



## **European Code of Social Security**

Strasbourg, 16.IV.1964

---

### **Preamble**

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 facilitating their social progress;

Considering that one of the objects of the social programme of the Council of Europe is to encourage all members to develop further their systems of social security;

Recognising the desirability of harmonising social charges in member countries;

Convinced that it is desirable to establish a European Code of Social Security at a higher level than the minimum standards embodied in International Labour Convention No. 102 concerning Minimum Standards of Social Security,

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

### **Part I – General provisions**

#### **Article 1**

- 1 In this Code:
  - a the term "the Committee of Ministers" means the Committee of Ministers of the Council of Europe;
  - b the term "the Committee" means the Committee of Experts on Social Security of the Council of Europe or such other committee as the Committee of Ministers may designate to carry out the duties laid down in Article 2, paragraph 3; Article 74, paragraph 4, and Article 78, paragraph 3;
  - c the term "Secretary General" means the Secretary General of the Council of Europe;
  - d the term "prescribed" means determined by or in virtue of national laws or regulations;
  - e the term "residence" means ordinary residence in the territory of the Contracting Party concerned and the term "resident" means a person ordinarily resident in the territory of the Contracting Party concerned;
  - f the term "wife" means a wife who is maintained by her husband;

- g the term "widow" means a woman who was maintained by her husband at the time of his death;
  - h the term "child" means a child under school-leaving age or under 15 years of age, as may be prescribed;
  - i the term "qualifying period" means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.
- 2 In Articles 10, 34 and 49 the term "benefit" means either direct benefit in the form of care or indirect benefit consisting of reimbursement of the expenses borne by the person concerned.

## **Article 2**

- 1 Each Contracting Party shall comply with:
- a Part I;
  - b at least six of Parts II to X, provided that Part II shall count as two Parts and Part V as three Parts;
  - c the relevant provisions of Parts XI and XII; and
  - d Part XIII.
- 2 The terms of sub-paragraph b of the foregoing paragraph can be regarded as fulfilled if:
- a at least three of Parts II to X, including at least one of Parts IV, V, VI, IX and X are complied with; and
  - b in addition, proof is furnished that the social security legislation in force is equivalent to one of the combinations provided for in that sub-paragraph, taking into account:
    - i the fact that certain branches covered by sub-paragraph a of this paragraph exceed the standards of the Code in respect of their scope of protection or their level of benefits, or both;
    - ii the fact that certain branches covered by sub-paragraph a of this paragraph exceed the standards of the Code by granting supplementary services of advantages listed in Addendum 2; and
    - iii branches which do not attain the standards of the Code.
- 3 A Signatory desiring to avail itself of the provisions of paragraph 2.b of this article shall make a request to this effect in the report to the Secretary General submitted in accordance with the provisions of Article 78. The Committee, basing itself on the principle of equivalence of cost, shall lay down rules co-ordinating and defining the conditions for taking into account the provisions of paragraph 2.b of this article. These provisions may only be taken into account in each case with the approval of the Committee, the decision to be taken by a two-thirds majority.

## **Article 3**

Each Contracting Party shall specify in its instrument of ratification those parts of Parts II to X in respect of which it accepts the obligations of this Code, and shall also state whether and to what extent it avails itself of the provisions of Article 2, paragraph 2.

#### **Article 4**

- 1 Each Contracting Party may subsequently notify the Secretary General that it accepts the obligations of the Code in respect of one or more of Parts II to X not already specified in its ratification.
- 2 The undertakings referred to in paragraph 1 of this article shall be deemed to be an integral part of the ratification and to have the force of ratification as from the date of notification.

#### **Article 5**

Where, for the purpose of compliance with any of the Parts II to X of this Code which are to be covered by its ratification, a Contracting Party is required to protect prescribed classes of persons constituting not less than a specified percentage of employees or residents, that Contracting Party shall satisfy itself, before undertaking to comply with such part, that the relevant percentage is attained.

#### **Article 6**

For the purpose of compliance with Parts II, III, IV, V, VIII (in so far as it relates to medical care), IX or X of this Code, a Contracting Party may take account of protection effected by means of insurance which, although not made compulsory by national laws or regulations for the persons to be protected:

- a is subsidised by the public authorities or, where such insurance is complementary only, is supervised by the public authorities or administered, in accordance with prescribed standards, by joint operation of employers and workers;
- b covers a substantial part of the persons whose earnings do not exceed those of the skilled manual male employee, determined in accordance with Article 65; and
- c complies, in conjunction with other forms of protection, where appropriate, with the relevant provisions of the Code.

