

1959 No. 292

The Family Allowances, National Insurance and Industrial Injuries (European Interim Agreement) Order, 1959

Made - - - - 20th February, 1959

At the Court at Buckingham Palace, the 20th day of February, 1959

Present,

The Queen's Most Excellent Majesty in Council

Whereas at Paris on the eleventh day of December, nineteen hundred and fifty-three, an Interim Agreement between Governments, being members of the Council of Europe, on social security other than schemes for old age, invalidity and survivors (which Agreement is set out in the First Schedule hereto and is hereinafter referred to as "the Agreement") and a Protocol supplementing the Agreement (which Protocol is set out in the Second Schedule hereto and is hereinafter referred to as "the Protocol") were signed on behalf of those Governments:

And Whereas by Article 13 and Article 14 of the Agreement and by Article 3 of the Protocol it was provided that the Agreement and the Protocol, respectively, should come into force on the first day of the month following the date of deposit with the Secretary-General of the Council of Europe of the second instrument of ratification, and that as regards any subsequent ratification or accession, the Agreement or Protocol should come into force on the first day of the month following the date of the deposit of the instrument of ratification or accession:

And Whereas by paragraph 3 of Article 9 of the Agreement it was provided that any Contracting Party might withdraw either in whole or in part any reservation made by it by a notification to that effect addressed to the said Secretary-General, such notification taking effect on the first day of the month following the month in which it was received and that the Agreement should apply accordingly:

And Whereas a notification by the Government of the United Kingdom of Great Britain and Northern Ireland withdrawing its reservation to the Agreement in so far as that reservation concerned the schemes of Family Allowances in Great Britain and the Isle of Man and modifying that reservation in so far as it concerns the scheme of Family Allowances in Northern Ireland, (which notification is set out in the Third Schedule hereto), was received by the said Secretary-General on the ninth day of January, 1959:

And Whereas, subject as hereinafter appears, the Agreement and the Protocol have been ratified or acceded to, as the case may be, by the Governments specified in the first column of the Fourth Schedule hereto on the dates respectively specified opposite to those Governments in the second column of that Schedule, and the Agreement and Protocol have accordingly come into operation as regards those Governments on the dates respectively specified opposite to those Governments in the third column of that Schedule:

And Whereas by section 64 of the National Insurance Act, 1946(a) as extended by subsection (1) of section 4 of the Family Allowances and National Insurance Act, 1956(b), and section 85 of the National Insurance (Industrial Injuries) Act, 1946(c), it is provided that Her Majesty may, by Order in Council, make provision for modifying or adapting the Family Allowances Act, 1945(d) and the said Acts of 1946 in their application to cases affected by agreements with other Governments providing for reciprocity in the matters specified in those sections:

Now, therefore, Her Majesty, in pursuance of the said section 64 of the National Insurance Act, 1946, as so extended, and the said section 85 of the National Insurance (Industrial Injuries) Act, 1946, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and interpretation

1.—(1) This Order may be cited as the Family Allowances, National Insurance and Industrial Injuries (European Interim Agreement) Order, 1959.

(2) The Interpretation Act, 1889(e), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Modification of Acts

2. The provisions contained in the Agreement set out in the First Schedule hereto and the provisions contained in the Protocol set out in the Second Schedule hereto shall have full force and effect, so far as the same relate to England, Wales and Scotland and provide by way of agreement with the Governments specified in the Fourth Schedule hereto for reciprocity in any matters specified in either subsection (1) of section 64 of the National Insurance Act, 1946, as extended by subsection (1) of section 4 of the Family Allowances and National Insurance Act, 1956, or subsection (1) of section 85 of the National Insurance (Industrial Injuries) Act, 1946 (which subsections relate to reciprocal agreements with other Governments), and the Family Allowances Acts, 1945 to 1956, the National Insurance Acts, 1946 to 1957 and the National Insurance (Industrial Injuries) Acts, 1946 to 1957, shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

W. G. Agnew.

FIRST SCHEDULE

EUROPEAN INTERIM AGREEMENT ON SOCIAL SECURITY OTHER THAN SCHEMES FOR OLD AGE, INVALIDITY AND SURVIVORS.

Paris, December 11, 1953

The Governments signatory hereto, being Members of the Council of Europe.

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

Affirming the principle that the nationals of any one of the Contracting Parties to this Agreement should receive under the social security laws and

(a) 9 & 10 Geo. 6. c. 67.

(c) 9 & 10 Geo. 6. c. 62.

(b) 4 & 5 Eliz. 2. c. 50.

(d) 8 & 9 Geo. 6. c. 41.

(e) 52 & 53 Vict. c. 63.

regulations of any other Contracting Party equal treatment with the nationals of the latter, a principle sanctioned by Conventions of the International Labour Organisation ;

Affirming also the principle that nationals of any one of the Contracting Parties should receive the benefits of agreements on social security concluded by any two or more of the other Contracting Parties ;

Desirous of giving effect to these principles by means of an Interim Agreement pending the conclusion of a general convention based on a network of bilateral agreements,

Have agreed as follows :—

ARTICLE 1

1. This Agreement shall apply to all social security laws and regulations which are in force at the date of signature or may subsequently come into force in any part of the territory of the Contracting Parties and which relate to :

- (a) sickness, maternity and death (death grants), including medical benefits insofar as they are not subject to a needs test ;
- (b) employment injury ;
- (c) unemployment ;
- (d) family allowances.

