



European Code of Social Security (Revised) *

Rome, 6.XI.1990

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

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose, among others, of promoting their social progress;

Considering the value of harmonising the protection guaranteed by social security and the charges which result therefrom in conformity with common European standards;

Noting that national social security legislation has developed in most Council of Europe member States since the European Code of Social Security and the Protocol thereto were opened to signature on 16 April 1964;

Believing that this development necessitates a revision of those instruments to the full extent appropriate, with a view, on the one hand, to adjusting them to the present aspirations and capacity of European society and, on the other hand, to extending social security protection to the whole population, together with individual social rights, and eliminating discrimination, in particular discrimination based on sex;

Recognising the advantage of improving the standards laid down in the European Code of Social Security and its Protocol and giving them greater flexibility and of embodying new standards in a revised Code designed progressively to take the place of the Code and Protocol of 16 April 1964,

Have agreed on the following provisions, which have been drawn up with the collaboration of the International Labour Office:

Part I – General provisions

Article 1

For the purpose of this (revised) Code:

- a the term "Committee" means the Steering Committee for Social Security of the Council of Europe or any other committee designated by the Committee of Ministers to carry out the tasks entrusted to the Committee by the provisions of this (revised) Code;
- b the term "legislation" includes laws and regulations as well as social security rules;

(*) The Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community entered into force on 1 December 2009. As a consequence, as from that date, any reference to the European Economic Community shall be read as the European Union.

- c the term "prescribed" means determined by or in virtue of national legislation;
- d the term "resident" means a person ordinarily resident in the territory of the Party concerned;
- e the term "qualifying period" means a period of contribution, a period of occupational activity or a period of residence, including any period treated as such or any combination thereof, as may be prescribed for conferring entitlement to benefit;
- f the term "dependant" refers to the state of dependency presumed in prescribed cases;
- g the term "surviving spouse" designates the spouse who was dependent on the deceased person at the time of the latter's decease and who has not remarried;
- h the term "child" means:
 - i a child not having reached school-leaving age, or under 16 years of age;
 - ii under prescribed conditions, a child over the age specified in the foregoing subparagraph who is an apprentice or a student or suffers from chronic illness or infirmity making him unfit to engage in any occupational activity.

Article 2

- 1 Each Party which has undertaken to regard itself as bound by the commitments embodied in paragraphs 1 to 3 of Article 12 of the European Social Charter of 18 October 1961 or has accepted the obligations embodied in the European Code of Social Security of 16 April 1964 shall comply with:
 - a Part I;
 - b at least one of Parts II to X;
 - c the corresponding provisions of Parts XI and XII; and
 - d Part XIII,

of this (revised) Code.

- 2 Every other Party shall comply with:
 - a Part I;
 - b at least three of Parts II to X;
 - c the corresponding provisions of Parts XI and XII; and
 - d Part XIII,

of this (revised) Code.

Article 3

- 1 Each Contracting State shall specify in its instrument of ratification, acceptance, approval or accession the part or parts of Parts II to X in respect of which it accepts the obligations embodied in this (revised) Code.
- 2 Each Party shall secure to the persons protected, in connection with any of the Parts II to X for which it accepts the obligations embodied in this (revised) Code, the benefit provided for in that part for the contingency or contingencies covered, in accordance with the provisions of that part.

- 3 Each Contracting State accepting the obligations embodied in Parts II, III, IX and X shall be deemed also to comply with the obligations embodied in Part VI, if its legislation entitles victims of work accidents or occupational diseases to medical care, sickness and invalidity benefit and their survivors to survivors' benefit, irrespective of the origin of the respective contingencies and provided that such legislation does not make entitlement to benefit conditional on any qualifying period. For the purposes of this paragraph, a Contracting State deemed to comply with the obligations embodied in Part X in accordance with paragraph 4 of this article shall be considered to have accepted the obligations of Part X.
- 4 Each Contracting State accepting the obligations embodied in Parts V, VII and IX shall be deemed also to comply with the obligations of Part X if, where Parts V and IX are concerned, its legislation protects the total economically active population and if, where Part VII is concerned, its legislation protects all children of the economically active population.
- 5 Any Contracting State which wishes to avail itself of the provisions of paragraphs 3 or 4 of this article shall so specify in its instrument of ratification, acceptance, approval or accession.
- 6 Each Party shall endeavour to take appropriate measures to ensure equal treatment for protected persons of both sexes in the application of those parts of the present (revised) Code whose obligations it has accepted.

Article 4

- 1 Any Party may subsequently notify the Secretary General of the Council of Europe that it accepts the obligations embodied in this (revised) Code in respect of one or more of Parts II to X not already specified in its instrument of ratification, acceptance, approval or accession.
- 2 The undertakings referred to in the foregoing paragraph shall be deemed to be an integral part of the ratification, acceptance, approval or accession and shall have the same effects from the date of their notification.

Article 5

Acceptance of the obligations embodied in any of Parts II to X of this (revised) Code shall, from the date of entry into force of those obligations for the Party concerned, result in the corresponding provisions of the European Code of Social Security and, where appropriate, of its Protocol ceasing to apply to the Party concerned in the event of that Party being bound by the first of those instruments or by both instruments. However, acceptance of the obligations embodied in any of Parts II to X of this (revised) Code shall be deemed to constitute acceptance of the corresponding provisions of the European Code of Social Security and, where appropriate, of its Protocol, for the purpose of the application of Article 2 of the said Code.

Article 6

For the purpose of applying Parts II, III, IV, V, VIII (insofar as this last-mentioned part relates to medical care), IX and X of this (revised) Code, a Party may take into account protection afforded by means of insurance which, although not compulsory under its legislation for the persons protected:

- a is supervised by the public authorities or administered, in accordance with prescribed rules, by employers and employees, or, where appropriate, by self-employed or non-active persons; and
- b complies, in conjunction with other forms of protection, where appropriate, with the relevant provisions of this (revised) Code.

Article 7

- 1 Any Party may by a declaration addressed to the Secretary General of the Council of Europe derogate from the provisions of paragraphs 1 to 3 of Article 9, paragraph 1 of Article 17, paragraph 1 of Article 27, paragraph 2 of Article 29, paragraphs 1 to 3 of Article 52 and from the provisions in Part X concerning the award of benefits to a surviving spouse under the conditions stated respectively in paragraph 4 of Article 9, paragraph 2 of Article 17, paragraphs 2 and 3 of Article 27, paragraph 3 of Article 29, paragraph 4 of Article 52 and Article 70.
- 2 Any Party may by a declaration addressed to the Secretary General of the Council of Europe derogate from other provisions of Parts II to X and from the provisions of Article 74 of this (revised) Code provided that the Party's legislation guarantees at least equivalent protection, in the whole of the part considered, to that laid down in this (revised) Code. However, the formulation of such derogations shall be subject to the approval of the Committee of Ministers of the Council of Europe given by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe on the basis of a proposal by the Committee referred to in sub-paragraph a of Article 1 of this (revised) Code, adopted by a two-thirds majority of votes cast.
- 3 Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it excludes from the application of one or more parts of this (revised) Code civil servants protected by special schemes which award, in total, benefits at least equivalent to those provided for by this (revised) Code.

Part II – Medical care

Article 8

The contingency covered shall comprise the need for medical care of a curative nature and, under prescribed conditions, the need for medical care of a preventive nature.

Article 9

- 1 The persons protected shall comprise:
 - a all employees, including apprentices, together with their dependent spouses and their children; or
 - b all economically active persons together with their dependent spouses and their children; or
 - c all residents.
- 2 Notwithstanding the provisions of the foregoing paragraph, any Party may exclude from the application of this part:
 - a classes of employees constituting in all no more than 5% of all employees; or
 - b classes of the economically active population constituting in all no more than 10% of the total economically active population; or
 - c classes of residents constituting in all no more than 10% of all residents.

- 3 Where either sub-paragraph a or b of paragraph 1 of this article applies, persons receiving any of the following benefits or applying for one of the benefits provided for under sub-paragraphs a or b of this paragraph:
 - a invalidity, old-age or survivors' benefit;
 - b benefit for permanent disablement to a prescribed degree or survivors' benefit, in the case of a work accident or occupational disease;
 - c unemployment benefit,together with their dependent spouses and their children, shall continue, under prescribed conditions, to be protected.
- 4 Any Party may derogate from the provisions of paragraphs 1 to 3 of this article if its legislation requires medical care to be guaranteed:
 - a to prescribed classes of employees constituting in all at least 80% of all employees; or
 - b to prescribed classes of the economically active population constituting in all at least 75% of the total economically active population; or
 - c to prescribed classes of residents constituting in all at least 70% of all residents,and in the case of illness requiring prolonged treatment, to all residents.

