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SOCIAL
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Social security coordination for non-EU countries in South and Eastern Europe

A legal analysis



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First published 2012

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ILO Cataloguing in Publication Data

Social security coordination for non-EU countries in South and Eastern Europe: a legal analysis / International Labour Organization, Decent Work Technical Support Team and Country Office for Central and Eastern Europe. – Budapest: ILO, 2012

ISBN 978-92-2-126924-3; 978-92-2-126925-0 (web pdf)

ILO DWT and Country Office for Central and Eastern Europe

social security / maintenance of acquired rights / social security agreement / international agreement / Community law / ILO Convention / comment / Eastern Europe / EU countries / Europe

02.03.1

ILO Cataloguing in Publication Data

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Printed in Hungary



**The Project is co-funded by
the European Union**



**The Project is co-funded
and implemented by
the International Labour Office**



**The Project is co-funded
and implemented by
International Organization
for Migration**

EU-ILO Project «Effective Governance of Labour Migration and its Skill Dimensions»

The publication was developed and printed within the framework of the EU-ILO Project
“Effective Governance of Labour Migration and its Skill Dimensions”.

For more detailed information contact the Project by e-mail:
budapest@ilo.org

**Project Brief: EU-ILO Project in Moldova and Ukraine
“Effective Governance of Labour Migration and its Skill Dimensions”**

This project is implemented by the International Labour Organization in cooperation with Moldovan and Ukrainian tripartite partners, the International Organization for Migration and the World Bank. The project is in the framework of the European Commission’s thematic programme of cooperation with third countries in the areas of migration and asylum.

The overall objective of the project is to strengthen Moldova’s and Ukraine’s capacity to regulate labour migration and promote sustainable return, with a particular focus on enhancing human resources capital and preventing skills waste.

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This publication was printed with the support of the European Union

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Foreword

In the globalized economy, international migration is a growing and increasingly complex phenomenon. A large part of contemporary migration is directly or indirectly related to the world of work. Effective, credible and enforceable national policy and practice regarding labour migration and the protection of migrant workers require a sound legal foundation based on the rule of national and international law.

This report presents a comparative review of the international legal instruments for social security coordination available for non-EU countries. The report was prepared by Dr. Grega Strban, Professor of the Faculty of Law, University of Ljubljana. This final report was completed under the supervision of Kenichi Hirose, Senior Specialist in Social Security, ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe (ILO DWT/CO–Budapest). Comments provided by Emmanuelle St-Pierre Guilbault, Legal Specialist, Social Security Department, ILO Geneva and Milos Nikac, Assistant Director, Institute for Social Insurance, Republic of Serbia have been reflected in this final report. Oxana Perminova prepared the Annexes. The report was edited by Athena Bochanis.

This report was developed in the framework of the EC-funded ILO technical cooperation project “Effective Governance of Labour Migration and its Skill Dimensions for Moldova and Ukraine”.

Effective governance of labour migration can only be sustained through co-operation between countries of destination and origin, relying on a framework of international standards and policies that ensure protection of migrant workers. We anticipate that this report will serve as a useful knowledge base for defining effective national strategies and practices to further international social security coordination.

Budapest, December 2012

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1. Introduction

1.1 The purpose of social security coordination

Globalization has increased the international mobility of persons in Europe and elsewhere. Mobility is not just increasing within the European Union (EU) but also between EU and non-EU countries and between the various non-EU countries themselves. The patterns of mobility have likewise become more diverse. A formerly typical career pattern characterized by a single long-term stay in one country of destination has become increasingly rare. Instead, mobility patterns today are characterized by multiple shorter-term stays, as seen with seasonal migrant workers, students, researchers, temporary contract workers, skilled workers (moving within the same business group), and workers in the transport sector. Today work is commonly performed in multinational teams across multiple countries.

However, the principle of territoriality implies that a State's responsibility for providing social security benefits is limited to the territory in which it has sovereignty. Due to the territorial nature of social security laws and the diverse forms of migration, mobile persons, especially workers, often find themselves unable to fulfil the conditions for entitlement to social security benefits.

Therefore, it is of critical importance to ensure migrant workers' rights to social security through effective coordination between countries. Bilateral and multilateral social security agreements give effect to international standards and apply the principles of coordination of national social security systems.

Social security coordination agreements are based on the general principle of reciprocity and should, according to international legal standards, establish the basic principles of equality of treatment, determination of the applicable legislation, maintenance of acquired rights and the provision of benefits abroad, and maintenance of rights in the course of acquisition. It should be noted that the coordination of social security is easier to achieve between countries that have similar social security systems, in terms of the branches covered and the types of schemes established for such purposes, than countries whose systems are more diverse.

1.2 Social security coordination within the European Union

The European Union (EU) has a long history of coordinating social security systems. The freedom of movement of workers is one of its founding principles. This principle was laid down in Articles 48

to 51 of the EEC Treaty (later Articles 39 to 42 EC Treaty and today Articles 45 to 48 of the FEU Treaty). Ensuring the right of social security when citizens exercise their right to freedom of movement has been one of the major concerns for the EU Member States.

The European Council adopted two regulations on social security for migrant workers in 1958, Regulations 3/1958 and 4/1958, which were replaced by Regulation (EEC) No 1408/71, supplemented by Implementing Regulation (EEC) No 574/72. Nationals from Iceland, Liechtenstein and Norway are covered by way of the European Economic Area (EEA) Agreement, as are citizens from Switzerland by the EU–Swiss Agreement.

With the recent enlargement of the EU, a new set of regulations was adopted. In 2004, Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems was adopted to replace Regulation (EEC) No 1408/71. On 16 September 2009, Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for Implementing Regulation (EC) No 883/2004 on the coordination of social security systems was adopted to replace Regulation (EEC) No 574/72. Both regulations entered into force on 1 May 2010.¹

Among the existing multilateral legal instruments for social security coordination, the EU social security coordination regulations are undoubtedly the most comprehensive and complex. Although the EU (social security coordination) regulations are established by the Treaties, they functionally resemble national rather than traditional international law.² Therefore, the notion of supranational law is used to describe them. They are constantly amended by the normative actions of the EU legislature as well as by the interpretations of the Court of Justice of the European Union (CJEU).

EU regulations are binding in their entirety and are directly applicable in all Member States.³ EU Member States remain competent to determine the scope of insured persons, the types and levels of benefits, and the obligations of the beneficiaries and procedures for the entitlement of social security rights. However, in principle, Member States are not permitted to interfere with the direct application of the EU regulation in the national legal order.

1 For a detailed description of the EU regulations on social security, see “Coordination of Social Security Systems in the European Union: An explanatory report on EC Regulation No 883/2004 and its Implementing Regulation No. 987/2009”.

2 Choosing a Regulation over the traditional Convention has important implications. It allows for the CJEU to interpret the secondary legislation and establish its conformity with the Treaties, or to apply the Treaties directly to situations under the material scope of the EU law.

3 Article 288 FEU Treaty.

1.3 Social security coordination for non-EU countries: the structure of the report

The purpose of this report is to conduct a comparative review of the international legal instruments for social security coordination available for non-EU countries. This report is intended to serve as an informational base for developing national strategy for social security agreements. Although this report primarily focuses on the countries in South and Eastern Europe, many of which are on route to acceding to the EU, the main conclusions (regarding, in particular, the bilateral agreements) will be valid for other non-EU countries as well.

The coordination of social security systems should be distinguished from the harmonization of social security systems. It should be noted, however, that coordination instruments can impact the substance of social security law, for instance by modifying the personal scope of the application of the national law. In addition, for the countries that are preparing for accession to the EU, the harmonization of social security systems through the transposition of the *union acquis* (also referred to as the *acquis communautaire*) into social security legislation is a prerequisite for their eventual application of the EU social security coordination regulations.

The remainder of this report is organized as follows. Chapter 2 analyzes the key legal aspects of the basic principles of bilateral social security agreements between the EU and non-EU States, and between non-EU States themselves. Chapter 3 looks into the international treaties that the EU concluded with non-EU countries, and EU immigration laws related to the right to social security of non-EU nationals. Chapter 4 presents an overview of key international legal instruments of international organizations (the United Nations, the International Labour Organization, and the Council of Europe) relevant to the social security for migrant persons. Chapter 5 supplements the unilateral measures of the States. Chapter 6 identifies possible new areas of social security coordination and concludes with strategic remarks for non-EU countries in South and Eastern Europe. This report is supplemented by Annexes that provide current data on the status of bilateral social security agreements and the ratification of selected international conventions, and presents a comparative summary of national social security systems in selected non-EU countries in South and Eastern Europe.

2. Bilateral social security agreements of non-EU countries

2.1 Characteristics of bilateral social security agreements

Bilateral social security agreements are concluded between two States that become the contracting parties of the agreement. Although bilateral social security agreements vary to a great extent, they share some common features. Namely, they are subject to the ratification process, and once concluded they are valid for an indefinite period of time (until they are modified or terminated,⁴ or superseded by the EU law in the case of EU Member States).

Bilateral agreements remain the principal coordination instrument between EU Member States and non-EU States. Although they usually do not address every issue, bilateral agreements are practical tools for coordination, providing States with the flexibility to take into account the specific conditions of national social security systems.

The bilateral social security agreements concluded between EU Member States have somewhat lost their importance due to the EU regulations. In the case of *Rönfeldt*,⁵ the CJEU argued that the more favourable legal basis should be applied between EU Regulations and bilateral agreements. However, in the case of *Thévenon*,⁶ the Court later explained that if a person moves after the entry into force of the EU Regulations, bilateral agreements cannot be applied.

Annex A of this report summarizes the existing bilateral social security agreements by branch for seven non-EU countries in South and Eastern Europe, 27 EU Member States, and Liechtenstein, Norway and Switzerland. It is beyond the scope of this report to present a comprehensive analysis of all bilateral agreements. However, this chapter looks into the key legal aspects of the basic principles of these bilateral social security agreements.

4 For instance, the social security agreement between the UK and Australia was terminated by Australia and thus ended on 28 February 2001 (with effect of 1 March 2001). Persons receiving benefits under the terms of this agreement did not lose their rights due to the termination of the agreement.

5 C-227/89 *Rönfeldt* [1991] ECR I-323.

6 C-475-93 *Thévenon* [1995] ECR I-3813.

2.2 Benefits covered by bilateral social security agreements (material scope)

Social security refers to all measures providing benefits, whether in cash or in kind, to secure protection, *inter alia*, from a lack of work-related income (or insufficient income) caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member; lack of access or unaffordable access to health care; insufficient family support, particularly for children and adult dependants; and by general poverty and social exclusion.

Regarding the scope of social security benefits, major international legal instruments refer to all, or part of, the nine principal branches of social security covered by the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102). These are medical care, sickness benefits, unemployment benefits, old-age benefits, employment injury benefits, family benefits, maternity benefits, invalidity benefits and survivors' benefits. Annexes D and E of this report summarize the provision of old-age benefits and the organizational structure of national social security systems in seven non-EU countries.

Comprehensive bilateral agreements cover all branches of social security. Other agreements are restricted to certain social security branches. For instance, bilateral agreements usually do not cover social assistance.⁷ The EU social security coordination law refers to special kinds of social assistance responding to traditional social risks (such as unemployment assistance and social pensions) as "special non-contributory cash benefits". Even if these benefits are covered by bilateral agreements, by their nature they are usually not exported.⁸

It should be also noted that some agreements cover certain benefits in their material scope, but provide for limited coverage or coordination of these benefits. For example, some provide only for the aggregation of periods for sickness and unemployment benefits,⁹ some do not cover in-kind benefits (medical care) for employment injuries,¹⁰ and some include only a unilaterally applicable provision of family benefits for pensioners.¹¹

7 The rare examples of bilateral agreements that cover social assistance are the ones which Germany concluded with Switzerland (1952) and with Austria (1966).

8 See, for example, the bilateral agreements France concluded with India (2008), Uruguay (2010, to be ratified in 2012) and Congo (1987).

9 See, for example, the agreements between Italy and Venezuela (1988) and between Portugal and Ukraine (2009).

10 See, for example, the agreement between France and Uruguay (2010, to be ratified in 2012).

11 See, for example, the agreement between Portugal and Australia (2001).

Some bilateral agreements (especially those concluded in earlier years) define the legislation for which the agreement should apply *ratione materiae*.¹² More modern bilateral agreements specify the covered branches of social security rather than the legislation governing them. Such normative techniques enable the bilateral agreement to apply to newly adopted legislative acts in specific fields of social security. However, some bilateral agreements concluded by non-EU countries include the legislation of a contracting State in a specific social security field. In order to avoid misinterpretation, some bilateral agreements stipulate that they supersede other agreements in specific areas.¹³ Yet others stipulate that agreements with third parties should be taken into account, for instance in the field of pensions.¹⁴

A related question is whether the material scope of a bilateral agreement should cover only public schemes established by legislative acts, or should extend to schemes based on collective labour agreements or to the private schemes that have been promoted in recent years in some countries. It should be noted that non-EU countries usually include neither schemes based on a collective labour agreement nor private schemes into bilateral agreements. At the moment, also the EU has not yet arrived at a consensus on the coordination of private pension schemes (see section 6.2).

2.3 Equality of treatment

2.3.1 Persons covered by bilateral agreements (personal scope)

Regarding the personal scope of bilateral agreements, one needs to distinguish between open and closed agreements. Closed agreements are limited only to nationals of the contracting States. However, their scope may be extended to family members or survivors who enjoy derived rights from an insured person, even if they are not nationals of one of the contracting States. They may also apply to refugees and stateless persons.¹⁵ This approach was followed by the bilateral agreements concluded in early years.¹⁶

12 See, for example, the agreement between the United Kingdom and former Yugoslavia from 1958 (from the UK's perspective), with a note that subsequent amendments should be taken into account.