2. This Agreement shall apply to schemes of contributory and non-contributory benefits, including employers' obligations to compensate for employment injuries. It shall not apply to public assistance, special schemes for civil servants, or benefits paid in respect of war injuries or injuries due to foreign occupation.

3. For the purposes of this Agreement the word "benefit" includes any increase in or supplement to the benefit.

4. The terms "nationals" and "territory" of a Contracting Party shall have the meaning assigned to them by such a Party in a declaration addressed to the Secretary-General of the Council of Europe for communication to all other Contracting Parties.

ARTICLE 2

1. Subject to the provisions of Article 9, a national of any one of the Contracting Parties shall be entitled to receive the benefits of the laws and regulations of any other of the Contracting Parties under the same conditions as if he were a national of the latter :—

- (a) in the case of benefit in respect of employment injury, provided that he resides in the territory of one of the Contracting Parties,
- (b) in the case of any benefit other than benefit in respect of employment injury, provided that he is ordinarily resident in the territory of the latter Contracting Party,
- (c) in the case of benefit claimed in respect of sickness, maternity or unemployment, provided that he had become ordinarily resident in the territory of the latter Contracting Party before the first medical certification of the sickness, the presumed date of conception or the beginning of the unemployment, as the case may be,
- (d) in the case of a benefit provided under a non-contributory scheme, other than a benefit in respect of employment injury, provided that he has been resident for six months in the territory of the latter Contracting Party.

2. In any case where the laws and regulations of any one of the Contracting Parties impose a restriction on the rights of a national of that Party who was not born in its territory, a national of any other of the Contracting Parties born in the territory of the latter shall be treated as if he were a national of the former Contracting Party born in its territory.

3. In any case where in determining a right to benefit the laws and regulations of any one of the Contracting Parties make any distinction which depends on the nationality of a child, a child who is a national of any other of the Contracting Parties shall be treated as if he were a national of the former Contracting Party.

ARTICLE 3

1. Any agreement relating to the laws and regulations referred to in Article 1 which has been or may be concluded by any two or more of the Contracting Parties shall, subject to the provisions of Article 9, apply to a national of any other of the Contracting Parties as if he were a national of one of the former Parties insofar as it provides, in relation to those laws and regulations—

- (a) for determining under which laws and regulations a person should be insured;
- (b) for maintaining acquired rights and rights in course of acquisition and, in particular, for adding together insurance periods and equivalent periods for the purpose of establishing the right to receive benefit and calculating the amount of benefit due;
- (c) for paying benefit to persons residing in the territory of any one of the Parties to such agreement;
- (d) for supplementing and administering the provisions of such agreement referred to in this paragraph.

2. The provisions of paragraph 1 of this Article shall not apply to any provision of the said agreement which concerns benefits provided under a non-contributory scheme unless the national concerned has resided for six months in the territory of the Contracting Party under whose laws and regulations he claims benefit.

ARTICLE 4

Subject to the provisions of any relevant bilateral and multilateral agreements, benefits which in the absence of this Agreement have not been awarded or have been suspended shall be awarded or reinstated from the date of the entry into force of this Agreement for all the Contracting Parties concerned with the claim in question, provided that the claim thereto is presented within one year after such date or within such longer period as may be determined by the Contracting Party under whose laws and regulations the benefit is claimed. If the claim is not presented within such period, the benefit shall be awarded or reinstated from the date of the claim or such earlier date as may be determined by the latter Contracting Party.

ARTICLE 5

The provisions of this Agreement shall not limit the provisions of any national laws or regulations, international conventions, or bilateral or multilateral agreements which are more favourable for the beneficiary.

ARTICLE 6

This Agreement shall not affect those provisions of national laws or regulations which relate to the participation of insured persons, and of other categories of persons, concerned in the management of social security.

ARTICLE 7

1. Annex I to this Agreement sets out in relation to each Contracting Party the social security schemes to which Article 1 applies which are in force in any part of its territory at the date of signature of this Agreement.

2. Each Contracting Party shall notify the Secretary-General of the Council of Europe of every new law or regulation of a type not included in Annex I in relation to that Party. Such notifications shall be made by each Contracting

Party within three months of the date of publication of the new law or regulation, or if such law or regulation is published before the date of ratification of this Agreement by the Contracting Party concerned, at that date of ratification.

ARTICLE 8

1. Annex II to this Agreement sets out in relation to each Contracting Party the agreements concluded by it to which Article 3 applies which are in force at the date of signature of this Agreement.

2. Each Contracting Party shall notify the Secretary-General of the Council of Europe of every new agreement concluded by it to which Article 3 applies. Such notification shall be made by each Contracting Party within three months of the date of coming into force of the agreement, or if such new agreement has come into force before the date of ratification of this Agreement, at that date of ratification.

ARTICLE 9

1. Annex III to this Agreement sets out the reservations hereto made at the date of signature.

2. Any Contracting Party may, at the time of making a notification in accordance with Article 7 or Article 8, make a reservation in respect of the application of this Agreement to any law, regulation or agreement which is referred to in such notification. A statement of any such reservation shall accompany the notification concerned; it will take effect from the date of entry into force of the new law, regulation or agreement.