### **Part II – Medical care**

#### **Article 7**

Each Contracting Party for which this part of this Code is in force shall secure to the persons protected the provision of benefit in respect of a condition requiring medical care of a preventive or curative nature in accordance with the following articles of this part.

#### **Article 8**

The contingencies covered shall include any morbid condition, whatever its cause, and pregnancy and confinement and their consequences.

#### **Article 9**

The persons protected shall comprise:

- a prescribed classes of employees, constituting not less than 50 per cent of all employees, and also their wives and children; or
- b prescribed classes of the economically active population, constituting not less than 20 per cent of all residents, and also their wives and children; or

- c prescribed classes of residents, constituting not less than 50 per cent of all residents.

#### **Article 10**

- 1 The benefit shall include at least:
  - a in case of a morbid condition,
    - i general practitioner care, including domiciliary visiting;
    - ii specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;
    - iii the essential pharmaceutical supplies as prescribed by medical or other qualified practitioners; and
    - iv hospitalisation where necessary; and
  - b in case of pregnancy and confinement and their consequences,
    - i pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives; and
    - ii hospitalisation where necessary.
- 2 The beneficiary or his breadwinner may be required to share in the cost of the medical care the beneficiary receives in respect of a morbid condition; the rules concerning such cost-sharing shall be so designed as to avoid hardship.
- 3 The benefit provided in accordance with this article shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.
- 4 The institutions or government departments administering the benefit shall, by such means as may be deemed appropriate, encourage the persons protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.

#### **Article 11**

The benefit specified in Article 10 shall, in a contingency covered, be secured at least to a person protected who has completed, or whose breadwinner has completed, such qualifying period as may be considered necessary to preclude abuse.

#### **Article 12**

The benefit specified in Article 10 shall be granted throughout the contingency covered, except that, in case of a morbid condition, its duration may be limited to 26 weeks in each case, but benefit shall not be suspended while a sickness benefit continues to be paid, and provision shall be made to enable the limit to be extended for prescribed diseases recognised as entailing prolonged care.

### **Part III – Sickness benefit**

#### **Article 13**

Each Contracting Party for which this part of the Code is in force shall secure to the persons protected the provision of sickness benefit in accordance with the following articles of this part.

#### **Article 14**

The contingency covered shall include incapacity for work resulting from a morbid condition and involving suspension of earnings, as defined by national laws or regulations.

#### **Article 15**

The persons protected shall comprise:

- a prescribed classes of employees, constituting not less than 50 per cent of all employees;  
or
- b prescribed classes of the economically active population, constituting not less than 20 per cent of all residents; or
- c all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.

#### **Article 16**

- 1 Where classes of employees or classes of the economically active population are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 65 or with the requirements of Article 66.
- 2 Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67; provided that a prescribed benefit shall be guaranteed, without means test, to the prescribed classes of persons determined in accordance with Article 15.a or b.

#### **Article 17**

The benefit specified in Article 16 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.

#### **Article 18**

The benefit specified in Article 16 shall be granted throughout the contingency, except that the benefit may be limited to 26 weeks in each case of sickness, and need not be paid for the first three days of suspension of earnings.

## **Part IV – Unemployment benefit**

### **Article 19**

Each Contracting Party for which this part of the Code is in force shall secure to the persons protected the provision of unemployment benefit in accordance with the following articles of this part.

### **Article 20**

The contingency covered shall include suspension of earnings, as defined by national laws or regulations, due to inability to obtain suitable employment in the case of a person protected who is capable of, and available for, work.

### **Article 21**

The persons protected shall comprise:

- a prescribed classes of employees, constituting not less than 50 per cent of all employees;  
or
- b all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.

### **Article 22**

- 1 Where classes of employees are protected, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.
- 2 Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67; provided that a prescribed benefit shall be guaranteed, without means test, to the prescribed classes of employees determined in accordance with Article 21.a.

### **Article 23**

The benefit specified in Article 22 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.

### **Article 24**

- 1 The benefit specified in Article 22 shall be granted throughout the contingency, except that its duration may be limited:
  - a where classes of employees are protected, to 13 weeks within a period of 12 months, or to 13 weeks in each case of suspension of earnings; or
  - b where all residents whose means during the contingency do not exceed prescribed limits are protected, to 26 weeks within a period of 12 months; provided that the duration of the prescribed benefit, guaranteed without means test, may be limited in accordance with sub-paragraph a of this paragraph.