13 For example, Germany usually includes such a clause. *U. Petersen*, 2008, p. 1438. See also the agreement between Australia and Latvia (2011).

14 See, for example, the agreement between Czech Republic and Croatia (1999).

15 In addition, if the contracting parties have ratified the Convention relating to the Status of Stateless Persons, adopted on 28 September 1954 and Convention relating to the Status of Refugees, adopted on 28 July 1951, bilateral agreement has to apply to the persons covered by these international instruments.

16 Examples of open bilateral agreements include those Germany concluded with Morocco (1981) and Tunisia (1984), and the agreements former Yugoslavia concluded with France (1950), Sweden (1978) and the United Kingdom (1958). Nevertheless, some recent bilateral agreements are closed agreements due to the migration policy of the contracting States. Examples of closed agreements include those Croatia concluded with Denmark (2005), Italy (1997), and Bulgaria (2003), and the agreement between Denmark and Chile (1995).

Some agreements do not cover certain groups of nationals or insured persons in their personal scope.¹⁷ Furthermore, some agreements are confined only to the social security of posted workers.¹⁸ These restrictions can be explicit or implicit, the latter achieved when an agreement cites only the legislation relating to workers in the material scope of the bilateral agreement. In addition, civil servants can be excluded by way of exclusion of the special schemes for civil servants from the scope of the agreement.

Open or universally applicable agreements apply to all persons covered by the social security legislation regardless of their nationality. In recent years, agreements of this type have been concluded between EU and non-EU States.¹⁹ In most cases, the export of benefits is not restricted to nationals and their dependents.²⁰ However, there are some agreements that cover all insured persons regardless of their nationality but restrict the application of the equality of treatment only to nationals of the contracting States.²¹ In such cases, equal treatment is achieved through other instruments that do not require reciprocity, such as the EU immigration directives, the prohibition of discrimination under the ECHR, or the European Social Charters.

2.3.2 Equal treatment of EU citizens

Some agreements extend the principle of equal treatment to nationals of third countries. For instance, EU nationals may be treated equally as the nationals of a contracting party.²² Such provisions are a reflection of the CJEU rulings, especially in the case of *Gottardo*.²³ The Court ruled that when an EU Member State concludes a bilateral agreement with a non-EU State (in this case, Italy with Switzerland), the fundamental principle of equal treatment requires that the Member State

17 For instance, the bilateral agreement between Spain and Peru (2005) and the one between France and Congo (1987) are restricted to workers, although the latter has a special protocol for students.

18 For instance, such an agreement was concluded between Germany and China in 2001 (in force since 2002).

19 See, for example, the agreements Germany concluded with Australia (2000) and Japan (1998); the agreement Slovenia concluded with Croatia (1997), Canada and Quebec (1998, 2000), Australia (2002), the Former Yugoslav Republic of Macedonia (1998) and Bosnia and Herzegovina (2007); the agreements Hungary concluded with Canada (2003) and Korea (2006); and the agreements Croatia concluded with Austria (1997) and the Netherlands (1998). However, there are examples of older open agreements, such as the ones the former Yugoslavia concluded with Belgium (1956) and Hungary (1959).

20 A counterexample is the agreement between Denmark and the USA (2007), which restricts the application of all provisions on pensions to Danish and USA nationals.

21 Examples of such agreements include the one between the Netherlands and Croatia (1998), the agreements Slovenia concluded with Croatia (1997), the Former Yugoslav Republic of Macedonia (1998), Bosnia and Herzegovina (2007), and Serbia (2009), the agreement between Austria and Croatia (1997), and the agreement between Ireland and Korea (where residence in the other contracting State is additionally required). Such provision can be found also in bilateral agreements concluded between non-EU countries. However, it should be noted that other provisions of the agreement are usually not restricted to nationals of the contracting parties.

22 See, for instance, Article 4 of the agreement between Hungary and Croatia (2005).

23 *Gottardo*, C-55/00, ECR 2002, p. I-413.

grants nationals of other EU Member States (in this case French nationals) the same advantages as the ones its own nationals enjoy under that agreement. When applying bilateral agreements, Member States are required to comply with the obligations that EU law imposes on them.²⁴ In the *Gottardo* case, without influence of the EU law, a French national could not benefit from the aggregation of Italian and Swiss periods to meet the qualifying conditions for a pension.

Exceptions to such non-discrimination rules are possible only if an objective justification is provided. The CJEU observed that claims of increased financial burden or administrative difficulty cannot constitute an objective justification, but a disturbance of the balance and reciprocity of a bilateral agreement may do so. Additionally, such an extension of a bilateral agreement should neither compromise the rights a non-EU State derives from the agreement nor impose any new obligations on that State.

In practice, however, the administrative cooperation of a non-EU State is also required (e.g. in communicating insurance periods to the third-party EU Member State which is not a contracting party of a bilateral agreement). Therefore, a *Gottardo*-clause should be inserted in bilateral agreements between EU and non-EU States. This is promoted by the Administrative Commission for the Coordination of Social Security Systems, established under the Regulation 883/2004/EC.²⁵

The *Gottardo*-clause has been inserted in those agreements concluded after the CJEU decision of 2002. For example, the agreement between Hungary and Croatia (2005) stipulates that Hungary will treat EU citizens equally as Hungarian citizens and that the contracting parties of a bilateral agreement will cooperate in this respect. Another example is the agreement between Germany and Brazil (2009), which stretches the applicability of the agreement to nationals of a country to which the Regulations 1408/71/EEC or 883/2004/EC are applicable. However, not all non-EU States are in favour of such a clause for fear of an additional administrative burden. To overcome this problem, Luxembourg, for instance, has annexed a unilateral *Gottardo*-Statement to its bilateral agreements with Morocco and Tunisia.

Can non-EU nationals also enjoy the advantages of the *Gottardo* principle, for instance, when moving between two EU Member States and a non-EU country that has concluded a bilateral agreement with one of the aforementioned EU Member States? The CJEU ruled that the right to equal treatment is guaranteed to non-EU nationals in legal instruments other than those relating to the right of free movement between EU Member States. The CJEU also argued that when giving effect to commitments assumed under bilateral agreements with non-EU countries, EU Member States are required to comply with the obligations that Union law imposes on them. Under EU social security coordination

24 See Articles 18 and 45 of the Treaty on the Functioning of the European Union (TFEU). OJ EU C 115, 9 May 2008.

25 Recommendation No P1 of 12 June 2009 concerning the *Gottardo* judgment, according to which the advantages enjoyed by a State's own nationals under a bilateral convention on social security with a non-member country must also be granted to workers who are nationals of other Member States. OJ EU C 106, 22 April 2010.

law, non-EU nationals have to be treated equally as EU nationals.²⁶ This has important consequences for the aggregation of periods completed in a non-EU country, and for the export of benefits to a non-EU country.

2.3.3 Assimilation of facts and events

Regulation 883/2004/EC reinforces the principle of equal treatment by stating that all facts, events, benefits and income should be assimilated, regardless in which EU Member State they have occurred or have been accrued in (Article 5).²⁷ For instance, when establishing a pension entitlement, an EU Member State should take into account child-raising periods or military service if they are included under its legislation, regardless of which Member State the periods have been completed in. Influenced by this EU law, some bilateral agreements provide for the assimilation of facts and events occurring in the territories of the contracting parties.²⁸ Such approach was adopted already in some older bilateral agreements concluded between two non-EU countries, or even EU and non-EU countries.²⁹ Moreover, provision on the assimilation of facts and events could be general and explicit or implicit and limited to certain benefits and certain facts.³⁰

It should be noted that the assimilation of facts and events may lead to the loss or reduction of social security benefits, thus appearing to oppose the principle of *favourability*.³¹ This principle asserts that one cannot be deprived of nationally acquired rights. However, there are strong arguments showing that the assimilation of facts and events should not be expected to lead to objectively unjustified results or to the overlapping of benefits of the same kind for the same period.

26 Regulations 859/2003/EC and 1231/2010/EU, extending the personal scope of Regulations 1408/71/EEC and 883/2004/EC respectively. See also the previous case law of the ECJ, e.g. *Grana Novoa* (C-23/92, ECR 1993, p. I-4505). Here the Court held that a bilateral agreement between a single EU Member State and non-EU State does not come within the concept of legislation, as that term is used in regulation 1408/71.

27 The lack of a general clause of the assimilation of facts and events in the former Regulation 1408/71/EEC has been tackled by the CJEU. The Court argued that situations in which Member States do not give effect to events simply because they took place in another Member State are to be considered contrary to the general principle of equal treatment. Case C-290/00 *Duchon* [2002] ECR I-3567.

28 See Article 6 of agreements Slovenia concluded with the Former Yugoslav Republic of Macedonia (1998), Croatia (1997), and Bosnia and Herzegovina (2007).

29 See for instance Articles 1 and 3 of the agreement between Yugoslavia and Belgium (1954), or Article 8 of the agreement between Yugoslavia and the Netherlands (1977).

30 Some agreements explicitly prescribe a general rule of the assimilation of facts and events that occurred in the territory of the other contracting party (e.g. Article 6 of the agreement between Slovenia and Montenegro, 2010). Others may regulate only in provisions which define specific benefit (e.g. occupational diseases) and implicitly stipulate the assimilation of certain facts and events (e.g. acceptance of the first medical determination of an occupational disease in the territory of the other contracting party). See, for example, Articles 23 of the agreements Yugoslavia (the Federal Republic of Yugoslavia) concluded with Croatia (2001) and with Bosnia and Herzegovina (2003).

31 Also known as the *Petroni principle*, referring to the case C-24/75 *Petroni* [1975] ECR I-1149 and subsequently applied in C-352/06 *Bosmann* [2008] ECR I-3827 and joint cases C-611/10 and C-612/10 *Hudzinski and Wawrzyniak*, 12 June 2012, not yet reported.

In the case of *Kenny*, the CJEU ruled that imprisonment in another Member State leads to the suspension of benefits in the competent Member State in the same manner as in that State.³² In the case of means-tested benefits (special non-contributory cash benefits), the failure to apply the assimilation-of-facts principle can lead to a situation where a person receives these benefits while still receiving other income from abroad. In a similar vein, person's insurance status in another Member State may be used to deny a pro-rata pension in the competent State, where it is a national condition that a person has to retire and should have no insurance status in order to be eligible for an old-age pension. For Instance, the Slovenian Supreme Court, citing decisions of the CJEU, including *Duchon* and *Kenny*, denied a pro-rata old-age pension to a person still insured in Austria.³³

2.4 Determination of the applicable legislation

Due to the diversity of national social security systems, the legal situation of an individual may depend largely on the agreed legislation to be applied.³⁴ Each bilateral social security agreement has to provide conflict rules for determining which of the contracting States' legislation will govern the legal position of a migrant.

Lex loci laboris is the general collision norm applied to bilateral social security agreements as well as Regulation 883/2004/EC (for active persons).³⁵ According to this rule, the contracting State where a worker performs economic activity is responsible for collecting contributions and providing benefits. The applicable legislation is thus the legislation of the State where economic activity is performed. Pensions should be provided by the pension systems of each State where the person was insured, and the costs of medical care benefits should be reimbursed by the health insurance system of the State where the person is insured, even if they are provided in the State of residence. Special rules may apply for providing medical benefits to pensioners.³⁶

32 The ECJ argued that Articles 7 and 48 of the (EEC) Treaty and Article 3(1) of Regulation No 1408/71/EEC do not prohibit the treatment by the institutions of Member States of corresponding facts occurring in another Member State as equivalent to facts which, if they occur in the national territory, constitute a ground for the loss or suspension of the right to cash benefits. National authorities should apply this rule without direct or indirect discrimination on the grounds of nationality. Case C-178 *Kenny* [1978] ECR 1489.

33 Social Court case No. Ps 2323/2007, in relation to the Higher Labour and Social Court case No. Psp 461/2009, and the decision of the Supreme Court of Slovenia in case VIII IPS 169/2010 from 2011.

34 Case C-208/07 *von Chamier-Glisczynski* [2009] ECR I-6095.

35 For non-active persons covered by the Regulation 883/2004/EC, the general collision norm is *lex loci domicilii*.

36 In this case, the pensioner may be in receipt of only one pension or *pro-rata* pensions from both contacting countries (then the country of residence may be the competent one). See, for example, the agreements Yugoslavia concluded with Belgium (1954, Article 9), Germany (1968, Article 17) and Austria (2003, Article 13); the agreements Serbia and Monte Negro concluded with Luxembourg (2003, Article 17); and, the agreement between Serbia and Slovenia (2009, Article 13). Pensioners may even reside in a third country, with which both contracting countries

In limited cases, however, agreements apply the “territorial” rule, which asserts that social security benefits should be provided by the contracting State in which the contingent events occur. Examples include medical care benefits for pensioners that are provided from the health insurance system of their State of residence with no cost reimbursement.³⁷ In cases of occupational disease involving workers employed in both States, the State of their last employment is solely responsible for employment injury benefits.³⁸

One major exception of the *lex loci laboris* rule concerns posted workers. They normally remain insured in the sending State, even if their work is performed in the receiving contracting State. Lengths of agreed posting periods range from one year up to five years (with possible extensions). Regulation 883/2004/EC provides for two years. Longer posting periods are usually negotiated in agreements with countries from different continents.³⁹ As a rule, the same posting periods are applied to both contracting States, although some agreements set different posting periods.⁴⁰

Special rules apply to intra-group mobility, the posting of self-employed persons and other exceptions to the *lex loci laboris* rule. For example, workers performing simultaneous activities in contracting States or mixed activities (i.e. simultaneously performing employed and self-employed activities) are covered under special rules. Special rules also exist for workers in international transport, such as airline crews, seamen, civil servants and diplomats. In some cases, exemptions made at the demand of the employer and the worker, with the consent of representatives of both States, is also possible.⁴¹ This flexibility is permitted under EU social security coordination law if it is “in the interest of certain persons or categories of persons”.⁴²

have concluded a separate bilateral agreement. For example, consider a person who receives *pro-rata* pensions from Germany and Serbia and resides in Bosnia and Herzegovina (with which both Germany and Serbia have concluded bilateral agreements). Although such situation may not be regulated in the agreements, in practice medical benefits in kind are provided in the country of residence (Bosnia and Herzegovina) at the expense of the country in which that person has completed a longer insurance period (either Germany or Serbia).

