUANIA

No convention.]

79. GERMANY-LUXEMBOURG

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the  
Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

[<sup>F7</sup>Articles 4, 5, 6 and 7 of the Treaty of 11 July 1959 (reckoning of insurance periods completed between September 1940 and June 1946).]

80. [<sup>F1</sup>GERMANY-HUNGARY

(a) Articles 27 (3) and 40 (1) (b) of the Convention on social security of 2 May 1998.

(b) Point 16 of the Closing Protocol to the said Convention.

81. GERMANY-MALTA

No convention.]

82. GERMANY-NETHERLANDS

(a) Article 3 (2) of the Convention of 29 March 1951.

(b) Articles 2 and 3 of Complementary Agreement No 4 of 21 December 1956 to the Convention of 29 March 1951 (settlement of rights acquired under the German social insurance scheme by Dutch workers between 13 May 1940 and 1 September 1945).

83. [<sup>F2</sup>GERMANY-AUSTRIA]

[<sup>F8</sup>.....]

[<sup>F7</sup>Article 1(5) and Article 8 of the Convention on Unemployment Insurance of 19 July 1978 and Article 10 of the Final Protocol to this Convention (granting of unemployment allowances to frontier workers by the previous State of employment) shall continue to apply to persons who have exercised an activity as a frontier worker on or before 1 January 2005 and become unemployed before 1 January 2011.]

84. [<sup>F1</sup>GERMANY-POLAND

(a) Convention of 9 October 1975 on old-age and work-injury provisions, under the conditions and the scope defined by Article 27 (2) to (4) of the Convention on social security of 8 December 1990.

(b) Articles 11 (3), 19 (4), 27 (5) and 28 (2) of the Convention on social security of 8 December 1990.]

85. [<sup>F8</sup>.....]

86. [<sup>F1</sup>GERMANY-SLOVENIA

(a) Article 42 of the Convention on social security of 24 September 1997.

(b) Point 15 of the Final Protocol to the said Convention.

87. GERMANY-SWEDEN

No convention.]

88. [<sup>F8</sup>.....]

89. ....]

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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90. [F<sup>2</sup>GERMANY-UNITED KINGDOM]
- (a) [F<sup>7</sup>Article 7(5) and (6) of the Convention on social security of 20 April 1960 (legislation applicable to civilians serving the military forces).]
- (b) Article 5(5) and (6) of the Convention on unemployment insurance of 20 April 1960 (legislation applicable to civilians serving the military forces).]
91. [F<sup>1</sup>ESTONIA-GREECE]
- No convention.
92. ESTONIA-SPAIN
- No convention.
93. ESTONIA-FRANCE
- No convention.
94. ESTONIA-IRELAND
- No convention.
95. ESTONIA-ITALY
- No convention.
96. ESTONIA-CYPRUS
- No convention.
97. ESTONIA-LATVIA
- None.
98. ESTONIA-LITHUANIA
- None.
99. ESTONIA-LUXEMBOURG
- No convention.
100. ESTONIA-HUNGARY
- No convention.
101. ESTONIA-MALTA
- No convention.
102. ESTONIA-NETHERLANDS
- No convention.
103. ESTONIA-AUSTRIA
- No convention.
104. ESTONIA-POLAND

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*Changes to legislation: There are currently no known outstanding effects for the  
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- No convention.
105. ESTONIA-PORTUGAL  
No convention.
106. ESTONIA-SLOVAKIA  
No convention.
107. ESTONIA-SLOVAKIA  
No convention.
108. ESTONIA-FINLAND  
None.
109. ESTONIA-SWEDEN  
None.
110. ESTONIA-UNITED KINGDOM  
No convention.]
111. [F8 . . . . .
112. . . . .
113. . . . .
114. . . . .]
115. [F1 GREECE-CYPRUS  
None.
116. GREECE-LATVIA  
No convention.
117. GREECE-LITHUANIA  
No convention.]
118. [F8 . . . . .]
119. [F1 GREECE-HUNGARY  
No convention.
120. GREECE-MALTA  
No convention.]
121. [F8 . . . . .
122. . . . .]
123. [F1 GREECE-POLAND

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*Status: Point in time view as at 05/05/2005.*

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- None.]
124. [F8 . . . . .]
125. [F1 GREECE-SLOVENIA  
No convention.]
126. GREECE-SLOVAKIA  
None.]
127. [F8 . . . . .]
128. . . . .]
129. . . . .]
130. . . . .]
131. . . . .]
132. . . . .]
133. [F1 SPAIN-CYPRUS  
No convention.]
134. SPAIN-LATVIA  
No convention.]
135. SPAIN-LITHUANIA  
No convention.]
136. [F8 . . . . .]
137. [F1 SPAIN-HUNGARY  
No convention.]
138. SPAIN-MALTA  
No convention.]
139. [F8 . . . . .]
140. . . . .]
141. [F1 SPAIN-POLAND  
None.]
142. SPAIN-PORTUGAL  
[F7 Article 22 of the General Convention of 11 June 1969 (export of unemployment benefits).]
143. [F1 SPAIN-SLOVENIA

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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- No convention.
144. SPAIN-SLOVAKIA  
No convention.]
145. [F8 . . . . .
146. . . . .
147. . . . .
148. . . . .
149. . . . .]
150. [F1FRANCE-CYPRUS  
No convention.
151. FRANCE-LATVIA  
No convention.
152. FRANCE-LITHUANIA  
No convention.]
153. [F8 . . . . .]
154. [F1FRANCE-HUNGARY  
No convention.
155. FRANCE-MALTA  
No convention.]
156. [F8 . . . . .
157. . . . .]
158. [F1FRANCE-POLAND  
None.]
159. [F8 . . . . .]
160. [F1FRANCE-SLOVENIA  
None.
161. FRANCE-SLOVAKIA  
None.]
162. [F8 . . . . .
163. . . . .
164. . . . .

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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165. . . . .]
166. [F<sup>1</sup>IRELAND-CYPRUS  
No convention.
167. IRELAND-LATVIA  
No convention.
168. IRELAND-LITHUANIA  
No convention.]
169. [F<sup>8</sup>. . . . .]
170. [F<sup>1</sup>IRELAND-HUNGARY  
No convention.
171. IRELAND-MALTA  
No convention.]
172. [F<sup>8</sup>. . . . .
173. . . . .]
174. [F<sup>1</sup>IRELAND-POLAND  
No convention.]
175. [F<sup>8</sup>. . . . .]
176. [F<sup>1</sup>IRELAND-SLOVENIA  
No convention.
177. IRELAND-SLOVAKIA  
No convention.]
178. [F<sup>8</sup>. . . . .
179. . . . .]
180. [F<sup>2</sup>IRELAND-UNITED KINGDOM]  
[F<sup>7</sup>Article 8 of the Agreement of 14 September 1971 on social security (concerning the transfer and reckoning of certain disability credits).]
181. [F<sup>1</sup>ITALY-CYPRUS  
No convention.
182. ITALY-LATVIA  
No convention.
183. ITALY-LITHUANIA

*Status: Point in time view as at 05/05/2005.*

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- No convention.]
184. [F8 . . . . .]
185. [F1 ITALY-HUNGARY  
No convention.]
186. ITALY-MALTA  
No convention.]
187. ITALY-NETHERLANDS  
Article 21 (2) of the General Convention of 28 October 1952.
188. [F8 . . . . .]
189. [F1 ITALY-POLAND  
No convention.]
190. [F8 . . . . .]
191. [F1 ITALY-SLOVENIA  
(a) Agreement on regulation of mutual obligations in social insurance with reference to paragraph 7 of Annex XIV to the Peace Treaty (concluded by exchange of notes on 5 February 1959).  
(b) Article 45(3) of the Convention on social security of 7 July 1997 concerning ex-Zone B of the Free Territory of Trieste.
192. ITALY-SLOVAKIA  
No convention.]
193. [F8 . . . . .]
194. . . . .
195. . . . .]
196. [F1 CYPRUS-LATVIA  
No convention.]
197. CYPRUS-LITHUANIA  
No convention.]
198. CYPRUS-LUXEMBOURG  
No convention.]
199. CYPRUS-HUNGARY  
No convention.]
200. CYPRUS-MALTA

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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- No convention.
201. CYPRUS-NETHERLANDS  
No convention.
202. CYPRUS-AUSTRIA  
None.
203. CYPRUS-POLAND  
No convention.
204. CYPRUS-PORTUGAL  
No convention.
205. CYPRUS-SLOVENIA  
No convention.
206. CYPRUS-SLOVAKIA  
None.
207. CYPRUS-FINLAND  
No convention.
208. CYPRUS-SWEDEN  
No convention.
209. CYPRUS-UNITED KINGDOM  
None.]
210. [F<sup>1</sup>LATVIA-LITHUANIA  
None.
211. LATVIA-LUXEMBOURG  
No convention.
212. LATVIA-HUNGARY  
No convention.
213. LATVIA-MALTA  
No convention.
214. LATVIA-NETHERLANDS  
No convention.
215. LATVIA-AUSTRIA  
No convention.

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216. LATVIA-POLAND  
No convention.
217. LATVIA-PORTUGAL  
No convention.
218. LATVIA-SLOVENIA  
No convention.
219. LATVIA-SLOVAKIA  
No convention.
220. LATVIA-FINLAND  
None.
221. LATVIA-SWEDEN  
None.
222. LATVIA-UNITED KINGDOM  
No convention.]
223. [F<sup>1</sup>LITHUANIA-LUXEMBOURG  
No convention.
224. LITHUANIA-HUNGARY  
No convention.
225. LITHUANIAMALTA  
No convention.
226. LITHUANIA-NETHERLANDS  
No convention.
227. LITHUANIA-AUSTRIA  
No convention.
228. LITHUANIA-POLAND  
No convention.
229. LITHUANIA-PORTUGAL  
No convention.
230. LITHUANIA-SLOVENIA  
No convention.
231. LITHUANIA-SLOVAKIA  
No convention.

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232. LITHUANIA-FINLAND  
None.
233. LITHUANIA-SWEDEN  
None.
234. LITHUANIA-UNITED KINGDOM  
No convention.]
235. [F<sup>1</sup>LUXEMBOURG-HUNGARY  
No convention.
236. LUXEMBOURG-MALTA  
No convention.]
237. [F<sup>8</sup>. . . . .
238. . . . .]
239. [F<sup>1</sup>LUXEMBOURG-POLAND  
None.]
240. [F<sup>8</sup>. . . . .]
241. [F<sup>1</sup>LUXEMBOURG-SLOVENIA  
None.
242. LUXEMBOURG-SLOVAKIA  
No convention.]
243. [F<sup>8</sup>. . . . .
244. . . . .
245. . . . .]
246. [F<sup>1</sup>HUNGARY-MALTA  
No convention.
247. HUNGARY-NETHERLANDS  
None.
248. HUNGARY-AUSTRIA  
Articles 23 (2) and 36 (3) of the Convention on social security of 31 March 1999.
249. HUNGARY-POLAND  
None.
250. HUNGARY-PORTUGAL

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*Status: Point in time view as at 05/05/2005.*

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- No convention.
251. HUNGARY-SLOVENIA  
Article 31 of the Convention on social security of 7 October 1957.
252. HUNGARY-SLOVAKIA  
None.
253. HUNGARY-FINLAND  
None.
254. HUNGARY-SWEDEN  
None.
255. HUNGARY-UNITED KINGDOM  
None.]
256. [F<sup>1</sup>MALTA-NETHERLANDS  
No convention.
257. MALTA-AUSTRIA  
No convention.
258. MALTA-POLAND  
No convention.
259. MALTA-PORTUGAL  
No convention.
260. MALTA-SLOVENIA  
No convention.
261. MALTA-SLOVAKIA  
No convention.
262. MALTA-FINLAND  
No convention.
263. MALTA-SWEDEN  
No convention.
264. MALTA-UNITED KINGDOM  
None.]
265. [F<sup>8</sup>. . . . .]
266. [F<sup>1</sup>NETHERLANDS-POLAND

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- No convention.]
267. NETHERLANDS-PORTUGAL  
[<sup>F7</sup>Article 31 of the Convention of 19 July 1979 (export of unemployment benefits).]
268. [<sup>F1</sup>NETHERLANDS-SLOVENIA  
None.
269. NETHERLANDS-SLOVAKIA  
None.]
270. [<sup>F8</sup> . . . . .
271. . . . .
272. . . . .]
273. [<sup>F1</sup>AUSTRIA-POLAND  
Article 33(3) of the Convention on social security of 7 September 1998.]
274. [<sup>F8</sup> . . . . .]
275. [<sup>F1</sup>AUSTRIA-SLOVENIA  
Article 37 of the Convention on social security of 10 March 1997.
276. AUSTRIA-SLOVAKIA  
No convention.]
277. [<sup>F8</sup> . . . . .
278. . . . .
279. . . . .]
280. [<sup>F1</sup>POLAND-PORTUGAL  
No convention.
281. POLAND-SLOVENIA  
None.
282. POLAND-SLOVAKIA  
None.
283. POLAND-FINLAND  
No convention.
284. POLAND-SWEDEN  
None.
285. POLAND-UNITED KINGDOM

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the  
Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

- None.]
286. [F1PORTUGAL-SLOVENIA  
No convention.
287. PORTUGAL-SLOVAKIA  
No convention.]
288. [F8 . . . . .
289. . . . .]
290. [F2PORTUGAL-UNITED KINGDOM]  
(a) Article 2 (1) of the Protocol on medical treatment of 15 November 1978.  
(b) As regards Portuguese employed persons, and for the period from 22 October 1987 to the end of the transitional period provided for in Article 220 (1) of the Act relating to the conditions of accession of Spain and Portugal: Article 26 of the Social Security Convention of 15 November 1978, as amended by the Exchange of Letters of 28 September 1987.
291. [F1SLOVENIA-SLOVAKIA  
None.
292. SLOVENIA-FINLAND  
No convention.
293. SLOVENIA-SWEDEN  
None.
294. SLOVENIA-UNITED KINGDOM  
None.]
295. [F1SLOVAKIA-FINLAND  
No convention.
296. SLOVAKIA-SWEDEN  
No convention.
297. SLOVAKIA-UNITED KINGDOM  
None.]
298. FINLAND-SWEDEN  
[F7Article 10 of the Nordic Convention on Social Security of 15 June 1992, concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country making a more expensive return travel to the country of residence necessary.]
299. [F8 . . . . .

