

Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self employed persons, to self-employed persons and to their families moving within the Community (Consolidated version — OJ No L 28 of 30. 1. 1997, p. 1See annex B.) (repealed)

TITLE II

IMPLEMENTATION OF THE GENERAL PROVISIONS OF THE REGULATION

Implementation of Articles 6 and 7 of the Regulation

Article 5

Replacement by the implementing Regulation of arrangements for implementing conventions

The provisions of the implementing Regulation shall replace those of the arrangements for implementing the conventions referred to in Article 6 of the Regulation; they shall also replace the provisions relating to the implementation of the provisions of the conventions referred to in Article 7 (2) (c) of the Regulation in so far as they are not listed in Annex 5.

Implementation of Article 9 of the Regulation

Article 6

Admission to voluntary or optional continued insurance

1 If, by virtue of Articles 9 and 15 (3) of the Regulation, a person satisfies the conditions for admission to a voluntary or optional continued insurance in respect of invalidity, old age and death (pensions) in several schemes under the legislation of one Member State, and if he has not been subject to compulsory insurance under one of those schemes by virtue of his last employment or self-employment he may, under the said Articles, join the voluntary or optional continued insurance scheme specified by the legislation of that Member State or, failing that, the scheme of his choice.

2 In order to invoke the provisions of Article 9 (2) of the Regulation, a person shall submit to the institution of the Member State in question a certified statement relating to the insurance periods or periods of residence completed under the legislation of any other Member State. Such certified statement shall be issued, at the request of the person concerned, by the institution or institutions who administer the legislation under which he has completed those periods.

Status: Point in time view as at 12/04/2007.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 574/72 (repealed), TITLE II. (See end of Document for details)

Implementation of Article 12 of the Regulation

Article 7 (11)

General rules on the application of the provisions designed to prevent overlapping

1 Where the benefits due under the legislation of two or more Member States are conditional upon mutual reductions, suspensions or withdrawals, 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 In order to implement Article 12 (2), (3) and (4), Article 46a, Article 46b and Article 46c of the Regulation, the competent institutions concerned shall provide each other, at their own request, with all appropriate information.

Article 8 (5)

Rules applicable in the case of overlapping of rights to sickness or maternity benefits under the legislation of several Member States

1 If an employed or self-employed person or a member of his family is entitled to claim maternity benefits under the legislations of two or more Member States, those benefits shall be granted exclusively under the legislation of the Member State in whose territory the confinement took place or, if the confinement did not take place in the territory of one of these Member States, exclusively under the legislation of the Member State to which the employed or self-employed person was last subject.

2 If an employed or self-employed person is entitled to claim sickness benefits under the legislation of Ireland and the United Kingdom for the same period of incapacity for work, those benefits shall be granted exclusively under the legislation of the Member State to which the person concerned was last subject.

[^{F13} In the cases referred to in Article 14c(b) and 14f of the Regulation, where the person in question or a member of his family is entitled to claim benefits in kind in respect of sickness or maternity under the two legislations in question, the following rules shall be applicable:]

- a Where at least one of those legislations stipulates that the benefits shall be awarded in the form of a reimbursement to the person entitled to benefit, this shall be the exclusive responsibility of the institution of the Member State in whose territory they have been awarded.
- b If the benefits have been awarded in the territory of a Member State other than the two Member States in question, they shall be the exclusive responsibility of the institution of the Member State to whose legislation the person in question is subject by virtue of his paid employment.

Textual Amendments

- F1** Substituted by Council Regulation (EC) No 1606/98 of 29 June 1998 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 with a view to extending them to cover special schemes for civil servants.

Status: Point in time view as at 12/04/2007.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 574/72 (repealed), TITLE II. (See end of Document for details)

Article 8a

Rules applicable in the case of overlapping of rights to sickness benefits, benefits with respect to accidents at work or occupational disease under Greek legislation and the legislation of one or more other Member States

If during the same period an employed or self-employed person or member of his family is entitled to claim sickness benefits, benefits with respect to accidents at work or occupational disease under Greek legislation and under the legislation of one or more Member States, these benefits shall be granted exclusively under the legislation to which the person concerned was last subject.

Article 9 (5)

Rules applicable in the case of overlapping of rights to death grants under the legislation of several Member States

1 Where the death occurs in the territory of a Member State, the right to a death grant acquired under the legislation of that Member State only shall be maintained, whilst the right acquired under the legislation of any other Member State shall lapse.

2 Where the death occurs in the territory of one Member State when the right to a death grant has been acquired under the legislation of two or more other Member States, or where the death occurs outside the territory of the Member States and the said right has been acquired under the legislation of two or more Member States, only the right acquired under the legislation of the Member State to which the deceased person was last subject shall be maintained, whilst the right acquired under the legislation of any other Member State shall lapse.

