

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. 1See appendix. ) (repealed)

### TITLE III

## SPECIAL PROVISIONS RELATING TO THE VARIOUS CATEGORIES OF BENEFITS

### CHAPTER 2 (11)

#### INVALIDITY

#### [<sup>F1</sup>Section 5

#### **Persons covered by a special scheme for civil servants**

##### *Article 43a*

1 The provisions of Articles 37, 38(1), 39 and Sections 2, 3 and 4 shall apply by analogy to persons covered by a special scheme for civil servants.

2 However, if the legislation of a Member State makes the acquisition, liquidation, retention or recovery of the rights to benefits under a special scheme for civil servants subject to the condition that all periods of insurance have been completed under one or more special schemes for civil servants in that Member State, or are regarded by the legislation of that Member State as equivalent to such periods, account shall be taken only of the periods which can be recognised under the legislation in that Member State.

If, account having been taken of the periods thus completed, the person concerned does not satisfy the conditions for the receipt of these benefits, these periods shall be taken into account for the granting of the benefits under the general scheme or, failing that, the scheme applicable to manual or clerical workers, as the case may be.

3 Where, under the legislation of a Member State, benefits are calculated on the basis of the last salary or salaries received during a reference period, the competent institution of that State shall take into account for the purposes of the calculation only those salaries, duly revalued, received during the period or periods for which the person concerned was subject to that legislation.]

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#### **Textual Amendments**

**F1** Inserted by [Council Regulation \(EC\) No 1606/98 of 29 June 1998](#).

**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Point in time view as at 05/05/2005.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There are currently no known outstanding effects for the Council Regulation (EC) No 1408/71 (repealed), Section 5.