Article 10

- 1 Medical care shall comprise:
 - a general practitioner care and specialist care, inside or outside hospitals, including the necessary diagnoses and tests, as well as domiciliary visits;
 - b care provided by a member of a profession legally recognised as allied to the medical profession, under the supervision of a medical or other qualified practitioner;
 - c the provision of the necessary pharmaceutical supplies on prescription by a medical practitioner or other qualified practitioner;
 - d maintenance in a hospital or any other medical institution;
 - e dental care including the necessary dental prostheses;
 - f medical rehabilitation, including the supply, maintenance and renewal of prosthetic and orthopaedic appliances as well as medical aids as may be prescribed;
 - g transport of the patient as may be prescribed.
- 2 Where a Party's legislation requires the beneficiary or the beneficiary's breadwinner to share in the cost of medical care, the rules governing such cost-sharing shall be such as not to impose hardship or render medical and social protection less effective.
- 3 Medical care shall aim at preserving, restoring or improving the health of the person protected and his ability to work and to meet his personal needs.

Article 11

Where a Party's legislation makes entitlement to medical care conditional on the completion of a qualifying period, that period shall be no longer than is considered necessary to prevent abuse.

Article 12

- 1 Medical care shall be provided throughout the contingency covered.
- 2 Where either sub-paragraph a or b of paragraph 1 of Article 9 applies, the right to medical care shall subsist under prescribed conditions for anybody ceasing to belong to one of the classes of persons protected.

Part III – Sickness cash benefit

Article 13

The contingency covered shall be incapacity for work resulting from an illness or accident and entailing suspension of earnings as defined by national legislation.

Article 14

- 1 The persons protected shall comprise:
 - a all employees, including apprentices; or
 - b prescribed classes of the economically active population constituting in all at least 80% of the total economically active population.
- 2 Notwithstanding the provisions of sub-paragraph a of the foregoing paragraph, any Party may exclude from the application of this part classes of employees constituting no more than 10% of all employees.

Article 15

Sickness cash benefit shall take the form of periodical payments calculated in accordance with the provisions either of Article 71 or of Article 72. Their amount may vary in the course of the contingency provided that their average amount complies with those provisions.

Article 16

Where a Party's legislation makes entitlement to sickness cash benefit conditional on the completion of a qualifying period, that period shall be no longer than is considered necessary to prevent abuse.

Article 17

- 1 Where a Party's legislation provides that sickness cash benefit shall not be paid until a waiting period has elapsed, that period shall not exceed the first three days of suspension of earnings.
- 2 Any Party which applies Article 14, paragraph 1, sub-paragraph b may derogate from the provisions of the foregoing paragraph in the case of self-employed workers.

- 3 Sickness cash benefit shall be payable throughout the duration of the contingency covered or until the payment of old-age, invalidity or rehabilitation cash benefit. However, the duration of its payment may be limited to fifty-two weeks for each case of illness or to seventy-eight weeks in any consecutive period of three years, as may be prescribed.

Article 18

- 1 In the case of the death of a person who was in receipt of, or entitled to receive, sickness cash benefit, a grant for funeral costs shall, under prescribed conditions, be paid to his survivors, dependants or other persons specified by national legislation.
- 2 Any Party which has accepted the obligations embodied in Part X shall be deemed to comply with the requirements of the foregoing paragraph.

Part IV – Unemployment benefit

Article 19

- 1 The contingencies covered shall include, under prescribed conditions:
 - a total unemployment, defined as the absence of earnings due to the inability to obtain suitable employment, in the case of a person protected who is capable of, available for and actually seeking employment;
 - b unemployment, other than total, defined as a loss of earnings, due to either or both of the following situations:
 - i a reduction of the working hours in comparison with the normal or legal working time, for reasons other than the worker's state of health or personal convenience, without termination of the work relationship;
 - ii the inability to obtain suitable full-time employment, in the case of an unemployed person who, while accepting part-time employment, is capable of, available for and actually seeking full-time employment.
- 2 In assessing the suitability of employment, account shall be taken, under prescribed conditions and as far as appropriate, of the age of the unemployed person, the length of his service in his previous occupation, his experience, the duration of his unemployment, the state of the labour market and the employment's impact on his personal and family circumstances.

Article 20

- 1 The persons protected shall comprise:
 - a all employees, including apprentices; or
 - b prescribed classes of the economically active population, constituting in all at least 70% of the total economically active population.
- 2
 - a Notwithstanding the provisions of sub-paragraph a of the foregoing paragraph, any Party may exclude from the application of this part classes of employees constituting no more than 15% of all employees;

- b notwithstanding the provisions of the foregoing paragraph, any party may exclude from the application of this part civil servants enjoying prescribed guarantees of employment security.
- 3 In addition, the persons protected shall comprise, under prescribed conditions, at least two of the following eight classes of persons who have never belonged, or who have ceased, for a prescribed period, to belong, to the group of protected persons referred to in paragraph 1 of this article:
- a young persons having completed vocational training;
 - b young persons having completed their studies;
 - c young persons discharged from compulsory military service;
 - d parents at the end of a period devoted to bringing up a child after the end of maternity leave;
 - e persons whose spouse is deceased;
 - f divorced persons;
 - g discharged prisoners;
 - h disabled persons who have completed their occupational rehabilitation.

Article 21

- 1 In the case of total unemployment, benefit shall take the form of periodical payments, calculated in accordance with the provisions of either Article 71 or Article 72.
- 2 In the case of unemployment other than total, benefit shall take the form under prescribed conditions, of periodical payments constituting equitable compensation for loss of earnings due to unemployment, such that the sum of the recipient's earnings and this benefit at least equals the amount of the benefit which would be paid pursuant to the foregoing paragraph in the case of total unemployment.
- 3 Notwithstanding the provisions of paragraphs 1 and 2 of this article, benefit may take the form of periodical payments calculated in accordance with Article 73 where:
- a it is awarded without any qualifying period, to classes of persons referred to in paragraph 3 of Article 20; or
 - b the payments are continued beyond a minimum period of thirty-nine weeks.

Article 22

- 1 Where a Party's legislation makes entitlement to unemployment benefit conditional on the completion of a qualifying period, that period shall be no longer than is considered necessary to prevent abuse.
- 2 In the case of seasonal workers, the qualifying period referred to in the foregoing paragraph may be adapted to the conditions of their occupational activity.
- 3 The qualifying condition referred to in paragraph 1 of this article may be adapted to the special situation of the classes of persons referred to in paragraph 3 of Article 20.

Article 23

- 1 Where a Party's legislation provides that the benefit referred to in paragraph 1 of Article 21 shall not be paid until a waiting period has elapsed, that period shall not exceed:
 - a the first three days of unemployment in each case of unemployment, the days of unemployment before and after temporary employment not exceeding a prescribed period being counted as part of the same case of unemployment; or
 - b the first six days in the course of a period of twelve months.
- 2 In the case of seasonal workers, the waiting period referred to in the foregoing paragraph may be adapted to the conditions of their occupational activity.
- 3 Notwithstanding the provisions of the first paragraph of this article the waiting period may be increased to twenty-six weeks if benefit is awarded without any qualifying period, to classes of persons referred to in paragraph 3 of Article 20.

Article 24

- 1 The cash benefit referred to in Article 21 shall be payable throughout the duration of the contingencies referred to in paragraph 1 of Article 19, or until the payment of old-age, invalidity or rehabilitation cash benefit. However, in the contingency referred to in sub-paragraph a of paragraph 1 of Article 19, the duration of cash benefit payment in the form laid down in paragraph 1 of Article 21 may be limited either to thirty-nine weeks in a period of twenty-four months or to thirty-nine weeks in each case of unemployment. In the contingency referred to in sub-paragraph b of paragraph 1 of Article 19, the duration of payment of cash benefit may be limited to a prescribed period.
- 2 Where a Party's legislation provides that the period of payment of the benefit referred to in paragraph 1 of Article 21 shall vary according to the length of the qualifying period, the provisions of the preceding paragraph shall be deemed to be fulfilled if the average, weighted in accordance with the frequency of cases, of the periods prescribed for the payment of benefit is not less than thirty-nine weeks or half the length of the qualifying period.
- 3 The minimum period allowed under paragraphs 1 and 2 of this article for the payment of benefit shall be extended, under prescribed conditions, up to the age specified in paragraph 2 of Article 26, in the case of unemployed persons who, when the contingency arises, have attained a prescribed age that is less than the age stipulated in the aforesaid paragraph.
- 4 Any Party which has accepted the obligations deriving from Part V or Part IX shall be deemed to comply with the provisions of the foregoing paragraph if the said unemployed persons are entitled, from the prescribed age referred to in that paragraph, to an old-age pension or an invalidity pension in accordance with the provisions of Part V or Part IX.
- 5 In the case of seasonal workers, the period of payment of benefit may be adapted to the conditions of their occupational activity.