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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300. . . . .]
- B. Provisions of Conventions which do not apply to all persons to whom the Regulations applies (Article 3 (3) of the Regulation)
1. [F1BELGIUM-CZECH REPUBLIC  
No convention.]
  2. [F8 . . . . .]
  3. . . . .]
  4. [F1BELGIUM-ESTONIA  
No convention.]
  5. [F8 . . . . .]
  6. . . . .
  7. . . . .
  5. [F4 . . . . .]
  8. . . . .
  9. . . . .]
  10. [F1BELGIUM-CYPRUS  
No convention.
  11. BELGIUM-LATVIA  
No convention.
  12. BELGIUM-LITHUANIA  
No convention.]
  13. [F8 . . . . .]
  14. [F1BELGIUM-HUNGARY  
No convention.
  15. BELGIUM-MALTA  
No convention.]
  16. [F8 . . . . .]
  17. . . . .]
  18. [F1BELGIUM-POLAND  
None.]
  19. [F8 . . . . .]

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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20. [F1]BELGIUM-SLOVENIA  
None.
21. BELGIUM-SLOVAKIA  
None.]
22. [F8] . . . . .
23. . . . .
24. . . . .]
25. [F1]CZECH REPUBLIC-DENMARK  
No convention.
26. CZECH REPUBLIC-GERMANY  
No convention.
27. CZECH REPUBLIC-ESTONIA  
No convention.
28. CZECH REPUBLIC-GREECE  
None.
29. CZECH REPUBLIC-SPAIN  
None.
30. CZECH REPUBLIC-FRANCE  
None.
31. CZECH REPUBLIC-IRELAND  
No convention.
32. CZECH REPUBLIC-ITALY  
No convention.
33. CZECH REPUBLIC-CYPRUS  
None.
34. CZECH REPUBLIC-LATVIA  
No convention.
35. CZECH REPUBLIC-LITHUANIA  
None.
36. CZECH REPUBLIC-LUXEMBOURG  
None.
37. CZECH REPUBLIC-HUNGARY

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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- None.
38. CZECH REPUBLIC-MALTA  
No convention.
39. CZECH REPUBLIC-NETHERLANDS  
No convention.
40. CZECH REPUBLIC-AUSTRIA  
Article 32 (3) of the Convention on social security of 20 July 1999.
41. CZECH REPUBLIC-POLAND  
None.
42. CZECH REPUBLIC-PORTUGAL  
No convention.
43. CZECH REPUBLIC-SLOVENIA  
None.
44. CZECH REPUBLIC-SLOVAKIA  
None.
45. CZECH REPUBLIC-FINLAND  
No convention.
46. CZECH REPUBLIC-SWEDEN  
No convention.
47. CZECH REPUBLIC-UNITED KINGDOM  
No convention.]
48. [F8 . . . . .]
49. [F1 DENMARK-ESTONIA  
No convention.]
50. [F8 . . . . .
51. . . . .
52. . . . .
53. . . . .]
54. [F2 DENMARK-ITALY]  
No convention.
55. [F1 DENMARK-CYPRUS

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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No convention.

56. DENMARK-LATVIA

No convention.

57. DENMARK-LITHUANIA

No convention.]

58. [F8 . . . . .]

59. [F1DENMARK-HUNGARY

No convention.

60. DENMARK-MALTA

No convention.]

61. [F8 . . . . .

62. . . . .]

63. [F1DENMARK-POLAND

No convention.]

64. [F8 . . . . .]

65. [F1DENMARK-SLOVENIA

None.

66. DENMARK-SLOVAKIA

No convention.]

67. [F8 . . . . .

68. . . . .

69. . . . .]

70. [F1GERMANY-ESTONIA

No convention.]

71. [F8 . . . . .

72. . . . .

73. . . . .

74. . . . .

75. . . . .]

76. [F1GERMANY-CYPRUS

No convention.

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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77. GERMANY-LATVIA  
No convention.
78. GERMANY-LITHUANIA  
No convention.]
79. [F8 . . . . .]
80. [F1GERMANY-HUNGARY  
Point 16 of the Closing Protocol to the Convention on social security of 2 May 1998.
81. GERMANY-MALTA  
No convention.]
82. [F8 . . . . .
83. . . . .]
84. [F1GERMANY-POLAND  
None.]
85. [F8 . . . . .]
86. [F1GERMANY-POLANDSLOVENIA  
(a) Article 42 of the Convention on social security of 24 September 1997.  
(b) Point 15 of the Final Protocol to the said Convention.
87. GERMANY-SLOVAKIA  
No convention.]
88. [F8 . . . . .
89. . . . .
90. . . . .]
91. [F1ESTONIA-GREECE  
No convention.
92. ESTONIA-SPAIN  
No convention.
93. ESTONIA-FRANCE  
No convention.
94. ESTONIA-IRELAND  
No convention.
95. ESTONIA-ITALY

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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- No convention.
96. ESTONIA-CYPRUS  
No convention.
97. ESTONIA-LATVIA  
No convention.
98. ESTONIA-LITHUANIA  
No convention.
99. ESTONIA-LUXEMBOURG  
No convention.
100. ESTONIA-HUNGARY  
No convention.
101. ESTONIA-MALTA  
No convention.
102. ESTONIA-NETHERLANDS  
No convention.
103. ESTONIA-AUSTRIA  
No convention.
104. ESTONIA-POLAND  
No convention.
105. ESTONIA-PORTUGAL  
No convention.
106. ESTONIA-SLOVENIA  
No convention.
107. ESTONIA-SLOVAKIA  
No convention.
108. ESTONIA-FINLAND  
None.
109. ESTONIA-SWEDEN  
None.
110. ESTONIA-UNITED KINGDOM  
No convention.]

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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- 111. [F8 . . . . .
- 112. . . . .
- 113. . . . .
- 114. . . . .]
- 115. [F1 GREECE-CYPRUS  
None.
- 116. GREECE-LATVIA  
No convention.
- 117. GREECE-LITHUANIA  
No convention.]
- 118. [F8 . . . . .]
- 119. [F1 GREECE-HUNGARY  
No convention.
- 120. GREECE-MALTA  
No convention.]
- 121. [F8 . . . . .
- 122. . . . .]
- 123. [F1 GREECE-POLAND  
None.]
- 124. [F8 . . . . .]
- 125. [F1 GREECE-SLOVENIA  
No convention.
- 126. GREECE-SLOVAKIA  
None.]
- 127. [F8 . . . . .
- 128. . . . .
- 129. . . . .
- 130. . . . .
- 131. . . . .
- 132. . . . .]
- 133. [F1 SPAIN-NETHERLANDSCYPRUS

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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- No convention.
134. SPAIN-LATVIA  
No convention.
135. SPAIN-LITHUANIA  
No convention.]
136. [F8 . . . . .]
137. [F1 SPAIN-HUNGARY  
No convention.
138. SPAIN-MALTA  
No convention.]
139. [F8 . . . . .
140. . . . .]
141. [F1 SPAIN-POLAND  
None.]
142. [F8 . . . . .]
143. [F1 SPAIN-SLOVENIA  
No convention.
144. SPAIN-SLOVAKIA  
No convention.]
145. [F8 . . . . .
146. . . . .
147. . . . .
148. . . . .
149. . . . .]
150. [F1 FRANCE-CYPRUS  
No convention.
151. FRANCE-LATVIA  
No convention.
152. FRANCE-LITHUANIA  
No convention.]
153. [F8 . . . . .]

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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154. [F1FRANCE-HUNGARY

No convention.

155. FRANCE-MALTA

No convention.]

156. [F8 . . . . .

157. . . . .]

158. [F1FRANCE-POLAND

None.]

159. [F8 . . . . .]

160. [F1FRANCE-SLOVENIA

None.

161. FRANCE-SLOVAKIA

None.]

162. [F8 . . . . .

163. . . . .

164. . . . .

165. . . . .]

166. [F1IRELAND-CYPRUS

No convention.

167. IRELAND-LATVIA

No convention.

168. IRELAND-LITHUANIA

No convention.]

169. [F8 . . . . .]

170. [F1IRELAND-HUNGARY

No convention.

171. IRELAND-MALTA

No convention.]

172. [F8 . . . . .

173. . . . .]

174. [F1IRELAND-POLAND

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the  
Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

- No convention.]
175. [F8 . . . . .]
176. [F1 IRELAND-SLOVENIA  
No convention.
177. IRELAND-SLOVAKIA  
No convention.]
178. [F8 . . . . .
179. . . . .
180. . . . .]
181. [F1 ITALY-CYPRUS  
No convention.
182. ITALY-LATVIA  
No convention.
183. ITALY-LITHUANIA  
No convention.]
184. [F8 . . . . .]
185. [F1 ITALY-HUNGARY  
No convention.
186. ITALY-MALTA  
No convention.]
187. [F8 . . . . .
188. . . . .]
189. [F1 ITALY-POLAND  
No convention.]
190. [F8 . . . . .]
191. [F1 ITALY-SLOVENIA  
(a) Agreement on regulation of mutual obligations in social insurance with  
reference to paragraph 7 of Annex XIV to the Peace Treaty (concluded by  
exchange of notes on 5 February 1959).  
(b) Article 45(3) of the Convention on social security of 7 July 1997 concerning  
ex-Zone B of the Free Territory of Trieste.
192. ITALY-SLOVAKIA

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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- No convention.]
193. [F8 . . . . .
194. . . . .
195. . . . .]
196. [F1 CYPRUS-LATVIA  
No convention.
197. CYPRUS-LITHUANIA  
No convention.
198. CYPRUS-LUXEMBOURG  
No convention.
199. CYPRUS-HUNGARY  
No convention.
200. CYPRUS-MALTA  
No convention.
201. CYPRUS-NETHERLANDS  
No convention.
202. CYPRUS-AUSTRIA  
None.
203. CYPRUS-POLAND  
No convention.
204. CYPRUS-PORTUGAL  
No convention.
205. CYPRUS-SLOVENIA  
No convention.
206. CYPRUS-SLOVAKIA  
No convention.
207. CYPRUS-FINLAND  
No convention.
208. CYPRUS-SWEDEN  
No convention.
209. CYPRUS-UNITED KINGDOM

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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No convention.]

210. [F<sup>1</sup>LATVIA-LITHUANIA

None.

211. LATVIA-LUXEMBOURG

No convention.

212. LATVIA-HUNGARY

No convention.

213. LATVIA-MALTA

No convention.

214. LATVIA-NETHERLANDS

No convention.

215. LATVIA-AUSTRIA

No convention.

216. LATVIA-POLAND

No convention.

217. LATVIA-PORTUGAL

No convention.

218. LATVIA-SLOVENIA

No convention.

219. LATVIA-SLOVAKIA

No convention.

220. LATVIA-FINLAND

None.

221. LATVIA-SWEDEN

None.

222. LATVIA-UNITED KINGDOM

No convention.]

223. [F<sup>1</sup>LITHUANIA-LUXEMBOURG

No convention.

224. LITHUANIA-HUNGARY

No convention.

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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- 225. LITHUANIA-MALTA  
No convention.
- 226. LITHUANIA-NETHERLANDS  
No convention.
- 227. LITHUANIA-AUSTRIA  
No convention.
- 228. LITHUANIA-POLAND  
No convention.
- 229. LITHUANIA-PORTUGAL  
No convention.
- 230. LITHUANIA-SLOVENIA  
No convention.
- 231. LITHUANIA-SLOVAKIA  
No convention.
- 232. LITHUANIA-FINLAND  
None.
- 233. LITHUANIA-SWEDEN  
None.
- 234. LITHUANIA-UNITED KINGDOM  
No convention.]
- 235. [<sup>F1</sup>LUXEMBOURG-HUNGARY  
No convention.
- 236. LUXEMBOURG-MALTA  
No convention.]
- 237. [<sup>F8</sup> . . . . .
- 238. . . . .]
- 239. [<sup>F1</sup>LUXEMBOURG-POLAND  
None.]
- 240. [<sup>F8</sup> . . . . .]
- 241. [<sup>F1</sup>LUXEMBOURG-SLOVENIA  
None.

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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242. LUXEMBOURG-SLOVAKIA  
No convention.]
243. [F8 . . . . .
244. . . . .
245. . . . .]
246. [F1 HUNGARY-MALTA  
No convention.
247. HUNGARY-NETHERLANDS  
None.
248. HUNGARY-AUSTRIA  
Article 36 (3) of the Convention on social security of 31 March 1999.
249. HUNGARY-POLAND  
None.
250. HUNGARY-PORTUGAL  
No convention.
251. HUNGARY-SLOVENIA  
Article 31 of the Convention on social security of 7 October 1957.
252. HUNGARY-SLOVAKIA  
None.
253. HUNGARY-FINLAND  
None.
254. HUNGARY-SWEDEN  
None.
255. HUNGARY-UNITED KINGDOM  
None.]
256. [F1 MALTA-NETHERLANDS  
No convention.
257. MALTA-AUSTRIA  
No convention.
258. MALTA-POLAND  
No convention.
259. MALTA-PORTUGAL

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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- No convention.
260. MALTA-SLOVENIA  
No convention.
261. MALTA-SLOVAKIA  
No convention.
262. MALTA-FINLAND  
No convention.
263. MALTA-SWEDEN  
No convention.
264. MALTA-UNITED KINGDOM  
None.]
265. [F8 . . . . .]
266. [F1]NETHERLANDS-POLAND  
No convention.]
267. [F8 . . . . .]
268. [F1]NETHERLANDS-SLOVENIA  
None.
269. NETHERLANDS-SLOVAKIA  
None.]
270. [F8 . . . . .]
271. . . . .
272. . . . .]
273. [F1]AUSTRIA-POLAND  
Article 33(3) of the Convention on social security of 7 September 1998.]
274. [F8 . . . . .]
275. [F1]AUSTRIA-SLOVENIA  
Article 37 of the Convention on social security of 10 March 1997.
276. AUSTRIA-SLOVAKIA  
No convention.]
277. [F8 . . . . .]
278. . . . .

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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279. . . . .]
280. [F<sup>1</sup>POLAND-PORTUGAL  
No convention.
281. POLAND-SLOVENIA  
None.
282. POLAND-SLOVAKIA  
None.
283. POLAND-FINLAND  
No convention.
284. POLAND-SWEDEN  
None.
285. POLAND-UNITED KINGDOM  
None.]
286. [F<sup>1</sup>PORTUGAL-SLOVENIA  
No convention.
287. PORTUGAL-SLOVAKIA  
No convention.]
288. [F<sup>8</sup>. . . . .
289. . . . .
290. . . . .]
291. [F<sup>1</sup>SLOVENIA-SLOVAKIA  
None.
292. SLOVENIA-FINLAND  
No convention.
293. SLOVENIA-SWEDEN  
None.
294. SLOVENIA-UNITED KINGDOM  
None.]
295. [F<sup>1</sup>SLOVAKIA-FINLAND  
No convention.
296. SLOVAKIA-SWEDEN

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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No convention.

297. SLOVAKIA-UNITED KINGDOM

None.]

298. [F8 . . . . .

299. . . . .

300. . . . .]

