

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 (repealed)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 I GENERAL PROVISIONS

Article 1 (10) (15)	Definitions
Article 2	Persons covered
Article 3	Equality of treatment
Article 4 (10)	Matters covered
Article 5 (10)	Declarations by the Member States on the scope of this Regulation
Article 6	Social security conventions replaced by this Regulation.
Article 7	International provisions not affected by this Regulation
Article 8	Conclusion of conventions between Member States
Article 9	Admission to voluntary or optional continued insurance
Article 9a	Prolongation of the reference period
Article 10	Waiving of residence clauses — Effect of compulsory insurance on reimbursement of contributions
Article 10a (10)	Special non-contributory benefits
Article 11	Revalorization of benefits
Article 12 (9) (11)	Prevention of overlapping of benefits

TITLE II DETERMINATION OF THE LEGISLATION APPLICABLE

Article 13 (9)	General rules
Article 14	Special rules applicable to persons, other than mariners, engaged in paid employment
Article 14a	Special rules applicable to persons, other than mariners, who are selfemployed
Article 14b	Special rules application to mariners
Article 14c (5)	Special rules applicable to persons who are simultaneously employed in the territory of one Member State and self-employed in the territory of another Member State
Article 14d (5)	Miscellaneous provisions
Article 14e	Special rules applicable to persons insured in a special scheme for civil servants who are simultaneously employed and/or self-employed in the territory of one or more other Member States

*Status: Point in time view as at 05/05/2005.**Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed).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)*

- Article 14f Special rules applicable to civil servants simultaneously employed in more than one Member State and insured in one of these States in a special scheme
- Article 15 Rules concerning voluntary insurance or optional continued insurance
- Article 16 Special rules regarding persons employed by diplomatic missions and consular posts, and auxiliary staff of the European Communities
- Article 17 (9) Exceptions to Articles 13 to 16
- Article 17a Special rules concerning recipients of pensions due under the legislation of one or more Member State
- (9)

TITLE III

SPECIAL PROVISIONS RELATING TO THE VARIOUS CATEGORIES OF BENEFITS

CHAPTER I

SICKNESS AND MATERNITY

Section 1

Common provisions

- Article 18 Aggregation of periods of insurance, employment or residence

Section 2

Employed or self-employed persons and members of their families

- Article 19 Residence in a Member State other than the competent State — General rules
- Article 20 Frontier workers and members of their families — Special rules
- Article 21 Stay in or transfer of residence to the competent State
- Article 22 Stay outside the competent State — Return to or transfer of residence to another Member State during sickness or maternity — Need to go to another Member State in order to receive appropriate treatment
- Article 22a Special rules for certain categories of persons
- Article 22b Employment in a Member State other than the competent State — Stay in the State of employment
- (15)
- Article 22c
- Article 23 (a) Calculation of cash benefits
- Article 24 Substantial benefits in kind

Section 3

Unemployed persons and members of their families

- Article 25 (1) An unemployed person who was formerly employed or self-employed...

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)

Article 25a Contributions payable by wholly unemployed persons
(12)

Section 4

Pension claimants and members of their families

Article 26 Right to benefits in kind in cases of cessation of the right to benefits from the institution which was last competent

Section 5

Pensioners and members of their families

Article 27 Pensions payable under the legislation of several States where there is a right to benefits in the country of residence

Article 28 Pensions payable under the legislation of one or more States, in cases where there is no right to benefits in the country of residence

Article 28a Pensions payable under the legislation of one or more of the Member States other than the country of residence where there is a right to benefits in the latter country

Article 29 Residence of members of the family in a State other than the one in which the pensioner resides — Transfer of residence to the State where the pensioner resides

Article 30 Substantial benefits in kind

Article 31 Stay of a pensioner and/or members of his family in a Member State other than the State in which they reside

Article 32

(15)

Article 33 (7) Contributions payable by pensioners

Article 34 General provisions

Section 5a

Persons who study or receive vocational training and members of their families

Article 34a Special provisions for students and members of their families

Article 34b Common provisions

Section 6

Miscellaneous provisions

Article 35 Scheme applicable where there are a number of schemes in the country of residence or stay — Previous illness — Maximum period during which benefits are granted

