



Arrangement for the application of the European Agreement of 17 October 1980 concerning the Provision of Medical Care to Persons during Temporary Residence

Strasbourg, 26.V.1988

The member States of the Council of Europe, Parties to the European Agreement of 17 October 1980 concerning the Provision of Medical Care to Persons during Temporary Residence, signatory hereto,

Having regard to Article 20, paragraph 1 of the said Agreement;

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose, *inter alia*, of facilitating their social progress;

Being desirous of introducing in their mutual relations provisions for the application of the Agreement,

Have agreed as follows:

Article 1

For the purposes of this Arrangement:

- a the term "Agreement" means the European Agreement concerning the Provision of Medical Care to Persons during Temporary Residence, opened for signature by any European State in Geneva on 17 October 1980;
- b the term "Arrangement" means this Arrangement for the application of the Agreement;
- c the term "Party" means any State party to this Arrangement;
- d the terms defined in Article 1 of the Agreement have the meanings given them in that article.

Article 2

- 1 The competent authorities of the Parties may designate liaison bodies empowered to communicate directly with one another; these bodies may also communicate with the institutions of any Party.
- 2 Any institution of a Party may approach the institution of another Party either directly, or through the liaison bodies.

- 3 The competent authorities, the liaison bodies and the institutions of the Parties shall communicate with one another in their respective official languages or, if the competent authorities of two or more Parties have so agreed, in another language.

Article 3

- 1 Annex 1 names the competent authority or authorities of each Party.
- 2 Annex 2 names:
 - a the liaison bodies designated by the competent authorities of the Parties pursuant to Article 2, paragraph 1, of this Arrangement;
 - b the Parties whose institutions must be approached through the liaison bodies.
- 3 Annex 3 names the competent institutions of each Party.
- 4 Annex 4 names the institutions of the place of temporary residence of each Party.
- 5 Annex 5 lists the provisions referred to in Article 5, sub-paragraph b, of this Arrangement.
- 6 Annex 6 contains the certificate referred to in Article 6, paragraph 1, of this Arrangement.
- 7 Annex 7 names the Parties whose legislation is referred to in Article 6, paragraph 3, of this Arrangement, indicating for each of these Parties the document taking the place of the certificate of entitlement to medical care, as well as the Parties willing to admit this document as proof of entitlement to medical care.
- 8 Annex 8 lists the agreements concluded between Parties within the framework of Article 6 of the Agreement.
- 9 Annex 9 names the Parties whose competent institutions shall refund costs in accordance with the provisions of Article 9, paragraph 2, of this Arrangement.

Article 4

- 1 Each Contracting State shall forward to the Secretary General of the Council of Europe the information to be included in Annexes 1 to 5, 7, 8 and 9 of this Arrangement at the time either of signature without reservation as to ratification, acceptance or approval or of deposit of the instrument of ratification, acceptance or approval.
- 2 Each Party shall communicate to the Secretary General of the Council of Europe any change in the information concerning it in Annexes 1 to 5, 7, 8 and 9 of this Arrangement.

The Secretary General of the Council of Europe shall notify the other Parties of any communication received in accordance with the previous sub-paragraph.
- 3 Changes in the information contained in Annexes 5, 7 and 8 of this Arrangement shall be deemed to be approved by all Parties concerned if none of them objects within two months of their notification by the Secretary General.
- 4 The annexes referred to in Article 3, and any amendments made to these annexes, shall be an integral part of this Arrangement.

Article 5

In the relations between Parties, this Arrangement shall replace:

- a provisions for the application of such provisions in the conventions on social security as are listed in Annex II of the Agreement;
- b provisions for the application of such provisions in the conventions on social security as are not listed in Annex II of the Agreement, provided these provisions for application are listed in Annex 5 of this Arrangement by mutual agreement between the competent authorities of the Parties concerned.