#### ANNEX IV (B) (11) (13) (15)

(Articles 37 (2), 38 (3), 45 (3), 46 (1) (b) and 46 b (2) of the Regulation)

A. Legislations referred to in Article 37 (1) of the Regulation under which the amount of invalidity benefits is independent of the length of periods of insurance

A. BELGIUM

(a) Legislation relating to the general invalidity scheme, the special invalidity scheme for miners and the special scheme for merchant navy mariners.

(b) Legislation on insurance for self-employed persons against incapacity to work.

(c) Legislation relating to invalidity in the overseas social insurance scheme and the invalidity scheme for former employees of the Belgian Congo and Rwanda-Urundi.

B. [F1 CZECH REPUBLIC

None.]

C. [F2 DENMARK]

None.

D. [F2 GERMANY]

None.

E. [F1 ESTONIA

(a) Invalidity pensions granted before 1 April 2000 under the State Allowances Act and which are retained under the State Pension Insurance Act.

(b) National pensions granted on the basis of invalidity according to the State Pension Insurance Act.

(c) Invalidity pensions granted according to the Defence Forces Service Act, Police Service Act, Prosecutor's Office Act, Status of Judges Act, Members of the Riigikogu Salaries, Pensions and Other Social Guarantees Act and President of the Republic Official Benefits Act.]

F. [F1 GREECE

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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Legislation relating to the agricultural insurance scheme.]

G. [F10[F2SPAIN]

Legislation relating to invalidity insurance under the general scheme and under the special schemes, except the special schemes for civil servants, the armed forces and the judicial administration.]

H. [F2FRANCE]

1. *Employed persons*

All legislations on invalidity insurance, except for the legislation concerning the invalidity insurance of the social security scheme for miners.

2. *Self-employed persons*

The legislation on invalidity insurance for persons self-employed in agriculture.

F. [F4 . . . . .]

I. [F5[F2IRELAND]

Part II, Chapter 15, of the Social Welfare (Consolidation) Act 1993]

J. [F2ITALY]

None.

K. [F1CYPRUS

None.

L. LATVIA

Article 16 (1) (2) of the Law on State Pensions of 1 January 1996.

M. LITHUANIA

None.]

N. [F2LUXEMBOURG]

None.

O. [F1HUNGARY

None.

P. MALTA

None.]

Q. [F2THE NETHERLANDS]

(a) The law of 18 February 1966 on insurance against incapacity for work, as amended.

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

- (b) [F5Law of 24 April 1997 on insurance against incapacity for work by self-employed persons (WAZ), as amended]
- R. [F2AUSTRIA]  
None.
- S. [F1POLAND  
None.]
- T. [F2PORTUGAL]  
None.
- U. [F1SLOVENIA  
None.
- V. SLOVAKIA  
None.]
- W. [F2FINLAND]  
National pensions to persons who are born disabled or become disabled at an early age (the National Pensions Act (547/93)).
- X. [F2SWEDEN]  
None.
- Y. [F2UNITED KINGDOM]  
(a) *Great Britain*  
Sections 15 and 36 of the Social Security Act 1975.  
Sections 14, 15 and 16 of the Social Security Pensions Act 1975.  
(b) *Northern Ireland*  
Sections 15 and 36 of the Social Security (Northern Ireland) Act 1975.  
Articles 16, 17 and 18 of the Social security Pensions (Northern Ireland) Order 1975.

**Textual Amendments**

**F10** Inserted by [Council Regulation \(EC\) No 1606/98 of 29 June 1998](#).

- B. Special schemes for self-employed persons within the meaning of Articles 38 (3) and 45 (3) of Regulation No 1408/71
- A. BELGIUM  
None.

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*Status: Point in time view as at 05/05/2005.*

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- B. [F1CZECH REPUBLIC  
None.]
- C. [F2DENMARK]  
None.
- D. [F2GERMANY]  
[F7Farmers' old-age insurance (Alterssicherung der Landwirte).]
- E. [F1ESTONIA  
None.]
- F. [F1GREECE  
None.]
- G. [F2SPAIN]  
Scheme for lowering the retirement age of self-employed persons engaged in seafaring activities as described in Royal Decree No 2309 of 23 July 1970.
- H. [F2FRANCE]  
None.
- F. [F4 . . . . .]
- I. [F2IRELAND]  
None.
- J. [F2ITALY]  
[F7Pension insurance schemes for (Assicurazione pensioni per):  
— medical practitioners (medici)  
— pharmacists (farmacisti)  
— veterinarians (veterinari)  
— nurses, medical auxiliaries, children's nurses (infermieri, assistenti sanitari, vigilatrici infanzia)  
— psychologists (psicologi)  
— engineers and architects (ingegneri ed architetti)  
— surveyors (geometri)  
— solicitors (avvocati)  
— economists (dottori commercialisti)  
— accountants and business experts (ragionieri e periti commerciali)  
— employment consultants (consulenti del lavoro)  
— notaries (notai)  
— customs agents (spedizionieri doganali)  
— biologists (biologi)  
— agricultural technicians and scientists (agrotecnici e periti agrari)

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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- sales representatives (agenti e rappresentanti di commercio)
  - journalists (giornalisti)
  - industrial technicians (periti industriali)
  - actuaries, chemists, agronomists, foresters, geologists (attuari, chimici, dottori agronomi, dottori forestali, geologi).]
- K. [F1CYPRUS  
None.
- L. LATVIA  
None.
- M. LITHUANIA  
None.]
- N. [F2LUXEMBOURG]  
None.
- O. [F1HUNGARY  
None.
- P. MALTA  
None.]
- Q. [F2THE NETHERLANDS]  
None.
- R. [F2AUSTRIA]  
[F7Pension schemes of pension institutions of liberal profession associations (Kammern der Freien Berufe).]
- S. [F1POLAND  
None.]
- T. [F2PORTUGAL]  
None.
- U. [F1SLOVENIA  
None.
- V. SLOVAKIA  
None.]
- W. [F2FINLAND]  
None.
- X. [F2SWEDEN]

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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None.

Y. [F<sup>2</sup>UNITED KINGDOM]

None.

C. Cases referred to in Article 46 (1) (b) of the Regulation where the calculation of benefit in accordance with Article 46 (2) of the Regulation may be waived

A. BELGIUM

None.

B. [F<sup>1</sup>CZECH REPUBLIC

Invalidity (full and partial) and survivors' (widows', widowers' and orphans') pensions.]

C. [F<sup>2</sup>DENMARK]

All applications for pensions referred to in the law on social pensions, except for pensions mentioned in Annex IV part D.

D. [F<sup>2</sup>GERMANY]

None.

E. [F<sup>1</sup>ESTONIA

None.]

F. [F<sup>1</sup>GREECE

None.]

G. [F<sup>2</sup>SPAIN]

None.

H. [F<sup>2</sup>FRANCE]

[F<sup>11</sup>All applications for pension benefits or survivor's benefits under supplementary pension schemes for employees, with the exception of applications for old-age pensions or surviving partner's pensions under the supplementary pension scheme for flying personnel employed in civil aviation.]

F. [F<sup>4</sup> . . . . .]

I. [F<sup>2</sup>IRELAND]

[F<sup>5</sup>All applications for retirement pensions, old age (contributory) pensions, widow's (contributory) pension and widower's (contributory) pension]

J. [F<sup>2</sup>ITALY]

Invalidity, retirement and survivors pensions for employed persons and for the following categories of self-employed persons: farmers farming directly, sharecroppers, farmers, craftsmen and persons engaged in commercial activities.

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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- K. [F1]CYPRUS  
All applications for old-age, invalidity and widows' and widowers' pensions.
- L. LATVIA  
None.
- M. LITHUANIA  
None.]
- N. [F2]LUXEMBOURG]  
None.
- O. [F1]HUNGARY  
Claims for old-age pension and invalidity pension when the applicant obtained at least 20 years of insurance in Hungary. Claims for survivors' benefits when the deceased person obtained a full pension exclusively under Hungarian law.
- P. MALTA  
None.]
- Q. [F2]THE NETHERLANDS]  
All applications for old-age pensions under the law of 31 May 1956 governing general old-age insurance, as amended.
- R. [F2]AUSTRIA]  
None.
- S. [F1]POLAND  
All applications for old-age, disability and survivors' pensions.]
- T. [F2]PORTUGAL]  
Invalidity, old-age and widows' pensions.
- U. [F1]SLOVENIA  
None.
- V. SLOVAKIA  
None.]
- W. [F2]FINLAND]  
None.
- X. [F2]SWEDEN]  
All applications for old-age basic and supplementary pensions except pensions mentioned in Annex IV D.
- Y. [F2]UNITED KINGDOM]

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

All applications for retirement and widow's pension determined pursuant to the provisions of Title III, Chapter 3 of the Regulation, with the exception of those for which:

- (a) during a tax year beginning on or after 6 April 1975:
  - (i) the party concerned had completed periods of insurance, employment or residence under the legislation of the United Kingdom and of another Member State; and
  - (ii) one (or more) of the tax years referred to in (i) was not considered a qualifying year within the meaning of the legislation of the United Kingdom;
- (b) the periods of insurance completed under the legislation in force in the United Kingdom for the periods prior to 5 July 1948 would be taken into account for the purposes of Article 46 (2) of the Regulation by application of the periods of insurance, employment or residence under the legislation of another Member State.

#### Textual Amendments

**F11** Substituted by Regulation (EC) No 1386/2001 of the European Parliament and of the Council of 5 June 2001 amending Council Regulations (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 (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 (Text with EEA relevance).

- [<sup>F2</sup>D. Benefits and agreements referred to in Article 46b(2) of the Regulation
1. *Benefits referred to in Article 46b(2)(a) of the Regulation, the amount of which is independent of the length of periods of insurance or residence completed:*
    - (a) The invalidity benefits provided for by the legislation referred to in part A of this Annex.
    - (b) The full Danish national old-age pension acquired after 10 years' residence by persons who will have been awarded a pension by 1 October 1989 at the latest.
    - (c) The Estonian national pension granted according to the State Pension Insurance Act, old-age pensions granted according to the State Audit Act, Police Service Act and Prosecutor's Office Act and old-age and survivors' pensions granted according to the Legal Chancellor Act, Defence Forces Service Act, Status of Judges Act, Members of the Riigikogu Salaries, Pensions and Other Social Guarantees Act and President of the Republic Official Benefits Act.
    - (d) The Spanish death allowances and survivors' pensions granted under the general and special schemes.
    - (e) The widows' allowance under the widowhood insurance of the French general social security system or the agricultural workers' system.
    - (f) The widowers' or widows' invalidity pension under the French general social security system or the agricultural workers' system, when calculated on the basis of the invalidity pension of a deceased spouse, paid in accordance with Article 46(1)(a)(i).

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

- (g) The Netherlands survivors' pension under the Law of 21 December 1995 on general insurance for surviving dependants.
- (h) Finnish national pensions determined according to the National Pensions Act of 8 June 1956 and awarded under the transitional rules of the National Pensions Act (547/93) and the additional amount of the child's pension in accordance with the Survivors' Pension Act of 17 January 1969.
- (i) The full Swedish basic pension awarded under the basic pension legislation which applied before 1 January 1993 and the full basic pension awarded under the transitional rules to the legislation applying from that date.]

ANNEX V (15)

CONCORDANCE BETWEEN THE LEGISLATIONS OF MEMBER STATES  
 ON CONDITIONS RELATING TO THE DEGREE OF INVALIDITY  
 (Article 40 (4) of the Regulation)

BELGIUM

Member States	Schemes administered by Member States' institutions who have taken a decision recognizing the degree of invalidity	Schemes administered by Belgian institutions on which the decision is binding in cases of concordance				
		General scheme	Miners's scheme		Mariners' scheme	OSSOM
			General invalidity	Occupational invalidity		
<b>FRANCE</b>						
<b>1. General scheme</b>						
	— Group III (constant attendance)	Concordance	Concordance	Concordance	Concordance	No concordance
	— Group II					
	— Group I					
<b>2. Agricultural scheme:</b>						
	— Total, general invalidity	Concordance	Concordance	Concordance	Concordance	No concordance

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

	— Two - thirds general invalidity					
	— Constant attendance					

**3.  
Miners's  
scheme:**

	— Partial, general invalidity	Concordance	Concordance	Concordance	Concordance	No concordance
	— Constant attendance					
	— Occupational invalidity	No concordance	No concordance	Concordance	No concordance	No concordance

**4.  
Mariners's  
scheme:**

	— General invalidity	Concordance	Concordance	Concordance	Concordance	No concordance
	— Constant attendance					
	— Occupational invalidity	No concordance	No concordance	No concordance	No concordance	No concordance

**ITALY**

**1.  
General  
scheme:**

	— Invalidity - manual workers	No concordance	Concordance	Concordance	Concordance	No concordance
	— Invalidity - clerical staff					

**2.  
Mariners's  
scheme:**

	— Unfitness for seafaring	No concordance	No concordance	No concordance	No concordance	No concordance
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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

LUXEMBOURG	Workers' invalidity manual workers	Concordance	Concordance	Concordance	Concordance	No concordance
	Invalidity clerical staff					

FRANCE

Member States	Schemes administered by French institutions on which the decision is based in cases of concordance	Schemes administered by French institutions on which the decision is based in cases of concordance											
		General scheme	Agricultural scheme			Miner's scheme			Mariner's scheme				
by Member States having taken a decision recognizing the degree of invalidity	Group II	Group III	Group 2/3	Total Invalidity	Constant attendance	2/3	Constant attendance	Occupational	2/3	Total Invalidity	Constant attendance	2/3	Constant attendance
BELGIUM	General scheme	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	No concordance	No concordance	No concordance

2. Miner's scheme:

— partial general invalidity	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	No concordance	No concordance	No concordance
— invalidité professionnelle	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	Concordance			
3. Mariner's scheme	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	No concordance	No concordance	No concordance

ITALY

1. General scheme:

**a** In so far as the invalidity recognized by the Belgian institutions is general invalidity.

**b** Only if the Belgian institution has recognized that the worker is unfit for work underground or at ground level.

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

	— invalidity - manual workers	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	No concordance	No concordance	No concordance
	— occupational invalidity	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	No concordance	No concordance	No concordance

## 2.

### Mariner's scheme

	— unfitness for seafaring	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance
LUXEMBOURG	Invalidity manual workers	No concordance	No concordance	No concordance	Concordance	No concordance	No concordance	Concordance	No concordance	No concordance	No concordance	No concordance	No concordance
	Invalidity clerical staff	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance	No concordance

**a** In so far as the invalidity recognized by the Belgian institutions is general invalidity.

**b** Only if the Belgian institution has recognized that the worker is unfit for work underground or at ground level.

## ITALY

Member States	Schemes administered by Member States institutions who have taken a decision recognizing the degree of invalidity	Schemes administered by Italian institutions on which the decision is binding in cases of concordance		
		General scheme		Mariners Unfitness for navigation
		Manual workers	Clerical staff	
LUXEMBOURG	1. General scheme	No concordance	No concordance	No concordance
<b>2. Miners' scheme:</b>				
	— partial general invalidity	Concordance	Concordance	No concordance
	— occupational invalidity	No concordance	No concordance	No concordance

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

	3. Mariners' scheme	No concordance	No concordance	No concordance
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## FRANCE

### 1. General scheme:

	— Group III (constant attendance)	Concordance	Concordance	No concordance
	— Group II			
	— Group I			

### 2. Agricultural scheme:

	— total general invalidity	Concordance	Concordance	No concordance
	— partial general invalidity			
	— constant attendance			

### 3. Miners' scheme:

	— partial general invalidity	Concordance	Concordance	No concordance
	— constant attendance			
	— occupational invalidity	No concordance	No concordance	No concordance

### 4. Mariners' scheme:

	— partial general invalidity	No concordance	No concordance	No concordance
	— constant attendance			
	— occupational invalidity			

## LUXEMBOURG

Member States	Schemes administered by institutions of Member States	Schemes administered by Luxembourg institutions on which the decision is binding in cases of concordance
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**a** In so far as the invalidity recognized by the Belgian institution is general invalidity.

