

SUMMARIES OF THE COUNCIL OF EUROPE TREATIES

The summaries available hereunder are designed to meet a practical need, that of supplying the public at large with concise descriptions of the Council of Europe treaties. The summaries are necessarily short and can therefore only give a first introduction to the main features of each treaty.

Subject-matter: **SOCIAL LAW**

European Interim Agreement on Social Security Schemes relating to Old Age, Invalidity and Survivors (ETS No. 12) and its Protocol (ETS No. 12A), open for signature, in Paris, on 11 December 1953.

Entry into force: 1 July 1954.

The Agreement concerns social security schemes relating respectively to old age, invalidity and survivors. It provides for nationals of any one of the Parties to be entitled to receive the benefit of the laws and regulations of any other Party, under the same conditions as if person were a national of the latter, provided that certain conditions of residence are fulfilled.

The Protocol ¹ extends the provisions of the Agreement to refugees.

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European Interim Agreement on Social Security other than Schemes for Old Age, Invalidity and Survivors (ETS No. 13) and its Protocol (ETS No. 13A), open for signature, in Paris, on 11 December 1953.

Entry into force: 1 July 1954.

The Agreement concerns social security schemes other than schemes provided by European Interim Agreement on Social Security Schemes relating to Old Age, Invalidity and Survivors (ETS No. 12). It provides for nationals of any one of the Parties to be entitled to receive the benefit of the laws and regulations of any other Party, under the same conditions as if person were a national of the latter, providing that certain conditions of residence are fulfilled.

The Protocol ² extends the provisions of the Agreement to refugees.

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European Convention on Social and Medical Assistance (ETS No. 14) and its Protocol (ETS No. 14A), open for signature, in Paris, on 11 December 1953.

Entry into force: 1 July 1954.

Under this Convention, Parties undertake to ensure that the nationals of other Parties, who are lawfully present in their territory and who are without sufficient resources, are entitled to the same social and medical assistance as their own nationals.

The Protocol ³ extends the provisions of the Agreement to refugees.

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¹ Protocol to the European Interim Agreement on Social Security Schemes relating to Old Age, Invalidity and Survivors (ETS No. 12A), open for signature, in Paris, on 11 December 1953.

² Protocol to the European Interim Agreement on Social Security other than Schemes for Old Age, Invalidity and Survivors (ETS No. 13A), open for signature, in Paris, on 11 December 1953.

³ Protocol to the European Convention on Social and Medical Assistance (ETS No. 14A), open for, in Paris, on 11 December 1953.

Agreement on the Exchange of War Cripples between Member Countries of the Council of Europe with a view to Medical Treatment ([ETS No. 20](#)), open for signature, in Paris, on 13 December 1955.

Entry into force: 1 January 1956.

The Agreement allows nationals of Parties disabled by war, the ability to have special treatment in another Party, which they cannot obtain in their own country.

The Agreement provides not only for the exchange of war cripples for purposes of medical treatment but also for the exchange of technical information, the free entry of orthopaedic equipment, artificial limbs, etc., and the exchange of medical personnel with a view to their further training.

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Agreement between the Member States of the Council of Europe on the issue to Military and Civilian War-Disabled of an International Book of Vouchers for the repair of Prosthetic and Orthopaedic Appliances ([ETS No. 40](#)), open for signature, in Paris, on 17 December 1962.

Entry into force: 27 December 1963.

The purpose of this Agreement is to make available to any war-disabled person who is within the purview of the competent organisations of the Parties, on the basis of an international book of vouchers, the means of securing free of charge the repair of prosthetic or orthopaedic appliances.

Regulations appended to the Agreement give details on the use of the international book of vouchers for the repair of prosthetic or orthopaedic appliances.

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European Code of Social Security ([ETS No. 48](#)) and its Protocol ([ETS No. 48A](#)), open for signature, in Strasbourg, on 16 April 1964.

Entry into force: 17 March 1968.

The Code aims at encouraging the development of social security in all member States of the Council of Europe in order that they may gradually reach the highest level possible. The Code fixes a series of standards which Parties undertake to include in their social security systems.

The Code defines norms for social security coverage and establishes minimum levels of protection which Parties must provide in such areas as medical care, sickness benefits, unemployment benefit, old-age benefits, employment injury benefits, family benefits, maternity benefits, invalidity benefits, survivors' benefits, etc.

The Protocol ⁴ contains provisions allowing Parties to achieve a higher level of social security than that provided for in the provisions of the Code.

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European Agreement on Au Pair Placement ([ETS No. 68](#)), open for signature, in Strasbourg, on 24 November 1969.

Entry into force: 30 May 1971.

The purpose of this Agreement is to avoid certain drawbacks of "au pair" placement, and to this end it contains precise provisions on the relationship between the host family and the young person placed "au pair" (who is considered to be neither a worker nor a student). Some provisions must be applied (e.g. the requirement that there be a written agreement, the rules on the obligations of the two sides in respect of working hours, free time, pocket money, etc.). The Council of Europe has drawn up a model contract for young persons placed "au pair".

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⁴ Protocol to the European Code of Social Security (ETS No. 48A), open for signature, in Strasbourg, on 16 April 1964.