*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)*

Section 7

Reimbursement between institutions

- Article 36 (1) Benefits in kind provided in accordance with the provisions...
(15)

CHAPTER 2 (11)

INVALIDITY

Section 1

Employed persons or self-employed persons subject only to legislation under which the amount of invalidity benefits its independent of the duration of the periods of insurance

- Article 37 General provisions
(11)
- Article 38 Consideration of periods of insurance or of residence completed
(11) under the legislation to which an employed person or a self-employed person was subject for the acquisition, retention or recovery of the right to benefits
- Article 39 Award of benefits
(11)(14)

Section 2

Employed persons or self-employed persons subject either only to legislation under which the amount of invalidity benefit depends on the duration of periods of insurance or residence or the legislation of this type and of the type referred to in Section 1

- Article 40 General provisions
(11)

Section 3

Aggravation of invalidity

- Article 41 (1) In the case of aggravation of anin validity for...
(11)

Section 4

Resumption of provision of benefits after suspension or withdrawal — Conversion of invalidity benefits into old-age benefits — Recalculation of benefits granted under Article 39

- Article 42 Determination of the institution responsible for the provision of
(11) benefits where provision of invalidity benefits is resumed
- Article 43 Conversion of invalidity benefits into old-age benefits —
(11) Recalculation of benefits granted under Article 39

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)

Section 5

Persons covered by a special scheme for civil servants

Article 43a (1) The provisions of Articles 37, 38(1), 39 and Sections...

CHAPTER 3 (11)

OLD AGE AND DEATH (PENSIONS)

- Article 44 (11) General provisions for the award of benefits where an employed or selfemployed person has been subject to the legislation of two or more Member States
- Article 45 (11) (14) Consideration of periods of insurance or of residence completed under the legislations to which an employed person or self-employed person was subject, for the acquisition, retention or recovery of the right to benefits
- Article 46 (11) Award of benefits
- Article 46a (11) General provisions relating to reduction, suspension or withdrawal applicable to benefits in respect of invalidity, old age or survivors under the legislations of the Member States
- Article 46b (11) Special provisions applicable in the case of overlapping of benefits of the same kind under the legislation of two or more Member States
- 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
- Article 47 (11) Additional provisions for the calculation of benefits
- Article 48 (11) Periods of insurance or of residence of less than one year
- Article 49 (11) (15) Calculation of benefits where the person concerned does not simultaneously satisfy the conditions laid down by all the legislations under which periods of insurance or of residence have been completed or when he has expressly requested a postponement of the award of old-age benefits
- Article 50 (11) Award of a supplement where the total of benefits payable under the legislations of the various Member States does not amount to the minimum laid down by the legislation of the State in whose territory the recipient resides
- Article 51 (11) Revalorization and recalculation of benefits
- Article 51a Persons covered by a special scheme for civil servants

*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)*

CHAPTER 4

ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES

Section 1

Right to benefits

- Article 52 Residence in a Member State other than the competent State —
General rules
- Article 53 Frontier workers — Special rule
- Article 54 Stay in or transfer of residence to the competent State
- Article 55 Stay outside the competent State — Return to or transfer of
residence to another Member State after sustaining an accident
or contracting an occupational disease — Need to go to another
Member State in order to receive appropriate treatment
- Article 56 Accidents while travelling
- Article 57 (7) Benefits for an occupational disease where the person concerned
has been exposed to the same risk in several Member States
- Article 58 Calculation of cash benefits
- Article 59 Costs of transporting a person who has sustained an accident at
work or is suffering from an occupational disease

Section 2

Aggravation of an occupational disease for which the benefit has been awarded

- Article 60 (7) (1) In the event of aggravation of an occupational disease...
- (11)

Section 3

Miscellaneous provisions

- Article 61 Rules for taking into account the special features of certain
legislations
- Article 62 Scheme applicable where there are several schemes in the
country of stay or residence — Maximum duration of benefits

Section 4

Reimbursements between institutions

- Article 63 (1) The competent institution shall be obliged to reimburse the...

Section 5

Students

- Article 63a The provisions of Sections 1 to 4 shall apply by...

