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In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 460 final.

Brussels, September 10th 1975

PROPOSAL FOR
A COUNCIL REGULATION

amending Regulations (EEC) Nos 1408/71 and 574/72 on
the application of social security schemes to employed
persons and their families moving within the Community

(submitted to the Council by the Commission)

INTRODUCTION

Regulation (EEC) No 1408/71¹ of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community and Regulation (EEC) No 574/72² fixing the procedure for implementing Regulation No 1408/71 entered into force on 1 October 1972.

After the necessary adjustments were made, these Regulations apply, since 1 April 1973, to the nine Member States of the enlarged Community.

As a result of the rapid development of social security legislation in the Member States, the experience gained by applying the Community Regulations, and the decisions of the Member States on how competences as regards implementing the Regulations are to be shared by the social security authorities, bodies and institutions, the Regulations require constant adjustment.

Regulation (EEC) No 1392/74 of 4 June 1974³ made an initial series of amendments to the abovementioned Regulations. The purpose of this proposal is to make the amendments which have become necessary since then.

¹OJ No L 149, 5 July 1971.

²OJ No L 74, 27 March 1972.

³OJ No L 152, 8 June 1974.

Analysis of the draft regulationArticle 1(1)

A provision of the social security convention concluded on 14 September 1971 between the United Kingdom and Ireland, the retention in force of which had not appeared necessary when the new Member States acceded, is to be inserted in Annex II to Regulation No 1408/71. That provision allowed for the use of credited contributions awarded in one country in the framework of sickness insurance and which could not be used in the other of those countries because the conditions laid down to acquire the right to benefits had not been wholly fulfilled to calculate old-age or widow's pensions in either country.

Article 1(2)

In this paragraph it is established that there are no conditions for concordance on the state of invalidity between Luxembourg legislation on the schemes for clerical staff or manual workers and Belgian legislation on the scheme for miners in the case of general partial invalidity.

Article 1(3)(a) Paragraph 15, new version

The attendance allowance provided for under United Kingdom legislation is a cash benefit awarded to every person in the United Kingdom who is suffering from a handicap serious enough to warrant a considerable amount of assistance by a third person. This benefit, which is quite distinct from the invalidity pension, is awarded without any conditions of insurance or employment. It is financed from the national budget.

In view of these features, Title III, Chapter 2 of the Regulation on the award and calculation of invalidity pensions cannot apply to this kind of benefit. While awaiting a general solution to the problems raised by the coordination of schemes for the handicapped, it is suggested that the attendance allowance should be regarded as an invalidity benefit as regards:

- payment in the other Member States;
- the right to sickness insurance benefits if the beneficiaries and members of their families reside or stay in the territory of another Member State.

(b) Paragraph 16, new version

Article 10 of the Regulation provides that the benefits mentioned therein which are provided by the institution of a Member State may not be amended because the beneficiary resides in the territory of another Member State. As the term "residence" means usual residence, Article 10 does not apply to a beneficiary who is "staying" in another Member State. United Kingdom legislation does not authorize the payment of benefits or payment without adjustments to pensioners who are staying in another Member State in the following conditions:

- (i) if a pensioner who is a national of a Member State and who resides outside the Community is temporarily staying in the territory of a Member State;
- (ii) if a pensioner entitled to a pension increase for an accident at work or for an occupational disease under a special allowance for incapacity for work because he resides in the territory of a Member State is staying in the territory of another Member State.

The provision which it is proposed to enter in Annex V is intended to bridge this gap by treating stay in the territory of a Member State in the same way as residence in the territory.

(c) Paragraph 17, new version

The purpose of this provision is to take account of changes made to the contributions system and to the conditions for the award of benefits under United Kingdom legislation by the Social Security Act of 1973. It should be recalled that until 6 April 1975, contributions were uniform and were paid weekly. The right to uniform benefits also depended on the number of contributions paid¹. The following changes have been made.