Article 25

- 1 Each Party shall secure to the persons protected, under prescribed conditions, occupational guidance, training, retraining and integration or re-integration services to help them keep or obtain suitable employment, not only in the contingencies referred to in paragraph 1 of Article 19, but also when such persons are threatened with imminent unemployment.

- 2 To encourage recourse to the services referred to in the foregoing paragraph, each Party shall provide for the persons protected, under prescribed conditions, aids to occupational mobility and, wherever necessary, geographical mobility.

Part V – Old-age benefit

Article 26

- 1 The contingency covered shall be survival beyond a prescribed age.
- 2 The age prescribed in accordance with the foregoing paragraph shall not be more than 65 years unless appropriate demographic, economic and social criteria justify a higher age.

Article 27

- 1 Where the age prescribed in accordance with paragraph 1 of Article 26 is 65 years or higher, it shall be lowered, under prescribed conditions, in accordance with the provisions of at least one of the following sub-paragraphs of this paragraph:
 - a when the person concerned has been engaged in occupations that are deemed by national legislation or practice, for the purpose of old-age benefit, to be arduous or unhealthy;
 - b on account of incapacity for work, to a prescribed degree and after a prescribed age; where the Party in question has accepted the obligations embodied in Part IX it shall be deemed to comply with this provision;
 - c in the event of total unemployment of a duration of at least one year after a prescribed age; where the Party in question has accepted the obligations embodied in Part IV it shall be deemed to comply with this provision;
 - d after a prescribed period of contributions, occupational activity and residence greater than that provided for in paragraphs 2 and 3 of Article 29.
- 2 Any Party may derogate from the provisions of the foregoing paragraph if its legislation makes provision for varying the pensionable age in accordance with the following rules:
 - a persons who so request shall be allowed, under prescribed conditions, to draw benefit at an earlier age subject to any reductions applied, in the light of the length of the period of anticipation to the amount of the benefit which they would normally have received at this age in respect of a period of contribution, occupational activity or residence including any period treated as such, corresponding to the period actually completed;
 - b persons who so request shall be able to defer their claim to benefit beyond the prescribed age in order either to complete any additional qualifying periods needed to fulfil the qualifying conditions or to receive benefit at a higher rate depending on the length of the period of deferment and, where appropriate, any additional periods of contributions, occupational activity or residence, including any period treated as such, which have been completed.
- 3 Any Party may derogate from the provisions of paragraph 1 of this article when persons whose working hours are gradually reduced or who start new work on a part-time basis during a specified period preceding or following the age prescribed in accordance with paragraph 1 of Article 26 receive during that period, under prescribed conditions, partial old-age benefit or a special benefit treated, where appropriate, as earnings taken into consideration for the subsequent calculation of the full old-age benefit.

Article 28

- 1 The persons protected shall comprise:
 - a all employees, including, under prescribed conditions, apprentices; or
 - b prescribed classes of the economically active population, constituting in all at least 80% of the total economically active population; or
 - c all residents.
- 2 Notwithstanding the provisions of sub-paragraphs a and c of the foregoing paragraph, any Party may exclude from the application of this part:
 - a classes of employees constituting no more than 10% of all employees; or
 - b classes of residents constituting no more than 10% of all residents.

Article 29

- 1 Old-age benefit shall take the form of periodical payments calculated in accordance with the provisions of either Article 71 or Article 72.
- 2 The benefit referred to in the foregoing paragraph shall be secured to all protected persons who, in accordance with prescribed rules, have completed forty years of contributions, occupational activity or residence including any period treated as such.
- 3 However, where a Party applies the provisions of sub-paragraphs b or c of paragraph 1 of Article 28, that Party may derogate from the foregoing paragraph and secure the benefit referred to in paragraph 1:
 - a where in principle all economically active persons are protected, to protected persons who, in accordance with prescribed rules, have completed a prescribed contribution period, and in respect of whom the yearly average number, yearly number or yearly average amount of contributions, paid in the course of their working life, reaches a prescribed figure; or
 - b where in principle all residents are protected, to protected persons who, in accordance with prescribed rules, have completed a prescribed period of residence, including any period treated as such.
- 4 Benefit, which may be reduced in proportion to the period of contribution, occupational activity or residence completed, shall be paid to protected persons who, under prescribed conditions, have completed a period shorter than those specified in paragraphs 2 and 3 of this article.
- 5 Where the award of old-age benefit is conditional on completion of a qualifying period consisting of a period of contribution or occupational activity, reduced benefit shall be secured, under prescribed conditions, to protected persons who, by reason solely of their advanced age when the provisions for the application of this part came into force, have not fulfilled the qualifying conditions prescribed in accordance with Article 30. This provision need not, however, be applied if benefit in accordance with paragraph 2 or sub-paragraph a of paragraph 3 of this article is awarded to such persons at an age higher than that prescribed in paragraph 1 of Article 26.

Article 30

Where entitlement to old-age benefit is conditional, under a Party's legislation, upon completion of a qualifying period, that period may not be longer than fifteen years completed in accordance with prescribed rules prior to the occurrence of the contingency.

Article 31

The benefit referred to in Article 29 shall be paid throughout the duration of the contingency covered.

Part VI – Work accident and occupational disease benefit

Article 32

- 1 The contingencies covered shall include the following, when they are due to a work accident or occupational disease:
 - a the need for medical care;
 - b initial or temporary incapacity for work involving suspension of earnings as defined by national legislation;
 - c total loss of earning capacity or partial loss thereof in excess of a prescribed degree, when such loss is likely to be permanent, or corresponding loss of faculty;
 - d in the event of the victim's death, the loss of support suffered by the surviving spouse and children.
- 2 In the case of a childless surviving spouse, eligibility for benefit may be made conditional on the marriage having been celebrated or announced prior to the work accident or occupational disease.

Article 33

Each Party shall formulate a definition of work accident which includes the conditions in which an accident on the way to or from work is considered to be a work accident, unless its legislation covers non-work accidents under the same conditions as work accidents.

Article 34

- 1 Each Party shall:
 - a embody in its legislation a list of diseases comprising at least the diseases enumerated in the schedule annexed to this part which, under prescribed conditions, would be recognised as occupational diseases; or
 - b include in its legislation a general definition of occupational diseases sufficiently wide to cover at least the diseases enumerated in the schedule annexed to this part; or
 - c embody in its legislation a list of diseases comprising at least five-sixths of the diseases enumerated in the schedule annexed to this part which, under prescribed conditions, would be regarded as occupational diseases, and supplement this list by a general definition of occupational diseases or by other provisions for establishing the occupational origin of diseases which do not manifest themselves under the conditions prescribed.

- 2 The Committee may adopt amendments to the list set out in the schedule annexed to this part by a two-thirds majority of the votes cast representing at least a two-thirds majority of the Committee members designated by the Parties. The Committee shall consider the question of the revision of the list at least every five years and, in any event, following any revision of the list of occupational diseases in Schedule I to ILO Convention No. 121 concerning employment injury benefits or of the European list of occupational diseases in the Recommendation of the Commission of the European Communities of 23 July 1962.
- 3 Any amendment adopted by the Committee in accordance with the provisions of paragraph 2 shall be notified to the Parties by the Secretary General of the Council of Europe. Such amendment shall enter into force in respect of any State which is already a Party at the time of its adoption when such State notifies the Secretary General of the Council of Europe of its acceptance thereof. Such an amendment shall automatically enter into force in respect of a State subsequently becoming a Party if, at the time when it expressed its consent to be bound by this (revised) Code, the amendment had already entered into force for two-thirds or more of the Parties; otherwise, the amendment shall enter into force in respect of the State in question when it notifies the Secretary General of the Council of Europe of its acceptance thereof.

Article 35

- 1 The persons protected shall comprise:
 - a all employees, including apprentices, and, in the case of the death of the victim, the surviving spouse and children; or
 - b prescribed classes of the economically active population, constituting in all at least 80% of the total economically active population and, in the event of the death of the victim, the surviving spouse and children.
- 2 In the case of surviving spouses, the right to the benefit may be made subject, as may be prescribed, to the condition that they are incapable of meeting their own needs.
- 3 Notwithstanding the provisions of sub-paragraph a of paragraph 1 of this article, any Party may exclude from the application of this part classes of employees constituting no more than 5% of all employees.

Article 36

- 1 In the contingency referred to in sub-paragraph a of paragraph 1 of Article 32, medical care shall include:
 - a general practitioner care and specialist care inside or outside hospital, including the necessary diagnoses and tests, as well as domiciliary visits;
 - b care provided by a member of a profession legally recognised as allied to the medical profession, under the supervision of a medical or other qualified practitioner;
 - c the provision of the necessary pharmaceutical supplies on the prescription of a medical practitioner or other qualified practitioner;
 - d maintenance in a hospital or any other medical institution;
 - e dental care, including the necessary dental prostheses;
 - f medical rehabilitation, including the supply, maintenance and renewal of prosthetic and orthopaedic appliances, as well as medical aids as prescribed;

- g transport of the victim, as may be prescribed;
- h the following care at the place of work wherever possible:
 - i emergency care for victims of serious accidents;
 - ii follow-up care for victims of slight injuries not requiring absence from work.

