

No. 29575

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**MULTILATERAL**

**European Convention on social security (with annexes and amendments to annexes dated 28 February 1977). Concluded at Paris on 14 December 1972**

**Supplementary Agreement for the application of the European Convention on social security (with annexes and amendments to annexes dated 28 February 1977). Concluded at Paris on 14 December 1972**

**Amendments of 22 September 1981 to annex VII to the Convention**

**Amendments of 28 February 1983 to annexes to the Convention**

**Amendments of 24 April 1986 to annexes to the Convention**

**Amendments of 3 October 1987 to annex III to the Convention**

**Amendments of 8 December 1987 to annex III to the Convention**

**Amendments of 3 December 1990 to annex VII to the Convention**

**Amendments of 30 September 1977 to annexes to the Convention and to annex 5 to the Supplementary Agreement**

**Amendments of 22 April 1981 to annexes to the Convention and to annex 5 to the Supplementary Agreement**

**Amendments of 16 December 1982 to the Convention and to annex 5 to the Supplementary Agreement**

**Amendments of 20 December 1983 to annexes to the Convention and to annex 5 to the Supplementary Agreement**

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**(continued)**

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**Amendments of 30 July 1986 to annexes to the Convention  
and to annex 5 to the Supplementary Agreement**

**Amendments of 17 October 1986 to annexes to the Conven-  
tion and to annex 5 to the Supplementary Agreement**

**Amendments of 16 January 1987 to annexes to the Conven-  
tion and to annex 5 to the Supplementary Agreement**

**Amendments of 23 February 1988 to annexes to the Conven-  
tion and to annex 5 to the Supplementary Agreement**

**Amendments of 22 April 1990 to annexes to the Convention  
and to annex 5 to the Supplementary Agreement**

**Amendments by various countries to annexes 1 to 4, 6 or 7 to  
the Supplementary Agreement**

*Authentic texts: English and French.*

*The Convention, Supplementary Agreement and certified statements were  
registered by the Secretary-General of the Council of Europe, acting  
on behalf of the Parties, on 5 February 1993.*

## EUROPEAN CONVENTION<sup>1</sup> ON SOCIAL SECURITY

The member States of the Council of Europe signatory hereto,

Considering that the aim of the Council of Europe is to achieve greater unity between its Members, in particular for the purpose of facilitating their social progress;

Considering that multilateral co-ordination of social security legislation is one of the means of achieving that aim;

Considering that the European Code of Social Security, opened for signature on 16 April 1964,<sup>2</sup> provides, in Article 73, that the Contracting Parties to the Code 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;

Affirming the principle of equality of treatment for nationals of the Contracting Parties, refugees and stateless persons, under the social security legislation of each Contracting Party, and the principle that the benefits under social security legislation should be maintained despite any change of residence by the protected persons within the territories of the Contracting Parties, principles which underlie

<sup>1</sup> Came into force on 1 March 1977, i.e., the first day of the third month following the month of deposit of the third instrument of ratification or acceptance with the Secretary-General of the Council of Europe, in accordance with article 75 (2):

<i>Participant</i>	<i>Date of deposit of the instrument of ratification to the Convention and to the Supplementary Agreement</i>
Austria*.....	10 June 1975
Luxembourg.....	13 November 1975
Turkey*.....	2 December 1976

Subsequently, the Convention came into force for the following States three months after the date of deposit of their instrument of ratification or acceptance with the Secretary-General of the Council of Europe, in accordance with article 75 (3):

<i>State</i>	<i>Date of deposit of the instrument of ratification or acceptance (A)</i>
Netherlands*..... (With effect from 9 May 1977. In respect of the Kingdom in Europe.)	8 February 1977 A
Portugal..... (With effect from 19 June 1983.)	18 March 1983
Belgium..... (With effect from 22 April 1986.)	21 January 1986
Spain..... (With effect from 25 April 1986.)	24 January 1986
Italy..... (With effect from 12 April 1990.)	11 January 1990

\* See p. 102 of this volume for the text of the reservation and declarations made upon ratification or acceptance.