Contributions

Contributions paid by "employed earners"² depended on their earnings. Uniform contributions no longer exist; the amount the salaried earner and the employer used to contribute depended on the earnings of the salaried earner. Contributions are now calculated on the basis of the level of earnings with reference to the upper and lower limits laid down by legislation. These limits more or less represent, respectively, one-and-a-half times and a quarter of the national average earnings, and they are reviewed annually. Contributions are related to the tax year (starting on 6 April) during which they are paid. They are no longer calculated by "contribution weeks" as at present, but with reference to the period between the payment of earnings to the person concerned, not in terms of the length of employment.

Contributions are deducted by the employer and collected by way of taxation. At the end of each year employers have to declare the amount of contributions deducted during the financial year.

¹Besides this, there is a statutory supplementary scheme under which the amount of contributions varies. These contributions involve a uniform increase of basic benefits. The reference here is not to the supplementary scheme.

²Instead of "employed persons".

Conditions for acquiring the right to benefits

Although the amount of contributions to be paid depends on a person's earnings, benefits provided are uniform. The concepts of "weekly contributions", "contribution periods" and "insurance periods", which applied in the previous scheme, have disappeared. Instead of being linked to the number of actual or credited contributions, the right to benefits is now linked to the concept of the annual "earnings factor". The total amount of contributions paid for an employed earner during a financial year will be converted by the Department of Health and Social Security into an earnings factor which corresponds to the amount of earnings on the basis of which the contributions had been paid. Among other things, the right to benefits would be expressed in terms of the earnings factor and of multiples of the lower income limit. Thus, for example, to qualify for unemployment allowance, the earnings factor calculated on the basis of contributions should not be below the lower limit for the year multiplied by 50. If the earnings factor is less, the benefit to be awarded would be reduced. The number of insurance contributions paid and the period during which income gives rise to the obligation to pay benefits does not play any part in the new scheme and are not registered.

Problems

From the foregoing, special provisions on the application of Title III of Regulation No 1408/71 should be provided, in particular on:

- (1) the conversion of insurance periods or periods of employment completed in the other Member States into earnings factors, to implement United Kingdom legislation;

- (2) the conversion of earnings factors obtained in the United Kingdom into "insurance periods" in such a way that the other Member States can take account of it when applying their legislation.

Set out below are notes on the solutions proposed for entry into Annex V.

As regards point (1), it has been suggested that the worker should be considered as having an income equal to two-thirds of the upper earnings limit, which indeed is approximately the average income of workers in the United Kingdom. (Because of differences in the level of earnings and of economic and social factors between the Member States, it would be mistaken to apply the earnings of other Member States when applying United Kingdom legislation. On the other hand, it would be impossible to determine the income of the person concerned if he had worked in the United Kingdom during the reference period. The amount of earnings calculated with the help of that formula would be added to actual income in the United Kingdom; on the other hand, that formula would take account of periods which would, under the legislation of other Member States, be regarded as to be treated as insurance periods, but such credited periods would be included only to reach the lower earnings limit. This is a system which the United Kingdom applies to its own nationals who are insured.

A rather similar solution had already been adopted in Annex V, item I(11), for certain supplements which varied according to income.

As regards point (2), which is intended to provide other Member States with "insurance periods" calculated on the basis of the "earnings factors", it has been proposed that the earnings factor be divided by the lower income limit (NB, in future, United Kingdom insurance accounts will, for any given year,

contain only an amount expressed in currency units). An amount equalling two-thirds of the upper income limit would penalize lower-paid workers who fulfil the conditions for the acquisition of full benefits in accordance with United Kingdom legislation by crediting them with contributions lower than they had in fact paid. The figure calculated in this way could not, however, exceed the number of weeks during which the person concerned had actually been subject to United Kingdom legislation. The same formula would also be applied to credited earnings for periods treated as such.

Article 2(1) and (8)(a) and (c)

The amendment to Article 86(2) of Regulation No 574/72 by Regulation No 878/73 implies that Article 4(10) and Annex 10 to Regulation No 574/72 should refer to that provision. The purpose of those provisions was to remedy that omission.