- 2 Where national laws or regulations provide that the duration of the benefit shall vary with the length of the contribution period and/or the benefit previously received within a prescribed period, the provisions of paragraph 1 of this article shall be deemed to be fulfilled if the average duration of benefit is at least 13 weeks within a period of 12 months.
- 3 The benefit need not be paid for a waiting period of the first seven days in each case of suspension of earnings, counting days of unemployment before and after temporary employment lasting not more than a prescribed period as part of the same case of suspension of earnings.
- 4 In the case of seasonal workers the duration of the benefit and the waiting period may be adapted to their conditions of employment.

## **Part V – Old-age benefit**

### **Article 25**

Each Contracting Party for which this part of the Code is in force shall secure to the persons protected the provision of old-age benefit in accordance with the following articles of this part.

### **Article 26**

- 1 The contingency covered shall be survival beyond a prescribed age.
- 2 The prescribed age shall be not more than 65 years or than such higher age that the number of residents having attained that age is not less than 10 per cent of the number of residents under that age but over 15 years of age.
- 3 National laws or regulations may provide that the benefit of a person otherwise entitled to it may be suspended if such person is engaged in any prescribed gainful activity or that the benefit, if contributory, may be reduced, where the earnings of the beneficiary exceed a prescribed amount and, if non-contributory, may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.

### **Article 27**

The persons protected shall comprise:

- a prescribed classes of employees, constituting not less than 50 per cent of all employees;  
or
- b prescribed classes of the economically active population, constituting not less than 20 per cent of all residents; or
- c all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.

### **Article 28**

The benefit shall be a periodical payment calculated as follows:

- a where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;

- b where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67.

### **Article 29**

- 1 The benefit specified in Article 28 shall, in a contingency covered, be secured at least:
  - a to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 30 years of contribution or employment, or 20 years of residence; or
  - b where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom while he was of working age, the prescribed yearly average number of contributions has been paid.
- 2 Where the benefit referred to in paragraph 1 of this article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:
  - a to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of 15 years of contribution or employment; or
  - b where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with paragraph 1.b of this article has been paid.
- 3 The requirements of paragraph 1 of this article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, ten years of contribution or employment, or five years of residence.
- 4 A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds ten years of contribution or employment but is less than 30 years of contribution or employment; if such qualifying period exceeds 15 years, a reduced benefit shall be payable in conformity with paragraph 2 of this article.
- 5 Where the benefit referred to in paragraphs 1, 3 or 4 of this article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be payable under prescribed conditions to a person protected who, by reason only of his advanced age when the provisions concerned in the application of this part come into force, has not satisfied the conditions prescribed in accordance with paragraph 2 of this article, unless a benefit in conformity with the provisions of paragraphs 1, 3 or 4 of this article is secured to such person at an age higher than the normal age.

### **Article 30**

The benefits specified in Articles 28 and 29 shall be granted throughout the contingency.

## **Part VI – Employment injury benefit**

### **Article 31**

Each Contracting Party for which this part of the Code is in force shall secure to the persons protected the provision of employment injury benefit in accordance with the following articles of this part.

### **Article 32**

The contingencies covered shall include the following where the state of affairs described is due to accident or a prescribed disease resulting from employment:

- a a morbid condition;
- b incapacity for work resulting from such a condition and involving suspension of earnings, as defined by national laws or regulations;
- c total loss of earning capacity or partial loss thereof in excess of a prescribed degree, likely to be permanent, or corresponding loss of faculty; and
- d the loss of support suffered by the widow or child as the result of the death of the breadwinner; in the case of a widow, the right to benefit may be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support.

### **Article 33**

The persons protected shall comprise prescribed classes of employees, constituting not less than 50 per cent of all employees, and, for benefit in respect of death of the breadwinner, also their wives and children.

### **Article 34**

- 1 In respect of a morbid condition, the benefit shall be medical care as specified in paragraphs 2 and 3 of this article.
- 2 The medical care shall comprise:
  - a general practitioner and specialist in-patient care and out-patient care, including domiciliary visiting;
  - b dental care;
  - c nursing care at home or in hospital or other medical institutions;
  - d maintenance in hospitals, convalescent homes, sanatoria or other medical institutions;
  - e dental, pharmaceutical and other medical or surgical supplies, including prosthetic appliances, kept in repair, and eyeglasses; and
  - f the care furnished by members of such other professions as may at any time be legally recognised as allied to the medical profession, under the supervision of a medical or dental practitioner.

- 3 The medical care provided in accordance with the preceding paragraphs shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.