Article 6

- 1 The certificate referred to in Article 5, paragraph 2, of the Agreement shall be issued by the competent institution at the request of the person concerned. It shall be valid for such maximum duration as it specifies.
- 2 In order to receive the medical care provided for in Article 4, paragraph 1, of the Agreement, the person concerned shall present the certificate referred to in the preceding paragraph of this article and, where appropriate, submit a copy thereof either to the institution of the place of temporary residence, or directly to the provider of the care at the place of temporary residence, as the case may be.
- 3 Where the person concerned is resident in the territory or a national of a Party whose legislation is of the kind referred to in Article 5, paragraph 3, of the Agreement, he may present, instead of the certificate referred to in paragraph 1 of this article, his social security card, passport or another identity document recognised as equivalent, within the duration of their validity, provided he is in the territory of another Party willing to admit such document as proof of entitlement to medical care. In such a case, the person concerned shall be required to indicate to the institution of the place of temporary residence his exact permanent address, as well as the name and address of the competent institution by which he is covered.
- 4 If the person concerned cannot submit at the appropriate time the certificate referred to in paragraph 1 of this article or one of the documents referred to in the preceding paragraph of this article the institution of the place of temporary residence shall without delay ask the competent institution to issue the certificate or to confirm that the person concerned is entitled to medical care under the legislation which the latter institution applies.
- 5 The benefits referred to in Article 4, paragraph 2, of the Agreement shall include the prosthetic appliances, major aids and other major benefits in kind which have been specified by mutual agreement by the competent authorities of the Parties. In cases of absolute urgency, the institution of the place of temporary residence shall immediately notify the competent institution that these benefits have been provided. This notification shall be accompanied by a detailed account of the reasons for their provision and shall include an estimate of the probable cost. The same information shall be sent in the case of a request for authorisation normally required in respect of the said benefits. In the latter case, the competent institution shall have fifteen days from the day on which such request is sent within which to raise any objection and state the reasons on which such objection is based. If, on the expiry of that period, no such objection has been raised, the institution of the place of temporary residence shall provide the benefits.
- 6 In the case referred to in Article 4, paragraph 3, of the Agreement, failing an agreement on repatriation, the institution of the place of temporary residence shall inform, if it considers this to be appropriate, the consular authority of the Party in whose territory the person concerned is resident, with a view to making the necessary arrangements for his repatriation.

Article 7

The reimbursements referred to in Article 6, paragraphs 2 and 3, of the Agreement shall be effected through the competent authorities or the liaison bodies or directly between the institutions concerned, for each half-year if the amount to be refunded is determined on the basis of the proven actual expenditure and for each year if the amount to be refunded is determined on a lump-sum basis. In the latter case, the payment of advances may be agreed between the competent authorities, the liaison bodies or the institutions of the Parties concerned.

Article 8

The competent authorities of each Party shall prepare leaflets for the purpose of informing the persons concerned of the steps to be taken in accordance with the provisions of Article 6, paragraphs 2 and 3 of this Arrangement in order to receive medical care during temporary residence in the territory of any other Party. In appropriate cases, instructions to this end shall be added to the certificate referred to in Article 6, paragraph 1, of this Arrangement.

Article 9

- 1 If the formalities provided for in Article 6, paragraphs 2 and 3, of this Arrangement could not be complied with during the temporary residence of the person concerned in the territory of a Party other than the competent State, the costs incurred by the person concerned shall be refunded to him, at his request, by the competent institution according to the tariffs of reimbursement applied by the institution of the place of temporary residence. The institution of the place of temporary residence shall furnish the necessary information on these tariffs to the competent institution if it so requires.
- 2 However, the competent institution may refund costs incurred by the person concerned at its charge according to the tariffs of the legislation that it applies.

Article 10

The claims, declarations, appeals and other papers submitted to an authority, a liaison body, an institution or other organ of a Party with a view to the application of this Arrangement shall not be rejected on the ground that they are drafted in a foreign language if that language is an official language of another Party.

Article 11

- 1 This Arrangement shall be open for signature by the member States of the Council of Europe Parties to the Agreement, which may express their consent to be bound by:
 - a signature without reservation in respect of ratification, acceptance or approval;
 - b signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.
- 2 Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 12

- 1 This Arrangement shall enter into force on the first day of the month following the expiration of a period of one month after the date on which two member States of the Council of Europe have expressed their consent to be bound by the Arrangement in accordance with the provisions of Article 11.
- 2 In respect of any member State which subsequently expresses its consent to be bound by it, the Arrangement shall enter into force on the first day of the month following the expiration of a period of one month after the date of signature or of the deposit of the instrument of ratification, acceptance or approval.

Article 13

- 1 After the entry into force of this Arrangement, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council, Party to the Agreement, to accede to this Arrangement, by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.
- 2 In respect of any acceding State, the Arrangement shall enter into force on the first day of the month following the expiration of a period of one month after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 14

- 1 This Arrangement shall remain in force as long as the Agreement.
- 2 However, any Party may at any time denounce this Arrangement by means of a notification addressed to the Secretary General of the Council of Europe. Such denunciation shall take effect on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General of the Council of Europe.

Article 15

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the Contracting States not members of the Council of Europe and the Director General of the International Labour Office of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Arrangement in accordance with Articles 12 and 13;
- d any notification received in pursuance of the provisions of Article 4, paragraphs 1 and 2;
- e any notification received in pursuance of the provisions of Article 14, paragraph 2, and the date on which the denunciation takes effect;
- f any other act, notification or communication relating to this Arrangement.

In witness whereof the undersigned, being duly authorised thereto, have signed this Arrangement.

Done at Strasbourg, this 26th day of May 1988, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the Director General of the International Labour Office and to any State invited to accede to this Arrangement.