- 2 The beneficiary shall not be required to contribute to the cost of medical care.
- 3 Medical care shall aim at preserving, restoring or improving the health of the person protected and his ability to work and meet his personal needs.

Article 37

- 1 In the contingency referred to in sub-paragraph b of paragraph 1 of Article 32, the benefit shall take the form of periodical payments calculated in accordance with the provisions of either Article 71 or Article 72. Their amount may vary in the course of the contingency, provided that their average amount complies with those provisions.
- 2 In the contingency referred to in sub-paragraph b of paragraph 1 of Article 32, a Party shall be deemed to comply with the provisions of this part if its legislation grants sickness benefit for victims of work accidents and occupational diseases under a general medical care or sickness benefit scheme, under the conditions prescribed for beneficiaries under that scheme, to the exclusion of any condition concerning a qualifying period, provided the said conditions are at least as favourable as those prescribed in Part III.

Article 38

- 1 In the contingency referred to in sub-paragraph c of paragraph 1 of Article 32, the benefit shall take the form of periodical payments:
 - a calculated in accordance with the provisions of either Article 71 or Article 72 in the case of total loss of earning capacity or corresponding loss of faculty; or
 - b calculated as a fair proportion of the benefit resulting from the provisions of the foregoing sub-paragraph in the case of partial loss of earning capacity or corresponding loss of faculty.
- 2 In the case of partial loss of earning capacity of less than 25%, or a corresponding loss of faculty, the benefit may take the form of a lump-sum payment. The amount of the payment shall not be less than the total amount of periodical payments which would have been due for a period of three years, having regard to the provisions of the foregoing paragraph.
- 3 In other cases, at the request of the victim, all or part of the periodical payments provided for in paragraph 1 of this article may be converted into a lump sum corresponding to the actuarial equivalent thereof, where the competent authority has reason to believe that such lump sum will be utilised in a manner which is unquestionably advantageous for the victim.
- 4 The conditions in which the periodical payments referred to in paragraph 1 of this article shall be reviewed, suspended or cancelled in the light of changes which may have occurred in the degree of loss of earning capacity or loss of faculty shall be determined by national legislation.
- 5 In addition, each Party shall provide increased or special benefit, under prescribed conditions, for beneficiaries whose condition necessitates the constant attendance of another person.

Article 39

- 1 In the contingency referred to in sub-paragraph d of paragraph 1 of Article 32, benefit shall take the form of periodical payments to the victim's surviving spouse and children, calculated in accordance with the provisions of either Article 71 or Article 72.
- 2 In addition, a grant for funeral costs shall be paid, under prescribed conditions, to the victim's survivors, dependants or other persons specified by national legislation.

Article 40

Entitlement to benefit shall not be made conditional on any qualifying period. In the case of occupational diseases, the period of exposure to risk which may be prescribed shall not be considered as a qualifying period.

Article 41

Medical care and benefit in the form of periodical payments shall be provided throughout the duration of the contingency referred to in sub-paragraphs a, b, c or d respectively of paragraph 1 of Article 32.

Article 42

Each Party shall, under prescribed conditions:

- a take measures to prevent work accidents and occupational diseases;
- b provide occupational rehabilitation facilities to prepare disabled persons, wherever possible, for the resumption of their previous activity or, where this is not possible, for the most suitable alternative gainful activity, having regard to their aptitudes and capacities;
- c take measures to facilitate the placement of disabled persons in suitable employment.

Article 43

- 1 Under prescribed conditions, workers exposed to the risk of occupational disease shall be required to undergo periodical medical tests.
- 2 Where a change of occupation is forced on the workers referred to in the foregoing paragraph, they shall benefit from the services and measures prescribed in sub-paragraphs b and c of Article 42.

Article 44

In the contingency referred to in sub-paragraph a of paragraph 1 of Article 32, a Party shall be deemed to comply with the provisions of this part if its legislation provides medical care for victims of work accidents and occupational diseases under a general medical care or sickness benefit scheme, under the conditions prescribed for beneficiaries under that scheme, to the exclusion of any condition concerning a qualifying period, provided that the said conditions are at least as favourable as those prescribed in Part II.

Schedule to Part VI

List of occupational diseases

Occupational diseases		Work involving exposure to risk ¹
1	Pneumoconiosis caused by sclerogenic mineral dust (silicosis, anthraco-silicosis, asbestosis) and silicotuberculosis, provided that silicosis is a determining factor in the resultant incapacity or death.	All work involving exposure to the risk concerned.
2	Bronchopulmonary diseases caused by hard-metal dust.	All work involving exposure to the risk concerned.
3	Bronchopulmonary diseases caused by cotton dust (byssinosis), or flax, hemp or sisal dust.	All work involving exposure to the risk concerned.
4	Occupational asthma caused by sensitising agents or irritants recognised as such and inherent in the type of work.	All work involving exposure to the risk concerned.
5	Extrinsic allergic alveolitis and its sequelae caused by the inhalation of organic dust as defined by national legislation.	All work involving exposure to the risk concerned.
6	Diseases caused by beryllium (glucinium) or its toxic compounds.	All work involving exposure to the risk concerned.
7	Diseases caused by cadmium or its toxic compounds.	All work involving exposure to the risk concerned.
8	Diseases caused by phosphorus or its toxic compounds.	All work involving exposure to the risk concerned.
9	Diseases caused by chromium or its toxic compounds.	All work involving exposure to the risk concerned.
10	Diseases caused by manganese or its toxic compounds.	All work involving exposure to the risk concerned.
11	Diseases caused by arsenic or its toxic compounds.	All work involving exposure to the risk concerned.
12	Diseases caused by mercury or its toxic compounds.	All work involving exposure to the risk concerned.
13	Diseases caused by lead or its toxic compounds.	All work involving exposure to the risk concerned.
14	Diseases caused by fluorine or its toxic compounds.	All work involving exposure to the risk concerned.
15	Diseases caused by carbon disulphide.	All work involving exposure to the risk concerned.
16	Diseases caused by the toxic halogen derivatives of aliphatic or aromatic hydrocarbons.	All work involving exposure to the risk concerned.
17	Diseases caused by benzene or its toxic compounds.	All work involving exposure to the risk concerned.
18	Diseases caused by toxic nitro- and amino-derivatives of benzene or its homologues.	All work involving exposure to the risk concerned.
19	Diseases caused by nitroglycerine or other nitric acid esters.	All work involving exposure to the risk concerned.
20	Diseases caused by alcohols, glycols or ketones.	All work involving exposure to the risk concerned.
21	Diseases caused by asphyxiants: carbon monoxide, hydrogen cyanide or its toxic derivatives, hydrogen sulphide.	All work involving exposure to the risk concerned.
22	Hearing impairment caused by noise.	All work involving exposure to the risk concerned.

Occupational diseases		Work involving exposure to risk ¹
23	Diseases caused by vibration (muscle, tendon, bones, articulations, peripheral nerve disorders).	All work involving exposure to the risk concerned.
24	Diseases caused by work in compressed air.	All work involving exposure to the risk concerned.
25	Diseases caused by ionising radiations.	All work involving exposure to the action of ionising radiations.
26	Skin diseases caused by physical, chemical or biological agents not included under other heads.	All work involving exposure to the risk concerned.
27	Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or their compounds, products or residues.	All work involving exposure to the risk concerned.
28	Lung cancer or mesothelioma caused by asbestos.	All work involving exposure to the risk concerned.
29	Infectious or parasitic diseases contracted in an occupation where there is a particular risk of contamination.	<ul style="list-style-type: none"> a Health or laboratory work; b Veterinary work; c Handling of animals, animal carcasses, parts of such carcasses, or goods which may have been contaminated by animals, animal carcasses, or parts of such carcasses; d Other work carrying a particular risk of contamination.

(1) In the application of this Schedule, account should be taken as appropriate of the degree and type of exposure.

Part VII – Family benefit

Article 45

The contingency covered shall be responsibility for the maintenance of children, as prescribed.

Article 46

- 1 The persons protected shall comprise:
 - a the children of all employees, including apprentices; or
 - b the children of all economically active persons; or
 - c the children of all residents; or
 - d the children of all residents whose means for the duration of the contingency do not exceed prescribed limits.