#### **Article 35**

- 1 The institutions or government departments administering the medical care shall co-operate, wherever appropriate, with the general vocational rehabilitation services, with a view to the re-establishment of handicapped persons in suitable work.
- 2 National laws or regulations may authorise such institutions or departments to ensure provision for the vocational rehabilitation of handicapped persons.

#### **Article 36**

- 1 In respect of incapacity for work, total loss of earning capacity likely to be permanent, or corresponding loss of faculty, or the death of the breadwinner, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.
- 2 In case of partial loss of earning capacity likely to be permanent, or corresponding loss of faculty, the benefit, where payable, shall be a periodical payment representing a suitable proportion of that specified for total loss of earning capacity or corresponding loss of faculty.
- 3 The periodical payment may be commuted for a lump sum:
  - a where the degree of incapacity is slight; or
  - b where the competent authority is satisfied that the lump sum will be properly utilised.

#### **Article 37**

The benefit specified in Articles 34 and 36 shall, in a contingency covered, be secured at least to a person protected who was employed on the territory of the Contracting Party concerned at the time of the accident if the injury is due to accident or at the time of contracting the disease if the injury is due to a disease and, for periodical payments in respect of death of the breadwinner, to the widow and children of such person.

#### **Article 38**

The benefit specified in Articles 34 and 36 shall be granted throughout the contingency, except that, in respect of incapacity for work, the benefit need not be paid for the first three days in each case of suspension of earnings.

### **Part VII – Family benefit**

#### **Article 39**

Each Contracting Party for which this part of the Code is in force shall secure to the persons protected the provision of family benefit in accordance with the following articles of this part.

#### **Article 40**

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

#### **Article 41**

The persons protected shall comprise, as regards the periodical payments specified in Article 42:

- a prescribed classes of employees, constituting not less than 50 per cent of all employees; or
- b prescribed classes of the economically active population, constituting not less than 20 per cent of all residents.

#### **Article 42**

The benefit shall be:

- a a periodical payment granted to any person protected having completed the prescribed qualifying period; or
- b the provision to or in respect of children of food, clothing, housing, holidays or domestic help; or
- c a combination of the benefits provided for in sub-paragraphs a and b of this article.

#### **Article 43**

The benefit specified in Article 42 shall be secured at least to a person protected who, within a prescribed period, has completed a qualifying period which may be one month of contribution or employment, or six months of residence, as may be prescribed.

#### **Article 44**

The total value of the benefits granted in accordance with Article 42 to the persons protected shall be such as to represent 1.5 per cent of the wage of an ordinary adult male labourer as determined in accordance with the rules laid down in Article 66, multiplied by the total number of children of all residents.

#### **Article 45**

Where the benefit consists of a periodical payment, it shall be granted throughout the contingency.

### **Part VIII – Maternity benefit**

#### **Article 46**

Each Contracting Party for which this part of the Code is in force shall secure to the persons protected the provision of maternity benefit in accordance with the following articles of this part.

#### **Article 47**

The contingencies covered shall include pregnancy and confinement and their consequences, and suspension of earnings, as defined by national laws or regulations resulting therefrom.

#### **Article 48**

The persons protected shall comprise:

- a all women in prescribed classes of employees, which classes constitute not less than 50 per cent of all employees, and, for maternity medical benefit, also the wives of men in these classes; or
- b all women in prescribed classes of the economically active population, which classes constitute not less than 20 per cent of all residents, and, for maternity medical benefit, also the wives of men in these classes.

#### **Article 49**

- 1 In respect of pregnancy and confinement and their consequences, the maternity medical benefit shall be medical care as specified in paragraphs 2 and 3 of this article.
- 2 The medical care shall include at least:
  - a pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives; and
  - b hospitalisation where necessary.
- 3 The medical care specified in paragraph 2 of this article shall be afforded with a view to maintaining, restoring or improving the health of the woman protected and her ability to work and to attend to her personal needs.
- 4 The institutions or government departments administering the maternity medical benefit shall, by such means as may be deemed appropriate, encourage the women protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.

#### **Article 50**

In respect of suspension of earnings resulting from pregnancy and from confinement and their consequences, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66. The amount of the periodical payment may vary in the course of the contingency, subject to the average rate thereof complying with these requirements.

#### **Article 51**

The benefit specified in Articles 49 and 50 shall, in a contingency covered, be secured at least to a woman in the classes protected who has completed such qualifying period as may be considered necessary to preclude abuse, and the benefit specified in Article 49 shall also be secured to the wife of a man in the classes protected where the latter has completed such qualifying period.