European Convention on Social Security ([ETS No. 78](#)) and its Supplementary Agreement ([ETS No. 78A](#)), open for signature, in Paris, on 14 December 1972.

Entry into force: 1 March 1977.

The basis of the European Convention on Social Security consists of the four basic principles of international social security law, to wit: equality of treatment, single set of legislation applicable, maintenance of acquired rights and rights in the course of acquisition, and the payment of benefits abroad.

The following parts of the Convention are immediately applicable :

- the general provisions, covering, in particular, the definition of the substantive and personal field of application of the Convention and the fundamental principles of equality of treatment and maintenance of acquired rights;
- the provisions which determine the legislation applicable;
- the parts concerning the cumulation of periods conferring entitlement and the calculation of benefits in all branches covered by the Convention;
- the special provisions governing invalidity, old age and survivors pensions, and compensation for occupational accidents and diseases; and
- the miscellaneous, transitional and final provisions.

The application of special provisions concerning sickness and maternity, unemployment and family benefits, with the exception of the cumulation of periods, however, remains subject to the conclusion of bilateral or multilateral agreements between the Parties.

The Convention is applicable to all legislation relating to the branches of social security concerning:

- a. sickness and maternity benefits;
- b. invalidity benefits;
- c. old-age benefits;
- d. survivors benefits;
- e. occupational injury and disease benefits;
- f. death grants;
- g. unemployment benefits;
- h. family benefits.

The Convention applies to all persons who are nationals of a Party - as well as refugees or stateless persons resident in the territory of a Party - and who are or have been subject to the legislation of one or more of the Parties, as well as the members of their families and their survivors. The provisions of the Convention shall also be applicable to the survivors of persons who, without having been nationals of a Party, were subject to the legislation of one or more of the Parties, where the survivors are nationals of a Party.

The Supplementary Agreement⁵ contains the provisions necessary for the application of the Convention norms which are immediately applicable. It covers, among other things, relations among social security institutions and procedure to be followed for settling and paying benefits that are due in conformity with the Convention. It also acts as a guide for the Convention provisions which will not be applicable until bilateral agreements have been concluded.

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⁵ Supplementary Agreement for the Application of the European Convention on Social Security (ETS No. 78A), open for signature, in Strasbourg, on 14 December 1972.

European Convention on the Social Protection of Farmers ([ETS No. 83](#)), open for signature, in Strasbourg, on 6 May 1974.

Entry into force: 17 June 1977.

The Convention provides social protection for rural populations similar to that enjoyed by other groups of the population.

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European Convention on the Legal Status of Migrant Workers ([ETS No. 93](#)), open for signature, in Strasbourg, on 24 November 1977.

Entry into force: 1 May 1983.

This Convention is concerned with the principal aspects of the legal situation of migrant workers, in particular recruitment, medical examinations, occupational tests, travel, residence permits, work permits, the reuniting of families, working conditions, the transfer of savings and social security, social and medical assistance, the expiry of work contracts, dismissal and re-employment.

A Consultative Committee was instituted to examine Parties' reports on the application of the Convention. On the basis of these documents, the Consultative Committee draws up reports for the attention of the Committee of Ministers.

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Arrangement for the Application of the European Agreement of 17 October 1980 concerning the Provision of Medical Care to Persons during Temporary Residence ([ETS No. 129](#)), open for signature, in Strasbourg, on 26 May 1988.

Entry into force: This Arrangement will enter into force following the second ratification.

In 1980, an Intergovernmental Conference convened by ILO adopted the European Agreement concerning the Provision of Medical Care to Persons during Temporary Residence. The Arrangement aims to facilitate the application of the Agreement.

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European Code of Social Security (Revised) ([ETS No. 139](#)), open for signature, in Rome, on 6 November 1990.

Entry into force: The Code will enter into force following the second ratification.

The revised European Code of Social Security updates and improves the provisions of the European Code of Social Security (ETS No. 48).

The Revised Code, like its predecessor, defines European norms for social security coverage and establishes minimum levels of protection which Parties must provide in areas such as pensions, unemployment and invalidity benefits, medical care etc. The most important improvements in the new text are higher rates of cover, an extension of the level and duration of benefits, the inclusion of new benefits, relaxation of the conditions of entitlement, a larger number of preventative measures and the absence of all discrimination based on sex.

Implementation of the revised Code by States which have ratified it will be supervised by a Commission of independent experts working within the Council of Europe's framework. Parties are required, in addition, to send reports on their implementation of the Code to their most representative national organisations of employers and workers. The Parliamentary Assembly of the Council of Europe is also called upon to give an opinion on the national reports.

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Protocol to the European Convention on Social Security ([ETS No. 154](#)), open for signature, in Strasbourg, on 11 May 1994.

Entry into force: The Protocol will enter into force following the second ratification.

The Protocol amends certain provisions of the Convention with a view to extending its personal scope, by extending its benefit to:

- all persons who are, or have been, subject to the legislation of one or more of the Parties, as well as to members of their families and their survivors;
- and to civil servants and persons treated as such in so far as they are subject to any legislation of that Party to which this Convention applies.