37 See, for instance, agreements between Belgium and Croatia (2005), Netherlands and Croatia (1998).

38 See, for instance, agreements between Belgium and Croatia (2005), Slovenia and Croatia (1997).

39 For instance, a five-year posting period has been included in agreements the UK has concluded with Canada, USA, Japan and Korea. However, a three-year posting period has been included in agreements the UK concluded with Jamaica and the Philippines (<http://www.hmrc.gov.uk/nic/work/ss-agree.htm>, July 2012).

40 For example, the agreement between Denmark and the United States (2007) provides for a 36-month posting period for Denmark and a 60-month period for the USA.

41 See, for instance, the agreements between Austria and Croatia (1997), and between Slovenia and Bosnia and Herzegovina (2007).

42 Article 16 of the Regulation 883/2004/EC.

2.5 Protection of rights in the course of acquisition

The *aggregation* (or *totalization*) of all relevant periods (insurance, employment or residence) is the main technique used to protect legal expectations. While the EU social security coordination law takes into account all relevant periods, bilateral social security agreements usually apply specific provisions to each branch. The aggregation of periods is permitted only if the insurance period completed in one contracting State would not suffice to qualify for a benefit right, usually a pension. In this case, the insurance period in the other contracting State is taken into account and *pro-rata temporis* pensions are calculated.⁴³ If the aggregation of periods is not required by both States, the benefits (calculated according to the national rules of each contracting State) are paid separately. However, in some agreements with non-EU States, a reflection of the principle of favourability may be found on the side of the EU State. Namely, this principle dictates that amount to be paid is either the sum of the national pension or the sum of a *pro-rata-temporis* pension, whichever is higher.⁴⁴

Some modern bilateral social security agreements may aggregate periods from third States on the condition that both contracting States have concluded separate bilateral agreements with the third country.⁴⁵ If only one has done so, this kind of *third country clause* may be applicable only to persons (nationals or insured persons) covered by the agreement with the third country.⁴⁶

It should be noted that some agreements cover only the financing aspects of social security and do not deal with benefits. These agreements aim to avoid the payment of social security contributions from both countries at the same time.⁴⁷ These agreements are referred to as “double contributions conventions” as opposed to “reciprocal agreements”.

43 This implies that each of the Member States in which the worker was active will have to calculate the so-called theoretical amount for the entire period of insurance completed in both contracting States. The second step requires that each of the States involved calculates the *pro-rata temporis* benefit (benefit that corresponds to the period of insurance in its territory). Cf. for instance, Article 16 of the agreement between Bulgaria and Croatia (2003).

44 See, for instance, the agreements Belgium concluded with Croatia (2001), the Former Yugoslav Republic of Macedonia, India and Japan. The same applies to the bilateral agreements between France and India (2008), and between Spain and Peru (2005).

45 See, for example, the agreements between Cyprus and Canada (1990), between France and India (2008), and between Italy and Uruguay (1979).

46 See, for instance, the agreements between Belgium and Croatia (2001), between the Netherlands and Croatia (1998), and the agreements Slovenia concluded with the Former Yugoslav Republic of Macedonia (1998), Croatia (1997), and Bosnia and Herzegovina (2007).

47 See, for instance, the bilateral agreements that the UK has concluded with Japan (entered into force in February 2001) and the Republic of Korea (2000).

2.6 Protection of acquired rights

Acquired social security rights are protected through the *export of benefits*. Bilateral social security agreements usually provide that benefits in cash are exported to the contracting State.⁴⁸ However, not all benefits are exported to the same extent. For instance, benefits linked to the social and economic situation of the State providing special non-contributory cash benefits cannot be exported without restriction. In some cases, certain obligations are imposed on the moving person. For instance, unemployment benefits may not be exported, because a person must be available for the employment services.

Restrictions also apply to the export of benefits in kind, most notably medical benefits. Medical benefits are provided in the other contracting State if the competent institution in the sending State has previously authorized it (for planned treatment), or if the person is in need of urgent medical treatment (during a temporary stay in the other contracting State for non-medical reasons).⁴⁹ Under EU law, “necessary medical care” refers to benefits in kind which become necessary on medical grounds during a person’s stay, taking into account the nature of the benefits and the expected length of stay. They should prevent an insured person from being forced to return before the end of their planned duration of stay to obtain the necessary treatment in the competent State. The scope of necessary treatment is broader than that of urgent treatment. It is always the physician that gives the legal notion its content in each concrete case.⁵⁰ Since 2004, the right to necessary medical treatment within the EU (also in Switzerland and the EEA States) has been invoked by the European Health Insurance Card (EHIC). In some bilateral social security agreements between EU and non-EU States, it is agreed that the EHIC also certifies the patient’s health coverage in the social security system of the contracting State.⁵¹

Some modern bilateral agreements between EU and non-EU States go one step further. These stipulate that benefits are to be provided to the contracting State’s nationals even if they reside in a third

48 Under EU law, Article 10 of the Regulation 1408/71/EEC waived residency requirements primarily for long-term cash benefits (mainly pensions). Article 7 of the Regulation 883/2004/EC strengthened the exportability principle by generally stipulating that all cash benefits should be exported.

49 See, for instance, the agreements between Austria and Croatia (1997), and between Slovenia and Bosnia and Herzegovina (2007).

50 Under EU law, the Administrative Commission for the Coordination of Social Security Systems established a list of medical benefits related to necessary medical care which, for practical reasons, require a prior agreement between the moving person and the health care provider. The continuity of treatment during a person’s stay in another Member State must be guaranteed. A non-exhaustive Annex to the Decision No S3 mentions kidney dialysis, oxygen therapy, special asthma treatment, echocardiography in cases of chronic autoimmune diseases, and chemotherapy. OJ C 106/40, 24 April 2010.

51 See, for example, the agreements Slovenia concluded with Croatia (1997), the Former Yugoslav Republic of Macedonia (1998), Serbia (2009), Montenegro (2010) and Australia (2002), but not with Bosnia and Herzegovina (2007).

country under the same conditions as their own nationals.⁵² This is called the national treatment of non-nationals. Hence, if the benefits of nationals of a contracting State are exported, either on grounds of national law or on grounds of a bilateral agreement with a third country, they should also be exported to the nationals of the other contracting State.

2.7 Good administrative cooperation

The effective implementation of agreements is not possible without efficient administrative and legal cooperation between the responsible institutions of the contracting States. Therefore, good administrative cooperation is enshrined in social security coordination instruments. Detailed descriptions of this are specified in the administrative agreements that accompany the bilateral agreements.⁵³

It is essential to exchange information regarding the insurance periods completed in each State. However, national legislation cannot extend to require administrative and legal cooperation outside the country. Hence, specific provisions are provided to determine the liaison bodies in both contracting States for the purpose of administrative cooperation.

Bilateral agreements usually emphasise the duty to share information, the provision of free-of-charge administrative and legal assistance, and the possibility of lodging claims in an unofficial language without special taxes and fees. Recognition of decisions and alternative dispute resolution procedures can also be agreed upon. An arbitration council can be established to solve disputes.⁵⁴

2.8 Multilateral agreements concluded between the States

In addition to bilateral agreements, countries can directly conclude multilateral social security agreements to address cross-border issues concerning more than two countries that cannot be solved effectively by bilateral agreements alone. As a matter of fact, the EU social security coordination Regulations evolved from a multilateral agreement signed among the six founding States of the European Economic Community (EEC) in 1958, an agreement which has not been ratified but was incorporated into Regulation 3/1958/EEC.

52 See, for instance, the bilateral agreement between Belgium and Croatia (2001) and the agreements Slovenia concluded with the Former Yugoslav Republic of Macedonia (1998) and Bosnia and Herzegovina (2007).

53 See, for instance, the administrative agreements between Belgium in Croatia (2002) and between Slovenia and the Former Yugoslav Republic of Macedonia (1998).

54 See, for example, the agreements between Denmark and Chile (1995), between Germany and Brazil (2009), between Spain and Peru (2005), between Hungary and Canada (2002), and between Austria and Korea (2010).

The *Ibero-American Multilateral Convention of Social Security*⁵⁵, which was signed in 2007 and entered into force in May 2011, is an example of a modern multilateral social security coordination agreement involving EU and non-EU States covering over 600 million persons.⁵⁶ It ensures equal treatment to all insured persons and their dependents under the legislation of the contracting States, regardless of nationality. Its material scope covers old-age, invalidity, survivors', and employment injury benefits. Non-contributory schemes, social assistance and benefits for war victims are explicitly excluded, although two or more States parties may conclude bilateral or multilateral agreements to extend its scope.

55 *Convenio Multilateral Iberoamericano de Seguridad Social*. The full text is available at www.oiss.org.

56 The 22 States parties include Portugal, Spain and Andorra on the European side, and Argentina, Bolivia, Brasilia, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Uruguay and Venezuela on the Latin American side.

3. Agreements and EU laws concerning nationals of non-EU countries

Apart from the EU social security coordination regulations, several international treaties (concluded by EU countries with non-EU countries) and EU immigration laws contain provisions related to the right of social security for non-EU nationals.

3.1 Nationals of non-EU countries residing in the EU

Article 79 of the FEU Treaty provides that the Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings. To this end it also adopts measures related to the rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and residence in other Member States.

The new Regulation 883/2004/EC abolished the condition of residence but still contains the nationality requirement. The special Regulation 1231/2010/EU (the so-called “bridging” regulation)⁵⁷ was implemented to extend the scope of the coordination regulations to non-EU nationals legally residing and moving within the EU. Similarly, Regulation 859/2003/EC⁵⁸ was implemented to extend Regulation 1408/71/EEC to non-EU nationals.

It should be noted that the chapter of FEU Treaty on Policies on border checks, asylum and immigration endows some Member States the right to choose whether or not to be bound by these measures. Concerning the “bridging” Regulation 859/2003/EC, Denmark opted out and Ireland and the UK opted in. The legal consequence was that Denmark had no legal obligation to ensure equal treatment to

57 Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality, OJ L 344/1, 29 December 2010.

58 This was implemented with the Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries not already covered by those provisions solely on the ground of their nationality, OJ, L 124/1, 20 May 2003.

non-EU nationals in social security. Concerning the new “bridging” Regulation 1231/2010/EU, Denmark again opted out, and Ireland again opted in. However, the UK has now opted out. Consequently, the former Regulation 1408/71/EEC (as extended by Regulation 859/2003/EC) remains applicable in the relations between EU Member State (other than Denmark) and the UK. Such an inconsistent application of legal instruments makes the coordination of social security systems in Europe complex and less transparent.

3.2 Association agreements

It is primarily EU citizens who are guaranteed the right to free movement and residence in other Member States.⁵⁹ However, many non-EU nationals (third-country nationals) are treated as the EU citizens under the agreements concluded by the EU on the free movement of persons. On the basis of the Treaty establishing the European Economic Area (EEA),⁶⁰ the nationals of Norway, Iceland and Liechtenstein have the same rights as EU citizens. The same applies to Swiss nationals by virtue of a special EU-Swiss agreement.⁶¹

The EU has also concluded special association agreements with several non-EU countries. These association agreements contain provisions related to migrant workers and their social security rights.

3.2.1 Turkey

The EU (then EEC) concluded an Association Agreement with Turkey in 1963 (known as the Ankara Agreement) and its Protocol in 1970, with the objective of progressively achieving the free movement of workers between Turkey and the EU. In 1980 the Association Council adopted Decision 3/80 on the application of the social security schemes of the EU Member State to Turkish workers and their family members, which provides for equal treatment for all social security benefits.⁶²

One may ask if such a decision can be directly applicable in the EU Member States. The European Commission drafted a proposal for a Regulation implementing the Decision 3/80, but this Regulation was not adopted by the Council. In the case of *Tafilan-Met*⁶³ the CJEU ruled that even though some provisions are clear and precise, the Decision cannot be applied without an implementation measure.

59 Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158/77, 30.4.2004.

60 Agreement of 2 May 1992, OJ EU L 1, 3 January 1994.

61 Agreement of 21 June 1999, OJ EU L 114, 30 April 2002.

62 OJ EU C 110, 25 April 1983.

63 C-227/94, *Tafilan-Met* [1996] ECR I-4085.

Later, however, the Court in the *Sürül* case recognized the direct applicability of the principle of equal treatment in the field of social security.⁶⁴ It argued that the rule on equal treatment lays down a precise obligation of result and can be relied on by an individual before a national court without any further implementation measure.

Moreover, in 2011 the CJEU recognized that the rule on the exportability of benefits to Turkey has a direct effect (decision *Akdas et al.*).⁶⁵ Article 6 of Decision 3/80 states that certain benefits shall not be subject to any reduction, modification, suspension, withdrawal or confiscation on grounds of the fact that the recipient resides in Turkey or in the territory of an EU Member State other than that in which the institution responsible for payment is situated. Hence, Turkish nationals are entitled to rely directly on those provisions before the Member States' courts. To rectify these far-reaching consequences, the European Commission is considering amending Decision 3/80.⁶⁶

3.2.2 Maghreb countries

The EU also concluded Euro-Mediterranean Association Agreements with Tunisia (1995), Morocco (1996) and Algeria (2002). These agreements confirm the principle of non-discrimination on the grounds of nationality in the EU States in which persons are employed. They cover all branches of social security. They also confirm the need to aggregate all relevant periods and freely transfer (export) the benefits to the Maghreb countries. The Agreements entrust the Association Council with their implementation.