- 2 Notwithstanding the provisions of sub-paragraphs a and b of the foregoing paragraph, any Party may exclude from the application of this part:

- a the children of classes of employees constituting in all no more than 5% of all employees; or
 - b the children of classes of the economically active population constituting in all no more than 10% of the total economically active population.
- 3 Where a Party applies sub-paragraph a or b of paragraph 1 of this article, the children of persons receiving:
- a invalidity, old-age or survivors' benefit;
 - b benefit for permanent disablement to a prescribed degree, or survivors' benefit in the case of a work accident or occupational disease;
 - c unemployment benefit,
- shall be protected under prescribed conditions.

Article 47

The benefits shall comprise:

- a either periodical payments for families; or
- b a combination of periodical payments, tax relief, benefits in kind or social services for families.

Article 48

- 1 Where a Party applies sub-paragraph a or b of paragraph 1 of Article 46, entitlement to benefit shall not be made conditional on the completion of a qualifying period.
- 2 Where a Party applies sub-paragraph c or d of paragraph 1 of Article 46, entitlement to benefit may be made subject to a qualifying period not exceeding six months' residence.

Article 49

The total value of the benefits granted in accordance with Article 47 shall be such as to represent at least:

- a either 1.5% of the gross domestic product; or
- b 3% of the minimal legal or minimum inter-occupational wage, or of the wage of an ordinary labourer, as determined in accordance with the provisions of Article 72, multiplied by the total number of persons protected.

Article 50

The benefits referred to in Article 47 shall be provided throughout the duration of the contingency covered.

Part VIII – Maternity benefit

Article 51

The contingencies covered shall include:

- a pregnancy, confinement and their consequences;
- b the resulting suspension of earnings, as defined by national legislation.

Article 52

- 1 The persons protected shall comprise:
 - a as regards the contingency referred to in sub-paragraph a of Article 51:
 - i all employed women including female apprentices, and their female children, together with the dependent wives of employees, including apprentices, and their female children; or
 - ii all economically active women and their female children, together with all dependent wives of economically active men and their female children; or
 - iii all women residents;
 - b as regards the contingency referred to in sub-paragraph b of Article 51:
 - i all employed women, including female apprentices, or
 - ii all women belonging to prescribed classes of the economically active population constituting in all at least 80% of the total economically active population.
- 2
 - a Notwithstanding the terms of sub-paragraph a of the foregoing paragraph, any Party may exclude from the application of this part:
 - i women belonging to classes of employees constituting in all no more than 5% of all employees, and their female children, together with the wives of men belonging to these classes, and their female children; or
 - ii women belonging to classes of the economically active population constituting in all no more than 10% of the total economically active population, and their female children, together with the wives of men belonging to these classes, and their female children; or
 - iii women belonging to classes of residents constituting in all no more than 10% of all residents, and their female children.
 - b Notwithstanding the provisions of sub-paragraph b.i of the foregoing paragraph, any Party may exclude from the application of this part women belonging to classes of employees constituting in all no more than 10% of all employees.
- 3 Where a Party applies sub-paragraph a.i or a.ii of paragraph 1 of this article, women receiving any of the following benefits or applying for one of the benefits provided for under a and b of this paragraph:
 - a invalidity, old-age or survivors' benefit;

- b benefit for permanent disablement to a prescribed degree or survivors' benefit, in the case of a work accident or occupational disease;
- c unemployment benefit,

and the dependent wives of men who are receiving these benefits, or are claiming invalidity, old-age or survivors' benefit and their children shall continue under prescribed conditions to be protected in respect of the contingency referred to in sub-paragraph a of Article 51.

- 4 A Party may derogate from the provisions of sub-paragraph a of paragraph 1, sub-paragraph a of paragraph 2 and paragraph 3 of this article if its legislation guarantees medical care:
 - a to prescribed classes of employed women constituting in all at least 80% of all employed women; or
 - b to prescribed classes of economically active women constituting in all at least 75% of the total economically active women; or
 - c to prescribed classes of women residents constituting in all at least 70% of all women residents,

and, in the case of illness resulting from pregnancy and requiring long-term care, to all women residents.

Article 53

- 1 In the contingency referred to in sub-paragraph a of Article 51, medical care shall include:
 - a pre-natal, confinement and post-natal care, inside or outside hospital, by a general practitioner, a specialist or qualified midwife, including the necessary diagnoses and tests, as may be prescribed, as well as domiciliary visits;
 - b care by a member of a profession legally recognised as allied to the medical profession, who is qualified to supply services associated with maternity care under appropriate medical supervision;
 - c the provision of the necessary pharmaceutical supplies on prescription by a medical practitioner or other qualified person;
 - d maintenance in a hospital or any other medical institution;
 - e dental care including the necessary dental prostheses;
 - f medical rehabilitation, including the supply, maintenance and renewal of prosthetic and orthopaedic appliances as well as medical aids as may be prescribed;
 - g transport of the beneficiary, as may be prescribed.
- 2 Where a Party's legislation requires the beneficiary or the beneficiary's breadwinner to share in the cost of medical care, the rules governing such cost-sharing shall be such as not to impose hardship or render medical and social protection less effective.
- 3 Medical care shall aim at preserving, restoring, or improving the health of the woman protected and her ability to work and to meet her personal needs.

Article 54

In the contingency referred to in sub-paragraph b of Article 51, maternity cash benefit shall take the form of periodical payments calculated in accordance with the provisions of either Article 71 or Article 72. Their amount may vary in the course of the contingency, provided that their average amount complies with those provisions.

Article 55

Where a Party's legislation makes entitlement to maternity cash benefit conditional on the completion of a qualifying period, that period shall be no longer than is considered necessary to prevent abuse.

Article 56

- 1 Medical care shall be provided throughout the duration of the contingency referred to in sub-paragraph a of Article 51.
- 2 Maternity cash benefit shall be payable throughout the duration of the contingency referred to in sub-paragraph b of Article 51. However, the duration of its payment may be limited to fourteen weeks unless the duration of the compulsory period of absence from work is longer, in which case maternity benefit shall be paid throughout that period.

Article 57

A Party shall be deemed to comply with the provisions of this part relating to maternity cash benefit if, in the case of parental leave, its legislation prescribes cash benefit at least as favourable as that prescribed in this part.

Part IX – Invalidity benefit

Article 58

The contingencies covered shall include:

- a in the case of an economically active person, incapacity to a prescribed extent to work or earn;
- b in the case of a person not economically active, incapacity to a prescribed extent to engage in his usual activities;
- c incapacity to a prescribed extent of a child resulting from congenital disability or from invalidity occurring before the school-leaving age,

where such incapacity is likely to be permanent or where it persists after the expiry of a prescribed period of temporary or initial incapacity.

Article 59

- 1 The persons protected shall comprise:
 - a all employees, including, under prescribed conditions, apprentices; or
 - b prescribed classes of the economically active population constituting in all no less than 80% of the total economically active population; or

- c all residents.
- 2 Notwithstanding the provisions of sub-paragraphs a and c of the foregoing paragraph, any Party may exclude from the application of this part:
- a classes of employees constituting in all no more than 10% of all employees; or
 - b classes of residents constituting in all no more than 10% of all residents.

Article 60

- 1 In the contingency referred to in sub-paragraph a of Article 58 invalidity benefit shall take the form of periodical payments calculated in accordance with the provisions of either Article 71 or Article 72.
- 2 Notwithstanding the provisions of the foregoing paragraph, the periodical payments may be calculated in accordance with Article 73 by any Party whose legislation protects all residents without making entitlement to invalidity benefit conditional on the completion of any qualifying period.
- 3 In the contingency referred to in sub-paragraph b of Article 58 invalidity benefit shall take the form of periodical payments calculated in accordance with the provisions of either Article 72 or Article 73.
- 4 In the contingency referred to in sub-paragraph c of Article 58 benefits shall include:
- a cash allowances for education or adaptation; or
 - b specific measures to assist progress at school or at work, or additional grants.
- 5 Where a contingency covered arises, the benefit referred to in paragraphs 1 and 3 of this article shall be guaranteed at least:
- a to protected persons who, in accordance with prescribed rules, have completed a period of fifteen years of contributions, occupational activity or residence, including any period considered as such; or
 - b to protected persons who, in accordance with prescribed rules, have completed a period of thirty years of contributions, occupational activity or residence, including any period considered as such, where the period separating the contingency covered and a prescribed age is taken into account as a notional period for the purpose of calculating the benefit; or
 - c where, in principle, all economically active persons are protected, to protected persons who, in accordance with prescribed rules, have completed a period of three years of contributions and in respect of whom the prescribed yearly average number, yearly number or yearly average amount of contributions paid in the course of their working life has reached a prescribed figure.
- 6 Benefit, which may be reduced in proportion to the period of contribution, occupational activity or residence completed, shall be paid to protected persons who, under prescribed conditions, have completed a period shorter than that specified in the foregoing paragraph.