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

	<b>which have taken a decision recognizing the degree of invalidity</b>	<b>Invalidity — manual workers</b>	<b>Invalidity — clerical staff</b>
BELGIUM	1. General scheme	Concordance	Concordance
<b>2. Miners' scheme:</b>			
	— partial general invalidity	No concordance	No concordance
	— occupational invalidity	No concordance	No concordance
	3. Régime des marins:	Concordance <sup>a</sup>	Concordance <sup>a</sup>
<b>FRANCE</b>			
<b>1. General scheme:</b>			
	— Group III (constant attendance)	Concordance	Concordance
	— Group II		
	— Group I		
<b>2. Agricultural scheme:</b>			
	— total general invalidity	Concordance	Concordance
	— two-thirds general invalidity		
	— constant attendance		
<b>3. Miners' scheme</b>			
	— two-thirds general invalidity	Concordance	Concordance
	— constant attendance		
	— occupational invalidity	No concordance	No concordance
<b>4. Mariners' scheme:</b>			
	— partial general invalidity	Concordance	Concordance
	— constant attendance		
	— occupational invalidity	No concordance	No concordance

<sup>a</sup> In so far as the invalidity recognized by the Belgian institution is general invalidity.

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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ANNEX VI (A) (B) (2) (7)  
(8) (9) (11) (12) (13) (14) (15)

SPECIAL PROCEDURES FOR APPLYING THE  
LEGISLATIONS OF CERTAIN MEMBER STATES

A.BELGIUM

1. Persons whose entitlement to sickness insurance benefits in kind derives from the provisions of the Belgian compulsory sickness and invalidity scheme applicable to self-employed persons shall be eligible under the provisions of Chapter 1 of Title III of the Regulation, including Article 35 (1), under the following conditions:
  - (a) In the event that they are temporarily resident in the territory of a Member State other than Belgium, the persons concerned shall be entitled:
    - (i) to the benefits in kind provided for under the legislation of the Member State of temporary residence in respect of hospitalization care;
    - (ii) to reimbursement in respect of other benefits in kind provided for under the Belgian scheme by the relevant Belgian institution at the rate provided for under the legislation of the State of temporary residence.
  - (b) In the event that they are permanently resident in the territory of a Member State other than Belgium, the persons concerned shall be entitled to the benefits in kind provided for under the legislation of the Member State of permanent residence provided that they pay the relevant Belgian institution the appropriate additional contribution provided for under Belgian regulations.
2. For the application of the provisions of Chapters 7 and 8 of Title III of the Regulation by the competent Belgian institution, a child shall be considered to have been brought up in the Member State in whose territory he resides.
3. For the purposes of Article 46 (2) of the Regulation, periods of old-age insurance completed under Belgian legislation before 1 January 1945 shall also be considered as periods of insurance completed under the Belgian legislation on the general invalidity scheme and the mariners' scheme.
4. In applying Article 40 (3) (a) (ii), account shall only be taken of periods during which the employed or self-employed person was incapable of work within the meaning of Belgian legislation.
5. For the purposes of Article 46 (2) of the Regulation, periods of old-age insurance completed by self-employed persons under Belgian legislation, prior to the entry into force of the legislation on the incapacity for work of self-employed persons, shall be considered as periods completed under the latter legislation.
6. In order to establish whether the requirements imposed by Belgian legislation for entitlement to unemployment benefits are fulfilled, account shall be taken only of days of paid employment; however, account shall be taken of days accepted as equivalent within the meaning of the said legislation only in so far as the days worked which preceded them were days of paid employment.

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the  
Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

7. Pursuant to Articles 72 and 79 (1) (a) of the Regulation, account shall be taken of periods of employment and/or periods of insurance completed under the legislation of another Member State where entitlement to benefit under Belgian legislation is subject to the condition that, for a specified previous period, the qualifying conditions for family benefits in the framework of the scheme for employment persons have been met.
8. For the purposes of applying Article 14a (2), (3) and (4), 14c (a) and 14d of Regulation (EEC) No 1408/71, business revenues in the reference year which serve as a basis for determining the contributions due by virtue of the social arrangements for self-employed persons shall be calculated using the mean annual rate for the year during which this income was received.  
  
The rate of conversion is the annual mean of the conversion rates published in the *Official Journal of the European Communities* pursuant to Article 107 (5) of Regulation (EEC) No 547/72.
9. In the calculation of the theoretical amount of an invalidity pension, as referred to in Article 46 (2) of the Regulation, the competent Belgian institution shall take as its basis the income received in the profession last exercised by the person concerned.
10. Any employed person or self-employed person who is no longer insured in Belgium under the sickness and invalidity insurance legislation — which also makes the grant of the right to benefits conditional upon the person concerned being insured when the risk materializes — shall be considered to be still insured when the risk materializes, for the purposes of implementation of Chapter 3 of Title III of the Regulation, if he is insured for the same risks under the legislation of another Member State.
11. If the person concerned is entitled to a Belgian invalidity benefit under Article 45 of the Regulation, that benefit shall be awarded in accordance with the rules laid down by Article 46 (2) of the Regulation:
  - (a) In accordance with the provisions laid down by the Law of 9 August 1963 on the establishment and organization of a compulsory sickness and invalidity insurance scheme if, at the time of occurrence of the incapacity for work, he was insured for the same risk under the legislation of another Member State as an employed person within the meaning of Article 1 (a) of the Regulation.
  - (b) In accordance with the provisions laid down by the Royal Decree of 20 July 1971 on the establishment of an insurance scheme against incapacity for work for self-employed persons if, at the time of occurrence of the incapacity for work, he was a self-employed person within the meaning of Article 1 (a) of the Regulation.
12. <sup>[F10]</sup>The harmful event referred to in Article 1 of the Law of 9 March 1953 making certain adjustments to military pensions and granting free medical care and prescriptions to servicemen invalided in peacetime shall constitute an accident at work or occupational disease within the meaning of Chapter 4 of Title III of the Regulation.]

[<sup>F1</sup>B. CZECH REPUBLIC

None.]

[<sup>F2</sup>C. DENMARK]

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

2. [<sup>F6</sup>Persons who, pursuant to Chapter 1, Title III of the Regulation, are entitled to benefits in kind during a period of stay or residence in Denmark shall be entitled to such benefits on the same terms as those laid down by Danish legislation for persons who, under the law on public health insurance (lov om offentlig sygesikring), belong to Class 1. However, persons who take up residence in Denmark and join the Danish health insurance scheme may, in the same way as insured Danish nationals, opt to belong to Class 2.]
3.
  - (a) The provisions of Danish legislation on social pensions that stipulate that the right to pension is subject to the claimant being resident in Denmark are not applicable to employed or self-employed persons or their survivors who reside in the territory of a Member State other than Denmark.
  - (b) For the purpose of calculating the pension, periods of employment or self-employment completed in Denmark by a frontier worker or a seasonal worker are regarded as periods of residence completed in Denmark by the surviving spouse in so far as the surviving spouse was during these periods, linked to the frontier worker or seasonal worker by marriage without separation from bed and board or de facto separation on grounds of incompatibility and provided that during these periods the spouse resided in the territory of another Member State.
  - (c) For the purpose of calculating the pension, periods of employment or self-employment completed in Denmark before 1 January 1984 by an employed or self-employed person other than a frontier worker or seasonal worker shall be regarded as periods of residence completed in Denmark by the surviving spouse, in so far as the surviving spouse was during these periods, linked to the employed or self-employed person by marriage without separation from bed and board or de facto separation on grounds of incompatibility, and provided that during these periods the spouse resided in the territory of another Member State.
  - (d) Periods to be taken into account under the terms of (b) and (c) shall not be taken into consideration if they coincide with the periods taken into account for the calculation of the pension due to the person concerned under the legislation on compulsory insurance of another Member State or with the periods during which the person concerned received a pension under such legislation.

These periods shall, however, be taken into consideration if the annual amount of the said pension is less than half the basic amount of the social pension.
4. The terms of the Regulation shall be without prejudice to the provisional rules under the Danish laws of 7 June 1972 on the pension rights of Danish nationals having their effective residence in Denmark for a specified period immediately preceding the date of the claim. However, a pension shall be granted under those conditions laid down for Danish nationals to nationals of other Member States having their effective residence in Denmark during the year immediately preceding the date of claim.
5.
  - (a) The periods during which a frontier worker residing within the territory of a Member State other than Denmark has pursued his professional or trade activity in Denmark are to be considered as periods of residence for the purposes of Danish legislation. The same shall apply to periods in which a

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- frontier worker is posted to or provides services in a Member State other than Denmark.
- (b) The periods during which a seasonal worker residing within the territory of a Member State other than Denmark has pursued his occupation in Denmark are to be considered as periods of residence for the purposes of Danish legislation. The same applies to periods during which a seasonal worker is posted to the territory of a Member State other than Denmark.
6. In order to determine whether or not conditions for entitlement to daily allowances in the case of sickness or maternity laid down by the law of 20 December 1989 on daily allowances in the case of sickness or maternity have been satisfied, where the person concerned is no longer subject to Danish legislation during the periods of reference fixed by the abovementioned law:
- (a) account shall be taken of the insurance periods and employment periods fulfilled under the legislation of a Member State other than Denmark during the abovementioned reference periods during which the person concerned was not covered by Danish legislation, as if they are periods completed under the latter legislation,
- and
- (b) during the periods taken into account, a self-employed person or an employed person (in cases where, for the latter, remuneration cannot serve as a basis for calculating the daily allowances) are regarded as having had an average remuneration or salary of an amount equal to that on the basis of which the cash allowances are calculated in respect of the periods completed under Danish legislation during the reference periods.
7. Article 46a (3) (d) and Article 46c (1) and (3) of the Regulation and Article 7 (1) of the implementing Regulation shall not be applied to pensions awarded in the context of Danish legislation.
8. For the purpose of applying Article 67 of the Regulation, unemployment benefits for self-employed persons insured in Denmark shall be calculated in accordance with Danish legislation.
9. Where the beneficiary of a Danish retirement pension or early retirement pension is also entitled to a survivor's pension from another Member State, these pensions, for the implementation of Danish legislation shall be regarded as benefits of the same kind within the meaning of Article 46a (1) of the Regulation, subject to the condition, however, that the person whose periods of insurance or of residence serve as the basis for the calculation of the survivor's pension has also completed periods of residence in Denmark.
10. <sup>F10</sup>From a person who is covered by a special scheme for civil servants who is resident in Denmark and
- (a) to whom the provisions of Title III, Chapter 1, sections 2 to 7 do not apply; and
- (b) who is not entitled to a Danish pension,
- the competent authorities may demand payment for the cost of benefits in kind granted in Denmark, insofar as the benefits in kind are covered by the special scheme

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

concerned and/or by the personal insurance scheme supplementing it. This also applies to the spouse and children under the age of 18 of such a person.]

#### Textual Amendments

**F12** Deleted by [Council Regulation \(EC\) No 1223/98 of 4 June 1998](#).

11. [F9]The temporary benefit for unemployed persons who have been admitted to the ‘flexible-job’ scheme (ledighedsydelse) (Law No 455 of 10 June 1997) is covered by Title III, chapter 6 (Unemployment benefits). As regards unemployed persons going to another Member State, Articles 69 and 71 of this Regulation will be applicable when this Member State has similar employment schemes for the same category of persons.]

#### [F2D. GERMANY]

1. The provisions of Article 10 of the Regulation are without prejudice to the provisions under which accidents (and occupational diseases) occurring outside the territory of the Federal Republic of Germany, and periods completed outside that territory, do not give grounds for benefits, or do so only subject to certain conditions, when the persons concerned are resident outside the territory of the Federal Republic of Germany.
2.
  - (a) The standard period for allocation (pauschale Anrechnungszeit) shall be determined exclusively with reference to German periods.
  - (b) For the purpose of taking into account German pension periods for miners’ pension insurance, only German legislation shall apply.
  - (c) For the purpose of taking into account German substitute periods (Ersatzzeiten), only German legislation shall apply.

#### 3. [F8 . . . . .]

4. Article 7 of Book VI of the Social Code shall apply to nationals of the other Member States and to stateless persons and refugees residing in the territory of other Member States, according to the following rules.

If the general conditions are fulfilled, voluntary contributions may be paid to the German pension insurance scheme:

- (a) if the person concerned is domiciled or resident in the territory of the Federal Republic of Germany;
- (b) if the party concerned is domiciled or resident in the territory of another Member State and has at some point previously contributed, either compulsorily or voluntarily, to the German pension insurance scheme;
- (c) if the party concerned is a national of another Member State, is domiciled or resident in the territory of a third Member State, has contributed for at least 60 months to the German pension insurance scheme or was eligible for voluntary insurance pursuant to Article 232 of Book VI of the Social Code, and is not compulsorily or voluntarily insured under the legislation of another Member State.

5. . . . .

6. . . . .