In the case of *Kziber*, the CJEU recognized the direct applicability of Article 41 of the agreement with Morocco, as it contains a clear, precise and unconditional prohibition of discrimination based on nationality in the social security field.⁶⁷ Hence, without any supplementary implementation measures, persons covered by these Agreements should be treated equally to the nationals of the EU Member State concerned.

3.2.3 Western Balkan countries

The EU also concluded Stabilisation and Association Agreements with six Western Balkan States, including Croatia (2001), the Former Yugoslav Republic of Macedonia (2001), Albania (2006), Montenegro (2007), Serbia (2008), and Bosnia and Herzegovina (2008).

64 C-262/96 *Sürül* [1999] ECR I-2685. See also C-102/98 and C-211/98 *Kocak and Ürs* [ECR] 2000, I-1287, C-373/02 *Oztürk* [ECR] 2004, I-3605.

65 C-485/07 *Akdas et al.*, 26 May 2011, not yet reported.

66 Point 2.4. of the Commission Communication on the External Dimension of EU Social Security Coordination.

67 C-181/90 *Kziber* [1991] ECR I-199.

These agreements have nearly identical provisions concerning social security coordination, which can be summarized as follows: periods within the EU should be aggregated, but not between the EU and non-EU contracting States; family members receiving benefits should reside with the insured worker; unemployment benefits and sickness cash benefits are not covered; and the personal scope is limited to workers. Non-EU States should accord “similar” treatment to EU workers. Due to the aforementioned CJEU decision in the case of *Kziber*, the Stabilisation and Association Agreements with the Western Balkan States do not contain similar equal treatment provisions in the field of social security.

3.2.4 Implementation of social security provisions in Association Agreements

In 2007 the European Commission adopted proposals concerning the implementation of the provisions relating to social security in its Agreements with Algeria, Morocco, Tunisia, Croatia, the Former Yugoslav Republic of Macedonia and Israel. These proposals suggested that the Council of the EU recognizes the right of equal treatment for the workers of these six countries in their EU host State, and that the export of benefits (limited to pensions) is permitted to these countries. The Council approved these proposals in 2010. Once adopted by the competent Association Councils, these decisions will enable the external coordination of the social security systems of the EU States and associated non-EU States.

3.3 The immigration instruments

The Treaty of Amsterdam,⁶⁸ signed in 1997 and entered into force on 1 May 1999, endows certain powers to the EU in the field of migration. Several EU Directives concern the access, residence, and rights of non-EU nationals in the EU States. They also contain some provisions relating to social security of non-EU nationals.

3.3.1 The Long Term Residence Directive 2003/109/EC⁶⁹

This Directive obliges the EU Member States to grant long-term status to non-EU nationals who have legally and continuously resided within their territory for at least five years. Long-term residents enjoy equal treatment with nationals of the EU Member State with regards to social security, social assistance and social protection, as defined by national law.

However, EU Member States may limit equal treatment to core benefits with respect to social assistance and social protection (but not social security). Recital 13 of the Directive explains that these

68 Treaty of Amsterdam amending the Treaty of the European Union, the Treaties establishing the European Communities and certain related acts.

69 Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ EU L 16, 23 January 2004.

core benefits should at least include minimum income support and assistance in case of illness, pregnancy, parental assistance or long-term care. The modalities for granting such benefits should be determined by national law.

In the case of *Kamberaj*,⁷⁰ the CJEU explained that the list set forth in Recital 13 of Directive 2003/109/EC is not exhaustive. The fact that no explicit reference is made to housing benefits does not necessarily mean that they do not constitute core benefits to which the principle of equal treatment must be applied. The Court stressed that Article 34 of the Charter of fundamental rights of the EU recognizes the right to social and housing assistance. The Court also argued that the derogation from the general rule on equal treatment has to be interpreted strictly. Public authorities can only rely on this derogation if the bodies in the Member State responsible for the implementation of the Directive have stated clearly that they intended to rely on that derogation. This is because the objective of the Directive is to integrate non-EU nationals who have resided legally in the Member States.

3.3.2 The Researchers' Directive 2005/71/EC⁷¹

This Directive provides for the right of equal treatment for researchers holding a residence permit in the EU host Member State in all branches of social security.⁷² Recital 16 confirms that this Directive adds an important improvement in the field of social security, as the non-discrimination principle also applies directly to non-EU nationals. The Recital also states that this Directive should not grant rights to family members residing in a non-EU country. Any external coordination between the social security systems of the EU and the non-EU state is excluded.

3.3.3 The EU Blue Card Directive 2009/50/EC⁷³

This Directive introduces the so-called EU Blue Card for highly qualified non-EU nationals coming to the EU, which enables a fast-track admission procedure. Non-EU nationals holding EU Blue Cards should be granted equal social and economic rights as nationals of the Member State issuing the Blue Card. This Directive does not grant rights to family members residing in a non-EU country.

According to the Directive, EU Blue Card holders shall enjoy equal treatment regarding the payment of income-related acquired statutory pensions in respect of old-age when moving to a non-EU country. This provision applies without prejudice to existing bilateral agreements. However, social assistance

70 C-571/10 *Kamberaj*, 24 April 2012, not yet reported.

71 Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research, OJ EU L 289, 3 November 2005.

72 This includes, for example, those covered by the former Regulation 1408/71/EEC, now 883/2004/EC.

73 Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, OJ EU L 155, 18 June 2009.

is excluded.⁷⁴ Applying for social assistance benefits constitutes a reason for withdrawal of the EU Blue Card.⁷⁵ On the other hand, unemployment does not constitute a reason for withdrawal, unless the period of unemployment exceeds three consecutive months or occurs more than once during the period of validity of the EU Blue Card.

3.3.4 The EU Single Permit Directive 2011/98/EU⁷⁶

The Single Permit Directive must be transposed into national legislation by 25 December 2013. This states that workers admitted to an EU Member State directly from a non-EU State have the right to equal treatment with the nationals of the Member State where they reside with regards to social security.

The Directive does not grant rights to family members residing in a non-EU country. Nevertheless, there is a special provision stating that workers of a non-EU nationality shall receive statutory old-age, invalidity and survivors' pensions based on their previous employment under the same conditions as the nationals of the Member States concerned when they move to a non-EU country. The same rule applies to their survivors who reside in a non-EU country and who derive rights from those workers.

3.4 External dimension of the EU social security coordination

The issue of the external competence of the EU is gaining attention, especially after the Lisbon Treaty of 2009 amended the EU's constitutional framework to account for the accession of ten new Member States in 2004 and two in 2007.

Concerning social security coordination, a Communication of the European Commission issued in March 2012⁷⁷ states that social security coordination facilitates not only mobility within the EU but also between the EU and "the rest of the world". It argues that there is a need to develop a mechanism at the EU level to strengthen cooperation between Member States and to further social security

74 Social assistance was included in the proposal of the Directive.

75 According to Article 9 of the Directive 2005/71/EC, Member States may withdraw or refuse to renew an EU Blue Card issued on the basis of this Directive, including in the case where the EU Blue Card holder applies for social assistance, provided that the appropriate written information has been provided to them in advance by the Member State concerned.

76 Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, OJ EU L 343, 23 December 2011.

77 COM(2012) 153 final, Brussels, 30 March 2012.

coordination with non-EU countries. Special emphasis was placed on the need for the effective enforcement of the principle of equal treatment concerning the payment of pensions in non-EU countries. These views are reiterated in the recent Communication of the European Commission on "Social Protection in European Union Development Cooperation", issued in August 2012,⁷⁸ which states that "The external dimension of EU policies may impact on social protection in partner countries. The EU should ensure consistency between policies for supporting social protection in development cooperation and all other relevant EU policies."

One possibility that the Commission is investigating is a new instrument called an *EU social security agreement*, which could be concluded with any non-EU State. This instrument could address issues linked to double social security contributions and integrate possible bilateral particularities between a Member State and the non-EU country concerned. Article 3 of the FEU Treaty states that the EU has the exclusive competence to conclude an international agreement when its conclusion is provided for in a legislative act of the Union, is necessary to enable the EU to exercise its internal competence, or in so far as its conclusion may affect common rules or alter their scope.⁷⁹

78 COM(2012) 446 final, Brussels, 20 August 2012.

79 Similar wording is found in Article 361 FEU Treaty (under Title V International Agreements). The CJEU has already recognized certain external competencies of the EU.

4. Instruments of international organizations

International organizations have adopted legal instruments in the forms of Covenants, Conventions, Recommendations, Charters and Protocols that are of universal or regional character and can be legally binding or non-binding. Some of these instruments specifically concern social security coordination, while others, focused on human rights, minimum standards of social security, or migration, also bear relevance on the social security for migrant persons.

4.1 United Nations instruments

4.1.1 Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights

The Universal Declaration of Human Rights (adopted in 1948) and the International Covenant on Economic Social and Cultural Rights (adopted in 1966) affirm that everyone as a member of a society has the right to social security and is entitled to its realization through national effort and international cooperation.⁸⁰ Although the Universal Declaration of Human Rights, adopted as a United Nations General Assembly Resolution, creates no binding obligations for States, it is widely accepted that some of its provisions have become part of customary international law.

The International Covenant on Economic Social and Cultural Rights has been ratified by 160 countries as of September 2012, and its implementation is monitored by the Committee on Economic, Social and Cultural Rights. The Covenant establishes the obligation of States Parties to take steps, to the maximum of their available resources, to progressively achieve the full realization of the rights recognized by the Covenant by all appropriate means, including the adoption of legislative measures, and guarantees the exercise of these rights without discrimination.⁸¹

In February 2008, the Committee on Economic, Social and Cultural Rights issued General Comment No. 19 on the right to social security under the International Covenant on Economic Social and Cultural Rights.⁸² As far as the right of migrants to social security is concerned, the Comment pays

80 Articles 22 and 25 of the Universal Declaration of Human Rights, and Article 9 of the International Covenant on Social, Economic and Cultural Rights.

81 International Covenant on Social, Economic and Cultural Rights., Art. 2.

82 The Committee on Economic, Social and Cultural Rights: General Comment No. 19: The right to social security (Art. 9), adopted at the 39th Session, 5–23 Nov. 2007, Doc. E/C.12/GC/19 (UN).

special attention to the equality of treatment for migrant workers in their country of employment. The Covenant prohibits discrimination on the grounds of nationality. When non-nationals, including migrant workers, have contributed to a social security scheme, by right they should receive the corresponding benefits. The General Comment leaves open the alternative possibility of retrieving these contributions when leaving the country, although providing benefits to migrants should better protect the right to social security. Non-nationals should also be able to access non-contributory schemes for income support, affordable access to health care, and family support. Any restrictions, including a qualification period, must be proportionate and reasonable. All persons, irrespective of their nationality, residency or immigration status, must be entitled to primary and emergency medical care.

The General Comment also gives due attention to the obligations of States parties to ensure the right to social security through reciprocal bilateral and multilateral international agreements, or through other instruments for coordinating contributory social security schemes for migrant workers.

4.1.2 UN Convention on migrants' rights

The *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* was adopted by the UN General Assembly in 1990 and entered into force on 1 July 2003. As of September 2012, 46 states have ratified the Convention and additional 16 States have signed it. No EU Member State has ratified or signed the Convention.

The Convention provides for the equal treatment of nationals of other contracting states in the field of social security and the right to emergency medical care of migrant workers and their family members.⁸³ With respect to social security, migrant workers and their family members must be treated equally in their State of employment as the nationals of that State if they meet the requirements set out in the applicable legislation of that State and the applicable bilateral and multilateral agreements.⁸⁴

Migrant workers and their family members have the right to receive emergency medical care if required to preserve their life or to avoid irreparable harm to their health. Emergency medical care should similarly be provided to irregular migrants regardless of the irregularity with regard to their stay or employment.⁸⁵

The Convention also foresees the possibility of refunding social security contributions. In such a case, the States concerned shall examine the possibility of reimbursing the amount of contributions made

83 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Art. 27(1) and 28.

84 Ibid., Art. 27(1).

85 Ibid., Art. 28.

by persons on the basis of the treatment granted to nationals who are in similar circumstances. This could apply in States where the applicable legislation does not allow for the benefits of migrant workers and their family members. However, the option to refund social security contributions is considered sub-optimal compared to ensuring the right to social security through bilateral and multilateral legal instruments or unilateral measures.⁸⁶

4.2 ILO instruments

The International Labour Organization (ILO) plays a leading role in the adoption of social security standards, including standards specifically dealing with the social security rights of migrant workers. Among these is the ILO flagship Convention on Social Security (Minimum Standards), 1952 (No. 102), which sets global minimum standards for all nine branches of social security and contains provisions for the equality of treatment of non-national residents in social security. Annex B of this report summarizes the ratifications of key ILO Conventions on social security.

4.2.1 Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)

This Convention focuses on compensation resulting from industrial accidents. It provides for the equality of treatment of nationals and their dependents with those of other contracting States without any residence condition. Benefits of foreign workers should be exported if the contracting State provides for such exports to its own nationals. To this end, if necessary, special agreements between States may be concluded. Convention No. 19 is a technical instrument with interim status, although it is still possible for a State to ratify it. It has been widely ratified by 119 countries, including many European States.

4.2.2 Equality of Treatment (Social Security) Convention, 1962 (No. 118)

The scope of Convention No. 118 covers all branches of social security envisaged by Convention No. 102. However, under Convention No. 118, States may confine their ratification to one or more of the nine branches of social security. Unlike Convention No. 102, there is no minimum number of branches to be included. It should be noted, however, that the Convention does not apply to special schemes for civil servants, war victims, or social assistance. When assessing the conformity of France's legislation with its obligations under Convention No. 118, the Committee of Experts on the Application of Conventions and Recommendations⁸⁷ observed that certain non-contributory benefits should be

⁸⁶ Ibid., Art. 27.