3. Any Contracting Party may withdraw either in whole or in part any reservation made by it by a notification to that effect addressed to the Secretary-General of the Council of Europe. Such notification shall take effect on the first day of the month following the month in which it is received and this Agreement shall apply accordingly.

ARTICLE 10

The Annexes to this Agreement shall constitute an integral part of this Agreement.

ARTICLE 11

1. Arrangements where necessary between the competent authorities of the Contracting Parties shall determine the methods of implementation of this Agreement.

2. The competent authorities of the Contracting Parties concerned shall endeavour to resolve by negotiation any dispute relating to the interpretation or application of this Agreement.

3. If any such dispute has not been resolved by negotiation within a period of three months, the dispute shall be submitted to arbitration by an arbitral body whose composition and procedure shall be agreed upon by the Contracting Parties concerned, or, in default of such agreement, within a further period of three months, by an arbitrator chosen at the request of any of the Contracting Parties concerned by the President of the International Court of Justice. Should the latter be a national of one of the Parties to the dispute, this task shall be entrusted to the Vice-President of the Court or to the next judge in order of seniority not a national of one of the Parties to the dispute.

4. The decision of the arbitral body, or arbitrator, as the case may be, shall be made in accordance with the principles and spirit of this Agreement and shall be final and binding.

ARTICLE 12

In the event of the denunciation of this Agreement by any of the Contracting Parties—

- (a) any right acquired by a person in accordance with its provisions shall be maintained and, in particular, if he has, in accordance with its provisions, acquired the right to receive any benefit under the laws and regulations of one of the Contracting Parties while he is resident in the territory of another, he shall continue to enjoy that right;
- (b) subject to any conditions which may be laid down by supplementary agreements concluded by the Contracting Parties concerned for the settlement of any rights then in course of acquisition, the provisions of this Agreement shall continue to apply to insurance periods and equivalent periods completed before the date when the denunciation becomes effective.

ARTICLE 13

1. This Agreement shall be open to the signature of the Members of the Council of Europe. It shall be ratified. Instruments of ratification shall be deposited with the Secretary-General of the Council of Europe.
2. This Agreement shall come into force⁽¹⁾ on the first day of the month following the date of deposit of the second instrument of ratification.
3. As regards any Signatory ratifying subsequently, the Agreement shall come into force on the first day of the month following the date of the deposit of its instrument of ratification.

ARTICLE 14

1. The Committee of Ministers of the Council of Europe may invite any State not a member of the Council of Europe to accede to this Agreement.
2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the Council of Europe, which shall take effect on the first day of the month following the date of deposit.
3. Any instrument of accession deposited in accordance with this Article shall be accompanied by a notification of such information as would be contained in the Annexes I and II to this Agreement if the Government of the State concerned were, on the date of accession, a Signatory hereto.
4. For the purposes of this Agreement any information notified in accordance with paragraph 3 of this Article shall be deemed to be part of the Annex in which it would have been recorded if the Government of the State concerned were a Signatory hereto.

ARTICLE 15

The Secretary-General of the Council of Europe shall notify:

- (a) the Members of the Council and the Director-General of the International Labour Office
 - (i) of the date of entry into force of this Agreement and the names of any Members who ratify it,
 - (ii) of the deposit of any instrument of accession in accordance with Article 14 and of such notifications as are received with it,
 - (iii) of any notification received in accordance with Article 16 and its effective date;
- (b) the Contracting Parties and the Director-General of the International Labour Office
 - (i) of any notifications received in accordance with Articles 7 and 8,
 - (ii) of any reservation made in accordance with paragraph 2 of Article 9,
 - (iii) of the withdrawal of any reservation in accordance with paragraph 3 of Article 9.

⁽¹⁾ July 1, 1954.

ARTICLE 16

This Agreement shall remain in force for a period of two years from the date of its entry into force in accordance with paragraph 2 of Article 13. Thereafter it shall remain in force from year to year for such Contracting Parties as have not denounced it by a notification to that effect addressed to the Secretary-General of the Council of Europe at least six months before the expiry either of the preliminary two-year period, or of any subsequent yearly period. Such notification shall take effect at the end of the period to which it relates.

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

Done at Paris, this 11th day of December, 1953, in the English and French languages, both texts being equally authoritative, in a single copy which shall remain in the archives of the Council of Europe and of which the Secretary-General shall send certified copies to each of the Signatories and to the Director-General of the International Labour Office.

For the Government of the Kingdom of Belgium :

P. VAN ZEELAND.

For the Government of the Kingdom of Denmark :

E. WAERUM.

For the Government of the French Republic :

BIDAULT.

For the Government of the Federal Republic of Germany :

ADENAUER.

For the Government of the Kingdom of Greece :

STEPHANOPOULOS.

For the Government of the Icelandic Republic :

KRISTINN GUDMUNDSSON.

For the Government of Ireland :

PRÓINSIAS MAC AOGÁIN.

For the Government of the Italian Republic :

LUDOVICO BENVENUTI.

For the Government of the Grand Duchy of Luxembourg :

BECH.

For the Government of the Kingdom of the Netherlands :

J. W. BEYEN.

For the Government of the Kingdom of Norway :

HALVARD LANGE.