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the  
Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

7. . . . .
8. . . . .
9. Where the costs of benefits in kind which are granted by German institutions of the place of residence to pensioners or members of their family who are insured with competent institutions of other Member States must be refunded on the basis of monthly lump sums, such costs shall, for the purpose of financial equalization among German institutions of sickness insurance for pensioners, be treated as expenditure on the German sickness insurance scheme for pensioners. The lump sums refunded to the German institutions of the place of residence by the competent institutions of other Member States shall be regarded as receipts which must be taken into account in the aforementioned financial equalization.
10. In the case of self-employed persons, the award of unemployment assistance (Arbeitslosenhilfe) shall be conditional on the person concerned having, before reporting himself unemployed, worked for at least a year mainly as a self-employed person in the territory of the Federal Republic of Germany, and not having simply left that work temporarily.
11. [F<sup>8</sup> . . . . .]
12. Periods of compulsory insurance completed under the legislation of another Member State, either under a special scheme for craftsmen, or, if no such scheme exists, under a special scheme for self-employed persons or under the general scheme, shall be taken into account to justify the existence of the 18 years of compulsory contributions required for exemption from compulsory affiliation to pension insurance for self-employed craftsmen.
13. For the purpose of applying German legislation on compulsory sickness insurance of pensioners as provided for in Article 5 (1) (ii) of Volume V of the Social Insurance Code (Fünftes Sozialgesetzbuch — SGB V) and Article 56 of the Sickness Insurance Reform Law (Gesundheitsreformgesetz), periods of insurance of residence completed under the legislation of another Member State during which the person concerned was entitled to sickness benefits in kind are taken into account, in so far as is necessary, as periods of insurance completed under German legislation provided they do not overlap with periods of insurance completed under that legislation.
14. For the grant of cash benefits pursuant to Article 47 (1) of Volume V of The German Social Insurance Code (SGB V) and Articles 200 (2) and 561 (1) of the German Law on Social Insurance (Reichsversicherungsordnung — RVO), the German institutions shall determine the net remuneration to be taken into account for the calculation of the benefits as though the insured persons resided in the Federal Republic of Germany.
15. Greek teachers who have civil servant status and who, by the fact that they have taught in German schools, have contributed to the compulsory German pension insurance scheme as well as to the special Greek civil servant scheme and who ceased to be covered by compulsory German insurance after 31 December 1978 may, on request, have the compulsory contributions reimbursed in accordance with Article 210 of Book VI of the Social Code. Applications for reimbursement of contributions are to be introduced during the course of the year following the date of entry into force of this provision. The party concerned may also pursue his claim within the six calendar months following the date on which he ceased to be subject to compulsory insurance.
- Article 210 (6) of Book VI of the Social Code shall only apply with regard to the periods during which compulsory contributions to the pension insurance scheme were

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paid in addition to contributions to the special Greek civil servant scheme and with regard to the allocation periods immediately following the periods during which these compulsory contributions were paid.

16. . . . .
17. [F<sup>8</sup>. . . . .]
18. A person in receipt of a pension under German legislation and a pension under the legislation of another Member State shall be deemed, for the purposes of applying Article 27 of the Regulation, to be entitled to sickness and maternity benefits in kind if, under Article 8 (1), point 4, of Volume V of the German Social Insurance Code (SGB V), that person is exempted from compulsory sickness insurance (Krankenversicherung).
19. A period of insurance for child-rearing under German legislation is valid even for a period during which the employed person concerned brought up the child in another Member State provided that person was unable to engage in occupational activity by virtue of Article 6 (1) of the Protection of Mothers Law (Mutterschutzgesetz) or took parental leave under Article 15 of the federal Child-rearing Allowance Law (Bundeserziehungsgeldgesetz) and did not engage in any minor (geringfügig) employment within the meaning of Article 8 of SGB IV.
20. Where the provisions of German pension law in force on 31 December 1991 apply, the provisions of Annex VI shall also apply in the version thereof in force on 31 December 1991.
21. (a) [F<sup>10</sup> Insofar as they concern benefits in kind, Title III, Chapter 1, sections 2 to 7 do not apply to persons who are entitled to benefits in kind under a scheme for civil servants or persons treated as such and who are not insured under the statutory sickness insurance system.
- (b) Where, however, a person covered by a scheme for civil servants resides in a Member State under whose legislation:
  - the right to receive benefits in kind is not subject to conditions of insurance or employment, and
  - no pension is payable,he shall be advised by his sickness institution to advise the appropriate authorities of the Member State of residence that he does not wish to avail himself of rights to benefits in kind granted under the national legislation in his Member State of residence. Where appropriate, this may be done with reference to Article 17a of the Regulation.
22. Notwithstanding the provisions of point 21, in respect of benefits in kind, the provisions of Article 27 of the Regulation shall be deemed to apply to any person who is entitled to both a pension under Beamtenversorgungsrecht and a pension under the legislation of another Member State.
23. Chapter 4 does not apply to persons entitled to benefits in kind provided by accident insurance cover for civil servants and persons treated as such.]
24. [F<sup>9</sup> For the calculation of the theoretical amount referred to in Article 46(2)(a) of the Regulation, in pension schemes for liberal professions, the competent institution shall take as the basis, in respect of each of the years of insurance completed under the legislation of any other Member State, the average annual pension entitlement

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acquired during the period of membership of the competent institution through the payment of contributions.

25. Article 79a of the Regulation shall apply mutatis mutandis to the calculation of orphans' pensions and increases or supplements in respect of children from pension schemes for liberal professions.]

[<sup>F</sup>E. ESTONIA

None.]

F. GREECE

1. . . . .

2. Law No 1469/84 concerning voluntary affiliation to the pension insurance scheme for Greek nationals and foreign nationals of Greek origin, is applicable to nationals of other Member States, stateless persons and refugees residing in the territory of a Member State in accordance with the second subparagraph.

Subject to the other conditions of this law being met, contributions may be made:

- (a) where the person concerned is domiciled or resides in the territory of a Member State and has at some time in the past been compulsorily affiliated to the Greek pension insurance scheme,
- or
- (b) regardless of the place of domicile or residence, where the person concerned has either previously resided in Greece for 10 years, whether consecutive or not, or has previously been subject to Greek legislation whether compulsorily or voluntarily for a period of 1 500 days.
3. Notwithstanding the relevant provisions applied by the OGA Regulations, the periods during which benefits payable in respect of an accident at work or of an occupational disease as defined in the legislation of Member States, which makes separate provision for such risks, provided that they coincide with periods of employment in the agricultural sector in Greece, shall be regarded as periods of insurance under the legislation applied by the OGA within the meaning of Article 1 (r) of the Regulation.
4. In the context of Greek legislation, the application of Article 49 (2) of the Regulation is subject to the condition that the new calculation referred to in the aforementioned Article shall not adversely affect the interests of the person concerned.
5. Where the rules of the Greek auxiliary pension funds (‘επικουρικά ταμεία’) make provision for the recognition of compulsory old age pension insurance periods completed with statutory Greek insurance institutions (‘κύριας ασφάλισης’) these rules shall also apply to compulsory pension insurance periods in the pension branch completed under the legislation of any other Member State falling within the scope of the Regulation.
6. Employed persons who were compulsorily affiliated until 31 December 1992 to a pension insurance scheme of a Member State other than Greece and who are subject to compulsory Greek social insurance (base statutory scheme) for the first time after 1 January 1993, shall be regarded as ‘formerly insured persons’ in accordance with the provisions of Law No 2084/92.

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7. <sup>[F6]</sup>Serving or retired civil servants, persons treated as such and members of their families, covered by a special health-care scheme, may receive sickness and maternity benefits in kind in the event of immediate need during a stay in the territory of another Member State or when travelling there to receive care appropriate to their state of health with the prior authorization of the competent Greek institution, in accordance with the procedures laid down in Article 22 (1) (a) and (c), Article 22 (3), and in Article 31 (a) of this Regulation, under the same conditions as employed and self-employed persons covered by Greek social security legislation (statutory schemes).
  8. Article 22b shall apply by analogy to all civil servants, persons treated as such and members of their families covered by a special Greek health-care scheme.]
  7. <sup>[F10]</sup> As regards civil servants and persons treated as such recruited up to 31 December 1982, the provisions of Chapters 2 and 3 of Title III of the Regulation shall apply by analogy if the persons concerned have completed periods of insurance in another Member State within the framework either of a special pension scheme for civil servants or persons treated as such, or of a general scheme, provided that the persons concerned have been employed as civil servants or as persons treated as such in accordance with the provisions of Greek legislation.
  8. Application of the provisions of Articles 43a(2) and 51a(2), where no pension rights have been acquired under a special scheme for civil servants or persons treated as such, shall not prejudice the application of Greek legislation (Code for civil and military pensions) regarding transfer of insurance periods from a special scheme for civil servants to the general insurance scheme for employed persons via the payment of the required contribution.]
- <sup>[F2G]</sup> SPAIN]
1. <sup>[F6]</sup>The condition either of carrying on the activity of an employed or of a self-employed person, or the condition of having previously been compulsorily insured against the same contingency under a scheme organized for the benefit of employed or self-employed persons of the same Member State, laid down in Article 1 (a) (iv) of this Regulation, will not be required of persons who, in accordance with the provisions of Royal Decree No 317/1985 of 6 February 1985, are affiliated voluntarily to the general social security scheme in their capacity as an official or employee serving an intergovernmental international organization.
  2. In accordance with the principle of equal treatment, the benefits provided for in Royal Decree No 2805/79 of 7 December 1979 on voluntary affiliation to the general social security scheme shall be extended to the nationals of the other Member States, refugees and stateless persons residing in Community territory who, by taking up employment with an international body, cease to be compulsorily affiliated to the Spanish social security system.]
  3. (a) <sup>[F10]</sup>In all Spanish social security schemes, with the exception of the scheme for civil servants, the armed forces and the judicial administration, any employed person or self-employed person who is no longer insured under Spanish legislation shall be considered to be still insured, when the risk materialises, for the purposes of implementing the provisions of Chapter 3 of Title III of the Regulation, if he is insured, under the legislation of another Member State at the time of materialisation of the risk or, failing that, in the case where a benefit is due for the same risk in pursuance of the legislation

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- of another Member State. The latter condition shall be deemed to have been fulfilled, however, in the case referred to in Article 48(1).
- (b) For the purposes of implementing the provisions of Chapter 3 of Title III of the Regulation, the years which the worker lacks to reach the pensionable or compulsory retirement age stipulated in point 4 of Article 31 of the consolidated text of the Law on State Pensioners will be taken into account as service performed only if at the time of materialisation of the risk in respect of which invalidity or death pensions are due, the beneficiary was covered by Spain's special scheme for public servants or in an activity accorded like treatment under that scheme.]
4. (a) Under Article 47 of the Regulation, the calculation of the theoretical Spanish benefit shall be carried out on the basis of the actual contributions of the insured person during the years immediately preceding payment of the last contribution to the Spanish social security.
- (b) [F<sup>5</sup>the amount of the pension obtained shall be increased by the amount of the increases and revalorisations calculated for each subsequent year, for pensions of the same nature]
5. [F<sup>10</sup>Periods completed in other Member States which must be calculated in the special scheme for civil servants, the armed forces and the judicial administration, will be treated in the same way, for the purposes of Article 47 of the Regulation, as the periods closest in time covered as a civil servant in Spain.
6. In the special scheme for civil servants, the armed forces and the judicial administration, the expression "acto de servicio" (act of service) refers to accidents at work and occupational diseases within the meaning of and for the purposes of implementing the provisions of Chapter 4 of Title III of the Regulation.
7. (a) Insofar as they concern benefits in kind, Title III, Chapter 1, sections 2 to 7 do not apply to beneficiaries of the special scheme for civil servants, the armed forces and the judicial administration who are covered under the Spanish "Mutualismo administrativo".
- (b) Where, however, a person covered by one of these schemes resides in a Member State under whose legislation:
- the right to receive benefits in kind is not subject to conditions of insurance or employment, and
  - no pension is payable,
- he shall be advised by his sickness institution to advise the appropriate authorities of the Member State of residence that he does not wish to avail himself of rights to benefits in kind granted under the national legislation in his Member State of residence. Where appropriate, this may be done with reference to Article 17a of the Regulation.
8. Notwithstanding the provisions of point 7, in respect of benefits in kind, the provisions of Article 27 of the Regulation shall be deemed to apply to any person who is entitled to both a pension under special schemes for civil servants, the armed forces and the judicial administration and a pension under the legislation of another Member State.]
9. [F<sup>13</sup>The Spanish special scheme for students ("Seguro Escolar") is not based, for the recognition of benefits, on completion of periods of insurance, employment

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and residence as those expressions are defined in Article 1(r), (s) and (sa) of the Regulation. The Spanish institutions cannot therefore issue the relevant certificates for the purposes of aggregating periods.

Nevertheless, the Spanish special scheme for students will apply to students who are nationals of other Member States and who are studying in Spain, under the same conditions as students of Spanish nationality.]

#### Textual Amendments

**F13** Inserted by [Council Regulation \(EC\) No 307/1999 of 8 February 1999](#).

[<sup>F2</sup>H. FRANCE]

1. (a) The allowance for elderly employed persons, together with the allowance for elderly self-employed persons, and the agricultural old-age allowance shall be granted, under the conditions laid down for French workers by French legislation to all employed or self-employed persons who are nationals of other Member States and who, at the time of making their claim, are resident in French territory.
  - (b) The same shall apply to refugees and stateless persons.
  - (c) The provisions of the Regulation shall not affect the provisions of French legislation under which only periods of work as employed persons or periods treated as such or, as appropriate, periods of work as self-employed persons in the territories of the European departments and the overseas departments (Guadeloupe, Guyana, Martinique and Réunion) of the French Republic shall be taken into consideration for acquisition of the right to the allowance for elderly employed persons.
2. The special allowance and cumulative indemnity provided for by the special legislation for social security in the mines shall be provided only for workers employed in French mines.
  3. Law No 65-555 of 10 July 1965 which grants to French nationals, who are pursuing, or who have pursued, a professional or trade activity abroad, the right to join the voluntary old-age insurance scheme, shall apply to nationals of other Member States under the following conditions:
    - the professional or trade activity giving rise to voluntary insurance under the French system should not be, or have been, pursued either on French territory or on the territory of the Member State of which the employed or self-employed person is a national,
    - the employed or self-employed person must produce evidence, when making his claim, either that he has resided in France for at least 10 years, consecutive or not, or that he has been continuously subject to French legislation on a compulsory or optional basis for the same length of time.

[<sup>F14</sup>The preceding conditions shall also hold good when applying to other Member States' nationals the provisions which allow a French employed worker pursuing his activity outside France voluntarily to join a French supplementary pension scheme for employed workers either directly or via his employer.]