⁸⁷ The Committee of Experts on the Application of Conventions and Recommendations is the independent body in charge of monitoring the application and implementation of ILO standards by member States, in particular in assessing the conformity of their law and practice with the obligations they have accepted under ILO Conventions.

extended to non-nationals.⁸⁸ The French government has subsequently modified its legislation. It is argued, however, that the modification was made owing more to the EU law rather than to Convention No. 118.⁸⁹

Regarding the export of benefits, Article 5 of Convention No. 118 stipulates that a contracting State shall guarantee both its own nationals and the nationals of any other contracting State residing abroad the provision of long-term benefits (invalidity, old-age, survivors' and employment injury pensions). At the same time, it subjects the export of benefits to bilateral and multilateral measures where necessary.

The question has arisen as to whether Article 5 is directly applicable or not. In the Netherlands, a judgement of the Central Appeals Court of Appeal ruled that the prohibition of the export of benefits from the Supplements Benefits Act was not consistent with Article 5 of Convention No. 118.⁹⁰ It established that the export obligation does not depend on further agreements between contracting parties. This ruling eventually led to the denunciation of this Convention by the Netherlands. The Committee of Experts on the Application of Conventions and Recommendations shared the same view.⁹¹ This argument implies that Convention No. 118 also provides for the export of benefits to the nationals of the contracting State regardless of national legislation.

Convention No. 118 is considered to be an up-to-date instrument and has been ratified by 37 States, including members and non-members of the EU.

4.2.3 Maintenance of the Migrant's Pension Rights Convention, 1935 (No. 48) and Maintenance of the Social Security Rights Convention, 1982 (No. 157)

Convention No. 48 is considered an outdated instrument and is no longer open for ratification. Nevertheless, Convention No. 48 is still applicable and relevant for those States that have ratified it but not Convention No. 157. For example, it is still relevant for Slovenia and Israel, as no bilateral agreement exists between them. It is also important for preserving the social security rights of persons having migrated between Slovenia and other former Yugoslav States before bilateral agreements were concluded, such as with Serbia in 2010 and Montenegro in 2011.

88 The Committee of Experts on the Application of Conventions and Recommendations, Convention No. 118, Observation, France, 1991, 1992, 1993, 1996 and 1997.

89 F. Kessler, J.-P. Lhernould, 2006, p. 156.

90 *CRvB*, 14 March 2003, *RSV* 2003/114. F. Pennings, 2007, p. 19 (decision reproduced as Decision 5 in the Annex).

91 The Committee of Experts on the Application of Conventions and Recommendations, Convention No. 118, Observation, Netherlands, 2003.

Convention No. 157 has revised Convention No. 48. This Convention applies to all general and special social security schemes, both contributory and non-contributory, as well as to employers' liability schemes. Unlike Convention No. 118, Convention No. 157 does not allow the ratifying States to choose which branches of social security the Convention will apply to. However, it excludes special schemes for civil servants and war victims and social or medical assistance schemes. Convention No. 157 is considered to be an up-to-date instrument. However, as of September 2012, Convention No. 157 has been ratified by only four countries: Spain, Sweden, the Philippines and Kyrgyzstan.

Convention No. 157 is supplemented by the Maintenance of Social Security Rights Recommendation, 1983 (No. 167). This Recommendation includes model provisions for the conclusion of bilateral and multilateral social security instruments, as well as a model agreement for the coordination of these instruments. The model provisions for the conclusion of bilateral or multilateral social security agreements cover all branches of social security and consider all types of schemes. They contain common definitions, rules on the applicable legislation, rules on two alternative methods of maintaining rights in the course of acquisition, alternatives for the maintenance of acquired rights and the provision of benefits abroad, and miscellaneous provisions on mutual assistance between national institutions.⁹²

4.2.4 Other ILO Conventions and Recommendations

Similar non-discrimination provisions can be found in other ILO conventions concerning migrant workers. For instance, according to the Migration for Employment Convention (revised), 1949 (No. 97), social security law should apply to migrant workers without discrimination based on nationality. Appropriate arrangements may be undertaken for the maintenance of acquired rights, rights in the course of acquisition, and non-contributory benefits. As of September 2012, Convention No. 97 has 47 ratifications.

Discrimination on the grounds of nationality is also prohibited according to the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). Each contracting State has to promote and to guarantee equality of opportunity and treatment, also in respect of social security, for persons who are either migrant workers or are members of migrant worker families lawfully within its territory. Moreover, the Convention stipulates that the basic human rights of all migrant workers should be respected. Hence, it provides protection for illegal migrant workers. As of September 2012, Convention No. 143 has 23 ratifications.

92 Recommendation No. 86 on Migration for Employment, accompanying Convention No. 97, includes a model agreement on temporary and permanent migration for employment (including migration of refugees and displaced persons). Concerning social security, the model agreement calls for the conclusion of a separate social security bilateral agreement, which should encompass basic principles of social security coordination.

Particular mention must be made of the new Recommendation concerning National Floors of Social Protection, 2012 (No. 202). This provides that basic social security benefits should be provided to all residents, as defined in national laws and regulations and subject to existing international obligations. Therefore, migrants and their families should have access to these basic social security benefits in the State where they reside, as well as in their home country. If bilateral or multilateral agreements are in place providing for higher levels of protection, or if the countries concerned are parties to international or regional Conventions containing higher requirements with regard to migrants' social security rights (e.g. ILO Conventions No. 118 and No. 157), these should prevail.

4.3 Council of Europe instruments

The Council of Europe (CoE) is one of the principal international organizations concerned with the social security of migrant persons. The CoE has adopted several multilateral social security coordination instruments for its 47 Member States.⁹³ Annex C of this report summarizes the status of signatures and ratifications of key CoE instruments related to social security.

4.3.1 European interim agreements

The *European Interim Agreement on Social Security Schemes relating to Old-age, Invalidity and Survivors*, and the *European Interim Agreement on Social Security other than Schemes relating to Old-age, Invalidity and Survivors*, both signed in 1953 and in force since 1954, constitute the first steps of the CoE towards the multilateral coordination of national social security systems.

The material scope of these agreements was divided into pensions (long-term) benefits and other (short-term) benefits, as it was thought that some States might accept coordination provisions in relation to short-term benefits only. In practice, however, all States that ratified one Interim Agreement also ratified the other Interim Agreement.⁹⁴ The agreements exclude schemes for civil servants, social assistance, and social compensation schemes. They provide equal treatment to the nationals of other contracting States with the nationals of the State providing social security benefits. To each of them a Protocol was added to extend their personal scope to refugees. However, the contracting States are free to exclude the principle of equal treatment in some areas or make it conditional in others.

By their nature, these Interim Agreements avoid complex legal rules for establishing all principles of international social security coordination. Instead, they rely upon existing social security mechanisms

⁹³ For more detailed explanations of the CoE social security coordination instruments, see J. Nickless, H. Siedl, 2004.

⁹⁴ There are no definitions of these notions in the Interim Agreement. The Explanatory report refers to the definitions used in the *European Convention on Social Security*, which was drafted after the Interim Agreements entered into force. See Article 1 (y) of the European Convention on Social Security.

to ensure that an increased number of migrants enjoy the right to social security. Interim agreements have been ratified by 21 European States as of September 2012.

As their name implies, the European Interim Agreements were originally conceived as provisional measures. A more general convention, namely the *European Convention on Social Security*, was designed to replace the interim agreements. Yet not all of the contracting parties to the Interim Agreements have signed this Convention. Therefore the Interim Agreements remain in force in several countries.

4.3.2 European Convention on Social and Medical Assistance

Alongside the aforementioned European Interim Agreements, the *European Convention on Social and Medical Assistance* was developed to complement them. The Convention provides that the nationals of all contracting States (with a Protocol for refugees) should be entitled to the same social and medical assistance as the nationals of the State providing assistance. Social and medical assistance refers to assistance in the forms of subsistence and care necessitated by persons with insufficient resources. Assistance may be provided in cash or in kind (e.g. food, shelter, medical assistance). The costs are born entirely by the State providing assistance. It is not required that the State of origin refund the cost of assistance. The Convention has 18 ratifications as of September 2012.

One of the consequences of the non-discrimination principle is the prohibition of repatriation. A State providing assistance is obliged not to repatriate from its territory a lawfully residing national of another contracting party just because he or she is in need of assistance. However, contracting parties may repatriate a national of another contracting party solely because he or she is in need of assistance if certain conditions are met relating to an individual's age, length of residence, or state of health.

4.3.3 European Convention on Social Security

The *European Convention on Social Security* presents a comprehensive coordination mechanism covering all social security branches⁹⁵ and all coordination principles. After the drafting process during the 1960s, the Convention was opened for signature in 1972 and entered into force in 1977. However, as the EU (then EEC) social security coordination Regulations were in place by that time, ratifying the Convention did not give much added value to the EU States. It has only eight ratifications as of September 2012.

The personal scope of the application of the Convention is generally limited to nationals of Contracting States, but it also extends to family members of insured nationals, stateless persons and refugees.

95 The ECSS covers all social security schemes excluding social assistance, social compensation for war victims, and schemes for civil servants.

Legally, many of the provisions are directly applicable and hence can be directly invoked by citizens of a State where it has been ratified. Articles that are not directly applicable represent suggestions or models for bilateral or multilateral agreements to be concluded between the contracting States implementing them.⁹⁶ The Convention is accompanied by a Supplementary Agreement for the Application of the Convention, which covers administrative issues related to its implementation.

4.3.4 Other CoE instruments

The *European Code of Social Security* and the *Revised European Code of Social Security* are the instruments for setting the minimum standards of social security, but they also contain aspects on social security coordination. The initial Code, adopted in 1964 and entered into force in 1968, encourages the contracting States to conclude special instruments relating to social security for foreigners and migrants. The initial Code has been ratified by 21 States. Although a more updated instrument, the revised Code has only one ratification (by the Netherlands) and 13 signatures, and has not yet entered into force as of September 2012.

The *European Social Charter* of 1961 and the *Revised European Social Charter* of 1996 contain goals and rights concerning labour law and social protection (such as social security, social and medical assistance, social services, protection against poverty and social exclusion, and housing assistance). The European Social Charters have not established a legally binding and directly applicable social security coordination mechanism. Contracting States have to “take steps” to ensure the basic principles of social security coordination. The European Social Charter has been ratified by 27 States and the revised Charter by 32 States. Some of them have ratified both.

4.3.5 Model provisions for bilateral social security agreements

The CoE also facilitates bilateral agreements through model provisions. In addition to the *European Convention on Social Security*, which contains model provisions, the CoE developed the *Model Provisions for a Bilateral Social Security Agreement* in 1998.⁹⁷ This serves as a guide to CoE Member States, in particular those in Central and Eastern Europe, for drafting bilateral social security agreements. The model provisions are of a non-binding legal nature and hence quite flexible. The States are free to alter their content, to determine the range of persons and benefits to be covered, and to determine the administrative cooperation procedure.

96 The application of special provisions concerning sickness, maternity, unemployment, and family benefits, with the exception of the aggregation of periods, remains subject to the conclusion of bilateral or multilateral agreements between the States.

97 Available in various languages at www.coe.int.

5. Unilateral measures

Unilateral measures are applied by States to overcome the restrictions of territoriality or nationality. They are enforced by the legislature or the judiciary, and are promoted by international legal instruments.

5.1 Unilateral measures of the legislature

National institutional norms may regulate situations of national law that have consequences for foreign migrants in the host State (e.g., by providing equal treatment with nationals of the host state) or for persons moving to other States (e.g., by providing for the unrestricted export of benefits, in particular long-term cash benefits). Unilateral measures are provided by the country of origin. For instance, countries of origin can provide for the voluntary coverage of persons working abroad who are not insured in the host country.⁹⁸

Unilateral measures are also promoted by international legal instruments. For instance, according to the ILO Social Protection Floors Recommendation, No. 202, the establishment of national social protection floors, as a unilateral measure, can be used as a means to palliate the lack of coordination arrangements between countries in respect of any branch of social security. This is often the case where short-term benefits (both in cash and in kind) and non-contributory benefits are concerned. National social protection floors can be a useful tool to address gaps in the social security coverage of migrant workers and their families.

In addition, both the initial and revised European Social Charters oblige States Parties to take steps not only to conclude the appropriate bilateral and multilateral agreements, but to use other means to ensure the right of social security to migrant workers and their dependents. The European Committee of Social Rights has established that “other means” include unilateral measures adopted by the States Parties.⁹⁹ The Committee pointed out that States can choose between bilateral agreements and other types of measures, e.g., unilateral, legislative or administrative.

98 Such a possibility exists, for instance, in the Slovenian unemployment insurance scheme.

99 For instance, the Committee established that whoever is the beneficiary under the social security system, i.e. whether it is the worker or the child, States Parties are bound to secure, through unilateral measures, the actual payment of family benefits to all children residing in their territory.

5.2 Social security rights and the protection of private property

Social security rights are protected as property under many national Constitutions and the European Convention of Human Rights (hereafter the ECHR). Constitutional protection of private property, which is broader than protection under civil law, is thus extended to social security benefits. This is especially the case when claims for benefits are based on contributions paid by insured persons and their employer, regardless of their nationality or place of residence. The judiciary plays an important role in applying both international and national norms.

The German Federal Constitutional Court in 1980 declared export restrictions for pensions incompatible with the constitutional protection of property. Social rights meet the preconditions of property as defined by the German Constitution if they serve private interests, serve the purpose of securing subsistence, and are based on contributions made by the insured person that are more than “insignificant”.