For the Government of the Saar :

(in application of resolution (53) 30 of the Committee of Ministers)

P. VAN ZEELAND.

For the Government of the Kingdom of Sweden :

ÖSTEN UNDÉN.

For the Government of the Turkish Republic :

F. KÖPRÜLÜ.

For the Government of the United Kingdom of Great Britain and Northern Ireland :

ANTHONY NUTTING.

ANNEX I

TO THE EUROPEAN INTERIM AGREEMENT ON SOCIAL SECURITY OTHER THAN SCHEMES FOR OLD AGE, INVALIDITY AND SURVIVORS

*Social Security Schemes to which the Agreement applies***Belgium :**

Laws and regulations relating to :

- (a) Social security for employees, respecting the organisation of compulsory insurance against sickness or invalidity.
- (b) Compensation for injuries resulting from industrial accidents, including provision for benefit increments for employment injuries and compensation for employment injuries of mariners.
- (c) Compensation for injuries caused by occupational diseases, including provision for the granting of additional allowances to persons entitled to occupational disease pensions.
- (d) Social security for employees (organisation of assistance to unemployed).
- (e) Family allowances for salaried employees and family allowances for employers and self-employed workers.

All the above-mentioned schemes are of a contributory nature.

Denmark :

Laws and regulations relating to :

- (a) Sickness insurance (sickness, maternity, death).
- (b) Accident insurance.
- (c) Unemployment insurance.
- (d) Various medical services.
- (e) Temporary law on family benefits.

All these schemes are of a contributory nature, except (d) and (e) which are of a non-contributory nature.

France :

Laws and regulations relating to :

- (a) The organisation of social security.
- (b) General provisions governing the social insurance system applicable to insured persons in non-agricultural employment.
- (c) Social insurance provisions applicable to employed persons, and persons treated as employed persons, in agricultural employment.
- (d) Family allowances.
- (e) Provisions for the prevention of, and compensation for, employment injuries.
- (f) Special social security schemes.
- (g) The granting of unemployment allowances.

All the above schemes except that listed under (g) are of a contributory nature.

Federal Republic of Germany :

Laws and regulations relating to :

- (a) Sickness insurance (sickness, maternity, death grants).
- (b) Insurance against employment injuries (including disablement scheme for prisoners).
- (c) Unemployment insurance and assistance.

All the above schemes except that covering unemployment assistance are of a contributory nature.

Greece :

Laws and regulations relating to :

- (a) Social insurance, including unemployment insurance.
- (b) Special schemes for certain categories of workers.

These schemes are of a contributory nature.

Iceland :

Laws and regulations relating to :

- (a)—(i) Sickness insurance.
- (ii) Sickness benefits, daily allowances.
- (iii) Maternity and death grants.
- (b) Accident insurance.
- (c) Family allowances.

All these schemes are of a contributory nature.

Ireland :

Laws and regulations relating to :

- (a) National health insurance.
- (b) Workmen's compensation.
- (c) Unemployment insurance.
- (d) Unemployment assistance.
- (e) Intermittent unemployment insurance.
- (f) Children's allowances.
- (g) The diagnosis, prevention and treatment of infectious diseases.
- (h) The grant of allowances to persons suffering from infectious disease.
- (i) Maternity and child welfare medical schemes.
- (j) The school medical service.

The Schemes listed under (a), (c) and (e) above are of a contributory nature. The others are non-contributory. (The scheme mentioned under (b) imposes an obligation on employers, with no State contribution.)

Italy :

Laws and regulations relating to :

- (a) Compulsory sickness insurance.
- (b) Compulsory insurance against tuberculosis.
- (c) Compulsory insurance against employment injuries.
- (d) Physical and economic protection of working mothers in so far as provisions for economic benefits for those among them who are pregnant or confined are concerned.
- (e) Benefits for unemployed.
- (f) Special compulsory insurance schemes for certain categories of employees.
- (g) Family benefits.

The scheme mentioned under (e) above is partly of a contributory nature and partly non-contributory. All other schemes are contributory.

Luxembourg :

Laws and regulations relating to :

- (a) Sickness insurance (sickness, maternity and death).
- (b) Employment injury insurance, including provisions for accident pension increments.
- (c) Unemployment benefits.
- (d) Family allowances, including birth grants to independent workers: including also provisions respecting the admission of frontier workers working in the Grand Duchy to family allowances.

The above schemes, with the exception of unemployment allowances and birth grants to independent workers, are of a contributory character.

Netherlands :

Laws and regulations relating to :

- (a) Health insurance (benefits in cash and in kind, maternity).

- (b) Insurance against employment injuries including provisions relating to pensions increments.
- (c) Family allowances (wage-earners, pensioners, self-employed workers).
- (d) Unemployment insurance and assistance.
- (e) Health insurance for miners (benefits in cash and in kind, maternity).
- (f) Family allowances for miners.

The above-mentioned schemes are of a contributory nature, with the following exceptions: family allowances for self-employed persons and for pensioners and unemployment assistance.

Norway :

Laws and regulations relating to :

- (a) Sickness insurance (sickness, maternity, death).
- (b) Accident insurance of industrial employees, &c.
Accident insurance for fishermen.
Accident insurance for seamen.
- (c) Unemployment insurance.
- (d) Family allowances.