Article 2(2)

The purpose of that provision was to determine the social security institution with which a worker is registered if, pursuant to certain provisions of Regulation No 1408/71, he is subject to German legislation while being employed in the territory of another Member State or while working for an undertaking whose registered place of business is situated in the territory of another Member State. The proposed amendment of this provision related solely to German domestic administration and did not affect the rights and duties of the workers.

Article 2(3), (4), (5), (6) and (8)

These paragraphs involve noting in the Annexes to Regulation No 574/72 the changes made in the sharing out of competences between the national authorities, institutions and bodies implementing the Regulation.

Article 2(7)(a)

In Annex 5 to Regulation No 574/72 there should be a reference to an agreement concluded between Belgium and Italy on the reciprocal waiver of the refund of the cost of non-specialized medical examinations required for the award, provision or review of invalidity pensions on the basis of Article 105(2) of that Regulation.

Article 2(7)(b)(i)

In the abovementioned Article 5 there should be a reference to an agreement concluded between Belgium and the Netherlands on the overlap of sickness and invalidity allowances in the case of aggravation of incapacity for work. The agreement is intended to avoid an overlap of benefits while guaranteeing the worker a level of benefit equal to the level of the highest benefit to which he is, or would have been, entitled in view of the aggravation of his invalidity.

Article 2(7)(b)(ii)

The agreement to be mentioned in Annex 5 is an agreement concluded on the basis of Article 45(2) of Regulation No 3 and of Article 77 of Regulation No 4, on the reimbursement of administrative costs where sickness insurance benefits in kind are provided on behalf of an institution of another Member State.

The reference to that agreement had been omitted when Regulations Nos 3 and 4 were being replaced by Regulations Nos 1408/71 and 574/72.

Regulation (EEC) No of the Council of

amending Regulations (EEC) Nos 1408/71 and 574/72 on the application of social security schemes to employed persons and their families moving within the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 2, 7 and 51 thereof;

Having regard to Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community¹, as last amended by Regulation (EEC) No 1392/74², and in particular Articles 95 and 97 thereof;

Having regard to Council Regulation (EEC) No 574/72 of 21 March 1972 fixing the procedure for implementing the abovementioned Regulation (EEC) No 1408/71³, as last amended by Regulation (EEC) No 2039/74⁴, and in particular Article 121 thereof;

¹OJ No L 149, 5 July 1971, p. 2.

²OJ No L 152, 8 June 1974, p. 1.

³OJ No L 74, 27 March 1972, p. 1.

⁴OJ No L 283, 9 October 1974, p. 1.

Having regard to the proposal from the Commission adopted after consultation with the Administrative Commission on Social Security for Migrant Workers;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas the changes that have been made in United Kingdom legislation require detailed provisions to implement the rules relating to aggregation of periods so that, when determining the right to benefits provided for by that legislation, periods completed in the other Member States may be taken into account and, when determining rights under the legislation of other Member States, contributions paid in the United Kingdom may be taken into account;

Whereas it is appropriate that certain provisions of bilateral conventions concluded between Member States shall remain in force;

Whereas account must be taken of changes in the internal administrative organization of the Member States;

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1408/71 shall be amended as follows:

1. In point 30 of Annex II IRELAND - UNITED KINGDOM, parts A and B, the text shall be replaced by the following:

"30. IRELAND - UNITED KINGDOM

Article 8 of the Agreement of 14 September 1971 on social security".

2. Annex IV shall be amended as follows:

In the table LUXEMBOURG, section BELGIUM, point 2, miners' scheme, partial general invalidity, column "Workers' Invalidity - manual workers" and "Invalidity - clerical workers", the word "Concordance" shall be replaced by "No concordance".