[^{F13} By way of derogation from paragraphs 1 and 2, in the cases referred to in Articles 14c(b) or 14f of the Regulation, any entitlement to death grants acquired under the legislation of the Member States concerned shall be retained.]

Textual Amendments

- F1** Substituted by [Council Regulation \(EC\) No 1606/98 of 29 June 1998 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 with a view to extending them to cover special schemes for civil servants.](#)

Article 9a

Rules applicable in the case of overlapping of rights to unemployment benefits

If an employed or self-employed person, entitled to unemployment benefits under the legislation of a Member State to which he was subject during his last employment or self-employment pursuant to Article 69 of the Regulation, goes to Greece where he is also entitled to unemployment benefits by virtue of a period of insurance, employment or self-employment previously completed under Greek legislation, the right to benefits

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under Greek legislation shall be suspended for the period laid down in Article 69 (1) (c) of the Regulation.

Article 10 (12) (13)

Rules applicable in the case of overlapping of rights to family benefits or family allowances for employed or self-employed persons

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- a Entitlement to benefits or family allowances due under the legislation of a Member State, according to which acquisition of the right to those benefits or allowances is not subject to conditions of insurance, employment or self-employment, shall be suspended when, during the same period and for the same member of the family, benefits are due only in pursuance of the national legislation of another Member State or in application of Articles 73, 74, 77 or 78 of the Regulation, up to the sum of those benefits
- b However, where a professional or trade activity is carried out in the territory of the first member State:
 - (i) in the case of benefits due either only under national legislation of another Member State or under Articles 73 or 74 of the Regulation to the person entitled to family benefits or to the person to whom they are to be paid, the right to family benefits due either only under national legislation of that other Member State or under these Articles shall be suspended up to the sum of family benefits provided for by the legislation of the Member State in whose territory the member of the family is residing. The cost of the benefits paid by the Member State in whose territory the member of the family is residing shall be borne by that Member State;
 - (ii) in the case of benefits due either only under national legislation of another Member State or under articles 77 or 78 of the Regulation, to the person entitled to these benefits or to the person to whom they are payable, the right to these family benefits or family allowances due either only under the national legislation of that other Member State or in application of those Articles shall be suspended; where this is the case, the person concerned shall be entitled to the family benefits or family allowances of the Member State in whose territory the children reside, the cost to be borne by that Member State, and, where appropriate, to benefits other than the family allowances referred to in Article 77 or Article 78 of the Regulation, the cost to be borne by the competent State as defined by those Articles.

2 If an employed person subject to the legislation of a Member State is entitled to family allowances by virtue of periods of insurance or employment previously completed under Greek legislation, this right shall be suspended where, during the same period and for the same member of the family, family benefits or allowance are due under the legislation of the first Member State pursuant to Articles 73 and 74 of the Regulation, up to the sum of those benefits.

3 Where family benefits are due, over the same period and for the same member of the family, from two Member States pursuant to Articles 73 and/or 74 of the Regulation, the competent institution of the Member State with legislation providing for the highest levels of benefit shall pay the full amount of such benefit and be reimbursed half this sum by the competent institution of the other Member State up to the limit of the amount provided for in the legislation of the latter Member State.

*Article 10a (8)***Rules applicable where an employed or self-employed person is subject successively to the legislation of several Member States during the same period or part of a period**

Where an employed or self-employed person has been subject successively to the legislation of two Member States during the period separating two dates for the payment of family benefits as provided for by the legislation of one or both of the Member States concerned, the following rules shall apply:

- (a) The family benefits which the person concerned may claim by virtue of being subject to the legislation of each one of these States shall correspond to the number of daily benefits due under the relevant legislation. Where such legislation does not provide for daily benefits, the family benefits shall be granted in proportion to the length of time during which the person concerned has been subject to the legislation of each one of the Member States in relation to the period fixed by the legislation concerned.
- (b) Where the family benefits have been provided by an institution during a period when they should have been provided by another institution, there shall be an adjustment of accounts between the said institutions.
- (c) For the purposes of subparagraphs (a) and (b), where periods of employment or self-employment completed under the legislation of one Member State are expressed in units different from those which are used for the calculation of family benefits under the legislation of another Member State to which the person concerned has also been subject during the same period, the conversion shall be carried out in accordance with the provisions of Article 15 (3) of the implementing Regulation.
- (d) Notwithstanding the provisions of subparagraph (a) in respect of dealings between the Member States listed in Annex 8 to the implementing regulation, the institution bearing the costs of the family benefits by reason of the first employment or self-employment during the period concerned shall bear such costs throughout the entire current period.

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