Similarly, the Slovenian Constitutional Court provided property protection to an individual’s right to a contributory pension. The Court argued that the right to private property is not limited to citizens, as is the right of social security.¹⁰⁰ It even annulled the rules on deferring or writing-off of social security contributions by the tax authority responsible for collecting contributions, because the right to private property in the form of a worker’s contributory pension could be infringed.¹⁰¹

The following are interpretations provided by the European Court of Human Rights in Strasbourg regarding social security rights. The Court has already extended the notion of “civil rights and obligations” to social security rights and duties, which are considered pecuniary rights that do not rely solely on the link between one’s obligation to pay “taxes or other contributions” and one’s entitlement to that right.¹⁰²

- In the case of *Klein*¹⁰³, the Court argued that the right to a pension is not guaranteed by the ECHR. However, the right to a pension that is based on employment can, in certain circumstances, be

100 Decision No. 770/06, 2.7.2009, OdlUS, Official Gazette RS, No. 54/2009. According to Article 50 of the Constitution of Slovenia, the right to social security is provided only to nationals. This is perceived as acceptable according to the argumentation that the constitution provides minimum protection and the legislature is obliged (according to other constitutional provisions and international legal norms) to provide social security also to non-nationals.

101 Decision No. U-I-281/09, 22.11.2011, Official Gazette RS, No. 105/2011.

102 The Court acknowledged that disputes concerning social security contributions are disputes on civil obligations and are thus protected by Art. 6 of the ECHR (*Schouten and Meldrum v. the Netherlands*, 9.12.1994, Appl. nos. 19005/91; 19006/91).

103 *Klein v. Austria* (Appl. no. 57028/00), 3 March 2011.

assimilated into the notion of property rights. Where contributions have been made, an award cannot be denied to the person concerned. The Court did not find that a fair balance was struck between the competing interests when a worker who made contributions during their whole professional career was deprived of pension entitlements. The Court therefore established a breach of the protection of property rights.

- In the case of *Gaygusuz*,¹⁰⁴ a Turkish national was refused emergency assistance based exclusively on the fact that he was not an Austrian national, although he was a legal resident of Austria and worked there at certain times, paying contributions to the unemployment insurance fund (like an Austrian national). In its decision, the Court ruled that a right to emergency assistance not directly or exclusively based on social security contributions should be recognized as a pecuniary right and thus as property.
- The Court in *Gaygusuz* went even further by providing property protection to non-contributory benefits. It argued that the fact that Mr. *Gaygusuz* had paid contributions and was thus entitled to emergency assistance did not mean, by converse implication, that a non-contributory social benefit would not give rise to a pecuniary right under property protection. Hence, in the case of *Kuoā Poirrez*, the Court again found a breach of the prohibition of discrimination in conjunction with the protection of property rights.¹⁰⁵

It should be noted that the principle of equality enshrined in national constitutions and international legal documents is also an important tool in providing social security to migrant workers. The principle of equality guarantees equal human rights and the right of social security to all individuals, irrespective of their personal circumstances, including nationality or place of residence.¹⁰⁶

104 *Gaygusuz v. Austria* (16.9.1996, Reports 1996-IV).

105 *Kuoā Poirrez v. France* (30.9.2003, Reports 2003-X).

106 For instance, the Slovenian Constitutional Court (Decision No. U-I-31/04, 1.12.2005) declared that the permanent residence of the child as an eligibility condition for a child benefit is incompatible with the constitutional principle of equality.

6. Prospects of social security coordination

National social security systems are subject to changes over time. Accordingly, legislatures must take the necessary normative action to adapt the coordination mechanisms. Amending national social security legislation should not cause major problems, as most coordination instruments determine benefit branches and do not refer to specific legislative acts. However, difficulties arise if new types of benefits are introduced after agreements are concluded. Examples of new types of benefits include schemes providing long-term care benefits and mandatory funded pensions (the so-called second-pillar pensions). In addition, special problems exist for migrants with irregular immigration or employment statuses.

6.1 Coordination of long-term care benefits

Since the mid-1990s, several countries have implemented various forms of new social security schemes providing long-term care benefits for elderly and disabled persons. For instance, Germany and the Flemish part of Belgium introduced a new social insurance branch; Spain introduced a national protection scheme covering all residents; and Austria introduced a non-contributory scheme of federal care allowance. Many countries (including Slovenia) provide long-term care benefits through a mixture of social insurance, social assistance, social services and social compensation (e.g., for victims of war).

At the moment it seems that no particular attention is given to the inclusion of long-term care benefits in bilateral agreements. For instance, Germany does not include long-term benefits in its bilateral agreements with Japan (1998), the Former Yugoslav Republic of Macedonia (2003) or India (2008).

Coordination of long-term care benefits is not mentioned in Regulation 1408/71/EEC (or in the coordination instruments of the ILO and the CoE), because no EU State had a scheme for long-term care benefits at the time of its adoption. The coordination of long-term benefits within the EU was established by a CJEU ruling, which assimilated long-term care benefits with sickness benefits.¹⁰⁷

¹⁰⁷ Cases C-160/96 *Molenaar* [1998] ECR I-843 and C-215/99 *Jauch* [2001] ECR I-1901.

It should be noted that the new Regulation 883/2004/EC does not include long-term care benefits in its material scope either.¹⁰⁸ Hence, the coordination of long-term care benefits is still left to the *ad hoc* decisions of the CJEU. Through its decisions, the CJEU has recognized long-term care benefits as social security benefits linked to sickness benefits (although they are not sickness benefits *stricto sensu*), and to old-age and invalidity benefits (as a supplement to pensions).¹⁰⁹

A more abiding solution would be to clarify the situation within Regulation 883/2004/EC's existing chapter on sickness benefits (looking to the decisions of the Administrative Commission for coordination of social security systems or modifications to the Regulation), applying several chapters (such as sickness, old-age, employment injury or family benefits) or adding a separate chapter on long-term benefits. It would be helpful to include a list of long-term benefits classified within the existing framework of social security benefits.

6.2 Coordination of fully funded pensions

Since the mid-1990s, countries in Central and Eastern Europe have carried out structural reforms of their pension systems. As a result, several countries have introduced mandatory privately managed pension systems (or so-called second-pillar pension systems). With the enlargement of the EU in 2004 and 2007, a number of the funded pension schemes of the new Member States became subject to coordination rules by Regulation 883/2004/EC, which covers both pensions and lump-sums and does not retain a reference to public funds.

However, application of the usual coordination rules, especially *pro-rata temporis* calculation, does not suit the fully funded defined-contribution pension schemes. The amount of such pensions depends directly upon the contributions paid and the interest thereon, without taking into account the period of one's affiliation with the scheme. These schemes also make a theoretical pension amount (needed for *pro-rata* calculation) nearly impossible to establish.

For these reasons, an amendment was made to Regulation 883/2004/EC before its entry into force.¹¹⁰ A new paragraph was inserted into Article 52 which states that *pro-rata* calculation does not apply

108 Article 34 deals with long-term care benefits, but only to prevent their overlapping. Additionally, these benefits are only mentioned in the preamble (Recital 24) and in Article 1(va)(i) of the Regulation 883/2004/EC.

109 Cases C-502/01 and C-31/02 *Gaumain-Cerri und Barth* [2004] ECR I- 06483, C-286/03 *Hosse* [2006] ECR I-1771, C-299/05 *Commission against the European Parliament ad the Council of the EU* [2007] ECR- I-08695, C-212/06 *Government of the French Community and Walloon Government against Flemish Government* [2008] ECR I-1683, C-208/07 *von Chamier-Glisczinski* [2009] ECR I-6095, C-537/09 *Bartlett* [2011] ECR not yet reported, C-388/09 *da Silva Martins* [2011] ECR not yet reported. There is a pending case C-538/11 *Sax*.

110 Regulation (EC) No 988/2009 of the European Parliament and of the Council of 16 September 2009 amending Regulation (EC) No 883/2004 on the coordination of social security systems, and determining the content of its Annexes, OJ EU L 284, 30 October 2009.

to schemes providing benefits in which periods of insurance, residence or employment are of no relevance to the calculation. In this case, pensions are calculated in accordance with the legislation of the Member State concerned.¹¹¹

Bilateral agreements may be advantageous in coordinating specific national pension schemes. They can provide that the capital available in individual accounts should be used for the calculation of benefits according to the legislation of the State concerned. If the contracting State guarantees a minimum pension and the accumulated amount is not sufficient, periods from other States are aggregated, in a similar manner as with the pay-as-you-go schemes. A person remains voluntary affiliated to the funded pension scheme even if working in another contracting State (where he or she does not pay contributions) in order to prevent fragmented pensions.¹¹² However, States are hesitant to transfer accumulated funds to another State. Hence, the coordination of funded pension schemes remains an issue that needs to be addressed by future coordination instruments.

6.3 Irregular migrants

The issue of irregular or illegal migrants (persons who entered the country and/or are employed illegally or perform informal labour in the host State) is high on the agenda of social policy.

International legal instruments are quite heterogeneous with respect to their applicability *ratione personae* to irregular migrant workers. Some exclude them by legal text (with requirements of legal, lawful or ordinary residence); some suggest their exclusion (such as the statements of the Committee of experts supervising ILO Conventions Nos. 102 and 128, or the UN General Assembly's statements with regard to the ICESCR); and some exclude them but suggest their inclusion (such as the findings of the European Committee of Social Rights).

The UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families explicitly states that emergency medical care should be provided to irregular migrants from a humanitarian point of view. With respect to social security, the principle of equal treatment should also apply to regular and irregular migrant workers, meaning that regular migrant workers should be treated as regular domestic workers, and irregular migrant workers as irregular domestic

111 These provisions can also apply to notional pension accounts, the so-called notional or non-financial defined-contribution (NDC) schemes.

112 Similar provisions are found also in multilateral agreements, for example in "Chapter 2: Coordination of schemes and legislation based on savings and capitalization" of the Ibero-American Multilateral Convention on Social Security. The Ibero-American Convention also provides a possible transfer upon the agreement by the contacting States.

workers. However, if a migrant entered the country illegally but is employed based on an employment contract and is paying contributions, there is no reason to deny them social security benefits.¹¹³

The access to social rights of irregular migrant workers is a controversial issue. Continuous discussions are underway from the perspectives of international law, EU law, and national laws.¹¹⁴

6.4 Concluding remarks: strategies for non-EU countries

Based on the analysis of various legal instruments in this report, the following strategic remarks emerge for improving the protection of social security rights of migrant persons from the perspectives of non-EU countries in South and Eastern Europe.

First, EU social security coordination law is one of the most complex and dynamic mechanisms of its kind, with the CJEU constantly refining the existing rules and evolving new ones. The position of non-EU States towards the EU may differ. For States that are preparing for accession to the EU, the harmonization of social security systems constitutes a sensible approach in view of their eventual application of the EU regulations.

Second, flexibly designed bilateral social security agreements continue to be the main tool to ensure social security rights for persons moving between two states (predominately migrant workers and their family members). Bilateral agreements are also promoted by the instruments of international organizations, such as the ILO and the Council of Europe. While EU laws have influence over non-EU nationals moving within the EU as well as between EU and non-EU countries, a non-EU country can in turn benefit from EU social security coordination mechanisms by concluding a bilateral (or multi-lateral) agreement with an EU Member State. In the effort to extend its external dimension, the EU is seeking to enhance its social security coordination with non-EU countries with a view to possibly developing a new flexible legal instrument.

Third, multilateral agreements represent a more universal instrument that is comprehensive in scope and complete in its coordination principles. As noted, the EU social security coordination regulations constitute the most far-reaching regional multilateral instrument. The Ibero-American Multilateral Convention of Social Security is another notable example involving European and Latin American countries. International organizations have also adopted various international legal instruments that protect the social security rights for migrant persons, although few of them have been widely ratified.

113 Decision of the CJEU in a case regarding a Colombian national in Belgium, C-34/09 [2011] *Zambrano*, 8 March 2011, not yet reported.

114 See also the European Journal of Social Security No. 1/2008 dedicated to illegal migrants and social security.

Fourth, considering that the existing network of bilateral agreements is not complete and that the existing multilateral instruments are not binding on all States, both migrant-sending and migrant-receiving countries can adopt unilateral measures for the protection of migrant workers' social security rights. Unilateral measures may serve an increasingly important role in the future, since a growing number of national constitutional court rulings and the European Court of Human Rights establish that social security benefits should be considered as property. Such protection measures focus on the equal treatment and the export of benefits abroad.

Each type of instrument listed above has advantages and disadvantages. In general, the more binding an international legal instrument is, the more countries tend to be reluctant to be bound by it. However, this is not automatically so. The EU presents a good example of States implementing and expanding a complex multilateral coordination mechanism (with its specific legal structure) involving a great amount of time and effort.

From a legal point of view, the realization of effective solutions requires linking together national social security systems through international social security instruments. There is no panacea or one-size-fits-all solution to this challenge. Each country should develop its own strategy that is most suitable to its particular national context. In cooperation with other international organizations, the ILO stands ready to assist governments and national social security institutions with its international instruments and experience in technical assistance and capacity-building in the field of social security coordination.

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Annexes

Explanatory notes

Five annexes supplement the report. The contents of each annex are summarized as follows.

Annex A presents the status of ratifications of the ILO Conventions on social security. It provides lists of ratification of the Equality of Treatment (Social Security) Convention, 1962 (No. 118), the Maintenance of Social Security Rights Convention, 1982 (No.157), the Social Security (Minimum Standards) Convention, 1952 (No. 102) and related Conventions.

Annex B presents the status of signatures and ratifications of the social security instruments of the Council of Europe. It provides lists of the signatures and ratifications of the two European Interim Agreements on Social Security and their Protocols, the European Convention on Social and Medical Assistance and its Protocol, the European Convention on Social Security and its Supplementary Agreement for its application, the (initial) European Code of Social Security and its Protocol, and the Revised European Code of Social Security.