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4. A person who is subject to French legislation pursuant to Article 14 (1) or Article 14a (1) of the Regulation shall be entitled, in respect of the members of his family accompanying him in the territory of the Member State in which he is pursuing an occupation, to the following family benefits:
  - (a) the allowance for young children provided until the age of three months;
  - (b) the family benefits provided in accordance with Article 73 of the Regulation.
5. <sup>[F11]</sup>For the calculation of the theoretical amount referred to in Article 46(2)(a) of the Regulation, in basic or supplementary schemes in which old-age pensions are calculated on the basis of retirement points, the competent institution shall take into account, in respect of each of the years of insurance completed under the legislation of any other Member State, the number of retirement points arrived at by dividing the number of retirement points acquired under the legislation it applies by the number of years corresponding to these points.]
6.
  - (a) Frontier workers who pursue the activities of employed persons in the territory of a Member State other than France and who reside in the French departments of Haut-Rhin, Bas-Rhin and Moselle, shall be entitled in the territory of those departments to the benefits in kind provided for by the local Alsace-Lorraine scheme set up by Laws No 46-1428 of 12 June 1946 and No 67-814 of 25 September 1967, pursuant to Article 19 of the Regulation.
  - (b) These provisions shall apply by analogy to those entitled under Articles 25 (2) and (3) and 28 and 29 of the Regulation.
7. <sup>[F5][F7]</sup>Notwithstanding Articles 73 and 74 of this Regulation, the housing allowances and the supplement for childcare of the parents' choice (early childhood benefit) shall be granted only to persons concerned and to members of their families residing in French territory.]]
8. Any employed person who is no longer subject to French legislation governing widowhood insurance under the French general social security system or the agricultural workers' system shall be deemed to have the status of an insured person under such legislation when the risk materializes, for the purposes of the implementation of the provisions of Chapter 3 of Title III of the Regulation, if that person is insured as an employed person under the legislation of another Member State at the time of the materialization of the risk or, failing that, in the case where a survivor's benefit is due in pursuance of the legislation on employed persons of another Member State. This condition shall be deemed to have been fulfilled, however, in the case referred to in Article 48 (1).
9. <sup>[F14]</sup>The French legislation applicable to an employed worker or a former employed worker for the purposes of applying Chapter 3 of Title III of the Regulation is deemed to apply both to the basic old-age insurance scheme(s) and to the supplementary pension scheme(s) to which the person concerned has been subject.]

#### **Textual Amendments**

**F14** Inserted by [Regulation \(EC\) No 1386/2001 of the European Parliament and of the Council of 5 June 2001 amending Council Regulations \(EEC\) 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](#)

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Community and (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 (Text with EEA relevance).

[<sup>F2</sup>I. IRELAND]

1. Employed or self-employed persons, unemployed persons, pension claimants and pensioners, together with members of their families, referred to in Articles 19 (1), 22 (1) and (3), 25 (1) and (3), 26 (1), 28a, 29 and 31 of the Regulation, who are residing or staying in Ireland, shall be entitled free of charge to all medical treatment provided for by Irish legislation where the cost of this treatment is payable by the institution of a Member State other than Ireland.

2. The members of the family of an employed or self-employed person who is subject to the legislation of a Member State other than Ireland and who satisfies the conditions laid down by that legislation for entitlement to benefits, account being taken, where appropriate, of Article 18 of the Regulation, shall be entitled free of charge, if they are resident in Ireland, to all medical treatment provided for by Irish legislation.

The cost of such benefits shall be payable by the institution with which the employed or self-employed person is insured.

However, where the spouse of the employed or self-employed person or the person looking after the children pursues a professional or trade activity in Ireland, benefits for members of the family shall remain payable by the Irish institution to the extent that entitlement to such benefits is granted solely under the provisions of Irish legislation.

3. If an employed person subject to Irish legislation has left the territory of a Member State to proceed, in the course of his employment, to the territory of another Member State and sustains an accident before arriving there, his entitlement to benefit in respect of the said accident shall be established:

(a) as if this accident had occurred on the territory of Ireland,

and

(b) without taking into consideration his absence from the territory of Ireland, when determining whether, by virtue of his employment, he was insured under the said legislation.

4. . . . .

5. [<sup>F5</sup>For the purpose of calculating the earnings for the granting of sickness benefit or unemployment benefit under Irish legislation, an amount equal to the average weekly wage in that year, of male and female employed persons, as applicable, shall, notwithstanding Articles 23(1) and 68(1) of the Regulation, be credited to the employed person in respect of each week of employment completed as an employed person under the legislation of another Member State during the prescribed period]

6. In applying Article 40 (3) (a) (ii), account shall only be taken of periods during which the employed or self-employed person was incapable of work within the meaning of Irish legislation.

7. For the purposes of Article 44 (2), an employed person shall be deemed to have expressly asked for postponement of the award of an old-age pension to which he would be entitled under the legislation of Ireland if, where retirement is a condition for receiving the old-age pension, he has not retired.

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8. . . . .
9. An unemployed person returning to Ireland at the end of the period of three months for which he continued to receive benefits under the legislation of Ireland in application of Article 69 (1) of the Regulation shall be entitled to apply for unemployment benefits notwithstanding Article 69 (2) if he satisfies the conditions laid down in the aforementioned legislation.
10. A period of subjection to Irish legislation in accordance with Article 13 (2) (f) of the Regulation may not:
- (i) be taken into account under that provision as a period of subjection to Irish legislation for the purposes of Title III of the Regulation,
  - nor
  - (ii) make Ireland the competent State for the provision of benefits provided for in Article 18, 38 or 39 (1) of the Regulation.
11. [F8 . . . . .]
- [F2J. ITALY]
- None.
- [F1K. CYPRUS]

For the purpose of applying the provisions of Articles 18(1), 38, 45(1) to (3), 64, 67(1) and (2) and 72 of the Regulation, for any period commencing on or after 6 October 1980, a week of insurance under the legislation of the Republic of Cyprus is determined by dividing the total insurable earnings for the relevant period by the weekly amount of the basic insurable earnings applicable in the relevant contribution year, provided that the number of weeks so determined shall not exceed the number of calendar weeks in the relevant period.

L. LATVIA

None.

M. LITHUANIA

None.]

[F2N. LUXEMBOURG]

1. Notwithstanding Article 94 (2) of the Regulation, periods of insurance or periods treated as such completed by employed persons or self-employed persons under Luxembourg legislation for invalidity, old-age or death pensions insurance either before 1 January 1946 or before an earlier date stipulated by a bilateral convention shall be taken into consideration for the purpose of applying this legislation only if the person concerned demonstrates that he has completed six months of insurance under the Luxembourg scheme after the date in question. Where several bilateral conventions apply, periods of insurance or periods treated as such shall be taken into consideration as from the earliest of these dates.
2. For the purpose of granting the fixed part of Luxembourg pensions, periods of insurance completed under Luxembourg legislation by employed or self-employed persons not residing in Luxembourg territory shall, as from 1 October 1972, be treated as periods of residence.

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3. The second subparagraph of Article 22 (2) of the Regulation does not affect the provisions of Luxembourg legislation pursuant to which authorization by the Sickness Fund for treatment abroad cannot be refused where the required treatment cannot be provided in the Grand Duchy.
4. For the purpose of taking the insurance period provided for in Article 171 (7) of the Social Insurance Code (Code des Assurances Sociales) into account, the Luxembourg institution shall recognize periods of insurance completed by the person concerned under the legislation of any other Member State as if they were periods completed under the legislation which it administers. Application of the foregoing provision shall be subject to the condition that the person concerned last completed insurance periods under Luxembourg legislation.
5. <sup>[F10]</sup>For a civil servant not subject to Luxembourg legislation at the time of leaving the service, the basis for calculation for the award of a pension shall be the final salary of the person concerned on leaving the Luxembourg civil service, this salary being established in accordance with the legislation in force at the time of maturity of the pension.
6. Where there is a move from a Luxembourg statutory scheme to a special scheme for civil servants or persons treated as such in another Member State, the provisions of Luxembourg legislation on retroactive insurance shall be suspended.
7. Approval of periods by the Luxembourg statutory scheme shall be based on periods completed in Luxembourg alone.]
8. <sup>[F13]</sup>Persons covered by a health insurance scheme in the Grand Duchy of Luxembourg who pursue their studies in another Member State are exempted from the requirement to join as a student under the legislation of the country where they study.]

<sup>[F1]</sup>O. HUNGARY

None.

P. MALTA

None.]

<sup>[F2]</sup>Q. NETHERLANDS]

1. *Insurance for medical expenses*

- (a) As regards entitlement to benefits in kind under Netherlands legislation, persons entitled to benefits in kind shall mean persons who are insured or co-insured under the insurance scheme covered by the Netherlands law on sickness insurance funds for the purpose of the implementation of Chapter 1 of Title III.
- (b) . . . . .
- (c) For the purposes of Articles 27 to 34 of the Regulation, the following pensions shall be treated as pensions payable under the legal provisions mentioned in subparagraphs (b) (invalidity) and (c) (old age) of the declaration of the Kingdom of the Netherlands under Article 5 of the Regulation:
  - pensions awarded under the Law of 6 January 1966 (*Staatsblad* 6) on a new ruling in respect of civil servants and their survivors

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- (Netherlands Civil Service Pensions Act) (Algemene burgerlijke pensioenwet),
  - pensions awarded under the Law of 6 October 1966 (*Staatsblad* 445) on a new ruling in respect of pensions for military personnel and their survivors (Military Pensions Act) (Algemene militaire pensioenwet),
  - pensions awarded under the Law of 15 February 1967 (*Staatsblad* 138) on a new ruling in respect of pensions for employees of the NV Nederlandse Spoorwegen (Netherlands Railway Company) and their survivors (Railway Pensions Act) (Spoorwegpensioenwet),
  - pensions awarded under the Regulation governing conditions of employment of the Netherlands Railway Company (Reglement Dienstvoorwaarden Nederlandse Spoorwegen) (RDV 1964 NS),
  - or
  - benefits in respect of a pension before the age of 65 under a pension scheme designed to provide old-age assistance to workers and former workers, or benefits in respect of an early retirement pension from work under a scheme for early retirement set up by the State or by or under an industrial agreement, or a scheme to be designated by the Sickness Fund Council.
- (d) Members of the family as referred to in Article 19 (2) who reside in the Netherlands and employed or self-employed workers and the members of their families as referred to in Article 22 (1) (b) and (3) read in conjunction with Article 22 (1) (b), and Articles 25 and 26 who are entitled to benefits under the legislation of another Member State shall not be insured under the Algemene Wet Bijzondere Ziektekosten (Law on general insurance against special medical expenses) (AWBZ).
2. *Application of Netherlands legislation on general old-age insurance (Toepassing van de Nederlandse Algemene Ouderdomswet) (AOW)*
- (a) The reduction referred to in Article 13 (1) of the AOW shall not be applied for calendar years or parts thereof before 1 January 1957 during which a recipient, not satisfying the conditions permitting him to have such years treated as periods of insurance, resided in the territory of the Netherlands between the ages of 15 years and 65 years, or during which, whilst residing in the territory of another Member State, he pursued an activity as an employed person in the Netherlands for an employer established in that country.
- By way of derogation from Article 7 of the AOW, persons who resided or worked in accordance with the abovementioned conditions only prior to 1 January 1957 shall also be regarded as being entitled to a pension.
- (b) The reduction referred to in Article 13 (1) of the AOW shall not apply to calendar years or parts thereof prior to 2 August 1989 during which, between his 15th and 65th birthdays the person who is or was married was not insured under the abovementioned legislation despite being resident in the territory of a Member State other than the Netherlands, if these calendar years or parts thereof coincide, on the one hand, with the periods of insurance completed by the person's spouse under that legislation provided that the couple's marriage

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*Status: Point in time view as at 05/05/2005.*

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subsisted during these periods, and, on the other, with the calendar years or parts thereof to be taken into account under subparagraph (a).

By way of derogation from Article 7 of the AOW, this person shall be considered a pensioner.

- (c) The reduction referred to in Article 13 (2) of the AOW shall not apply to calendar years or parts thereof prior to 1 January 1957 during which the spouse of a pensioner who fails to satisfy the conditions for having these years treated as periods of insurance resided in the Netherlands between the spouse's 15th and 65th birthdays or during which, despite being resident in the territory of another Member State, the spouse pursued an activity as an employed person in the Netherlands for an employer established in the Netherlands.
- (d) The reduction referred to in Article 13 (2) of the AOW shall not apply to calendar years or parts thereof prior to 2 August 1989 during which, between his 15th and 65th birthdays, the pensioner's spouse was resident in a Member State other than the Netherlands and was not insured under the abovementioned legislation if these calendar years or parts thereof coincide, on the one hand, with the periods of insurance completed by the spouse under that legislation provided that the couple's marriage subsisted during these periods, and, on the other, with the calendar years or parts thereof to be taken into account under subparagraph (a).
- (e) The provisions referred to in (a), (b), (c) and (d) shall be applied only if the person concerned has resided for six years in the territory of one or more Member States after the age of 59 years and for as long as that person is residing in the territory of one of these Member States.
- (f) <sup>[F5]</sup>By way of derogation from the provisions of Article 45(1) of the law on general old-age insurance (AOW) and Article 63(1) of the general law on insurance for surviving dependants (ANW), the spouse of an employed person or of a self-employed person covered by a compulsory insurance scheme, residing in a Member State other than the Netherlands, shall be authorised to take out voluntary insurance under that legislation, but only for the periods after 2 August 1989 during which the employed person or self-employed person is or was compulsorily insured under the abovementioned legislation. This authorisation ceases on the date of termination of the compulsory insurance of the employed person or self-employed person]

The aforementioned authorization shall not cease, however, where the compulsory insurance of the employed person or the self-employed person is terminated as a result of his death and where his widow receives only a pension under the Netherlands legislation on <sup>[F5]</sup>general law on insurance for surviving dependants] (AWW).

In any event, the authorization in respect of voluntary insurance ceases on the date on which the voluntarily insured person reaches the age of 65 years.

The contribution which has to be paid for the aforementioned voluntary insurance shall be determined for the spouse of an employed person or of a self-employed person who is compulsorily insured under the Netherlands legislation on general old-age insurance (AOW) and the Netherlands <sup>[F5]</sup>general law on insurance for surviving dependants] (AWW) in accordance

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with the provisions relating to the determination of the contribution of compulsory insurance, subject to the condition that his/her income shall be deemed to have been received in the Netherlands.

For the spouse for an employed person or of a self-employed person who was compulsorily insured on or after 2 August 1989 the contribution shall be determined in accordance with the provisions relating to the determination of the contribution for voluntary insurance under the Netherlands legislation on general old-age insurance and the Netherlands [<sup>F5</sup>general law on insurance for surviving dependants]

- (g) The authorization referred to in (f) shall be granted only if the spouse of an employed person or of a self-employed person has informed the Sociale Verzekeringsbank (Social Insurance Bank) not later than one year after commencement of his/her compulsory insurance period of the intention to take out voluntary insurance.

For the spouse of an employed person or of a self-employed person who was compulsorily insured immediately prior to or on 2 August 1989, the period of one year shall commence on the date of 2 August 1989.