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)

CHAPTER 5

DEATH GRANTS

- Article 64 Aggregation of periods of insurance or residence
Article 65 Right to grants where death occurs in, or where the person entitled resides in, a Member State other than the competent State
Article 66 Provision of benefits in the event of the death of a pensioner who had resided in a Member State other than the one whose institution was responsible for providing benefits in kind
Article 66a Students

CHAPTER 6

UNEMPLOYMENT BENEFITS

Section 1

Common provisions

- Article 67 Aggregation of periods of insurance or employment
Article 68 Calculation of benefits

Section 2

Unemployed persons going to a Member State other than the competent State

- Article 69 Conditions and limits for the retention of the right to benefits
Article 70 Provision of benefits and reimbursements

Section 3

Unemployed persons who, during their last employment, were residing in a Member State other than the competent State

- Article 71 (1) An unemployed person who was formerly employed and who,...

Section 4

Persons covered by a special scheme for civil servants

- Article 71a (1) The provisions of Sections 1 and 2 shall apply...

CHAPTER 7 (8)

FAMILY BENEFITS

- Article 72 (8) Aggregation of periods of insurance, employment or self-employment
Article 72a Employed persons who have become fully unemployed
(9) (14)

*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)*

- Article 73 (8) Employed or self-employed persons the members of whose families reside in a Member State other than the competent State
- Article 74 (8) Unemployed persons the members of whose families reside in a Member State other than the competent State
- Article 75 (8) Provisions of benefits
- Article 76 (8) Rules or priority in cases of overlapping entitlement to family benefits under the legislation of the competent State and under the legislation of the Member State of residence of the members of the family
- Article 76a Students

CHAPTER 8

BENEFITS FOR DEPENDENT CHILDREN OF PENSIONERS AND FOR ORPHANS

- Article 77 Dependent children of pensioners
- Article 78 Orphans
- Article 78a Orphans' pensions, except those granted under insurance schemes for accidents...
- Article 79 (7) Provisions common to benefits for dependent children of pensioners and for orphans
- Article 79a Provisions relating to benefits for orphans entitled to benefits under a special scheme for civil servants

TITLE IV

ADMINISTRATIVE COMMISSION ON SOCIAL SECURITY FOR MIGRANT WORKERS

- Article 80 Composition and working methods
- Article 81 Tasks of the Administrative Commission

TITLE V

ADVISORY COMMITTEE ON SOCIAL SECURITY FOR MIGRANT WORKERS

- Article 82 (B) Establishment, composition and working methods
- Article 83 Tasks of the Advisory Committee

TITLE VI

MISCELLANEOUS PROVISIONS

- Article 84 (7) Cooperation between competent authorities
- Article 84a Relations between the institutions and the persons covered by this Regulation.
- Article 85 Exemptions from or reductions of taxes — Exemption from authentication
- Article 86 (14) Claims, declarations or appeals submitted to an authority, institution or tribunal of a Member State other than the competent State

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)

Article 87	Medical examinations
Article 88	Transfers from one Member State to another of sums of money payable pursuant to this Regulation
Article 89	Special procedures for implementing certain legislations
Article 90 (8)
Article 91	Contributions chargeable to employers or undertakings not established in the competent State
Article 92	Collection of contributions
Article 93	Rights of institutions responsible for benefits against liable third parties

TITLE VII

TRANSITIONAL AND FINAL PROVISIONS

Article 94 (7)	Transitional provisions for employed persons
(8) (11) (12)	
Article 95 (6)	Transitional provisions for self-employed persons
(12)	
Article 95a	Transitional provisions for application of Regulation (EEC) No 1248/92
(11)	
Article 95b	Transitional provisions for application of Regulation (EEC) No 1247/92
(14)	
Article 95c	Transitional provisions for application of Regulation (EC) No 1606/98
Article 95d	Transitional provisions applicable to students
Article 95e	Transitional provisions for application of Regulation (EC) No 1399/1999
Article 95f	Transitional provisions relating to Annex II, section I, under the headings 'D. GERMANY' and 'R. AUSTRIA'.
Article 95g	Transitional provisions relating to the deletion, in Annex IIa, of the...
Article 96	Agreements relating to reimbursement between institutions
Article 97	Notification pursuant to certain provisions
Article 98	Implementing Regulation

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

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...

