

Council Regulation (EC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (8) (9) (10) (11) (Consolidated version — OJ No L 28 of 30.1.1997, p. 1 See appendix. ) (repealed)

### TITLE III

## SPECIAL PROVISIONS RELATING TO THE VARIOUS CATEGORIES OF BENEFITS

### CHAPTER 3 (11)

#### OLD AGE AND DEATH (PENSIONS)

##### *Article 46c (11)*

**Special provisions applicable in the case of overlapping of one or more benefits referred to in Article 46a (1) with one or more benefits of a different kind or with other income, where two or more Member States are concerned**

1 If the receipt of benefits of a different kind or other income entails the reduction, suspension or withdrawal of two or more benefits referred to in Article 46 (1) (a) (i), the amounts which would not be paid in strict application of the provisions concerning reduction, suspension or withdrawal provided for by the legislation of the Member States concerned shall be divided by the number of benefits subject to reduction, suspension or withdrawal.

2 Where the benefit in question is calculated in accordance with Article 46 (2), the benefit or benefits of a different kind from other Member States or other income and all other elements provided for by the legislation of the Member State for the application of the provisions in the respect of reduction, suspension or withdrawal shall be taken into account in proportion to the periods of insurance and/or residence referred to in Article 46 (2) (b), and shall be used for the calculation of the said benefit.

3 If the receipt of benefits of a different kind or of other income entails the reduction, suspension or withdrawal of one or more benefits referred to in Article 46 (1) (a) (i), and of one or more benefits referred to in Article 46 (2), the following rules shall apply:

- a where in a case of a benefit or benefits referred to in Article 46 (1) (a) (i), the amounts which would not be paid in strict application of the provisions concerning reduction, suspension or withdrawal provided for by the legislation of the Member States concerned shall be divided by the number of benefits subject to reduction, suspension or withdrawal;
- b where in a case of a benefit or benefits calculated in accordance with Article 46 (2), the reduction, suspension or withdrawal shall be carried out in accordance with paragraph 2.

4 Where, in the case referred to in paragraphs 1 and 3 (a), the legislation of a Member State provides that, for the application of provisions concerning reduction, suspension or withdrawal, account shall be taken of benefits of a different kind and/or other income and all other elements in proportion to the periods of insurance referred to in Article 46 (2) (b), the division provided for in the said paragraphs shall not apply in respect of that Member State.

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**Status:** Point in time view as at 07/07/2008. This version of this provision has been superseded.

**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed), Article 46c (11). (See end of Document for details)

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5 All the abovementioned provisions shall apply *mutatis mutandis* where the legislation of one or more Member States provides that the right to a benefit cannot be acquired in the case where the person concerned is in receipt of a benefit of a different kind, payable under the legislation of another Member State, or of other income.

**Status:**

Point in time view as at 07/07/2008. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed), Article 46c (11).