The authorization referred to in point 4 of (f) may not be granted to a spouse not residing in the Netherlands of an employed or self-employed person to whom the provisions of Article 14 (1), Article 14a (1) or Article 17 of the Regulation apply if that spouse, in accordance with the provisions of Netherlands legislation alone, is or was authorized to take out voluntary insurance.

- (h) Points (a), (b), (c), (d) and (f) shall not apply either to those periods which coincide with periods which may be taken into account for calculating pension rights under the old-age insurance legislation of a Member State other than the Netherlands or to those periods during which the person concerned has drawn an old-age pension under such legislation.
- (i) For the purposes of Article 46 (2) of the Regulation, only periods of insurance completed after the age of 15 years under the Netherlands General Law on Old-Age Insurance (AOW) shall be taken into account as periods of insurance.

3. [<sup>F5</sup>Application of the Netherlands general law on insurance for surviving dependants

- (a) any employed person or self-employed person who is no longer subject to Dutch legislation on general insurance for surviving dependants shall be deemed to be insured under such legislation when the risk materialises, for the purposes of the implementation of the provisions of Chapter III of Title III of the Regulation, if that person is insured under the legislation of another Member State for the same risk or, failing that, in the case where a survivor's benefit is due pursuant to the legislation of another Member State. The latter condition shall be deemed to have been fulfilled, however, in the case referred to in Article 48(1)
- (b) where, pursuant to subparagraph (a), a widow has the right to a widow's pension under Dutch legislation on general insurance for surviving dependants, that pension shall be calculated in accordance with Article 46(2) of the Regulation]

*Status: Point in time view as at 05/05/2005.*

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For the application of these provisions, the periods of insurance completed before 1 October 1959 during which the employed person or self-employed person resided in the territory of the Netherlands before attaining the age of 15 years or during which, while still resident on the territory of another Member State, he carried out a gainful activity in the Netherlands for an employer established in that country, shall also be regarded as periods of insurance completed under the aforementioned Dutch legislation.

- (c) Account shall not be taken of the periods to be taken into consideration under subparagraph (b), which coincide with periods of insurance completed under the legislation of another Member State in respect of survivors' pensions.
- (d) [<sup>F5</sup>for the purposes of Article 46(2) of the Regulation, only periods of insurance completed after the age of 15 years under Dutch legislation shall be taken into account as periods of insurance

4. *Application of the Netherlands laws relating to incapacity for work]*

- (a) Any employed person or self-employed person who is no longer insured under the Law of 18 February 1966 relating to insurance against incapacity for work (WAO) and/or under the Law of 11 December 1975 relating to incapacity for work (AAW) [<sup>F5</sup>and the Law of 24 April 1997 on insurance against incapacity for work by self-employed persons] shall be considered to be still insured at the time of the materialization of the risk for the purposes of the implementation of the provisions of Chapter 3 of Title III of the Regulation, if he is insured for the same risk under the legislation of another Member State or, failing that, in the case where a benefit is due under the legislation of another Member State for the same risk. The latter condition shall be considered to be fulfilled, however, in the case referred to in Article 48 (1).
- (b) If, pursuant to subparagraph (a), the person concerned is entitled to a Dutch invalidity benefit, that benefit shall be awarded in accordance with rules laid down by Article 46 (2) of the Regulation:
  - (i) in accordance with the provisions laid down by the abovementioned Law of 18 February 1966 (WAO), if, at the time of occurrence of the incapacity for work he was insured for the same risk under the legislation of another Member State as an employed person within the meaning of Article 1 (a) of the Regulation;
  - (ii) in accordance with the provisions laid down by the abovementioned [<sup>F5</sup>Law of 24 April 1997 on insurance against incapacity for work by self-employed persons] if, when the incapacity for work arose, he:
    - was insured for the risk under the legislation of another Member State but not in the capacity of employed person within the meaning of Article 1 (a) of the Regulation,
    - or
    - was not insured for the risk under the legislation of another Member State but can assert a claim to benefits under the legislation of another Member State.

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- (c) In the calculation of the benefits awarded in accordance with the [F5Law of 24 April 1997 on insurance against incapacity for work by self-employed persons], the Dutch institutions shall take account of:
- periods of paid employment and periods treated as such completed in the Netherlands before 1 July 1967,
  - periods of insurance completed under the abovementioned Law of 18 February 1966 (WAO),
  - periods of insurance completed by the person concerned after the age of 15 years under the abovementioned Law of 11 December 1975 (AAW) in so far as these do not coincide with the periods of insurance completed under the abovementioned law of 18 February 1966 (WAO).
  - [F5periods of insurance completed in accordance with the Law of 24 April 1997 on insurance against incapacity for work for self-employed persons (WAZ)]
- (d) In the calculation of the Netherlands invalidity benefit pursuant to Article 40 (1) of the Regulation, the Dutch institutions do not take account any supplements to be awarded under the provision of the Law on supplements. The right to that supplement and the amount thereof are calculated only on the basis of the Law on supplements.

5. *Application of Netherlands legislation on family allowances*

- (a) An employed on self-employed person to whom Netherlands legislation on family benefits becomes applicable during a quarter and who was, on the first day of that quarter, subject to the corresponding legislation of another Member State, shall be considered as being insured as from that first day under Netherlands law.
- (b) The amount of the family benefits which may be claimed by an employed or self-employed person who is considered, pursuant to (a), as being insured under Netherlands legislation on family benefits shall be fixed in accordance with the detailed arrangements laid down in the implementing Regulation referred to in Article 98 of the Regulation.

6. *Application of certain transitional provisions*

Article 45 (1) shall not apply to the assessment of entitlement to benefits under the transitional provisions of the legislations on general old-age insurance (Article 46), on general insurance for widows and orphans and on general insurance against incapacity for work.

7. [F3Applicability of Title II of the Regulation to a 'directeur-grotaandeehouder' (director/major shareholder) of a limited company:

any person pursuing a self-employed activity in the Netherlands on behalf of a limited company in which she/he has a 'significant interest' within the meaning of Netherlands legislation (i.e. an interest conferring at least 50 % of voting rights) is deemed, for the purposes of the provisions of Title II of the Regulation, to be employed.]

[F2R. AUSTRIA]

*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

1. [F10For the purposes of applying the Regulation, Austrian legislation regarding transfer of insurance periods by the payment of a transfer sum shall remain in force when there is a change between a general scheme and a special scheme for civil servants.]
2. For the purpose of applying Article 46 (2) of the Regulation, increments for contributions for supplementary insurance and the miner's supplementary benefit under Austrian legislation shall be disregarded. In these cases the amount calculated according to Article 46 (2) of the Regulation shall be increased by increments for contributions for supplementary insurance and the miner's supplementary benefit.
3. For the purpose of applying Article 46 (2) of the Regulation, in applying Austrian legislation the day relevant for a pension (Stichtag) shall be considered as the date when the risk materializes.
4. The application of the provisions of the Regulation shall not have the effect of reducing any entitlement to benefits by virtue of Austrian legislation with regard to persons who have suffered in their social security situation for political or religious reasons or for reasons of their descent.
5. [F5The provisions of Article 22(1)(a) of the Regulation shall also apply to persons with sickness insurance coverage under an Austrian law on protection for special victims (Versorgungsgesetze)]
6. [F10For the purposes of applying the Regulation, benefits under the Law on protection of the armed forces (Heeresversorgungsgesetz — HVG) shall be treated as benefits in respect of accidents at work and occupational diseases.
7. [F14Special assistance under the Special Assistance Act ('Sonderunterstützungsgesetz') of 30 November 1973 shall be considered as an old-age pension for the purposes of applying the Regulation.]
8. [F9For the calculation of the theoretical amount in accordance with Article 46(2)(a) of this Regulation concerning benefits or parts of benefits of a pension scheme of the liberal profession associations (Kammern der Freien Berufe), financed exclusively by the funded scheme method or based on a pension account system, the competent institution shall take into account, in respect of each month of insurance completed under the legislation of any other Member State, capital in proportion to the capital actually accrued in the pensions scheme concerned, or considered to have accrued in the pension account scheme, and the number of months of the insurance periods in the pension scheme concerned.
9. Article 79a of the Regulation shall apply mutatis mutandis to the calculation of orphans' pensions and increases or supplements to pensions in respect of children from a pension scheme of the liberal profession associations (Kammern der Freien Berufe).]

[F1S. POLAND

For the purposes of applying Article 88 of the Teachers Charter of 26 January 1982, as regards the entitlement of teachers to early retirement, periods of employment as a teacher completed under the legislation of another Member State shall be regarded as periods of employment as a teacher completed under Polish legislation, and the termination of an employment relationship as a teacher effected under the legislation of another Member State, shall be regarded as termination of an employment relationship as a teacher under Polish legislation.]

[F2T. PORTUGAL]

*Status: Point in time view as at 05/05/2005.*

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As regards persons covered by the special scheme for civil servants and persons treated as such who no longer work for the Portuguese administration when they retire or when their pension rights are determined, the last salary received from that administration will be taken into account in order to calculate the pension.

[<sup>F1</sup>U. SLOVENIA

None.

V. SLOVAKIA

None.]]

[<sup>F2</sup>W. FINLAND]

1. In order to determine whether the period between the occurrence of the pension contingency and the pensionable age (future period) should be taken into account when calculating the amount of the Finnish employment pension, the periods of insurance or residence under the legislation of another Member State shall be taken into consideration for the condition relating to residence in Finland.
2. Where employment or self-employment in Finland has terminated and the contingency occurs during employment or self-employment in another Member State and where the pension according to the Finnish employment pension legislation no longer includes the period between the contingency and the pensionable age (future period), periods of insurance under the legislation of another Member State shall be taken into consideration for the requirement of the future period as if they were periods of insurance in Finland.
3. When, under the legislation of Finland, an increment is payable by an institution in Finland because of a delay in processing a claim for a benefit, a claim submitted to an institution of another Member State shall, for the purpose of applying the provisions of the Finnish legislation relating to such increment, be considered to have been presented on the date when that claim, along with all necessary enclosures, reaches the competent institution in Finland.
4. [<sup>F5</sup>An employed or self-employed person who is no longer insured under the National Pensions scheme is regarded, when applying the provisions of Title III, Chapter 3 of this Regulation, as retaining the status of an insured person if, when the risk materialises, he or she was insured under the legislation of another Member State or, if this was not the case, he or she is entitled, in respect of the same risk, to a pension under the legislation of another Member State. However, the latter requirement is deemed to have been fulfilled in the case referred to in Article 48(1)]
5. [<sup>F10</sup>Where a person belonging to a special scheme for civil servants is resident in Finland and:
  - (a) the provisions of Title III, Chapter I, sections 2 to 7 do not apply; and
  - (b) the person in question is not entitled to a pension from Finland,
 he shall be liable for the costs of benefits in kind granted to him or his family members in Finland insofar as they are covered by the special scheme for civil servants and by the personal insurance arrangement supplementing it.]

[<sup>F2</sup>X. SWEDEN]

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1. [F11] For the application of Article 72 of the Regulation, a person's entitlement to parental benefit shall be determined by regarding insurance periods completed in another Member State as being based on the same average income as the Swedish insurance periods with which they are aggregated.]
2. The provisions of the Regulation on the aggregation of insurance or residence periods shall not apply to the transitional rules of the Swedish legislation on the right to a more favourable calculation of basic pensions for persons residing in Sweden for a specified period preceding the date of the claim.
3. For the purpose of establishing the entitlement to an invalidity or survivor's pension partly based on future assumed insurance periods a person shall be considered to meet the insurance and income requirements of the Swedish legislation when covered as an employed or self-employed person by an insurance or residence scheme of another Member State.
4. Years of care of small children shall, according to prescribed conditions of the Swedish legislation, be considered as insurance periods for supplementary pension purposes even when the child and the person concerned are residing in another Member State, provided that the person taking care of the child is on parental leave under the provisions of the Law on Right to Leave for Child Rearing.
5. [F10] A person covered by a special scheme for civil servants who is resident in Sweden, and:
  - (a) to whom the provisions of Title III, Chapter 1, sections 2 to 7 do not apply, and
  - (b) who is not entitled to a Swedish pension,shall be liable to pay for medical care provided in Sweden at the rates which according to Swedish legislation apply for non-residents insofar as the care provided is covered by the special scheme concerned and/or by the personal insurance scheme supplementing it. This also applies to the spouse and children under the age of 18 of such a person.]

[F2Y. UNITED KINGDOM]

1. When a person who is normally resident in Gibraltar, or who has been required, since he last arrived in Gibraltar, to pay contributions under the legislation of Gibraltar as an employed person, applies, as a result of incapacity to work, maternity or unemployment, for exemption from the payment of contributions over a certain period, and asks for contributions for that period to be credited to him, any period during which that person has been working in the territory of a Member State other than the United Kingdom shall, for the purposes of his application, be regarded as a period during which he has been employed in Gibraltar and for which he has paid contributions as an employed person in accordance with the legislation of Gibraltar.
2. Where, in accordance with United Kingdom legislation, a person may be entitled to a retirement pension if:
  - (a) the contributions of a former spouse are taken into account as if they were that person's own contributions,or

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- (b) the relevant contribution conditions are satisfied by that person's spouse or former spouse,

then provided, in each case, that the spouse or former spouse is or was an employed or self-employed person who had been subject to the legislation of two or more Member States, the provisions of Chapter 3 of Title III of the Regulation shall apply in order to determine entitlement under United Kingdom legislation. In this case, references in the said Chapter 3 to 'periods of insurance' shall be construed as references to periods of insurance completed by:

- (i) [F7 a spouse or former spouse where a claim is made by:
- a married woman, or
  - a person whose marriage has terminated otherwise than by the death of the spouse,

or

- (ii) a former spouse, where a claim is made by:
- a widower who immediately before pensionable age is not entitled to widowed parent's allowance, or
  - a widow who immediately before pensionable age is not entitled to widowed mother's allowance, widowed parent's allowance or widow's pension, or who is only entitled to an age-related widow's pension calculated pursuant to Article 46(2) of the Regulation, and for this purpose 'age-related widow's pension' means a widow's pension payable at a reduced rate in accordance with section 39(4) of the Social Security Contributions and Benefits Act 1992.]

3. (a) If unemployed benefit provided under United Kingdom legislation is paid to a person pursuant to Article 71 (1) (a) (ii) or (b) (ii) of the Regulation, then for the purpose of satisfying the conditions imposed by United Kingdom legislation in relation to child benefit concerning a period of presence within Great Britain or, as the case may be, Northern Ireland, periods of insurance, employment or self-employment completed by that person under the legislation of another Member State shall be regarded as periods of presence in Great Britain or, as the case may be, Northern Ireland.