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)

- II. Special childbirth or adoption allowances excluded from the scope of...
- III. Special non-contributory benefits within the meaning of Article 4 (2b)...

ANNEX IIa

SPECIAL NON-CONTRIBUTORY CASH BENEFITS

- A. BELGIUM
- B. CZECH REPUBLIC
- C. DENMARK
- D. GERMANY
- E. ESTONIA
- F. GREECE
- G. SPAIN
- H. FRANCE
- I. IRELAND
- J. ITALY
- K. CYPRUS
- L. LATVIA
- M. LITHUANIA
- N. LUXEMBOURG
- O. HUNGARY
- P. MALTA
- Q. NETHERLANDS
- R. AUSTRIA
- S. POLAND
- T. PORTUGAL
- U. SLOVENIA
- V. SLOVAKIA

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)

- W. FINLAND
- X. SWEDEN
- Y. UNITED KINGDOM

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

In so far as the provisions contained in this Annex...

- A. Provisions of social security conventions remaining applicable notwithstanding Article 6...
- B. Provisions of Conventions which do not apply to all persons...

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...
- B. Special schemes for self-employed persons within the meaning of Articles...
- C. Cases referred to in Article 46 (1) (b) of the...
- D. Benefits and agreements referred to in Article 46b(2) of the...
 - 1. Benefits referred to in Article 46b(2)(a) of the Regulation, the...

ANNEX V (15)

CONCORDANCE BETWEEN THE LEGISLATIONS OF MEMBER STATES ON CONDITIONS RELATING TO THE DEGREE OF INVALIDITY

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
- B. CZECH REPUBLIC
- C. DENMARK
- D. GERMANY

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)

- E. ESTONIA
- F. GREECE
- G. SPAIN
- H. FRANCE
- I. IRELAND
- J. ITALY
- K. CYPRUS
- L. LATVIA
- M. LITHUANIA
- N. LUXEMBOURG
- O. HUNGARY
- P. MALTA
- Q. NETHERLANDS
- R. AUSTRIA
- S. POLAND
- T. PORTUGAL
- U. SLOVENIA
- V. SLOVAKIA
- W. FINLAND
- X. SWEDEN
- Y. UNITED KINGDOM

ANNEX VII

INSTANCES IN WHICH A PERSON SHALL BE SIMULTANEOUSLY SUBJECT TO THE LEGISLATION OF TWO MEMBER STATES

1. Where he is self-employed in Belgium and gainfully employed in...
2. Where a person is self-employed in the Czech Republic and...
3. Where a person resident in Denmark is self-employed in 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)

4. For the agricultural accident insurance scheme and the old-age insurance...
5. Where a person resident in Estonia is self-employed in Estonia...
6. For the pension insurance scheme for self-employed persons: where he...
7. Where a person resident in Spain is self-employed in Spain...
8. Where he is self-employed in France and gainfully employed in...
9. Where he is self-employed in farming in France and gainfully...
10. Where he is self-employed in Italy and gainfully employed in...
11. Where a person resident in Cyprus is self-employed in Cyprus...
12. Where a person is self-employed in Malta and gainfully employed...
13. Where he is self-employed in Portugal and gainfully employed in...
14. Where a person resident in Finland is self-employed in Finland...
15. Where a person is self-employed in Slovakia and gainfully employed...
16. Where a person resident in Sweden is self-employed in Sweden...

ANNEX VIII

(Article 78a of the Regulation)

- A. BELGIUM
- B. CZECH REPUBLIC
- C. DENMARK
- D. GERMANY
- E. ESTONIA
- F. GREECE
- G. SPAIN
- H. FRANCE
- F. GREECE
- I. IRELAND
- J. ITALY

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)

- K. CYPRUS
- L. LATVIA
- M. LITHUANIA
- N. LUXEMBOURG
- O. HUNGARY
- P. MALTA
- Q. NETHERLANDS
- R. AUSTRIA
- S. POLAND
- T. PORTUGAL
- U. SLOVENIA
- V. SLOVAKIA
- W. FINLAND
- X. SWEDEN
- Y. UNITED KINGDOM
 - 1. Great Britain and Northern Ireland
 - 2. Gibraltar

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) See appendix.

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).