Annex C summarizes the key provisions of the old-age benefits of the national social security systems in the seven non-EU countries in South and Eastern Europe (Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Moldova, Montenegro, Serbia and Ukraine).

Annex D presents the organizational structure of the national social security systems in the seven non-EU countries in South and Eastern Europe.

Annex E provides the current list of bilateral social security agreements by benefit branch. The countries included in this list are the above-mentioned seven non-EU countries as well as 27 current Member States of the European Union, three European Economic Area (EEA) countries (Iceland, Liechtenstein and Norway) and Switzerland.

Annex A. Status of ratifications of the ILO Conventions on social security

Country	Date of ratification of C. 118	Date of denouncement	Branch										Date of ratification of C. 157			
			Medical care	Sickness benefit	Maternity benefit	Invalidity benefit	Old age benefit	Survivors' benefit	Employment injury benefit	Unemployment benefit	Family benefit					
Bangladesh	22.06.1972				✓						✓					
Barbados	14.10.1974				✓	✓		✓			✓					
Plurinational State of Bolivia	31.01.1977		✓		✓											✓
Brazil	24.03.1969		✓		✓		✓	✓			✓					
Cape Verde	08.07.1987		✓		✓		✓	✓			✓					✓
Central African Republic	08.10.1964				✓											✓
Democratic Republic of the Congo	01.11.1967						✓				✓					
Denmark	17.06.1969		✓												✓	
Ecuador	09.03.1970		✓		✓		✓				✓					
Egypt	12.01.1993		✓		✓		✓				✓				✓	
Finland	15.08.1969		✓		✓		✓				✓					
France	13.05.1974		✓		✓		✓				✓				✓	
Germany	19.03.1971		✓		✓		✓				✓				✓	
Guatemala	04.11.1963				✓											
Guinea	11.08.1967		✓		✓						✓				✓	
India	19.08.1964		✓		✓											
Iraq	28.04.1978		✓		✓		✓				✓					
Ireland	26.11.1964		✓		✓										✓	
Israel	09.06.1965				✓						✓				✓	
Italy	05.05.1967		✓		✓		✓				✓				✓	
Jordan	07.03.1963				✓		✓				✓				✓	
Kenya	09.02.1971						✓				✓				✓	
Kyrgyzstan																10.09.2008

Table A.1 (continued): Conventions No. 118 and No. 157 (as of 1 January 2013)

Country	Date of ratification of C. 118	Date of denouncement	Branch										Date of ratification of C.157	
			Medical care	Sickness benefit	Maternity benefit	Invalidity benefit	Old age benefit	Survivors' benefit	Employment injury benefit	Unemployment benefit	Family benefit			
Libyan Arab Jamahatiya	19.06.1975		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Madagascar	22.06.1964			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Mauritania	15.07.1968			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Mexico	06.01.1978		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Netherlands	03.07.1964	20.12.2004	(✓)	(✓)	(✓)	(✓)	(✓)	(✓)	(✓)	(✓)	(✓)	(✓)	(✓)	
Norway	28.08.1963													
Pakistan	27.03.1969			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Philippines	26.04.1994		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	26.04.1994
Rwanda	21.03.1989					✓	✓	✓	✓	✓	✓	✓	✓	
Spain														
Suriname	15.06.1976													11.09.1985
Sweden	25.04.1963		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	18.04.1984
Syrian Arab Republic	18.11.1963					✓	✓	✓	✓	✓	✓	✓	✓	
Tunisia	20.09.1965		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Turkey	25.06.1974		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Uruguay	22.02.1983		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Bolivarian Republic of Venezuela	05.11.1982		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Number of current ratifications	37	–	22	24	27	20	20	20	20	22	32	8	13	4

Source: NORMLEX (<http://www.ilo.org/normlex/>)

C.118: Equality of Treatment (Social Security) Convention, 1962 (No.118)

C.157: Maintenance of Social Security Rights Convention, 1982 (No.157)

Country	Date of ratification of C. 102	Convention No. 102 and related instruments (as of 1 January 2013)													Date of ratification of relevant ILO conventions		
		Branch													Date of ratification of higher ILO conventions		
		Medical care	Sickness benefit	Unemployment benefit	Old age benefit	Employment injury benefit	Family benefit	Maternity benefit	Invalidity benefit	Survivors benefit	C.121	C.128	C.130	C.168	C.183		
Albania	18.01.2006	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	04.08.2006	24.07.2004	
Austria	04.11.1969	✓		✓											04.11.1969	30.04.2004	29.10.2010
Azerbaijan																	
Barbados	11.07.1972	✓	✓		(C.128)	✓									15.09.1972		
Belarus																	
Belgium	26.11.1959	✓	✓	✓	✓	(C.121)	✓								22.04.1970		10.02.2004
Belize																	
Benin																	
Plurinational State of Bolivia	31.01.1977	✓	(C.130)		(C.128)	(C.121)	✓								31.01.1977	31.01.1977	18.01.2010
Bosnia and Herzegovina	02.06.1993	✓	✓	✓	✓	(C.121)	✓								02.06.1993		
Brazil	15.06.2009	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
Bulgaria	14.07.2008	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	24.03.1993		06.12.2001
Chile																	
Democratic Republic of the Congo	03.04.1987				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	30.09.1999		
Costa Rica	16.03.1972	✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	05.09.1967		
Croatia	08.10.1991	✓	✓	✓	✓	(C.121)	✓	✓	✓	✓	✓	✓	✓	✓	08.10.1991		16.03.1972
Cuba																	
Cyprus	03.09.1991	✓	✓	✓	✓	(C.121)	✓	✓	✓	✓	✓	✓	✓	✓	28.07.1966	07.01.1969	01.06.2004
Czech Republic	01.01.1993	✓	(C.130)	✓	(C.128)	✓	✓	✓	✓	✓	✓	✓	✓	✓	01.01.1993	01.01.1993	12.01.2005
Denmark	15.08.1955	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	06.06.1978	06.06.1978	
Ecuador	25.10.1974		(C.130)		(C.128)	(C.121)	✓	✓	✓	✓	✓	✓	✓	✓	05.04.1978	05.04.1978	
Finland															23.09.1968	13.01.1976	03.09.1974
France	14.06.1974	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
Germany	21.02.1958	✓	(C.130)	✓	(C.128)	(C.121)	✓	✓	✓	✓	✓	✓	✓	✓	01.03.1972	15.01.1971	08.08.1974
Greece	16.06.1955	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
Guinea																	
Hungary															11.08.1967		04.11.2003

Table A.2 (continued): Convention No. 102 and related instruments (as of 1 January 2013)

Country	Date of ratification of C. 102	Branch										Date of ratification of higher ILO conventions			Date of ratification of relevant ILO conventions		
		Medical care	Sickness benefit	Unemployment benefit	Old age benefit	Employment injury benefit	Family benefit	Maternity benefit	Invalidity benefit	Survivors benefit	C.121	C.128	C.130	C.168	C.183		
Honduras	01.11.2012	✓	✓		✓		✓	✓	✓	✓							
Iceland	20.02.1961		✓		✓		✓		✓								
Ireland	17/06/1968		✓	✓					✓	09.06.1969							
Israel	16.12.1955		✓		✓				✓								
Italy	08.06.1956		✓		✓		✓		✓								07.02.2001
Japan	02.02.1976		✓	✓	✓	(C.121)											09.02.2009
Latvia																	
Libyan Arab Jamahiriya	19.06.1975	✓	(C.130)	✓	(C.128)	(C.121)	✓		✓	(C.128)	(C.128)	19.06.1975	19.06.1975				
Lithuania																	
Luxembourg	31.08.1964	✓	(C.130)	✓	✓	(C.121)	✓		✓								23.09.2003
Mali																	08.04.2008
The former Yugoslav Rep. of Macedonia	12.11.1991	✓	✓	✓	✓	(C.121)			✓								05.06.2008
Mauritania	15.07.1968				✓	✓	✓		✓								
Mexico	12.10.1961	✓	✓		✓	✓	✓		✓								
Republic of Moldova																	
Montenegro	03.06.2006	✓	✓	✓	✓	(C.121)	✓		✓								28.08.2006
Morocco																	
Netherlands	11.10.1962	✓	(C.130)	✓	(C.128)	(C.121)	✓		✓	(C.128)	(C.128)	02.08.1966	27.10.1969	17.01.2006			13.04.2011
Niger	09.08.1966						✓		✓								15.01.2009
Norway	30.09.1954	✓	(C.130)	✓	(C.128)	✓	✓		✓								
Norway																	
Peru	23.08.1961	✓	✓		✓		✓		✓								
Poland	03.12.2003	✓			✓		✓		✓								
Portugal	17.03.1994	✓	✓	✓	✓	✓	✓		✓								
Romania	15.10.2009	✓	✓	✓	✓		✓		✓								
Senegal	22.10.1962	✓				(C.121)	✓		✓								25.04.1966
Serbia	24.11.2000	✓	✓	✓	✓	(C.121)	✓		✓								24.11.2000
Serbia																	31.08.2010

Table A.2 (continued): Convention No. 102 and related instruments (as of 1 January 2013)

Country	Date of ratification of C. 102	Branch											Date of ratification of higher ILO conventions			Date of ratification of relevant ILO conventions		
		Medical care	Sickness benefit (C.130)	Unemployment benefit	Old age benefit (C.128)	Employment injury benefit	Family benefit	Maternity benefit	Invalidity benefit	Survivors benefit	C.121	C.128	C.130	C.168	C.183			
Slovakia	01.01.1993	✓	✓ (C.130)		✓ (C.128)	✓	✓	✓	✓			01.01.1993	01.01.1993		12.12.2000			
Slovenia	29.05.1992	✓	✓	✓	✓	✓ (C.121)			✓						01.03.2010			
Spain	29.06.1988	✓	✓	✓		✓												
Sweden	12.08.1953	✓	✓ (C.130)	✓	✓ (C.128)	✓ (C.121)	✓	✓				17.06.1969	26.07.1968	14.05.1970	18.12.1990			
Switzerland	18.10.1977	✓			✓ (C.128)	✓	✓	✓				13.09.1977			17.10.1990			
Turkey	29.01.1975	✓	✓	✓	✓	✓	✓	✓										
United Kingdom	27/04/1954	✓	✓	✓	✓	✓	✓	✓										
Uruguay	14.10.2010	✓			✓			✓				28.06.1973	28.06.1973	28.06.1973				
Bolivian Republic of Venezuela	05.11.1982	✓	✓ (C.130)	✓	✓ (C.128)	✓ (C.121)	✓	✓	✓ (C.128)			10.08.1982	01.12.1983	10.08.1982				
Number of Current Ratifications	48	35	34	26	44	35	27	34	28	34	16	15	7	22				

Source: NORMLEX (<http://www.ilo.org/normlex/>)

C.102: Social Security (Minimum Standards) Convention, 1952 (No.102)

C.121: Employment Injury Benefits Convention, 1964 (No.121)

C.128: Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No.128)

C.130: Medical Care and Sickness Benefits Convention, 1969 (No.130)

C.168: Employment Promotion and Protection against Unemployment Convention, 1988 (No.168)

C.183: Maternity Protection Convention, 2000 (No.183)

Annex B. Status of signatures and ratifications of the social security instruments of the Council of Europe

Table B.1: Instruments for social security coordination (as of 1 October 2012)									
Country	Date	European Interim Agreement on Social Security Schemes Relating to Old-age, Invalidity and Survivors (ETS No.1012)	Protocol to the European Interim Agreement on Social Security Schemes Relating to Old-age, Invalidity and Survivors (ETS No.102A)	European Interim Agreement on Social Security Schemes other than Schemes for Old-age, Invalidity and Survivors (ETS No.1013)	Protocol to the European Interim Agreement on Social Security Schemes other than Schemes for Old-age, Invalidity and Survivors (ETS No.102A)	European Convention on Social and Medical Assistance (ETS No.1014)	Protocol to the European Convention on Social and Medical Assistance (ETS No.1014A)	European Convention on Social Security (ETS No.1078)	Supplementary Agreement for the Application of the European Convention on Social Security (ETS No.1078A)
Austria	Signature							14/12/1972	14/12/1972
	Ratification							06/10/1975	06/10/1975
Belgium	Entry in force							03/01/1977	03/01/1977
	Signature	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	26.11.1976	26.11.1976
	Ratification	04.03.1957	04.03.1957	04.03.1957	04.03.1957	24.07.1956	24.07.1956	21.01.1986	21.01.1986
	Entry in force	05.01.1957	05.01.1957	05.01.1957	05.01.1957	08.01.1956	08.01.1956	22.04.1986	22.04.1986
Cyprus	Signature	03.03.1972	03.03.1972	03.03.1972	03.03.1972				
	Ratification	14.03.1973	14.03.1973	14.03.1973	14.03.1973				
Czech Republic	Entry in force	04.01.1973	04.01.1973	04.01.1973	04.01.1973				
	Signature	25.02.1998	25.02.1998	25.02.1998	25.02.1998			21.06.2002	21.06.2002
	Ratification	09.08.2000	09.08.2000	09.08.2000	09.08.2000				
	Entry in force	10.01.2000	10.01.2000	10.01.2000	10.01.2000				
Denmark	Signature	12.11.1953	03.04.1965	12.11.1953	03.04.1965				
	Ratification	30.06.1954	05.05.1965	30.06.1954	05.05.1965				
	Entry in force	07.01.1954	11.01.1965	07.01.1954	06.01.1965				
	Signature	12.01.1999	12.01.1999	12.01.1999	12.01.1999				
Estonia	Ratification	17.04.2002	17.04.2002	17.04.2002	17.04.2002				
	Entry in force	05.01.2002	05.01.2002	05.01.2002	05.01.2002				
France	Signature	12.11.1953	12.11.1953	12.11.1953	12.11.1953				
	Ratification	18.12.1957	18.12.1957	18.12.1957	18.12.1957				
	Entry in force	01.01.1958	01.01.1958	01.01.1958	01.01.1958				
	Signature	12.11.1953	12.11.1953	12.11.1953	12.11.1953				
Germany	Ratification	24.08.1956	24.08.1956	24.08.1956	24.08.1956				
	Entry in force	09.01.1956	09.01.1956	09.01.1956	09.01.1956				