#### **Article 52**

The benefit specified in Articles 49 and 50 shall be granted throughout the contingency, except that the periodical payment may be limited to 12 weeks, unless a longer period of abstinence from work is required or authorised by national laws or regulations, in which event it may not be limited to a period less than such longer period.

## **Part IX – Invalidity benefit**

### **Article 53**

Each Contracting Party for which this part of the Code is in force shall secure to the persons protected the provision of invalidity benefit in accordance with the following articles of this part.

### **Article 54**

The contingency covered shall include inability to engage in any gainful activity, to an extent prescribed, which inability is likely to be permanent or persists after the exhaustion of sickness benefit.

### **Article 55**

The persons protected shall comprise:

- a prescribed classes of employees, constituting not less than 50 per cent of all employees; or
- b prescribed classes of the economically active population, constituting not less than 20 per cent of all residents; or
- c all residents whose means during the contingency do not exceed limits prescribed in such a way as to comply with the requirements of Article 67.

### **Article 56**

The benefit shall be a periodical payment calculated as follows:

- a where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
- b where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67.

### **Article 57**

- 1 The benefit specified in Article 56 shall, in a contingency covered, be secured at least:
  - a to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or
  - b where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.
- 2 Where the benefit referred to in paragraph 1 of this article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:

- a to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
  - b where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with paragraph 1.b of this article has been paid.
- 3 The requirements of paragraph 1 of this article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, five years of contribution, employment or residence.
- 4 A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the pension corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced benefit shall be payable in conformity with paragraph 2 of this article.

#### **Article 58**

The benefit specified in Articles 56 and 57 shall be granted throughout the contingency or until an old-age benefit becomes payable.

### **Part X – Survivors' benefit**

#### **Article 59**

Each Contracting Party for which this part of the Code is in force shall secure to the persons protected the provision of survivors' benefit in accordance with the following articles of this part.

#### **Article 60**

- 1 The contingency covered shall include the loss of support suffered by the widow or child as the result of the death of the breadwinner; in the case of a widow, the right to benefit may be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support.
- 2 National laws or regulations may provide that the benefit of a person otherwise entitled to it may be suspended if such person is engaged in any prescribed gainful activity or that the benefit, if contributory, may be reduced where the earnings of the beneficiary exceed a prescribed amount, and, if non-contributory, may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.

#### **Article 61**

The persons protected shall comprise:

- a the wives and the children of breadwinners in prescribed classes of employees, which classes constitute not less than 50 per cent of all employees; or

- b the wives and the children of breadwinners in prescribed classes of the economically active population, which classes constitute not less than 20 per cent of all residents; or
- c all resident widows and resident children who have lost their breadwinner and whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.

### **Article 62**

The benefit shall be a periodical payment calculated as follows:

- a where the wives and children of breadwinners in classes of employees or classes of the economically active population are protected, in such manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
- b where all resident widows and resident children whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67.

### **Article 63**

- 1 The benefit specified in Article 62 shall, in a contingency covered, be secured at least:
  - a to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or
  - b where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, the prescribed yearly average number of contributions has been paid.
- 2 Where the benefit referred to in paragraph 1 of this article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:
  - a to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
  - b where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, half the yearly average number of contributions prescribed in accordance with paragraph 1.b of this article have been paid.
- 3 The requirements of paragraph 1 of this article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that part for the standard beneficiary concerned is secured at least to a person protected whose breadwinner has completed, in accordance with prescribed rules, five years of contribution, employment or residence.
- 4 A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced benefit shall be payable in conformity with paragraph 2 of this article.

- 5 In order that a childless widow presumed to be incapable of self-support may be entitled to a survivor's benefit, a minimum duration of the marriage may be required.

#### **Article 64**

The benefit specified in Articles 62 and 63 shall be granted throughout the contingency.

### **Part XI – Standards to be complied with by periodical payments**

#### **Article 65**

- 1 In the case of a periodical payment to which this article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this part, at least the percentage indicated therein of the total of the previous earnings of the beneficiary or his breadwinner and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.
- 2 The previous earnings of the beneficiary or his breadwinner shall be calculated according to prescribed rules, and, where the persons protected or their breadwinners are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.
- 3 A maximum limit may be prescribed for the rate of the benefit or for earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this article are complied with, where the previous earnings of the beneficiary or his breadwinner are equal to or lower than the wage of a skilled manual male employee.
- 4 The previous earnings of the beneficiary or his breadwinner, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.
- 5 For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.
- 6 For the purpose of this article, a skilled manual male employee shall be:
  - a a fitter or turner in the manufacture of machinery other than electrical machinery; or
  - b a person deemed typical of skilled labour selected in accordance with the provisions of paragraph 7 of this article; or
  - c a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected.
- 7 The person deemed typical of skilled labour for the purposes of paragraph 6.b of this article shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising 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 Seventh Session on 27th August 1948, and reproduced in Addendum 1 to this Code, or such classification as at any time amended, shall be used.