These schemes, with the exception of that covering family allowances, are of a contributory nature.

Saar :

Laws and regulations relating to :

- (a) Sickness insurance (sickness, maternity, death).
- (b) Insurance against employment injuries.
- (c) Family allowances.
- (d) Unemployment insurance and assistance.

These schemes, with the exception of unemployment assistance, are of a contributory nature.

Sweden :

Laws and regulations relating to :

- (a) Sickness insurance.
- (b) Insurance against industrial accidents and occupational diseases.
- (c) Unemployment insurance and unemployment assistance.
- (d) Common family allowances.
- (e) Maternity grants.
- (f) Various medical services.

The schemes listed under (a) and (b) and the unemployment insurance scheme listed under (c) are of a contributory nature. The schemes listed under (e) are partly contributory and partly non-contributory. The unemployment assistance scheme listed under (c) and the schemes listed under (d) and (f) are non-contributory.

Turkey :

Laws and regulations relating to :

- (a) Sickness and maternity insurance.
- (b) Insurance relating to employment injuries and maternity.
- (c) Special schemes for certain categories of workers.
- (d) Provisions concerning the civil liability of employers to pay compensation for employment injuries contracted by wage-earners who are not covered by the compulsory social insurance scheme.

All these schemes are of a contributory nature.

United Kingdom :

Laws and regulations concerning Great Britain, Northern Ireland, and the Isle of Man :—

- (a) Establishing insurance schemes in respect of unemployment, sickness and death and of the confinement of women.
- (b) Establishing insurance schemes in respect of personal injury caused by industrial accident and of prescribed diseases and injuries due to employment.
- (c) Establishing the scheme of family allowances.
- (d) Establishing the national health services.
- (e) Relating to the obsolete schemes of workmen's compensation for industrial accidents and diseases insofar as they continue to have effect.

The schemes listed under (a) and (b) are of a contributory nature. Those listed under (c) and (d) are of a non-contributory nature.

ANNEX II

TO THE EUROPEAN INTERIM AGREEMENT ON SOCIAL SECURITY OTHER THAN SCHEMES FOR OLD AGE, INVALIDITY AND SURVIVORS

Bilateral and Multilateral Agreements to which the Agreement Applies⁽¹⁾

Belgium :

- (a) Convention between Belgium and the Netherlands respecting insurance against occupational accidents, dated February 9, 1921.
- (b) Convention between Belgium and the Netherlands respecting the application of the legislation of the two countries as regards social insurance, dated August 29, 1947.
- (c) General Convention between Belgium and France on social security, dated January 17, 1948.
- (d) General Convention between Belgium and Italy on social insurance, dated April 30, 1948.
- (e) General Convention between Belgium and the Grand Duchy of Luxembourg on social security, dated December 3, 1949.
- (f) Multilateral Convention on social security concluded by the Brussels Treaty Powers on November 7, 1949.⁽²⁾

Denmark :

- (a) Convention between Denmark, Norway and Sweden respecting industrial accidents, dated February 12, 1919.
- (b) Convention between Denmark and the Netherlands respecting accident insurance, dated October 23, 1926.
- (c) Convention between Denmark and Iceland respecting reciprocity in connexion with the accident insurance of workers and invalidity insurance, dated October 13, 1927.
- (d) Convention between Denmark and Iceland respecting the transfer of members of sick funds, dated April 1, 1939.
- (e) Convention between Denmark and Sweden respecting unemployment insurance, dated May 31, 1946.

⁽¹⁾ It is understood that the Agreement applies equally to all the complementary agreements, supplements, protocol and arrangements which have completed or amended the said agreements.

⁽²⁾ "Treaty Series No. 30 (1951)," Cmd. 8218.

- (f) Convention between Denmark and Sweden respecting the transfer of members between the sick funds in Denmark and those in Sweden, dated December 23, 1947.
- (g) Convention between Denmark and Norway respecting the transfer of members between the sick funds in Denmark and those in Norway, dated January 21, 1948.
- (h) Convention between Denmark and Norway on the reciprocal recognition of unemployment insurance contributions, dated March 12, 1951.

France :

- (a) General Convention between France and Belgium on social security, dated January 17, 1948.
- (b) General Convention between France and Italy to co-ordinate the application of French social security legislation and of the Italian social insurance and family benefits legislation to the nationals of the two countries, dated March 31, 1948.
- (c) General Convention between France and the United Kingdom, in respect of Great Britain, on social security, dated June 11, 1948.
- (d) General Convention between France and the Saar on social security dated February 25, 1949.
- (e) General Convention between France and the Grand Duchy of Luxembourg on social security, dated November 12, 1949.
- (f) General Convention between France and the United Kingdom, in respect of Northern Ireland, on social security, dated January 28, 1950.
- (g) General Convention between France and the Netherlands on social security, dated January 7, 1950.
- (h) General Convention between France and the Federal Republic of Germany on social security, dated July 10, 1950.
- (i) Multilateral Convention on social security concluded by the Brussels Treaty Powers on November 7, 1949.⁽²⁾

Federal Republic of Germany :

- (a) General Convention between the Federal Republic of Germany and France on social security, dated July 10, 1950.
- (b) Convention between the Federal Republic of Germany and the Netherlands on social insurance, dated March 29, 1951.

