

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 SECURITY**

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 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.

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.

The Protocol³ 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 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 Agreement⁴ 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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³ Protocol to the European Code of Social Security (ETS No. 48A), open for signature, in Strasbourg, on 16 April 1964.

⁴ 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 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.