



European Agreement on Mutual Assistance in the matter of Special Medical Treatments and Climatic Facilities

Strasbourg, 14.V.1962

The signatory governments of the member States of the Council of Europe,

Considering that the aim of the Council is to achieve greater unity among its members and that this aim may also be achieved by the adoption of measures for mutual assistance in medical matters;

Desirous of making available to persons who, though affiliated to a medical benefit scheme, are unable to obtain appropriate treatment in their country of residence, the special treatments and climatic facilities existing in other countries;

Considering that such mutual assistance will help to strengthen European consciousness and solidarity,

Have agreed as follows:

Article 1

The provisions of this Agreement shall apply to persons residing in the territory of one of the Contracting Parties who are eligible for compulsory or optional medical benefits:

- a under social security schemes, whether general or special, contributory or non-contributory, including special schemes for civil servants or persons treated as such and schemes relating to employer's obligations in regard to medical benefits; or
- b under social and medical assistance schemes; or
- c under schemes of benefits for victims of war or its consequences.

Article 2

Each Contracting Party shall endeavour to have admitted to medical establishments or spas in its territory which can provide appropriate medical treatment any persons referred to in Article 1, for the medical treatment required which they need but which is not available in the territory of the Contracting Party where they reside, in accordance with a certificate issued by the doctor designated by the institution to which the patient is affiliated.

Article 3

- 1 Each Contracting Party shall determine the competent authority or authorities responsible for implementing in its own territory the provisions of this Agreement.

- 2 Each competent authority may, where necessary, conclude with the competent authority or authorities of one or more of the other Contracting Parties administrative arrangements governing the implementation of this Agreement.
- 3 Each Contracting Party shall notify the Secretary General of the Council of Europe of the name and address of its appointed competent authority or authorities; the Secretary General shall communicate this information to the other members of the Council of Europe and to the government of any State acceding to this Agreement.

Article 4

- 1 Each competent authority may, for the purpose of implementing the provisions of this Agreement, appoint one or more bodies to work in conjunction with the body or bodies appointed by the competent authorities of the other Contracting Parties.
- 2 The liaison authorities of two or more Contracting Parties may co-operate in drawing up standard forms for the completion of the formalities necessary for implementing the provisions of this Agreement.
- 3 Each competent authority shall communicate to the competent authorities of the other Contracting Parties the name and address of the liaison authority or authorities appointed under the terms of paragraph 1 of this article.
- 4 Should the competent authority or authorities of one of the Contracting Parties not appoint the liaison authority referred to in paragraph 1 of this article, the functions assigned to liaison authorities in paragraph 2 of Article 4 and Articles 5 to 7 of this Agreement shall be assumed by the said competent authority or authorities.

Article 5

Applications for admission for the medical treatment referred to in Article 2 shall be submitted by the liaison authority to which the person referred to in Article 1 is subject. In each case, this authority shall have powers of verification and appraisal. Admission of the applicant is subject to the agreement of the liaison authority of the country where treatment is to be given. This liaison authority shall, at the request of the liaison authority to which the person is subject, supply the necessary information on the probable total of the expenses referred to in Article 6, paragraph 2, second sub-paragraph. Each case may form the subject of special regulations laid down by agreement between the liaison authorities.

Article 6

- 1 All expenses arising out of the medical treatment referred to in Article 2, including travelling expenses and, provided that the institution to which the beneficiary is affiliated gives its approval or in cases of urgency, expenses incurred as a result of illness, accident or arising from any other need for medical care during such treatment or the journey made for this purpose, shall be paid or refunded by that institution according to the rules laid down in the following paragraphs of this article.
- 2 That institution shall refund travelling expenses directly to the beneficiary so far as the rules of that institution permit.

It shall pay in full other expenses, through the liaison authorities concerned, to the medical establishments, spas and doctors providing the medical treatment or to any establishment or person entitled to payment for medical care.

- 3 The liaison authorities of two or more Contracting Parties may, by negotiation, lay down methods of assessing the amounts to be paid in accordance with the second sub-paragraph of paragraph 2 above. For this purpose no account can be taken of charges higher than those applicable to persons affiliated to the institution competent for the place of treatment and corresponding to the institution to which the person in question is affiliated; the liaison authorities concerned may, however, jointly agree to waive this rule in special cases.
- 4 The institution to which the beneficiary is affiliated shall, if the need arises, be reimbursed by the latter in respect of that part of the expenses which, according to the national legislation applied by that institution, has to be borne by the beneficiary.

Article 7

The benefits to which a person referred to in Article 1 is entitled for himself or members of his family under the law of the Contracting Party where he resides shall continue to be granted. Cash benefits to which the person himself is entitled may be paid to him through the liaison authorities in the manner jointly agreed upon by the latter.

Article 8

The provisions of this Agreement shall not prejudice the provisions of municipal law, bilateral or multilateral treaties, conventions or agreements, or the regulations of the European Economic Community which are already in force or may come into force, under which more favourable treatment would be accorded to the persons referred to in Article 1.

Article 9

Each Contracting Party may, on signing this Agreement or on depositing its instrument of ratification or approval or accession, declare that it excludes from the benefits of this Agreement persons resident in its territory who are eligible for the medical benefits referred to in Article 1.

Article 10

This Agreement shall be open to the signature of members of the Council of Europe, who may become Parties to it by:

- a signature without reservation in respect of ratification or approval, or
- b signature with reservation in respect of ratification or approval, followed by ratification or approval.

Instruments of ratification or approval shall be deposited with the Secretary General of the Council of Europe.

Article 11

This Agreement shall enter into force one month after the date on which three members of the Council shall, in accordance with Article 10, have signed the Agreement without reservation in respect of ratification or approval or shall have ratified or approved it.

In the case of any member of the Council who subsequently shall sign the Agreement without reservation in respect of ratification or approval or who shall ratify or approve it, the Agreement shall enter into force one month after the date of such signature or the date of deposit of the instrument of ratification or approval.

Article 12

After this Agreement has entered into force, the Committee of Ministers of the Council of Europe may invite any non-member State of the Council to accede to it. Such accession shall take effect one month after the date on which the instrument of accession was deposited with the Secretary General of the Council of Europe.

Article 13

The Secretary General of the Council of Europe shall notify members of the Council and the governments of acceding States:

- a of the date of entry into force of this Agreement and the names of members who have signed without reservation in respect of ratification or approval or who have ratified or approved it;
- b of the deposit of any instrument of accession in accordance with Article 12;
- c of any declaration received in accordance with Article 9;
- d of any notification received in accordance with Article 14 and of its effective date.

Article 14

This Agreement shall remain in force indefinitely.

Any Contracting Party may terminate its own application of the agreement by giving one year's notice to that effect to the Secretary General of the Council of Europe.

In witness whereof the undersigned, duly authorised thereto by their respective governments, have signed the present Agreement.

Done at Strasbourg, this 14th day of May 1962, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatory and acceding governments.