- 7 The requirements of paragraph 5 of this article shall be deemed to be complied with where benefit is fixed as a percentage of ten units less than that shown in the schedule appended to Part XI and is guaranteed at least to protected persons who have completed, in accordance with prescribed rules, a qualifying period not exceeding twelve months.
- 8 In addition, each Party shall provide increased or special benefit, under prescribed conditions, for beneficiaries whose condition necessitates the constant attendance of another person.
- 9 Each Party's legislation shall determine the conditions in which the periodical payments referred to in paragraphs 1 to 3 of this article shall be reviewed, suspended or cancelled in the light of changes which may have occurred in the extent of the incapacity.

Article 61

- 1 Where entitlement to invalidity benefit is conditional under a Party's legislation, upon completion of a qualifying period, that period may not be longer than five years completed in accordance with prescribed rules prior to occurrence of the contingency.
- 2 Where the benefits calculated in accordance with paragraphs 5 to 7 of Article 60 are guaranteed to all protected persons who have effectively completed, in accordance with prescribed rules and at a prescribed age, a qualifying period of five years or less, qualifying periods longer, depending on age, than those specified in paragraph 1 of Article 61 may be required after a prescribed age.

Article 62

Each Party shall, under prescribed conditions:

- a provide functional and occupational rehabilitation facilities to prepare disabled persons, wherever possible, for the resumption of their previous activity or, where this is not possible, for the most suitable alternative gainful activity, having regard to their aptitudes and capacities;
- b take measures to facilitate the placement of disabled persons in suitable employment;
- c grant aids to mobility and promote the social integration of disabled persons.

Article 63

The benefit referred to in Article 60 shall be paid throughout the duration of the contingency covered or until the payment of old-age or survivors' benefit.

Part X – Survivors' benefit

Article 64

- 1 The contingency covered shall be the loss of support suffered by the surviving spouse and children as the result of the death of the breadwinner.
- 2 In the case of a surviving spouse, eligibility for benefit may be made conditional upon attainment of a prescribed age, which shall not be higher than the age prescribed in accordance with paragraph 1 of Article 26.
- 3 No age requirement may, however, be imposed:
 - a where the spouse is presumed, under prescribed conditions, to be unfit for work; or

- b where the spouse has at least one dependent child.
- 4 In the case of a childless surviving spouse, eligibility for benefit may be made conditional upon a prescribed duration of marriage.

Article 65

- 1 The persons protected shall comprise:
- a the surviving spouses and children of breadwinners who were employees or, under prescribed conditions, apprentices; or
 - b the surviving spouses and children of breadwinners who belonged to prescribed classes of the economically active population constituting in all at least 80% of the total economically active population; or
 - c all resident surviving spouses and children or all surviving spouses and children who have lost their breadwinner who was resident.
- 2 Notwithstanding the provisions of sub-paragraphs a and c of the foregoing paragraphs, any Party may exclude from the application of this part:
- a classes of employees whose total number constitutes no more than 10% of all employees; or
 - b classes of residents whose total number constitutes no more than 10% of all residents.

Article 66

- 1 Survivors' benefit shall take the form of periodical payments calculated in accordance with the provisions of either Article 71 or Article 72.
- 2 Notwithstanding the provisions of the foregoing paragraph, periodical payments may be calculated in accordance with Article 73 by any Party whose legislation protects survivors with resident status, without making entitlement to benefit conditional on the completion of any qualifying period.
- 3 Where, however, surviving spouses do not satisfy the conditions of award prescribed in accordance with paragraphs 2 to 4 of Article 64 they shall be paid, under prescribed conditions, cash resettlement allowances, unless the Party in question has accepted the obligations embodied in Part IV and applies the provisions of sub-paragraph e of paragraph 3 of Article 20.
- 4 Surviving spouses shall also, where necessary and under prescribed conditions, be given facilities designed to assist their settlement in an occupation.
- 5 The benefits referred to in paragraph 1 of this article shall be secured at least:
- a to protected persons whose breadwinner completed, in accordance with prescribed rules, a period of fifteen years of contributions, occupational activity or residence, including any period considered as such; however, in the case of survivors' benefit awarded to a spouse, the latter's completion of a prescribed period of residence may be deemed sufficient; or

- b to protected persons whose breadwinner, in accordance with prescribed rules, completed a period of 30 years of contributions, occupational activity or residence, including any period considered as such, where the period separating the contingency covered and a prescribed age is taken into account as a notional period for the purpose of calculating the benefit; or
 - c where, in principle, the spouses and children of all economically active persons are protected, to protected persons whose breadwinner completed, in accordance with prescribed rules, a period of three years of contributions, on condition that the average yearly number, yearly number or yearly average amount of contributions paid in respect of the breadwinner in the course of the said breadwinner's working life reaches a prescribed figure.
- 6 Benefit, which may be reduced in proportion to the period of contribution, occupational activity or residence completed, shall be paid to protected persons whose breadwinner, under prescribed conditions, has completed a period shorter than those specified in the foregoing paragraph.
- 7 The requirements of paragraph 5 of this article shall be deemed to be complied with where a benefit calculated independently of the qualifying period but at a percentage of ten units less than that shown in the schedule appended to Part XI is guaranteed at least to protected persons whose breadwinner completed, in accordance with prescribed rules, a qualifying period not exceeding twelve months.

Article 67

- 1 Where a Party's legislation makes survivors' benefit conditional on the completion by the breadwinner of a qualifying period, that period shall not exceed five years of contributions, occupational activity or residence completed in accordance with prescribed rules.
- 2 Where the benefits calculated in accordance with the provisions of paragraphs 5 to 7 of Article 66 are guaranteed to all protected persons whose breadwinner has effectively completed, in accordance with prescribed rules and at a prescribed age, a qualifying period of five years or less, qualifying periods longer, depending on age, than those specified in paragraph 1 of this article may be required of the breadwinner according to his age after a prescribed age.

Article 68

The benefits referred to in paragraphs 1, 2, 5, 6 and 7 of Article 66 shall be paid throughout the contingency covered or until replaced by invalidity or old-age benefits.

Article 69

Benefit awarded in the cases referred to in paragraph 3 of Article 64 may cease to be paid, however, when the conditions prescribed for its award are no longer fulfilled.

Article 70

- 1 A Party may derogate temporarily from the provisions of this part concerning the granting of benefits to surviving spouses without distinction as to sex if its legislation, at the time when the Party accepts the obligations embodied in this part, provides that only widows are entitled to such benefit.
- 2 Any Party that avails itself of such a derogation shall indicate, in the reports on the application of this (revised) Code it is required to submit under Article 79, the progress being made in its legislation and practice towards the full application of the provisions of this part.

Part XI – Calculation of periodical payments

Article 71

- 1 Where this article is applied, the amount of any periodical payment shall be at least equal to the percentage referred to in one of the two following sub-paragraphs for a beneficiary considered alone, or for a beneficiary with dependants, as defined in the schedule appended to this part:
 - a for a beneficiary considered alone, the amount shall be at least equal to the percentage of the previous earnings of the beneficiary or the beneficiary's breadwinner in respect of the contingency in question;
 - b for a beneficiary with dependants, the said amount increased by the amount of any family allowances, payable during the period covered by the contingency, shall, in respect of the contingency in question, be at least equal to the percentages indicated in the schedule of the sum of the previous earnings of the beneficiary or the beneficiary's breadwinner and of the amount of any family allowances payable to a protected person with the same family responsibilities as the beneficiary.
- 2 The previous earnings of the beneficiary or the beneficiary's breadwinner shall be determined according to prescribed rules and, where the persons protected or their breadwinners are classified according to their earnings, their previous earnings may be calculated from the basic earnings of the class to which they belonged.
- 3 A maximum may be prescribed for the amount of the periodical payment or the earnings taken into account for its calculation, provided that it is fixed in such a way that paragraph 1 of this article is complied with where the previous earnings of the beneficiary or the beneficiary's breadwinner are equal to or lower than the wage of a skilled manual worker.
- 4 The previous earnings of the beneficiary or the beneficiary's breadwinner, the wage of the skilled manual worker, the periodical payment and the family allowances shall be calculated on the same time basis.
- 5 Where the legislation of a Party provides that the periodical payments are subject to tax or social security contributions, the previous earnings of the beneficiary or the beneficiary's breadwinner to be taken into account for the purpose of this article shall be:
 - a either the gross earnings before any tax or social security contributions, in which case the periodical payment to be compared with these earnings shall be the gross periodical payment before any tax or social security contributions; or
 - b the earnings net of any tax or social security contributions, in which case the periodical payment to be compared with these earnings shall be the periodical payment net of any tax or social security contributions.
- 6 Where the legislation of a Party provides that the periodical payments are subject neither to tax nor to social security contributions, the earnings of the beneficiary or the beneficiary's breadwinner to be taken into account for the purpose of this article may be the amount net of any tax or social security contributions.
- 7 For the application of this article, a skilled manual worker shall be:
 - a a fitter or turner in the mechanical, non-electrical, engineering industry; or
 - b a typical skilled manual worker as defined in the provisions of the following paragraph; or