- (b) If, pursuant to Title II of the Regulation, excluding Article 13 (2) (f), United Kingdom legislation is applicable in respect of an employment or self-employed person who does not satisfy the condition imposed by United Kingdom legislation in relation to child benefit concerning:

- (i) presence within Great Britain or, as the case may be, Northern Ireland, he shall be regarded, for the purpose of satisfying such condition, as being so present;

- (ii) a period of presence within Great Britain, or, as the case may be, Northern Ireland, periods of insurance, employment or self-employment completed by the said worker under the legislation of another Member State shall, for the purpose of satisfying such conditions, be regarded as periods of presence in Great Britain or, as the case may be, Northern Ireland.

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- (c) In respect of claims to family allowances under the legislation of Gibraltar the foregoing provisions of subparagraphs (a) and (b) shall apply by analogy.
4. The widow's payment provided under United Kingdom legislation shall be treated, for the purposes of Chapter 3 of the Regulation, as a survivor's pension.
5. For the purposes of applying Article 10a (2) to the provisions governing entitlement to attendance allowance, invalid care allowance and disability living allowance, a period of employment, self-employment or residence completed in the territory of a Member State other than the United Kingdom shall be taken into account insofar as is necessary to satisfy conditions as to presence in the United Kingdom, prior to the day on which entitlement to the benefit in question first arises.
6. In the event of an employed person subject to United Kingdom legislation being the victim of an accident after leaving the territory of one Member State while travelling, in the course of this employment, to the territory of another Member State, but before arriving there, his entitlement to benefits in respect of that accident shall be established:
- (a) as if the accident had occurred within the territory of the United Kingdom,  
and
- (b) for the purpose of determining whether he was an employed earner under the legislation of Great Britain or the legislation of Northern Ireland or an employed person under the legislation of Gibraltar, by disregarding his absence from those territories.
7. The Regulation does not apply to those provisions of United Kingdom legislation which are intended to bring into force any social security agreement concluded between the United Kingdom and a third State.
8. For the purposes of Chapter 3 of Title III of the Regulation no account shall be taken of graduated contributions paid by the insured person under United Kingdom legislation or of graduated retirement benefits payable under that legislation. The amount of the graduated benefits shall be added to the amount of the benefit due under the United Kingdom legislation as determined in accordance with the said chapter. The total of these two amounts shall constitute the benefit actually due to the person concerned.
9. . . . .
10. For the purpose of applying the Non-Contributory Social Insurance Benefit and Unemployment Insurance Ordinance (Gibraltar), any person to whom this Regulation is applicable shall be deemed to be ordinarily resident in Gibraltar if he resides in a Member State.
11. [F<sup>6</sup>For the purpose of Articles 27, 28, 28a, 29, 30 and 31 of this Regulation, benefits payable outside the United Kingdom solely because of Article 95b (8) of the Regulation shall be considered as invalidity benefits.]
12. For the purpose of Article 10 (1) of the Regulation any beneficiary under United Kingdom legislation who is staying in the territory of another Member State shall, during that stay, be considered as if he resided in the territory of that other Member State.

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- 13.1. For the purpose of calculating an earnings factor with a view to determining the right to benefits under United Kingdom legislation, subject to point 15, each week during which an employed or self-employed person has been subject to the legislation of another Member State and which commenced during the relevant income tax year within the meaning of United Kingdom, legislation shall be taken into account in the following way:
- (a) Periods between 6 April 1975 and 5 April 1987:
    - (i) for each week of insurance, employment or residence as an employed person, the person concerned shall be deemed to have paid contributions as an employed earner on the basis of earnings equivalent to two-thirds of that year's upper earnings limit;
    - (ii) for each week of insurance, self-employment or residence as a self-employed person the person concerned shall be deemed to have paid class 2 contributions as a self-employed earner.
  - (b) Periods from 6 April 1987 onwards:
    - (i) for each week of insurance, employment or residence as an employed person, the person concerned shall be deemed to have received, and paid contributions as an employed earner, for, weekly earnings equivalent to two-thirds of that week's upper earnings limit;
    - (ii) for each week of insurance, self-employment or residence as a self-employed person the person concerned shall be deemed to have paid class 2 contributions as a self-employed earner.
  - (c) For each full week during which he has completed a period treated as a period of insurance, employment, self-employment or residence, the person concerned shall be deemed to have had contributions or earnings credited to him as appropriate, but only to the extent required to bring his total earnings factor for that tax year to the level required to make that tax year a reckonable year within the meaning of the United Kingdom legislation governing the crediting of contributions or earnings.
- 13.2. For the purposes of Article 46 (2) (b) of the Regulation, where:
- (a) if in any income tax year starting on or after 6 April 1975, an employed person has completed periods of insurance, employment or residence exclusively in a Member State other than the United Kingdom, and the application of paragraph 1 (a) (i) or paragraph 1 (b) (i) results in that year being counted as a qualifying year within the meaning of United Kingdom legislation for the purposes of Article 46 (2) (a) of the Regulation, he shall be deemed to have been insured for 52 weeks in that year in that other Member State:
  - (b) any income tax year starting on or after 6 April 1975 does not count as a qualifying year within the meaning of United Kingdom legislation for the purposes of Article 46 (2) (a) of the Regulation, any periods of insurance, employment or residence completed in that year shall be disregarded.
- 13.3. For the purpose of converting an earnings factor into periods of insurance the earnings factor achieved in the relevant income tax year within the meaning of United Kingdom

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- legislation shall be divided by that year's lower earnings limit. The result shall be expressed as a whole number, any remaining fraction being ignored. The figure so calculated shall be treated as representing the number of weeks of insurance completed under United Kingdom legislation during that year provided that such figure shall not exceed the number of weeks during which in that year that person was subject to that legislation.
14. In applying Article 40 (3) (a) (ii), account shall only be taken of periods during which the employed or self-employed person was incapable of work within the meaning of United Kingdom legislation.
- 15.1. For the purpose of calculating, under Article 46 (2) (a) of the Regulation, the theoretical amount of that part of the pension which consists of an additional component under United Kingdom legislation:
- (a) the expression 'earnings, contributions or increases' in Article 47 (1) (b) of the Regulation shall be construed as meaning surpluses in earnings factors as defined in the Social Security Pensions Act 1975 or, as the case may be, the Social Security Pensions (Northern Ireland) Order 1975;
  - (b) an average of the surpluses in earnings factor shall be calculated in accordance with Article 47 (1) (b) of the Regulation as construed in subparagraph (a) above by dividing the aggregated surpluses recorded under United Kingdom legislation by the number of income tax years within the meaning of United Kingdom legislation (including part income tax years) completed under that legislation since 6 April 1978 which occur within the relevant period of insurance.
- 15.2. The expression 'periods of insurance or residence' in Article 46 (2) of the Regulation shall be construed, for the purpose of assessing the amount of that part of the pension which consists of an additional component under United Kingdom legislation, as meaning periods of insurance or residence which have been completed since 6 April 1978.
16. An unemployed person returning to the United Kingdom after the end of the period of three months during which he continued to receive benefits under the legislation of the United Kingdom pursuant to Article 69 (1) of the Regulation shall continue to be entitled to unemployment benefits by way of derogation from Article 69 (2) if he satisfies the conditions in the aforementioned legislation.
17. For the purposes of entitlement to severe disablement allowance any employed or self-employed person who is, or has been, subject to United Kingdom legislation in accordance with Title II of the Regulation, excluding Article 13 (2) (f):
- (a) shall, for the entire period during which he was employed or self-employed and subject to United Kingdom legislation whilst present or resident in another Member State, be treated as having been present or resident in the United Kingdom;
  - (b) shall be entitled to have periods of insurance as an employed or self-employed person completed in the territory and under the legislation of another Member State treated as periods of presence or residence in the United Kingdom.
18. A period of subjection to United Kingdom legislation in accordance with Article 13 (2) (f) of the Regulation may not:

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- (i) be taken into account under that provision as a period of subjection to United Kingdom legislation for the purposes of Title III of the Regulation,  
nor
  - (ii) make the United Kingdom the competent State for the provision of the benefits provided for in Article 18, 38 or 39 (1) of the Regulation.
19. Subject to any conventions concluded with individual Member States, for the purposes of Article 13 (2) (f) of the Regulation and Article 10b of the Implementing Regulation, United Kingdom legislation shall cease to apply at the end of the day on the latest of the following three days to any person previously subject to United Kingdom legislation as an employed or self-employed person:
- (a) the day on which residence is transferred to the other Member State referred to in Article 13 (2) (f);
  - (b) the day of cessation of the employment or self-employment, whether permanent or temporary, during which that person was subject to United Kingdom legislation;
  - (c) the last day of any period of receipt of United Kingdom sickness or maternity benefit (including benefits in kind for which the United Kingdom is the competent State) or unemployment benefit which
    - (i) began before the date of transfer of residence to another Member State or, if later,
    - (ii) immediately followed employment or self-employment in another Member State while that person was subject to United Kingdom legislation.
20. The fact that a person has become subject to the legislation of another Member State in accordance with Article 13 (2) (f) of the Regulation, Article 10b of the Implementing Regulation and point 19 above, shall not prevent:
- (a) the application to him by the United Kingdom as the competent State of the provisions relating to employed or self-employed persons of Title III, Chapter 1 and Chapter 2, Section 1 or Article 40 (2) of the Regulation if he remains and employed or self-employed person for those purposes and was last so insured under the legislation of the United Kingdom;
  - (b) his treatment as an employed or self-employed person for the purposes of Chapter 7 and 8 of Title III of the Regulation or Articles 10 or 10a of the Implementing Regulation, provided United Kingdom benefit under Chapter 1 of Title III is payable to him in accordance with paragraph (a).
21. <sup>[F13]</sup>In the case of either students or the members of the family or survivors of a student, Article 10a(2) of the Regulation shall not apply to benefits intended solely as specific protection for the disabled.]
21. <sup>[F8]</sup> . . . . .]

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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## [<sup>F2</sup>ANNEX VII

### INSTANCES IN WHICH A PERSON SHALL BE SIMULTANEOUSLY SUBJECT TO THE LEGISLATION OF TWO MEMBER STATES (Article 14c(1)(b) of the Regulation)

1. Where he is self-employed in Belgium and gainfully employed in any other Member State.
2. Where a person is self-employed in the Czech Republic and gainfully employed in any other Member State.
3. Where a person resident in Denmark is self-employed in Denmark and gainfully employed in any other Member State.
4. For the agricultural accident insurance scheme and the old-age insurance scheme for farmers: where he is self-employed in farming in Germany and gainfully employed in any other Member State.
5. Where a person resident in Estonia is self-employed in Estonia and gainfully employed in any other Member State.
6. For the pension insurance scheme for self-employed persons: where he is self-employed in Greece and gainfully employed in any other Member State.
7. Where a person resident in Spain is self-employed in Spain and gainfully employed in any other Member State.
8. Where he is self-employed in France and gainfully employed in any other Member State, except Luxembourg.
9. Where he is self-employed in farming in France and gainfully employed in Luxembourg.
10. Where he is self-employed in Italy and gainfully employed in any other Member State.
11. Where a person resident in Cyprus is self-employed in Cyprus and gainfully employed in any other Member State.
12. Where a person is self-employed in Malta and gainfully employed in any other Member State.
13. Where he is self-employed in Portugal and gainfully employed in any other Member State.
14. Where a person resident in Finland is self-employed in Finland and gainfully employed in any other Member State.
15. Where a person is self-employed in Slovakia and gainfully employed in any other Member State.
16. Where a person resident in Sweden is self-employed in Sweden and gainfully employed in any other Member State.]

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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### [<sup>F3</sup> ANNEX VIII

(Article 78a of the Regulation)

#### SCHEMES THAT PROVIDE ONLY FOR FAMILY ALLOWANCES OR SUPPLEMENTARY OR SPECIAL ALLOWANCES FOR ORPHANS

##### A. BELGIUM

- (a) Family allowances provided for by coordinated laws on family allowances for employed persons.
- (b) Dependency benefits provided for by legislation on dependency benefits for self-employed persons.
- (c) Dependency benefits provided for under the schemes for former employees from the Belgian Congo and Rwanda-Urundi.

##### [<sup>F1</sup>B. CZECH REPUBLIC

None.]

##### [<sup>F2</sup>C. DENMARK]

Special family allowances and the ordinary and supplementary family allowances granted if the person having custody is the sole provider.

In addition, the dependent-child benefits granted for all children under 18 years of age if they live in Denmark and if the person having custody is fully liable to tax under Danish law.

##### [<sup>F2</sup>D. GERMANY]

None

##### [<sup>F1</sup>E. ESTONIA

None.]

##### [<sup>F1</sup>F. GREECE

None]

##### [<sup>F2</sup>G. SPAIN]

None

##### [<sup>F2</sup>H. FRANCE]

All basic social-security schemes with the exception of the special schemes for employed persons (officials, State operatives, seamen, notary clerks, EDG-GDF, SNCF and RATP agents, staff of the Opera and the Comédie française, etc.) other than the scheme for miners.

##### <sup>F4</sup>F. GREECE

.....

##### [<sup>F2</sup>I. IRELAND]

Child benefit, orphan's (contributory) allowance and increases of widow's (contributory) pension and widower's (contributory) pension payable in respect of qualified children under the Social Welfare (Consolidation) Act 1993 and amending legislation

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[<sup>F2</sup>J. ITALY]

None

[<sup>F1</sup>K. CYPRUS

None.

L. LATVIA

None.

M. LITHUANIA

None.]

[<sup>F2</sup>N. LUXEMBOURG]

None

[<sup>F1</sup>O. HUNGARY

None.

P. MALTA

None.]

[<sup>F2</sup>Q. NETHERLANDS]

None

[<sup>F2</sup>R. AUSTRIA]

None

[<sup>F1</sup>S. POLAND

None.]

[<sup>F2</sup>T. PORTUGAL]

[<sup>F1</sup>U. SLOVENIA

None.

V. SLOVAKIA

None.]

None

[<sup>F2</sup>W. FINLAND]

None

[<sup>F2</sup>X. SWEDEN]

None

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*Status: Point in time view as at 05/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed). (See end of Document for details)*

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[<sup>F2</sup>Y. UNITED KINGDOM]

1. Great Britain and Northern Ireland

Provisions under the Social Security Contributions and Benefits Act 1992 and the Social Security Contributions and Benefits (Northern Ireland) Act 1992, relating to child benefit (including any higher rates for lone parents); child dependency allowances paid to pensioners and guardian's allowance.

2. Gibraltar

Provisions under the Social Security (Open Long-Term Benefits Scheme) Ordinance 1997 and the Social Security (Closed Long-Term Benefits Scheme) Ordinance 1996 relating to child dependency increases paid to pensioners and guardian's allowance.]

**Status:**

Point in time view as at 05/05/2005.

**Changes to legislation:**

There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed).