

Statement of Interpretation on Article 12§4

In the course of its examination of the reports submitted as part of the third cycle of supervision, the Committee recalled that the provisions of Article 12, paragraph 4, concerning the social security rights in each country of the nationals of other Contracting Parties comprise:

- an undertaking by each Contracting Party to ensure equal treatment with its own nationals of the nationals of other Contracting Parties;
- an undertaking to endeavour to enable migrants to retain their rights, which can only be achieved by means of bilateral or multilateral agreements.

These undertakings cannot be regarded as having been honoured unless:

1. equality between a country's own nationals and those of other Contracting Parties is effectively safeguarded under national legislation;
2. adequate efforts are made to conclude and implement international agreements whereby migrants' rights are maintained or restored.