- c a person whose earnings are equal to 125% of the average earnings of all the persons protected.
- 8 The typical skilled manual worker selected for the purpose of sub-paragraph b of the foregoing paragraph shall be a person in the class comprising the largest number of persons protected in respect of the contingency in question, or of their breadwinners in the branch of industry comprising in turn the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its 7th Session on 27 August 1948 and reproduced, as revised in 1968, in the appendix to this (revised) Code, shall be used, subject to any further revision it may undergo.
- 9 Where benefit varies according to region, the skilled manual worker may be determined for each region in accordance with paragraphs 7 and 8 of this article.
- 10 The wage of the skilled manual worker selected in accordance with the provisions of sub-paragraph a or b of paragraph 7 of this article shall be determined on the basis of the wage for a normal number of hours of work as fixed either by collective agreements, by or in pursuance of national legislation, or by custom, including any cost-of-living allowances; where the wage thus determined differs according to region but the foregoing paragraph is not applied, the median wage shall be taken.
- 11 When the payment of invalidity, old-age or survivors' benefit is claimed, the amount of the previous earnings of the claimant or of his breadwinner to be taken into account in calculating the amount of the periodical payments to be made in respect of invalidity, old-age or the death of the breadwinner shall be reviewed, under prescribed conditions, following any appreciable changes in the general level of earnings or in the cost of living.
- 12 The amount of current periodical payments for invalidity, old-age or the death of the breadwinner and for the contingencies referred to in sub-paragraphs c and d of paragraph 1 of Article 32 shall be reviewed, under prescribed conditions, following appreciable changes in the general level of earnings or in the cost of living.

Article 72

- 1 Where this article is applied, the amount of any periodical payment shall be no less than the percentage referred to in one of the two following sub-paragraphs for a beneficiary considered alone, or for a beneficiary with dependants, as defined in the schedule appended to this part:
 - a for a beneficiary considered alone, the amount shall be no less than the percentage of the minimum legal or minimum inter-occupational wage, or of the wage of an ordinary labourer, in respect of the contingency in question;
 - b for a beneficiary with dependants, the said amount, increased by the amount of any family allowances paid during the period covered by the contingency, shall, in respect of the contingency in question, be no less than the percentage specified in the schedule of the sum of the minimum legal or minimum inter-occupational wage, or of the wage of an ordinary labourer, and the amount of any family allowances payable to a protected person with the same family responsibilities as the beneficiary.
- 2 The minimum wage, the wage of an ordinary labourer, the periodical payment and the family allowances shall be calculated on the same time basis.
- 3 Where the legislation of a Party provides that the periodical payments are subject to tax or social security contributions, the minimum wage or the wages of an ordinary labourer to be taken into account for the purpose of this article shall be:

- a either the gross wages before any tax or social security contributions, in which case the periodical payment to be compared with this wage is the gross periodical payment before tax or social security contributions; or
 - b the wage net of any tax or social security contributions, in which case the periodical payment to be compared with this wage is the periodical payment net of any tax or social security contributions.
- 4 Where the legislation of a Party provides that the periodical payments are subject neither to tax nor to social security contributions, the minimum wage or the wages of an ordinary labourer to be taken into account for the purpose of this article may be the salary net of any tax or social security contributions.
- 5 For the purposes of this article, an ordinary labourer is:
- a a labourer in the mechanical, non-electrical, engineering industry; or
 - b a typical labourer as defined in the provisions of the following paragraph.
- 6 The typical labourer selected for the purposes of sub-paragraph b of the foregoing paragraph shall be a person in the class comprising the largest number of persons protected in respect of the contingency in question, or of their breadwinners, in the branch of industry comprising in turn the largest number of such persons or breadwinners; for this purpose the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations Organisation at its 7th Session on 27 August 1948 and reproduced, as revised in 1968, in the appendix to this (revised) Code shall be used, regard being had to any further revision it may undergo.
- 7 Where benefit varies according to region, the ordinary labourer may be determined for each region in accordance with paragraphs 5 and 6 of this article.
- 8 The minimum wage, or the wage of the ordinary labourer, selected in accordance with sub-paragraph a or b of paragraph 5 of this article, shall be determined on the basis of the wages for a normal number of hours of work as fixed either by collective agreements, by or in pursuance of national legislation, or by custom, including any cost-of-living allowances; where the wage thus determined differs according to region and the foregoing paragraph is not applied, the median wage shall be taken.
- 9 In the case of part-time work the percentage corresponding to the standard must be observed, but periodical payments may be reduced accordingly.
- 10 The amount of current periodical payments for invalidity, old-age or the death of the breadwinner and for the contingencies referred to in sub-paragraphs c and d of paragraph 1 of Article 32 shall be reviewed, under prescribed conditions, following any appreciable changes in the general level of earnings or in the cost of living.

Article 73

In the case of periodical payments to which this article applies:

- a their amount shall be determined according to a prescribed scale;
- b their amount may be calculated taking account of the other means of beneficiaries and their families, as may be prescribed;
- c their amount, together with other means of beneficiaries and their families shall be at least equal to the amount of periodical payments calculated in accordance with the provisions of Article 72.

Schedule to Part XI

Periodical payments

Part	Contingency	Beneficiary considered alone	Beneficiary with dependants	
		Percentage	Definition	Percentage
III	Sickness	50	Person with spouse and two children	65
IV	Unemployment	50	Person with spouse and two children	65
V	Old-age	50	Person with spouse of a prescribed age	65
VI	Work accidents and occupational diseases:			
	a temporary or initial incapacity for work	50	Person with spouse and two children	65
	b total and permanent loss of earning capacity or corresponding degree of physical invalidity			
	i in general	50		65
	ii where constant attendance is required	70		80
c death of the breadwinner				65
	– surviving spouse	50	Surviving spouse with two children	65
	– child	20		
VIII	Maternity	50	Woman with spouse and two children	65
IX	Invalidity	50	Person with spouse and two children	65
X	Death of the breadwinner			
	– surviving spouse	50	Surviving spouse with two children	65
	– child	20		

Part XII – Common provisions

Article 74

- 1 A benefit to which a protected person would otherwise be entitled in compliance with any of Parts II to X of this (revised) Code may be withheld, withdrawn or suspended, to a prescribed extent:
 - a where the contingency has been caused by a criminal offence committed by the person concerned;
 - b where the contingency has been caused by the wilful misconduct of the person concerned;
 - c where the person concerned has obtained or sought to obtain the benefit concerned by means of a fraudulent claim;
 - d in appropriate cases, where the person concerned neglects to make use of the medical care or rehabilitation services that are available or fails to comply with the rules governing the verification of the existence of the contingency or the conduct of beneficiaries;
 - e in the case of unemployment benefit:
 - i under prescribed conditions where the person concerned has stopped work in order to take part in a labour dispute, or is prevented from working or has lost his job as a direct result of a labour dispute, or has left work of his own volition without just cause;
 - ii where the person concerned neglects to make use of the employment services that are available;
 - f for as long as the person concerned is absent from the territory of the Party concerned;
 - g for as long as the person concerned is being maintained at public expense, or at the expense of a social security institution or service;
 - h for as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which compensation is being paid for the same contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the compensation paid by the third party; a person who fails to receive such other benefit or such compensation through personal fault or negligence may nevertheless be deemed to be in receipt thereof;
 - i in the case of benefit payable to a surviving spouse, for as long as the surviving spouse cohabits with another person;
 - j in the case of invalidity, old-age and survivors' benefit, as long as the person concerned is engaged in gainful activity;
 - k in the case of benefit granted without any qualifying period in order to prevent abuse.

- 2 In the cases and conditions and within the limits prescribed, part of the benefit which would normally have been paid, had the corresponding provisions of the foregoing paragraph not been applied, shall be paid to the dependants of the person concerned unless they enjoy another form of protection.

Article 75

- 1 In the event of a benefit being withheld, suspended or withdrawn, or in the event of disputes as to its nature and amount, any claimant shall have the right to appeal to the competent jurisdiction. This appeal shall in principle be free of charge, subject to the conditions prescribed unless the person concerned has a prior right of appeal free of charge to a competent authority.
- 2 Prescribed procedures shall enable the claimant to be represented or assisted by a qualified person of his choice or by a delegate of an organisation representing the persons protected.

Article 76

- 1 The cost of the benefits provided in application of this (revised) Code and the related administrative costs shall be borne collectively in such a way as to prevent hardship to persons of small means and take account of the capacity of the persons protected to contribute.
- 2 Each Party shall accept general responsibility for guaranteeing the provision of the benefits awarded in application of this (revised) Code and shall take all the necessary steps to discharge that responsibility effectively.