Iceland :

- (a) Convention between Iceland and Denmark respecting reciprocity in connexion with the accident insurance of workers and invalidity insurance, dated October 13, 1927.
- (b) Convention between Iceland and Norway on industrial accident insurance, dated May 31, 1930.
- (c) Convention between Iceland and Sweden respecting industrial accidents, dated October 31, 1930.
- (d) Convention between Iceland and Denmark respecting the transfer of members of sick funds, dated April 1, 1939.

Ireland :

- (a) Agreement between Ireland and the United Kingdom, in respect of Great Britain, relating to insurance for sickness benefit and maternity benefit, dated September 13, 1948.
- (b) Agreement between Ireland and the United Kingdom, in respect of Great Britain, relating to insurance for unemployment benefit, dated March 24, 1949.

⁽²⁾ "Treaty Series No. 30 (1951)," Cmd. 8218.

Italy :

- (a) General Convention between Italy and France to co-ordinate the application of French social security legislation and of the Italian Social insurance and family benefits legislation to the nationals of the two countries, dated March 31, 1948.
- (b) General Convention between Italy and Belgium on social insurance, dated April 30, 1948.

Luxembourg :

- (a) General Convention between the Grand Duchy of Luxembourg and France on social security, dated November 12, 1949.
- (b) General Convention between the Grand Duchy of Luxembourg and Belgium on social security, dated December 3, 1949.
- (c) General Convention between the Grand Duchy of Luxembourg and the Netherlands on social security, dated July 8, 1950.
- (d) Multilateral Convention on social security concluded by the Brussels Treaty Powers on November 7, 1949⁽²⁾.

Netherlands :

- (a) Convention between the Netherlands and Belgium respecting insurance against occupational accidents, dated February 9, 1921.
- (b) Convention between the Netherlands and Norway respecting reciprocity of treatment with regard to the insurance of industrial workers and seamen, dated January 9, 1925.
- (c) Convention between the Netherlands and Denmark respecting accident insurance, dated October 23, 1926.
- (d) Convention between the Netherlands and Belgium respecting the application of the legislation of the two countries as regards social insurance, dated August 29, 1947.
- (e) General Convention between the Netherlands and France on social security, dated January 7, 1950.
- (f) General Convention between the Netherlands and the Grand Duchy of Luxembourg on social security, dated July 8, 1950.
- (g) Convention between the Netherlands and the Federal Republic of Germany on social insurance, dated March 29, 1951.
- (h) Multilateral Convention on social security concluded by the Brussels Treaty Powers on November 7, 1949⁽²⁾.

Norway :

- (a) Convention between Norway, Denmark and Sweden respecting industrial accidents, dated February 12, 1919.
- (b) Convention between Norway and the Netherlands respecting reciprocity of treatment with regard to the insurance of industrial workers and seamen, dated January 9, 1925.
- (c) Convention between Norway and Iceland on industrial accident insurance, dated May 31, 1930.
- (d) Convention between Norway and Sweden respecting the transfer of members between the sick funds in Norway and those in Sweden, dated December 22, 1947.
- (e) Convention between Norway and Denmark respecting the transfer of members between the sick funds in Denmark and those in Norway, dated January 21, 1948.
- (f) Convention between Norway and Sweden on the reciprocal recognition of unemployment insurance contributions, dated December 18, 1948.
- (g) Convention between Norway and Denmark on the reciprocal recognition of unemployment insurance contributions, dated March 12, 1951.

⁽²⁾ "Treaty Series No. 30 (1951)," Cmd. 8218.

Saar :

General Convention between the Saar and France on social security, dated February 25, 1949.

Sweden :

- (a) Convention between Sweden, Denmark and Norway respecting industrial accidents, dated February 12, 1919.
- (b) Convention between Sweden and Iceland respecting industrial accidents, dated October 31, 1930.
- (c) Convention between Sweden and Denmark respecting unemployment insurance, dated May 31, 1946.
- (d) Convention between Sweden and Norway respecting the transfer of members between the sick funds in Norway and those in Sweden, dated December 22, 1947.
- (e) Convention between Sweden and Denmark respecting the transfer of members between the sick funds in Denmark and those in Sweden, dated December 23, 1947.
- (f) Convention between Sweden and Norway respecting the reciprocal recognition of unemployment insurance contributions, dated December 18, 1948.

United Kingdom :

- (a) General Convention on social security between the United Kingdom, in respect of Great Britain, and France, dated June 11, 1948.⁽³⁾
- (b) Agreement between the United Kingdom, in respect of Great Britain, and Ireland relating to insurance for sickness benefit and maternity benefit, dated September 13, 1948.
- (c) Agreement between the United Kingdom, in respect of Great Britain, and Ireland relating to insurance for unemployment benefit, dated March 24, 1949.
- (d) General Convention on social security between the United Kingdom, in respect of Northern Ireland, and France, dated January 28, 1950.
- (e) Multilateral Convention on social security concluded by the Brussels Treaty Powers on November 7, 1949.⁽²⁾

ANNEX III

TO THE EUROPEAN INTERIM AGREEMENT ON SOCIAL SECURITY OTHER THAN SCHEMES FOR OLD AGE, INVALIDITY AND SURVIVORS

Reservations to the Agreement formulated by the Contracting Parties

1. *The Government of Denmark* has formulated the following reservation :

The provisions of the Danish law of May 10, 1915, concerning infectious diseases, which impose a residence requirement of one year when the party concerned is neither a Danish national nor a member of a sick fund recognised by the State, shall be excluded from the application of this agreement.