3. The following paragraphs shall be added to Annex V - point I, UNITED KINGDOM:

- (a) "15. For the sole purpose of Articles 10, 27, 28, 28a, 29, 30 and 31 of the Regulation, the attendance allowance granted to a worker under United Kingdom legislation shall be regarded as an invalidity benefit".
- (b) "16. For the sole purpose of Article 10(1) of the Regulation, any beneficiary of a benefit due under United Kingdom legislation who is staying in the territory of a Member State shall during that stay be treated as if he resided in the territory of that Member State".
- (c) "17. (1) For the purpose of calculating an earnings factor with a view to determining the right to benefit under United Kingdom legislation, each week during which a worker has been subject to the legislation of another Member State and which commences during the relevant income tax year within the meaning of United Kingdom legislation shall be taken into account in the following way:
 - (a) for each week of insurance, employment or residence, the person concerned shall be deemed to have paid contributions as an employed person on the basis of earnings equivalent to 2/3rds of that year's upper earnings limit;

- (b) for each full week during the whole of which he has completed a period treated as a period of insurance, employment or residence, the person concerned shall be treated as having a contribution credited to him as an employed person, but only to the extent required to bring his total earnings factor for the year to the lower earnings limit multiplied by fifty.
2. For the purpose of converting an earnings factor into periods of insurance, the earnings factor achieved in the relevant income tax year within the meaning of United Kingdom legislation shall be divided by that year's lower earnings limit. The result shall be expressed as a whole number, any remaining fraction being ignored. The figure so calculated shall be treated as representing the number of weeks of insurance completed under United Kingdom legislation during that income tax year provided that such figure shall not exceed the number of weeks during which in the said income tax year the person was subject to that legislation.

Article 2

Regulation (EEC) No 574/72 shall be amended as follows:

1. The text of Article 4(10) shall be replaced by the following:
- "10. The institutions or bodies appointed by the competent authorities pursuant, in particular, to the following Articles of the Implementing Regulation: Articles 6(1), 11(1), 13(2) and (3), 14(1), (2) and (3), 38(1), 70(1), 80(2), 81, 82(2), 85(2), 86(2), 89(1)¹, 91(2), 102(2), 110 and 113(2), are listed in Annex 10".

¹The reference to Article 89(1) will have to be deleted if the Commission's proposal of 2 April 1975 on family benefits is adopted.

2. The text of Article 12 shall be replaced by the following:

"Article 12

Special provisions concerning insurance under the German
social security scheme

Where, under the terms of Article 14(1)(b) and (c) or (2)(a) of the Regulation, or under an agreement concluded in pursuance of Article 17 of the Regulation, German legislation applies to a worker employed by an undertaking or employer whose registered office or place of business is not situated in German territory, this legislation shall apply as if the worker were employed in his place of residence in German territory; if the worker has no residence in German territory, or if his is one of the cases provided for by Article 13(2)(a) of the Regulation, German legislation shall be applied as if he were employed in the area for which the Allgemeines Ortskrankenkasse Bonn (Local General Sickness Fund Bonn) is competent."

3. Annex 1 shall be amended as follows:

The following paragraph 5 shall be added to point I. UNITED KINGDOM:

"5. Minister for Medical and Health Services, Gibraltar".

4. Annex 2 shall be amended as follows:

(a) In point C. GERMANY, the text of paragraph 2 shall be replaced by the following:

"2. Pension insurance for manual workers, clerical staff and miners:

For the determination of claims to benefits as well as for admitting to voluntary insurance during this procedure and for the provision of benefits pursuant to the Regulations:

- (a) for persons who have been insured or are treated as insured exclusively under German legislation or under German legislation and the legislation of one or more other Member States, and for their survivors,
- who are resident in the territory of another Member State
 - or who are nationals of another Member State resident in the territory of a non-member State:

(i) where the last contribution was paid into the manual workers' pension insurance scheme:

- if the person concerned is resident in the Netherlands or is a Netherlands national resident in the territory of a non-member State:

Landesversicherungsanstalt
Westfalen (Regional Insurance
Office of Westphalia), Münster

- if the person concerned is resident in Belgium or is a Belgian national resident in the territory of a non-member State:

Landesversicherungsanstalt
Rheinprovinz (Regional Insurance
Office of the Rhine Province),
Düsseldorf

- if the person concerned is resident in Italy or is an Italian national resident in the territory of a non-member State:

Landesversicherungsanstalt
Schwaben (Regional Insurance
Office of Swabia), Augsburg

- if the person concerned is resident in France or Luxembourg or is a French or Luxembourg national resident in the territory of a non-member State:

Landesversicherungsanstalt Rheinland-Pfalz (Regional Insurance Office of the Rhine-Palatinate), Speyer

- if the person concerned is resident in Denmark or is a Danish national resident in the territory of a non-member State:

Landesversicherungsanstalt Schleswig-Holstein (Regional Insurance Office of Schleswig-Holstein), Lübeck

- if the person concerned is resident in Ireland or the United Kingdom or is an Irish or United Kingdom national resident in the territory of a non-member State:

Landesversicherungsanstalt Freie und Hansestadt Hamburg (Regional Insurance Office of the Free and Hanseatic City of Hamburg), Hamburg

However, if the last contribution was paid to the Landesversicherungsanstalt für das Saarland (Regional Insurance Office of the Saar), Saarbrücken, or to the Bundesbahnversicherungsanstalt (Federal Railways Insurance Office), Frankfurt am Main, or into the Seckasse (Mariners' Insurance Fund), Hamburg:

The institution to which the last contribution was paid

(ii) where the last contribution was paid:

- to the pension insurance scheme for clerical staff:

Bundesversicherungsanstalt
für Angestellte (Federal
Insurance Office for Clerical
Staff), Berlin

- to the mariners' pension insurance scheme:

Seekasse (Mariners' Insurance
Fund), Hamburg

(iii) where the last contribution was paid into the miners' pension insurance scheme or where the qualifying period required for obtaining the pension for reduced ability to pursue the activity of a miner (Bergmannsrente) is, or is deemed to be, completed:

Bundesknappschaft (Miners'
Federal Insurance Fund), Bochum

(b) for persons who have been insured, or treated as having been insured, under German legislation or legislation of one or more other Member States, and for their survivors:

- when the person concerned is resident in the territory of the Federal Republic of Germany, excluding the Saarland;

- or, is a German national resident in a non-member State:

(i) where the last contribution under German legislation was paid into the manual workers' pension insurance scheme:

- if the last contribution under the legislation of another Member State was paid into a Netherlands pension insurance institution:

Landesversicherungsanstalt
Westfalen (Regional Insurance
Office of Westphalia), Münster
- if the last contribution under the legislation of another Member State was paid into a Belgian pension insurance institution:

Landesversicherungsanstalt
Rheinprovinz (Regional Insurance
Office of the Rhine Province)
Düsseldorf
- if the last contribution under the legislation of another Member State was paid into an Italian pension insurance institution:

Landesversicherungsanstalt Schwaben
(Regional Insurance Office of Swabia),
Augsburg
- if the last contribution under the legislation of another Member State was paid into a French or Luxembourg pension insurance institution:

Landesversicherungsanstalt
Rheinland-Pfalz (Regional Insurance
Office of the Rhine-Palatinate),
Speyer
- if the last contribution under the legislation of another Member State was paid into a Danish pension insurance institution:

Landesversicherungsanstalt
Schleswig-Holstein (Regional
Insurance Office of Schleswig-
Holstein), Lübeck

- if the last contribution under the legislation of another Member State was paid into an Irish or United Kingdom pension insurance institution:

Landesversicherungsanstalt Freie und Hansestadt Hamburg (Regional Insurance Office of the Free and Hanseatic City of Hamburg), Hamburg

- where the person concerned is resident in the territory of the Federal Republic of Germany in the Saarland or if he is a German national resident in the territory of a non-member State and the last contribution under the German legislation was paid into a pension insurance institution situated in the Saarland:

Landesversicherungsanstalt für das Saarland (Regional Insurance Office of the Saarland), Saarbrücken

- when the last contribution under German legislation was paid into the Seekasse (Mariners' Insurance Fund), Hamburg, or into the Bundesbahnversicherungsanstalt (Federal Railways Insurance Fund), Frankfurt am Main:

The institution to which that contribution was paid

- (ii) where the last contribution was paid to:

- the pension insurance scheme for clerical staff: Bundesversicherungsanstalt für Angestellte (Federal Insurance Office for Clerical Staff), Berlin
 - the pension insurance scheme for mariners: Seelasse (Mariners' Insurance Fund), Hamburg
- (iii) where the last contribution under German legislation was paid into the pension insurance scheme for miners or when the qualifying period required for obtaining the pension for reduced ability to pursue the activity of a miner (Bergmannsrente) has been, or is deemed to be, completed: Bundesknappschaft (Federal Miners' Insurance Fund), Bochum
- (c) In the event of a change of country of residence after benefits have been awarded in the cases referred to at subparagraphs (a)(i) and (b)(i), the competent institution shall change accordingly".
- ((b) The following shall be added to point I. UNITED KINGDOM, paragraph 1 relating to benefits in kind:
"Medical and Public Health Department, Gibraltar".

5. Annex 3 shall be amended as follows:

The German version of point C. GERMANY, subparagraph (a) of paragraph 2 relating to accident insurance, shall be amended to read as follows:

- "(a) Sachleistungen (ausser Heilbehandlung durch die Unfallversicherung, Körperersatzstücken und Hilfsmitteln) und Geldleistungen (ausser Renten, Pflegegeld und Sterbegeld): für den Wohnort oder den Aufenthaltsort der betreffenden Person zuständige Allgemeine Ortskrankenkasse

Für Knappschaftlich Versicherte und
deren Familienangehörige:

Bundesknappschaft, Bochum"

5. Annex 4 shall be amended as follows:

(a) At point A. BELGIUM, the text shall be replaced by the following:

"A. BELGIUM

1. Sickness, maternity:

(a) in general:

Institut national d'assurance maladie-
invalidité, Bruxelles/Rijksinstituut voor
ziekte- en invaliditeitsverzekering, Brussel
(National Sickness and Invalidity Insurance
Institute, Brussels)

(b) for mariners:

Caisse de secours et de prévoyance des marins
naviguant sous pavillon belge/Hulp- en
voorzorgkas voor zeevarenden onder
Belgische vlag (Relief and Welfare Fund
for Mariners Sailing under the Belgian Flag),
Antwerp

2. Invalidity:

(a) general invalidity:

Institut national d'assurance maladie-
invalidité, Bruxelles/Rijksinstituut voor
ziekte- en invaliditeitsverzekering, Brussel
(National Sickness and Invalidity Insurance
Institute, Brussels)

(b) special invalidity scheme
for miners:

Fonds national de retraite des ouvriers
mineurs, Bruxelles/Nationaal Pensioenfonds
voor mijnwerkers, Brussel (National Pension
Fund for Miners, Brussels)

(c) mariners' invalidity scheme:

Caisse de secours et de prévoyance des marins
naviguant sous pavillon belge/Hulp- en
voorzorgkas voor zeevarenden onder Belgische
vlag (Relief and Welfare Fund for Mariners
Sailing under the Belgian Flag), Antwerp

3. Old age, death (pensions)

(a) For the purposes of applying
Articles 41 to 43 and 45 to 50
of the Implementing
Regulation:

Office national des pensions pour travailleurs
salariés, Bruxelles/Rijksdienst voor
werknemerspensioenen, Brussel (National Pension
Office for Employed Persons, Brussels)

(b) For the purposes of applying
Articles 45 (paying institution),
53(1), 110, 111(1) and (2) of
the Implementing Regulation:

Caisse national des pensions de retraite et de
survie, Bruxelles/Rijkskas voor rust-en
overlovingpensioenen, Brussel (National Fund
for Retirement and Survivors' Pensions), Brussels