Article 77

- 1 Where the administration is not entrusted to a public service responsible to an elected assembly, representatives of the persons protected shall participate in the management, or be associated with it in an advisory capacity, under prescribed conditions; national legislation may likewise provide for the participation of representatives of employers and of the public authorities.
- 2 However, where a Party, by virtue of sub-paragraph a of Article 6 makes subject to supervision by the public authorities the protection afforded by non-compulsory insurance for the persons protected, the obligation imposed by the foregoing paragraph shall not apply.
- 3 Each Party shall accept general responsibility for the effectiveness and quality of the management of the institutions and services concerned with the application of this (revised) Code.

Part XIII – Miscellaneous provisions

Article 78

This (revised) Code shall not apply to contingencies which occurred before the entry into force of the relevant part of this (revised) Code for the Party concerned.

Article 79

- 1 Each Party shall submit to the Secretary General of the Council of Europe reports concerning the application of this (revised) Code; these reports shall be presented in such a general form and manner as shall be suggested by the Committee. Each Party shall communicate copies of these reports to its most representative organisations of employers and workers and shall forward to the Secretary General any comments on the said reports received from those organisations. These reports shall include:
 - a in the first year following ratification full information on the legislation giving effect to the provisions of this (revised) Code covered by the ratification, with evidence of compliance with the statistical conditions with regard in particular to the number of persons protected, the amount of the benefits and, with regard to paragraph 2 of Article 24, the duration of unemployment benefit;
 - b in other years, information on changes in legislation, as well as the supporting statistical data, provided that one year out of every four the information given shall comprise all elements required under sub-paragraph a.
- 2 Each Party wishing to avail itself of the provisions of paragraph 2 of Article 7 shall, as appropriate, include in the reports it submits pursuant to the foregoing paragraph, all the information needed as evidence that its legislation guarantees protection at least equivalent to that provided for in this (revised) Code.
- 3 Each Party shall supply, if the Secretary General of the Council of Europe so requests, further particulars concerning the manner in which it has implemented the provisions of this (revised) Code covered by its ratification.
- 4 The reports, information, comments and further particulars submitted in accordance with paragraphs 1, 2, and 3 of Article 79 shall be examined by a European Commission of independent experts (hereinafter referred to as "the Commission") responsible for the preparation of conclusions for submission to the Committee.
- 5 The Commission shall consist of not more than five members appointed by the Committee of Ministers of the Council of Europe from a list of independent experts of the highest integrity and of recognised competence in social protection nominated by the Secretary General of the Council of Europe.
- 6 The members of the Commission shall sit on it in an individual capacity and shall be independent and impartial in the exercise of their duties.
- 7 The members of the Commission shall be appointed for a period of six years and shall be eligible for reappointment. However, of the members first appointed, the terms of office of two
- 8 The members whose terms of office are to expire at the end of the initial period of three years shall be chosen by lot by the Committee of Ministers immediately after the first appointment has been made.
- 9 A member of the Commission appointed to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.
- 10 The International Labour Organisation shall be invited to nominate a representative to participate in a consultative capacity in the deliberations of the Commission and of the Committee.

- 11 The reports, information, comments, and further particulars submitted in accordance with paragraphs 1, 2, and 3 of Article 79, together with the conclusions of the Commission, shall be examined by the Committee which shall prepare a report containing its conclusions for the Committee of Ministers of the Council of Europe.
- 12 In the case of accession by the European Economic Community, as soon as this (revised) Code has entered into force in respect of the latter Party, the European Economic Community shall submit to the Secretary General the reports provided for in paragraph 1 of this article on behalf of its member States for those parts of this (revised) Code which fall within its jurisdiction while the member States of the European Economic Community shall submit to the Secretary General the above-mentioned reports for those parts of this (revised) Code which fall within their jurisdiction.

Article 80

The Secretary General of the Council of Europe shall transmit to the Consultative Assembly for opinion copies of the reports, information, comments and further particulars submitted in accordance with paragraphs 1, 2, and 3 of Article 79, as well as the conclusions of the Commission and the report of the Committee.

Article 81

- 1 The Committee of Ministers of the Council of Europe, after receiving the opinion of the Consultative Assembly, shall decide by the majority provided for in Article 20.d of the Statute of the Council of Europe, whether each Party has complied with the obligations it has accepted by virtue of this (revised) Code.
- 2 Where the Committee of Ministers of the Council of Europe considers that a Party is not complying with its obligations under this (revised) Code, it shall invite that Party to take the necessary steps to ensure such compliance.

Article 82

- 1 Each Party shall report to the Secretary General of the Council of Europe every four years following the date of entry into force of the (revised) Code for that Party, on the state of its legislation and practice in regard to any of Parts II to X of this (revised) Code which it has not specified in its instrument of ratification, acceptance, approval or accession pursuant to paragraph 1 of Article 3 or in a notification made subsequently, pursuant to paragraph 1 of Article 4.
- 2 The reports submitted pursuant to the provisions of the foregoing paragraph shall be examined by the Commission which will transmit its conclusions to the Secretary General of the Council of Europe.

Part XIV – Amendments

Article 83

- 1 Amendments to the articles of this (revised) Code may be proposed by a Party, the Committee of Ministers of the Council of Europe or the Committee.
- 2 Any proposal for amendment shall be communicated by the Secretary General of the Council of Europe to the member States, to every Party, and to every State which has been invited to accede to this (revised) Code in accordance with the provisions of Article 85.

- 3 Any amendment proposed by a Party or the Committee of Ministers shall be communicated to the Committee at least six months before the meeting at which it is to be considered. The Committee shall submit to the Committee of Ministers its opinion on the proposed amendment.
- 4 The Committee of Ministers shall consider the proposed amendment and the opinion submitted by the Committee and may adopt the amendment.
- 5 The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 4 of this article shall be forwarded to the Parties for acceptance.
- 6 Any amendment adopted in accordance with paragraph 4 of this article shall come into force on the first day of the month following the expiration of a period of one month after all Parties have informed the Secretary General of their acceptance thereof.

Part XV – Final provisions

Article 84

- 1 This (revised) Code shall be open for signature by the member States of the Council of Europe. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
- 2 This (revised) Code shall enter into force on the first day of the month following the expiration of a period of twelve months after the date on which two member States have expressed their consent to be bound by this (revised) Code in accordance with the provisions of paragraph 1 of this article.
- 3 In respect of any member State which expresses its consent to be bound by it after the deposit of the second instrument of ratification, acceptance or approval, this (revised) Code shall enter into force on the first day of the month following the expiration of a period of twelve months after the date of the deposit of that State's instrument of ratification, acceptance or approval.

Article 85

- 1 After the coming into force of this (revised) Code, the Committee of Ministers of the Council of Europe may invite any non-member State of the Council of Europe as well as the European Economic Community to accede to this (revised) Code, by decision taken on the majority required by Article 20.d of the Council of Europe's Statute, and by a unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.
- 2 For every acceding State, or for the European Economic Community if it has acceded, this (revised) Code shall come into force on the first day of the month following the expiration of a period of twelve months after the date of the deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 86

- 1 Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this (revised) Code shall apply.

- 2 Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this (revised) Code to any other territory specified in the declaration. In respect of such territory this (revised) Code shall enter into force on the first day of the month following the expiration of a period of twelve months after the date of receipt of such declaration by the Secretary General.
- 3 Any Party may, at such time as it can denounce this (revised) Code in accordance with Article 88, withdraw any declaration made under the two foregoing paragraphs in respect of any territory specified in such declaration by notification to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of twelve months after the date of receipt of such notification by the Secretary General of the Council of Europe.

Article 87

No reservation may be made in respect of the provisions of this (revised) Code.

Article 88

- 1 Any Party may denounce the whole of this (revised) Code, or any one or more of Parts II to X thereof, at the end of a period of four years from the date on which this (revised) Code entered into force for such Party, or at the end of any successive period of five years, by giving twelve months' notice to the Secretary General of the Council of Europe.
- 2 Such denunciation shall not affect the validity of this (revised) Code in respect of the other Parties, subject to the requirement that the number of Parties shall not be less than two.

Article 89

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, any State which has acceded to this (revised) Code, the European Economic Community if it has acceded, 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 (revised) Code in accordance with Articles 84 and 85;
- d any declaration made under the provisions of Article 86;
- e any declaration made under the provisions of Article 7;
- f any other act, notification or communication relating to this (revised) Code.

In witness whereof the undersigned, being duly authorised thereto, have signed this (revised) Code.

Done at Rome, this 6th day of November 1990, in English and in 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 and to any State or to the European Economic Community invited to accede to this (revised) Code.