- 8 Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this article.
- 9 The wage of the skilled manual male employee selected in accordance with paragraph 6.a and b of this article shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 8 of this article is not applied, the median rate shall be taken.
- 10 The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

#### **Article 66**

- 1 In the case of a periodical payment to which this article applies, the rate of the benefit, increased by the amount of any family allowance payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this part, at least the percentage indicated therein of the total of the wage of an ordinary adult male labourer and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.
- 2 The wage of the ordinary adult male labourer, the benefit and any family allowances shall be calculated on the same time basis.
- 3 For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.
- 4 For the purpose of this article, the ordinary adult male labourer shall be:
  - a a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or
  - b a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.
- 5 The person deemed typical of unskilled labour for the purpose of paragraph 4.b of this article shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising 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 Seventh Session on 27th August 1948, and reproduced in Addendum 1 to this Code, or such classification as at any time amended, shall be used.
- 6 Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this article.
- 7 The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 6 of this article is not applied, the median rate shall be taken.

- 8 The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

### Article 67

In the case of a periodical payment to which this article applies:

- a the rate of the benefit shall be determined according to a prescribed scale or a scale fixed by the competent public authority in conformity with prescribed rules;
- b such rate may be reduced only to the extent by which the other means of the family of the beneficiary exceed prescribed substantial amounts or substantial amounts fixed by the competent public authority in conformity with prescribed rules;
- c the total of the benefit and any other means, after deduction of the substantial amounts referred to in sub-paragraph b of this article, shall be sufficient to maintain the family of the beneficiary in health and decency, and shall be not less than the corresponding benefit calculated in accordance with the requirements of Article 66;
- d the provisions of sub-paragraph c of this article shall be deemed to be satisfied if the total amount of benefits paid under the part concerned exceeds, by at least 30 per cent, the total amount of benefits which would be obtained by applying the provisions of Article 66 and the provisions of:
  - i Article 15.b for Part III;
  - ii Article 27.b for Part V;
  - iii Article 55.b for Part IX;
  - iv Article 61.b for Part X.

### Schedule to Part XI

Periodical payments to standard beneficiaries

Part	Contingency	Standard beneficiary	Percentage
III	Sickness	Man with wife and two children	45
IV	Unemployment	Man with wife and two children	45
V	Old age	Man with wife old pensionable age	40
VI	Employment injury:		
	– Incapacity for work	Man with wife and two children	50
	– Total loss of earning capacity	Man with wife and two children	50
	– Survivors	Widow with two children	40
VIII	Maternity	Woman	45
IX	Invalidity	Man with wife and two children	40
X	Survivors	Widow with two children	40

### Part XII – Common provisions

#### Article 68

A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Code may be suspended to such extent as may be prescribed:

- a as long as the person concerned is absent from the territory of the Contracting Party concerned;
- b as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to a portion of the benefit being granted to the dependants of the beneficiary;
- c 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 he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;
- d where the person concerned has made a fraudulent claim;
- e where the contingency has been caused by a criminal offence committed by the person concerned;
- f where the contingency has been caused by the wilful misconduct of the person concerned;
- g in appropriate cases, where the person concerned neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of the beneficiaries;
- h in the case of unemployment benefit, where the person concerned has failed to make use of the employment services placed at his disposal;
- i in the case of unemployment benefit, where the person concerned has lost his employment as a direct result of a stoppage of work due to a trade dispute, or has left it voluntarily without just cause; and
- j in the case of survivors' benefit, as long as the widow is living with a man as his wife.

#### **Article 69**

- 1 Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.
- 2 Where in the application of this Code a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.
- 3 Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.

#### **Article 70**

- 1 The cost of the benefits provided in compliance with this Code and the cost of the administration of such benefits shall be borne collectively by way of insurance contributions or taxation or both in a manner which avoids hardship to persons of small means and takes into account the economic situation of the Contracting Party concerned and of the classes of persons protected.