4. Accidents at work and occupational diseases: Ministère de prévoyance sociale, Bruxelles/
Ministerie van sociale voorzorg, Brussel
(Ministry of Social Welfare, Brussels)
5. Death grants:
- (a) in general: Institut national d'assurance maladie-
invalidité, Bruxelles/Rijksinstituut voor
ziekte- en invaliditeitsverzekering, Brussel
(National Sickness and Invalidity Insurance
Institute, Brussels)
- (b) for mariners: Caisse de secours et de prévoyance des
marins naviguant sous pavillon belge/Hulp-
en verzorgingskas voor zeevarenden onder
Belgische vlag (Relief and Welfare Fund for
Mariners Sailing under the Belgian Flag),
Antwerp
6. Unemployment:
- (a) in general: Office national de l'emploi, Bruxelles/
Rijksdienst voor arbeidsvoorziening, Brussel
(National Employment Office, Brussels)
- (b) for mariners: Pool des marins de la marine marchande/
Pool van de zeelieden ter koopvaardij
(Merchant Navy Pool), Antwerp
7. Family benefits: Ministère de prévoyance sociale, Bruxelles/
Ministerie van sociale voorzorg, Brussel
(Ministry of Social Welfare, Brussels)"
- (b) At point G. LUXEMBOURG:
- (i) the title of section I shall be replaced by the following text:
"I. For the granting of benefits:"
- (ii) the text of paragraph 1 of section I shall be replaced by the following:
"1. Sickness, maternity: Caisse nationale d'assurance-maladie des
ouvriers" (National Sickness Insurance Fund
for Manual Workers)
- (iii) The text of paragraph 6 of section I shall be replaced by the following:
"6. Death grants:
(a) for the purposes
of applying
Article 60 of
the Regulation: Caisse nationale d'assurance-maladie des
ouvriers" (National Sickness Insurance Fund
for Manual Workers)

- (b) for other cases: the institutions given under 1, 2 or 3, depending upon which branch of insurance is responsible for the payment of benefit
- (iv) the text of section II shall be replaced by the following:
- "II. OTHER CASES: Inspection générale de la sécurité sociale (General Inspectorate for Social Security), Luxembourg"

7. Annex 5 shall be amended as follows:

- (a) the following paragraph (c) shall be added to point 5. BELGIUM - IRELAND:
- "(c) The Agreement of 12 January 1974 for the implementation of Article 105(2) of the Implementing Regulation."
- (b) Point 7. BELGIUM - NETHERLANDS shall be amended as follows:
- (i) the text of subparagraph (a) shall be replaced by the following
- "(a) Articles 2, 3, 13, 15, 25(2), 25(1) and (2), 27, 46 and 48 of the Agreement of 4 November 1957 on insurance for sickness, maternity, death (grant), medical treatment and invalidity, and the Agreement of 24 March 1975 revising the aforementioned Agreement."
- (ii) a subparagraph (h) shall be added:
- "(h) The Agreement concluded between the Belgian and Netherlands competent authorities relating to the reimbursement of administrative expenses, made in pursuance of Article 45(2) of Regulation No 3 and Article 77 of Regulation No 4 of the Council of the European Communities."

2. Annex 10 shall be amended as follows:

(a) the text of paragraph 1 of point E. IRELAND shall be replaced by the following:

"1. For the purposes of applying
Articles 6(1), 11(1), 13(2)
and (3), 14(1), (2) and (3),
38(1), 70(1), 85(2), 86(2) and
91(2) of the Implementing

Regulations: Department of Social Welfare,
Dublin"

(b) Point G. LUXEMBOURG is amended as follows:

(i) in paragraph 2 the words "Ministère du Travail et de la
sécurité sociale (Ministry of Labour and Social Security),
Luxembourg" shall be replaced by the following:

"Inspection générale de la sécurité sociale (General
Inspectorate for Social Security), Luxembourg"

(ii) paragraph 3 shall be deleted.

(iii) paragraphs 4, 5 and 6 shall be remembered paragraphs 3, 4
and 5 respectively.

(c) The text of point I. UNITED KINGDOM shall be replaced by the
following:

"I. UNITED KINGDOM

For the purposes of applying Articles
11(1), 13(2) and (3), 14(1), (2) and
(3), 38(1), 70(1), 80(2), 81,

82(2), 85(2), 86(2), 91(2),
102(2) and 110 of the Implementing
Regulation

Great Britain

Department of Health and Social
Security - Overseas Group,
Newcastle-upon-Tyne

Northern Ireland

Department of Health and Social
Services for Northern Ireland -
Overseas Branch, Belfast

Article 3

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities.

However, Article 1(3)(c) shall be applicable as from 6 April 1975.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the Council

The President