



Protocol to the European Convention on Social Security

Strasbourg, 11.V.1994

The member States of the Council of Europe, signatories to this Protocol to the European Convention on Social Security, signed at Paris on 14 December 1972 (hereinafter referred to as "the Convention"),

Considering that it is desirable to amend certain provisions of the Convention with a view to extending its personal scope,

Have agreed as follows:

Article 1

- 1 In relations between the Contracting Parties to the Convention bound by this Protocol, the provisions set forth in Article 2 below supersede the corresponding provisions of the Convention.
- 2 In relations between the Contracting Parties to the Convention which are not Party to this Protocol and the Parties to this Protocol, the Convention remains applicable in its initial form.

Article 2

Article 4 of the Convention shall read as follows:

"1 The provisions of this Convention shall be applicable:

- a to all persons who are, or have been, subject to the legislation of one or more of the Contracting Parties, as well as to members of their families and their survivors;
 - b without prejudice to Article 2, paragraph 4, to civil servants and persons treated as such under the legislation of the Contracting Party concerned, in so far as they are subject to any legislation of that Contracting Party to which this Convention applies.
- 2 Notwithstanding the provisions of sub-paragraph b of the preceding paragraph, the categories of persons – other than members of the service staff of diplomatic missions or consular posts and persons employed in the private service of officials of such missions or posts – in respect of whom the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations provide for exemption from the social security provisions which are in force in the receiving State shall not benefit from the provisions of this Convention."

Article 3

- 1 Any member State of the Council of Europe may at the time of the signature of this Protocol or at the date of its ratification, acceptance or approval declare to apply Article 8 or Article 11 or both articles of the Convention only to persons covered by Article 4 of the Convention without taking into account the amendment provided for under Article 2 of this Protocol.
- 2 Any Party which had recourse to the declaration provided for in the previous paragraph will be able to renounce such declaration at any time by means of a notification addressed to the Secretary General of the Council of Europe.

Article 4

The provisions of Article 74 of the Convention shall apply, *mutatis mutandis*, in the case of this Protocol.

Article 5

- 1 This Protocol shall be open for signature by member States of the Council of Europe signatories to the Convention, which may express their consent to be bound by:
 - a signature without reservation as to ratification, acceptance or approval; or
 - b signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.
- 2 Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
- 3 A member State of the Council of Europe may not sign without reservation as to ratification, acceptance or approval or may not deposit its instrument of ratification, acceptance or approval if it is not already or if it does not simultaneously become a Contracting Party to the Convention.

Article 6

- 1 This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which two member States shall have expressed their consent to be bound by this Protocol in accordance with the provisions of Article 5.
- 2 In respect of any member State which subsequently expresses its consent to be bound by it, this Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of signature or the deposit of the instrument of ratification, acceptance or approval.

Article 7

- 1 Any State not a member of the Council of Europe which accedes to the Convention upon invitation by the Committee of Ministers of the Council of Europe in accordance with Article 77 thereof may accede to this Protocol.
- 2 Accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect on the date of accession to the Convention or, in the case of a later accession, on the first day of the month following the expiration of a period of three months after the date of its deposit.

Article 8

- 1 This Protocol shall have the same duration as the Convention.
- 2 Any Party may, in so far as it is concerned, denounce this Protocol after it has been in force for one year in respect of that Party by means of a notification addressed to the Secretary General of the Council of Europe.
- 3 Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification.
- 4 The provisions of Article 79 of the Convention shall apply, *mutatis mutandis*, in the case of this Protocol.

Article 9

The Secretary General of the Council of Europe shall, within one month, notify the Parties, signatory States and the Director General of the International Labour Office of:

- a any signature;
- b any deposit of an instrument of ratification, acceptance or approval;
- c any declaration or notification in accordance with Article 3;
- d any date of entry into force of this Protocol in accordance with Article 6;
- e any notification of denunciation received in pursuance of Article 8;
- f any other act, notification or communication relating to this Protocol.

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

Done at Strasbourg, this 11th day of May 1994, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.