- 2 The total of the insurance contributions borne by the employees protected shall not exceed 50 per cent of the total of the financial resources allocated to the protection of employees and their wives and children. For the purpose of ascertaining whether this condition is fulfilled, all the benefits provided by the Contracting Party concerned in compliance with this Code, except family benefit and, if provided by a special branch, employment injury benefit, may be taken together.
- 3 The Contracting Party concerned shall accept general responsibility for the due provision of the benefits provided in compliance with this Code, and shall take all measures required for this purpose; it shall ensure, where appropriate, that the necessary actuarial studies and calculations concerning financial equilibrium are made periodically and, in any event, prior to any change in benefits, the rate of insurance contributions, or the taxes allocated to covering the contingencies in question.

#### **Article 71**

- 1 Where the administration is not entrusted to a government department responsible to a legislature, representatives of the persons protected shall participate in the management, or be associated therewith in a consultative capacity, under prescribed conditions; national laws or regulations may likewise decide as to the participation of representatives of employers and of the public authorities.
- 2 The Contracting Party concerned shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Code.

### **Part XIII – Miscellaneous provisions**

#### **Article 72**

This Code shall not apply to:

- a contingencies which occurred before the coming into force of the relevant part of the Code for the Contracting Party concerned;
- b benefits in contingencies occurring after the coming into force of the relevant part of the Code for the Contracting Party concerned in so far as the rights to such benefits are derived from periods preceding that date.

#### **Article 73**

The Contracting Parties shall endeavour to conclude a special instrument governing questions relating to social security for foreigners and migrants, particularly with regard to equality of treatment with their own nationals and to the maintenance of acquired rights and rights in course of acquisition.

#### **Article 74**

- 1 Each Contracting Party shall submit to the Secretary General an annual report concerning the application of this Code. This report shall include:
  - a full information concerning the laws and regulations by which effect is given to the provisions of this Code covered by the ratification; and

- b evidence of compliance with the statistical conditions specified in:
  - i Articles 9.a, b or c; 15.a or b; 21.a; 27.a or b; 33; 41.a or b; 48.a or b; 55.a or b; 61.a or b, as regards the number of persons protected;
  - ii Articles 44, 65, 66 or 67, as regards the rates of benefit;
  - iii Article 24, paragraph 2, as regards duration of unemployment benefit; and
  - iv Article 70, paragraph 2, as regards the proportion of the financial resources constituted by the insurance contributions of employees protected.

Such evidence shall as far as possible be presented in such general order and manner as may be suggested by the Committee.

- 2 Each Contracting Party shall furnish to the Secretary General, if so requested by him, further information of the manner in which it has implemented the provisions of the Code covered by its ratification.
- 3 The Committee of Ministers may authorise the Secretary General to transmit to the Consultative Assembly copies of the report and further information submitted in accordance with paragraphs 1 and 2 of this article respectively.
- 4 The Secretary General shall send to the Director General of the International Labour Office the report and further information submitted in accordance with paragraphs 1 and 2 of this article respectively, and shall request the latter to consult the appropriate body of the International Labour Organisation with regard to the said report and further information and to transmit to the Secretary General the conclusions reached by such body.
- 5 Such report and further information and the conclusions of the body of the International Labour Organisation referred to in paragraph 4 of this article shall be examined by the Committee which shall submit to the Committee of Ministers a report containing its conclusions.

#### **Article 75**

- 1 After consulting the Consultative Assembly, if it considers it appropriate, the Committee of Ministers shall, by a two-thirds majority in accordance with Article 20, paragraph d, of the Statute of the Council of Europe, decide whether each Contracting Party has complied with the obligations of this Code which it has accepted.
- 2 If the Committee of Ministers considers that a Contracting Party is not complying with its obligations under this Code, it shall invite the said Contracting Party to take such measures as the Committee of Ministers considers necessary to ensure such compliance.

#### **Article 76**

Each Contracting Party shall report every two years to the Secretary General on the state of its law and practice in regard to any of Parts II to X of the Code which such Contracting Party has not specified in its ratification of the Code pursuant to Article 3 or in a notification made subsequently pursuant to Article 4.

## Part XIV – Final provisions

### Article 77

- 1 This Code shall be open to signature by the member States of the Council of Europe. It shall be subject to ratification. Instruments of ratification shall be deposited with the Secretary General, provided that the Committee of Ministers in appropriate cases has previously given an affirmative decision as provided for in Article 78, paragraph 4.
- 2 This Code shall enter into force one year after the date of the deposit of the third instrument of ratification.
- 3 As regards any Signatory ratifying subsequently, this Code shall enter into force one year after the date of deposit of its instruments of ratification.