2. *The Government of France* has formulated the following reservations :

(a) The provisions of the French legislation respecting compensation for industrial accidents for prisoners shall be excluded from the application of the Agreement, unless there is in the country concerned a scheme offering similar benefits of which prisoners of French nationality in such country may avail themselves.

(b) The French Act of September 23, 1948, No. 48-1473, as amended, extending to students certain provisions of the Order of October 17, 1945, respecting the scheme of social insurance applicable to insured persons in non-agricultural

⁽²⁾ "Treaty Series No. 30 (1951)," Cmd. 8218.

⁽³⁾ "Treaty Series No. 19 (1949)," Cmd. 7651.

employment, shall be excluded from the application of the Agreement, unless there is in the country concerned a scheme offering similar benefits of which students of French nationality in such country may avail themselves.

- (c) The inclusion of family benefits within the field of application of the Agreement shall in no way prejudice the right of the French legislation on maternity benefits to reserve these benefits to parents whose children are of French nationality at birth or acquire that nationality within a period of three months, so long as it makes no distinction based on the nationality of the parents.

3. *The Government of Iceland* has formulated the following reservation:

The provisions respecting family allowances which are contained in the Social Security Act No. 50/1946 shall be excluded from the application of the Agreement, unless there is a family allowance scheme in the country concerned of which Icelandic nationals may avail themselves.

4. *The Government of Luxembourg* has formulated the following reservations:

- (a) The Luxembourg Government reserves the right not to apply the provisions of this Agreement to the system of birth allowances.
- (b) The application of the Agreement to unemployment benefits shall be subject to organising the financial contribution of employers and employees, or of one of these groups, in the allocation of unemployment assistance.

5. *The Government of Norway* has formulated the following reservation: ⁽⁴⁾

The Norwegian Act of October 24, 1946, respecting family allowances shall be excluded from the application of the Agreement, unless there is a family allowance scheme in the country concerned, of which Norwegian nationals may avail themselves.

6. *The Government of Sweden* has formulated the following reservations:

- (a) The Swedish Act respecting maternity grants payable, subject to a means test, to all mothers, shall not apply to the nationals of a Contracting Party which has repealed the legal provisions under which maternity cash benefits are payable.⁽⁵⁾
- (b) The clause in the Swedish Legislation concerning family allowances which regulates the right of allowance to a child who is a national of another country shall be considered to conform with the provisions of Article 2 of this Agreement.
- (c) The provision of the Swedish Unemployment Assistance which requires one year of work in Sweden to qualify a person who is a national of another country to benefit from the Assistance system, shall be excluded from the application of this Agreement.

7. *The Government of the United Kingdom* has formulated the following reservation: ⁽⁶⁾

The legislation of the United Kingdom does not at present permit the full application of the principles of the Agreement to the schemes of family allowances in its territory, and the Government is accordingly obliged to make the following provisional reservation:

For the purpose of the family allowances schemes in Great Britain, Northern Ireland and the Isle of Man, a national of another Contracting Party shall be treated as a national of the United Kingdom only after he has been present in Great Britain, Northern Ireland, or the Isle of Man, or, where not so present, has been a member of the Forces or a merchant seaman as defined in the relevant British legislation, for at least 156 weeks in the aggregate out of the four years immediately preceding the date on which an allowance is claimed.

⁽⁴⁾ Reservation withdrawn as from October 1, 1954.

⁽⁵⁾ Reservation (a) withdrawn as from October, 1955.

⁽⁶⁾ Reservation withdrawn as from February 1, 1959 (see Third Schedule).

SECOND SCHEDULE

PROTOCOL TO THE EUROPEAN INTERIM AGREEMENT ON SOCIAL SECURITY OTHER THAN SCHEMES FOR OLD AGE, INVALIDITY AND SURVIVORS.

Paris, December 11, 1953

The Governments signatory hereto, being Members of the Council of Europe, Having regard to the provisions of the European Interim Agreement on Social Security other than Schemes for Old Age, Invalidity and Survivors, signed at Paris on the 11th day of December, 1953 (hereinafter referred to as "the principal Agreement");

Having regard to the provisions of the Convention relating to the Status of Refugees signed at Geneva on 28th July, 1951⁽⁷⁾ (hereinafter referred to as "the Convention");

Being desirous of extending the provisions of the principal Agreement so as to apply to refugees as defined in the Convention,

Have agreed as follows:—

ARTICLE 1

For the purposes of this Protocol the term "refugee" shall have the meaning ascribed to it in Article 1 of the Convention, provided that each Contracting Party shall make a declaration at the time of signature or ratification hereof or accession hereto, specifying which of the meanings set out in paragraph B of Article 1 of the Convention it applies for the purpose of its obligations under this Protocol, unless such Party has already made such a declaration at the time of its signature or ratification of the Convention.

