

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 ) (repealed)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 4

## ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES

### Section 1

#### **Right to benefits**

#### *Article 57 (7)*

#### **Benefits for an occupational disease where the person concerned has been exposed to the same risk in several Member States**

1 When a person who has contracted an occupational disease has, under the legislation of two or more Member States, pursued an activity which by its nature is likely to cause that disease, the benefits that he or his survivors may claim shall be awarded exclusively under the legislation of the last of those States whose conditions are satisfied, taking into account, where appropriate, paragraphs 2 to 5.

2 If, under the legislation of a Member State, the granting of benefits in respect of an occupational disease is subject to the condition that the disease in question was first diagnosed within its territory, such condition shall be deemed to be satisfied if the disease was first diagnosed in the territory of another Member State.

3 If, under the legislation of a Member State, the granting of benefits in respect of an occupational disease is subject to the condition that the disease in question was diagnosed within a specific time limit following cessation of the last activity which was likely to cause such a disease, the competent institution of that State, when checking the time at which such activity was pursued, shall take into account, to the extent necessary, similar activities pursued under the legislation of any other Member State, as if they had been pursued under the legislation of the first State.

4 If, under the legislation of a Member State, the granting of benefits in respect of an occupational disease is subject to the condition that an activity likely to cause the disease in question was pursued for a certain length of time, the competent institution of the State shall take into account, to the extent necessary, periods during which such activity was pursued under the legislation of any other Member State, as if it had been pursued under the legislation of the first State.

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**Status:** Point in time view as at 05/05/2005. 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 57 (7). (See end of Document for details)

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5 In cases of sclerogenic pneumoconiosis, the cost of cash benefits, including pensions, shall be divided among the competent institutions of the Member States in whose territory the person concerned pursued an activity likely to cause the disease. This division shall be carried out on the basis of the ratio which the length of the periods of old-age insurance or residence referred to in Article 45 (1) completed under the legislation of each of the States bears to the total length of the periods of old-age insurance or residence completed under the legislation of all the States at the dates on which the benefits commenced.

6 The Council shall determine unanimously, on a proposal from the Commission, the occupational diseases to which the provisions of paragraph 5 shall be extended.

**Status:**

Point in time view as at 05/05/2005. 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 57 (7).