In addition, the following notification of territorial application has been effected with the Secretary-General of the Council of Europe by the Netherlands on the date indicated hereinafter:

21 February 1986  
(In respect of Aruba. With effect from 1 January 1986.)

<sup>2</sup> United Nations, *Treaty Series*, vol. 648, p. 235.

not only certain provisions of the European Social Charter but also several conventions of the International Labour Organisation,

Have agreed as follows :

## TITLE I

### General provisions

#### ARTICLE 1

For the purposes of this Convention :

(a) the term "Contracting Party" means any State which has deposited an instrument of ratification, of acceptance or of accession, in accordance with the provisions of Article 75, paragraph 1, or of Article 77 ;

(b) the terms "territory of a Contracting Party" and "national of a Contracting Party" are defined in Annex I ; each Contracting Party shall give notice, in accordance with the provisions of Article 81, paragraph 1, of any amendment to be made to Annex I ;

(c) the term "legislation" means any laws, regulations and other statutory instruments which are in force at the time of signature of this Convention or may enter into force subsequently in the whole or any part of the territory of each Contracting Party and which relate to the social security branches and schemes specified in Article 2, paragraphs 1 and 2 ;

(d) the term "social security convention" means any bilateral or multilateral instrument by which two or more Contracting Parties are, or may subsequently be, bound exclusively, and any multilateral instrument by which at least two Contracting Parties and one or more other States are, or may subsequently be, bound in the field of social security in respect of all or of part of the social security branches and schemes specified in Article 2, paragraphs 1 and 2, as well as any agreements concluded pursuant to the said instruments ;

(e) the term "competent authority" means the Minister, Ministers or other corresponding authority responsible for the social security schemes in all or any part of the territory of each Contracting Party ;

(f) the term "institution" means the body or authority responsible for applying all or part of the legislation of each Contracting Party ;

(g) the term "competent institution" means :

(i) in relation to a social insurance scheme, either the institution with which the person concerned is insured when he claims benefit, or the institution from which he is entitled to receive benefit or would be entitled to receive benefit if he were resident in the territory of the Contracting Party where that institution is situated, or the institution designated by the competent authority of the Contracting Party concerned ;

(ii) in relation to a scheme other than a social insurance scheme, or in relation to a family benefits scheme, the institution designated by the competent authority of the Contracting Party concerned ;

(iii) in relation to a scheme concerning an employer's liability in respect of benefits referred to in Article 2, paragraph 1, either the employer or his insurer or, in default thereof, the body or authority designated by the competent authority of the Contracting Party concerned;

(h) the term "competent State" means the Contracting Party in whose territory the competent institution is situated;

(i) the term "residence" means ordinary residence;

(j) the term "temporary residence" means a temporary stay;

(k) the term "institution of the place of residence" means the institution empowered, under the Contracting Party's legislation which it applies, to pay the benefits in question at the place of residence or, where no such institution exists, the institution designated by the competent authority of the Contracting Party concerned;

(l) the term "institution of the place of temporary residence" means the institution empowered, under the Contracting Party's legislation which it applies, to pay the benefits in question at the place of temporary residence or, where no such institution exists, the institution designated by the competent authority of the Contracting Party concerned;

(m) the term "worker" means an employed person or a self-employed person or a person treated as such under the legislation of the Contracting Party concerned, unless otherwise specified in this Convention;

(n) the term "frontier worker" means an employed person who is employed in the territory of one Contracting Party and resides in the territory of another Contracting Party where he returns in principle every day or at least once a week; provided that

(i) as regards relations between France and the Contracting Parties bordering France, the person concerned must, to be deemed a frontier worker, reside and be employed within a zone which does not, in principle, extend more than twenty kilometres on either side of the common frontier;

(ii) a frontier worker employed in the territory of one Contracting Party by an undertaking which is his normal employer, who is sent by that undertaking to work outside the frontier area, either in the territory of the same Contracting Party or in the territory of another Contracting Party, for a period not expected to exceed four months, shall retain the status of frontier worker during such employment for a period not exceeding four months;

(o) the term "refugee" has the meaning assigned to it in Article 1, Section A, of the Convention on the Status of Refugees, signed at Geneva on 28 July 1951,<sup>1</sup> and in Article 1, paragraph 2, of the Protocol on the Status of Refugees of 31 January 1967,<sup>2</sup> without any geographical limitation;

(p) the term "stateless person" has the meaning assigned to it in Article 1 of the Convention on the Status of Stateless Persons, done at New York on 28 September 1954;<sup>3</sup>

<sup>1</sup> United Nations, *Treaty Series*, vol. 189, p. 137.

<sup>2</sup> *Ibid.*, vol. 606, p. 267.

<sup>3</sup> *Ibid.*, vol. 360, p. 117.