ARTICLE 2

The provisions of the principal Agreement shall apply to refugees under the same conditions as they apply to the nationals of the Contracting Parties thereto, provided that Article 3 of that Agreement shall apply to refugees only in cases where the Contracting Parties to the agreements to which that Article refers have ratified this Protocol or acceded thereto.

ARTICLE 3

1. This Protocol shall be open to the signature of the Members of the Council of Europe who have signed the principal Agreement. It shall be ratified.

2. Any State which has acceded to the principal Agreement may accede to this Protocol.

3. This Protocol shall come into force⁽⁸⁾ on the first day of the month following the date of deposit of the second instrument of ratification.

4. As regards any Signatory ratifying subsequently, or any acceding State, the Protocol shall come into force on the first day of the month following the date of the deposit of its instrument of ratification or accession.

5. Instruments of ratification and accession shall be deposited with the Secretary-General of the Council of Europe, who shall notify the Members of the Council, acceding States and the Director-General of the International Labour Office of the names of those who have ratified or acceded.

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

Done at Paris, this 11th day of December, 1953, in the English and French languages, both texts being equally authoritative, in a single copy which shall remain in the archives of the Council of Europe and of which the Secretary-General shall send certified copies to each of the Signatories and to the Director-General of the International Labour Office.

⁽⁷⁾ "Treaty Series No. 39 (1954)," Cmd. 9171.

⁽⁸⁾ October 1, 1954.

For the Government of the Kingdom of Belgium:

P. VAN ZEELAND.

For the Government of the Kingdom of Denmark:

For the Government of the French Republic:

BIDAULT.

For the Government of the Federal Republic of Germany:

ADENAUER.

For the Government of the Kingdom of Greece:

STEPHANOPOULOS.

For the Government of the Icelandic Republic:

KRISTINN GUDMUNDSSON.

For the Government of Ireland:

PRÓINSIAS MAC AOGÁIN.

For the Government of the Italian Republic:

LUDOVICO BENVENUTI.

For the Government of the Grand Duchy of Luxembourg:

BECH.

For the Government of the Kingdom of the Netherlands:

J. W. BEYEN.

For the Government of the Kingdom of Norway:

HALVARD LANGE.

For the Government of the Saar:

(in application of resolution (53) 30 of the Committee of Ministers)

P. VAN ZEELAND.

For the Government of the Kingdom of Sweden:

ÖSTEN UNDÉN.

For the Government of the Turkish Republic:

F. KÖPRÜLÜ.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

ANTHONY NUTTING.

THIRD SCHEDULE

NOTIFICATION RELATING TO SCHEMES OF FAMILY ALLOWANCES RECEIVED BY THE SECRETARY-GENERAL OF THE COUNCIL OF EUROPE ON THE NINTH DAY OF JANUARY, 1959.

The Government of the United Kingdom has withdrawn its reservation to the European Interim Agreement on Social Security other than schemes for old age, invalidity and survivors in so far as that reservation concerns the schemes of family allowances in Great Britain and the Isle of Man, and has modified that reservation in so far as it concerns the scheme of family allowances in Northern Ireland.

All the relevant provisions of the agreement now apply to the schemes of family allowances in Great Britain and the Isle of Man. Under the scheme of family allowances in Northern Ireland, nationals of other contracting parties will be treated as if they were United Kingdom nationals but they will not be treated as if they were born in the United Kingdom.

FOURTH SCHEDULE

GOVERNMENTS RATIFYING OR ACCEDING TO THE AGREEMENT AND THE PROTOCOL WITH DATES OF DEPOSIT OF THEIR INSTRUMENTS OF RATIFICATION OR ACCESSION AND DATES ON WHICH THE AGREEMENT OR PROTOCOL COMES INTO FORCE.

(1) <i>Government</i>	(2) <i>Date of deposit of ratification or accession</i>	(3) <i>Date of coming into force of the Agreement and Protocol</i>
Republic of Ireland	31 March, 1954	1 July, 1954 (1 October, 1954 for Protocol)
Denmark	30 June, 1954 (Protocol not signed)	1 July, 1954
United Kingdom of Great Britain and Northern Ireland	7 September, 1954	1 October, 1954
Saar	8 September, 1954	1 October, 1954
Norway	9 September, 1954	1 October, 1954
Netherlands	11 March, 1955	1 April, 1955
Sweden	2 September, 1955	1 October, 1955
Federal Republic of Germany (including Land Berlin)	24 August, 1956	1 September, 1956
Belgium	3 April, 1957	1 May, 1957
France	17 December, 1957	1 January, 1958
Italy	26 August, 1958	1 September, 1958
Luxembourg	18 November, 1958	1 December, 1958

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order gives effect in England, Wales and Scotland to certain provisions of the European Interim Agreement on social security other than schemes for old age, invalidity and survivors and to a Protocol supplementing the Agreement made between member Governments of the Council of Europe at Paris on the 11th December, 1953, in so far as that Agreement and Protocol provide for reciprocity with the governments of other countries which have ratified the Agreement and Protocol in relation to the Family Allowances Acts, 1945 to 1956, the National Insurance Acts, 1945 to 1957, and the National Insurance (Industrial Injuries) Acts, 1946 to 1957, and modifies those Acts in their application to cases affected by any such provisions of the Agreement and Protocol.