### Article 78

- 1 Any Signatory wishing to avail itself of the provisions of Article 2, paragraph 2, shall, before ratification, submit to the Secretary General a report showing to what extent its system of Social Security is in conformity with the provisions of this Code.

Such report shall include a statement of:

- a the relevant laws and regulations; and
- b evidence of compliance with the statistical conditions specified in:
  - i Articles 9.a, b or c; 15.a or b; 21.a; 27.a or b; 33; 41.a or b; 48.a or b; 55.a or b; 61.a or b, as regards the number of persons protected;
  - ii Articles 44, 65, 66 or 67, as regards the rates of benefits;
  - iii Article 24, paragraph 2, as regards duration of unemployment benefit; and
  - iv Article 70, paragraph 2, as regards the proportion of the financial resources constituted by the insurance contributions of employees protected; and
- c all elements which the Signatory wishes to be taken into account, in accordance with Article 2, paragraphs 2 and 3.

Such evidence shall, as far as possible, be presented in such general order and manner as may be suggested by the Committee.

- 2 The Signatory shall furnish to the Secretary General, if so requested by him, further information on the manner in which its system of Social Security is in conformity with the provisions of this Code.
- 3 Such report and further information shall be examined by the Committee which shall take into account the provisions of Article 2, paragraph 3. The Committee shall submit to the Committee of Ministers a report containing its conclusions.
- 4 The Committee of Ministers shall, by a two-thirds majority in accordance with Article 20, paragraph d, of the Statute of the Council of Europe, decide whether the system of Social Security of such Signatory is in conformity with the requirements of this Code.

- 5 If the Committee of Ministers decides that the said Social Security scheme is not in conformity with the provisions of this Code, it shall so inform the Signatory concerned and may make recommendations as to how such conformity may be effected.

#### **Article 79**

- 1 After the entry into force of this Code, the Committee of Ministers may invite any non-member State of the Council of Europe to accede to the Code. The accession of such State shall be subject to the same conditions and procedure as laid down in the Code with regard to ratification.
- 2 A State shall accede to this Code by depositing an instrument of accession with the Secretary General. The Code shall come into force for any State so acceding one year after the date of deposit of its instrument of accession.
- 3 The obligations and rights of an acceding State shall be the same as those provided for in this Code for a Signatory which has ratified the Code.

#### **Article 80**

- 1 This Code shall apply to the metropolitan territory of each Contracting Party. Each Contracting Party may, at the time of signature or of the deposit of its instrument of ratification or accession, specify, by declaration addressed to the Secretary General, the territory which shall be considered to be its metropolitan territory for this purpose.
- 2 Each Contracting Party ratifying the Code or each acceding State may, at the time of deposit of its instrument of ratification or accession, or at any time thereafter, notify the Secretary General that this Code shall, in whole or in part and subject to any modifications specified in the notification, extend to any part of its metropolitan territory not specified under paragraph 1 of this article or to any of the other territories for whose international relations it is responsible. Modifications specified in such notification may be cancelled or amended by subsequent notification.
- 3 Any Contracting Party may, at such time as it can denounce the Code in accordance with Article 81, notify the Secretary General that the Code shall cease to apply to any part of its metropolitan territory or to any of the other territories to which the Code has been extended by it in accordance with paragraph 2 of this article.

#### **Article 81**

Each Contracting Party may denounce the Code or any one or more of Parts II to X thereof only at the end of a period of five years from the date on which the Code entered into force for such Contracting Party, or at the end of any successive period of five years, and in each case after giving one year's notice to the Secretary General. Such denunciation shall not affect the validity of the Code in respect of the other Contracting Parties, provided that at all times there are not less than three such Contracting Parties.

#### **Article 82**

The Secretary General shall notify the member States of the Council of Europe, the government of any acceding State and the Director General of the International Labour Office:

- i of the date of entry into force of this Code and the names of any members who ratify it;

- ii of the deposit of any instrument of accession in accordance with Article 79 and of such notifications as are received with it;
- iii of any notification received in accordance with Articles 4 and 80; or
- iv of any notice received in accordance with Article 81.

**Article 83**

The Annex to this Code shall form an integral part of it.

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

Done at Strasbourg, this 16th day of April 1964, in French and English, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe, and of which the Secretary General shall send certified copies to each of the signatory and acceding States and to the Director General of the International Labour Office.

---

**Annex**

**Article 68.i**

It shall be understood that Article 68.i of this Code is to be interpreted in accordance with the national legislation of each Contracting Party.