Table B.1 (continued): Instruments for social security coordination (as of 1 October 2012)									
Country	Date	European Interim Agreement on Social Security Schemes Relating to Old-age, Invalidity and Survivors (ETS No.012)	Protocol to the European Interim Agreement on Social Security Schemes Relating to Old-age, Invalidity and Survivors (ETS No.012A)	European Interim Agreement on Social Security Schemes for Old-age, Invalidity and Survivors (ETS No.013)	Protocol to the European Interim Agreement on Social Security other than Schemes for Old-age, Invalidity and Survivors (ETS No.013A)	European Convention on Social and Medical Assistance (ETS No.014)	Protocol to the European Convention on Social and Medical Assistance (ETS No.014A)	European Convention on Social Security (ETS No.018)	Supplementary Agreement for the Application of the European Convention on Social Security (ETS No.018A)
Greece	Signature	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	21.04.1977	25.05.1978
	Ratification	29.05.1961	29.09.1961	29.05.1961	29.09.1961	23.06.1960	23.06.1960		
	Entry in force	06.01.1961	10.01.1961	06.01.1961	10.01.1961	07.01.1960	07.01.1960		
Iceland	Signature	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953		
	Ratification	12.04.1964	12.04.1964	12.04.1964	12.04.1964	12.04.1964	12.04.1964		
Ireland	Entry in force	01.01.1965	10.01.1965	01.01.1965	01.01.1965	01.01.1965	01.01.1965		
	Signature	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	23.02.1979	23.02.1979
Italy	Ratification	31.03.1954	31.03.1954	31.03.1954	31.03.1954	31.03.1954	31.03.1954		
	Entry in force	07.01.1954	10.01.1954	07.01.1954	10.01.1954	07.01.1954	07.01.1954		
	Signature	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	14.12.1972	14.12.1972
Latvia	Ratification	26.08.1958	26.08.1958	26.08.1958	26.08.1958	07.01.1958	07.01.1958	01.11.1990	01.11.1990
	Entry in force	09.01.1958	09.01.1958	09.01.1958	09.01.1958	08.01.1958	08.01.1958	04.12.1990	04.12.1990
	Signature	13.04.2000	13.04.2000	13.04.2000	13.04.2000				
Lithuania	Ratification	13.08.2001	13.08.2001	13.08.2001	13.08.2001	13.08.2001	13.08.2001		
	Entry in force	09.01.2001	09.01.2001	09.01.2001	09.01.2001	09.01.2001	09.01.2001		
	Signature	19.11.1997	19.11.1997	19.11.1997	19.11.1997	19.11.1997	19.11.1997		
Luxembourg	Ratification	18.11.1999	18.11.1999	18.11.1999	18.11.1999	18.11.1999	18.11.1999		
	Entry in force	12.01.1999	12.01.1999	12.01.1999	12.01.1999	12.01.1999	12.01.1999		
	Signature	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	14.12.1972	14.12.1972
Malta	Ratification	18.11.1958	18.11.1958	18.11.1958	18.11.1958	18.11.1958	18.11.1958	13.11.1975	13.11.1975
	Entry in force	12.01.1958	12.01.1958	12.01.1958	12.01.1958	12.01.1958	12.01.1958	03.01.1977	03.01.1977
	Signature					05.07.1968	05.07.1968		
Moldova, Republic of	Ratification			05.06.1969					
	Entry in force			06.01.1969					
	Signature							22.05.2002	22.05.2002
	Ratification								
	Entry in force								

Table B.1 (continued): Instruments for social security coordination (as of 1 October 2012)									
Country	Date	European Interim Agreement on Social Security Schemes Relating to Old-age, Invalidity and Survivors (ETS No./012)	Protocol to the European Interim Agreement on Social Security Schemes other than Schemes for Old-age, Invalidity and Survivors (ETS No./013)	European Interim Agreement on Social Security Schemes for Old-age, Invalidity and Survivors (ETS No./014)	Protocol to the European Interim Agreement on Social and Medical Assistance (ETS No./014A)	European Convention on Social and Medical Assistance (ETS No./014)	Protocol to the European Convention on Social and Medical Assistance (ETS No./014A)	European Convention on Social Security (ETS No./018)	Supplementary Agreement for the Application of the European Convention on Social Security (ETS No./018A)
The Netherlands	Signature	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	11.05.1975	11.05.1975
	Ratification	03.11.1955	03.11.1955	03.11.1955	20.07.1955	20.07.1955	20.07.1955	02.08.1977	02.08.1977
	Entry in force	04.01.1955	04.01.1955	04.01.1955	08.01.1955	08.01.1955	08.01.1955	05.09.1977	05.09.1977
Norway	Signature	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953		
	Ratification	09.09.1954	09.09.1954	09.09.1954	09.09.1954	09.09.1954	09.09.1954		
	Entry in force	10.01.1954	10.01.1954	10.01.1954	10.01.1954	10.01.1954	10.01.1954		
Portugal	Signature	27.04.1977	27.04.1977	27.04.1977	27.04.1977	27.04.1977	27.04.1977	24.11.1977	24.11.1977
	Ratification	21.04.1978	21.04.1978	21.04.1978	07.04.1978	07.04.1978	07.04.1978	18.03.1983	18.03.1983
	Entry in force	05.01.1978	05.01.1978	05.01.1978	08.01.1978	08.01.1978	08.01.1978	19.06.1983	19.06.1983
Spain	Signature	02.09.1981	02.09.1981	02.09.1981	02.09.1981	02.09.1981	02.09.1981	11.12.1984	11.12.1984
	Ratification	31.01.1984	15.01.1987	15.01.1987	21.11.1983	21.11.1983	21.11.1983	24.01.1986	24.01.1986
	Entry in force	02.01.1984	02.01.1987	02.01.1987	12.01.1983	12.01.1983	12.01.1983	25.04.1986	25.04.1986
Sweden	Signature	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953		
	Ratification	09.02.1955	09.02.1955	09.02.1955	09.02.1955	09.02.1955	09.02.1955		
	Entry in force	10.01.1955	10.01.1955	10.01.1955	10.01.1955	10.01.1955	10.01.1955		
Turkey	Signature	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	14.12.1972	14.12.1972
	Ratification	14.04.1967	14.04.1967	14.04.1967	12.02.1976	12.02.1976	12.02.1976	12.02.1976	12.02.1976
	Entry in force	05.01.1967	05.01.1967	05.01.1967	01.01.1977	01.01.1977	01.01.1977	03.01.1977	03.01.1977
United Kingdom	Signature	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953	12.11.1953		
	Ratification	09.07.1954	09.07.1954	09.07.1954	09.07.1954	09.07.1954	09.07.1954		
	Entry in force	10.01.1954	10.01.1954	10.01.1954	10.01.1954	10.01.1954	10.01.1954		

Source: Council of Europe <http://www.conventions.coe.int>

Table B.2: European Code of Social Security and related instruments by branch (as of 1 October 2012)															
Country	Code of Social Security (EIS No./048)		Medical care benefit	Sickness benefit	Unemployment benefit	Old-age benefit	Employment benefit	Family benefit	Maternity benefit	Invalidity benefit	Survivors benefit	Protocol of Social Security (EIS No./048A)		Code (revised) of Social Security (EIS No./199)	
	Signature	Entry into force										Signature	Entry into force	Signature	Entry into force
Albania															
Andorra															
Armenia															
Austria	17.02.1970													19.02.1991	
Azerbaijan															
Belgium	13.05.1964	13.08.1969	14.08.1970	P	P	P	P	P	P	P	P	13.05.1964	13.08.1969	14.08.1970	06.11.1990
Bosnia and Herzegovina															
Bulgaria															
Croatia															
Cyprus	15.04.1992	15.04.1992	16.04.1993	✓	✓	✓	✓	✓	✓	✓	✓				06.11.1990
Czech Republic	10.02.2000	8.09.2000	09.09.2001	✓	✓	✓	✓	✓	✓	✓	✓	10.02.2000			
Denmark	16.04.1964	16.02.1973	17.02.1974	✓	✓	✓	✓	✓	✓	✓	✓	16.04.1964			
Estonia	24.01.2000	19.05.2004	20.05.2005	✓	✓	✓	✓	✓	✓	✓	✓				
Finland															
France	04.10.1976	17.02.1986	18.02.1987	✓	✓	✓	✓	✓	✓	✓	✓	04.10.1976			06.11.1990
Georgia															
Germany	16.04.1964	27.01.1971	28.01.1972	P	P	P	P	P	P	P	P	16.04.1964	27.01.1971	28.01.1972	06.11.1990
Greece	21.04.1977	09.06.1981	10.06.1982	✓	✓	✓	✓	✓	✓	✓	✓	25.05.1978			06.11.1990
Hungary															
Iceland															
Ireland	16.02.1971	16.02.1971	17.02.1972	✓	✓	✓	✓	✓	✓	✓	✓				
Italy	16.04.1964	20.01.1977	21.01.1978		✓	✓	✓	✓	✓			16.04.1964			06.11.1990
Latvia	28.11.2003														
Liechtenstein															
Lithuania	15.11.2005														
Luxembourg	16.04.1964	03.04.1968	04.04.1969	P	P	P	P	P	P	P	P	16.04.1964	03.04.1968	04.04.1969	06.11.1990
Malta															
Moldova															
Monaco	16.09.2003														

Country	Table B.2 (continued): European Code of Social Security and related instruments by branch (as of 1 October 2012)										Code (revised) of Social Security (ETS No.-199)			
	Code of Social Security (ETS No.-048)					Protocol of Social Security (ETS No.-048A)					Signature	Entry into force		
	Signature	Ratification	Entry into force	Medical care benefit	Sickness benefit	Unemployment benefit	Old-age benefit	Employment benefit	Family benefit	Maternity benefit			Invalidity benefit	Survivors benefit
Netherlands	15.07.1964	16.03.1967	17.03.1968	P	P	P	P	P	P	P	P	P	01.06.1993	22.12.2009
Norway	16.04.1964	25.03.1966	17.03.1968	✓	P	✓	P	P	P	P	P	P	06.11.1990	
Poland														
Portugal	19.11.1981	15.05.1984	16.05.1985	✓	P	P	P	✓	P	✓	P	P	27.03.1991	
Romania	22.05.2002	09.10.2009	10.10.2010	✓	✓		✓	✓	✓					
Russia														
San Marino														
Serbia														
Slovakia	24.02.2010													
Slovenia	20.01.2003	26.02.2004	27.02.2005	✓	✓	✓	✓	✓	✓	✓	✓	✓		
Spain	12.02.1993	08.03.1994	09.03.1995	✓	✓	✓	✓	✓	✓	✓	✓	✓		
Sweden	16.04.1964	25.09.1965	17.03.1968	✓	P	P	P	✓	P	✓	P	P	06.11.1990	
Switzerland	01.12.1976	16.09.1977	17.09.1978				✓	✓	✓	✓	✓	✓		
FYR														
Macedonia														
Turkey	13.05.1964	07.03.1980	08.03.1981	✓	✓		✓	✓	✓	✓	✓	✓	06.11.1990	
Ukraine														
United Kingdom	14.03.1967	12.01.1968	13.01.1969	✓	✓	✓	✓	✓	✓					

Source: Council of Europe <http://www.conventions.coe.int>

P indicates that the state has ratified the Protocol of Social Security (ETS No. 048A)

(P)* Netherlands has denounced Part (Employment injury benefit) Signature 21/02/2007; Ratification 22/02/2007; Entry into force 17/03/2008

Annex C. Summary of old-age benefit provisions in seven non-EU countries

(As of December 2012)

Key provisions	Albania	Bosnia and Herzegovina	FYR Macedonia	Moldova	Montenegro	Serbia	Ukraine
Basic structure	Mandatory State pension (PAG, defined benefit) Voluntary private pension	Federation of BiH (FBiH) and Republika Srpska (RS): Mandatory public pension (PAG, defined benefit) District of Brčko: Employees should choose to register with either the FBiH or RS scheme	Mandatory State pension (PAG, defined benefit) Mandatory private pension (funded, defined contribution) Voluntary private pension	Mandatory State pension (PAG, defined benefit)	Mandatory State pension (PAG, defined benefit)	Mandatory State pension (PAG, defined benefit) Voluntary private pension	Mandatory State pension (PAG, defined benefit) Mandatory private pension (funded, defined contribution) – not yet implemented Voluntary private pension
Regulating law	Law on Social Insurance (No. 7703/1993, amended in 1995–2009).	FBiH: Law on Pension and Disability Insurance (No. 29/1998, amended in 2000–2009). RS: Law on Pension and Disability Insurance, (No. 32/2000 amended in 2000–2008, 2011).	Law on Pension and Disability Insurance (No. 80/1993, amended in 1994–2010). Law on Mandatory Fully Funded Pension Insurance (No. 29/2002, amended in 2003–2011).	Law on Benefits Provided by the State Social Insurance Scheme (No. 156-XIV/1998). Law on the Public Social Insurance Scheme (No. 489-XIV/1999).	Law on Pension and Disability Insurance (No. 54/2003, amended in 2004–2010). Law on Contributions for Compulsory Social Insurance (No. 13/2007, amended in 2008–2009).	Law on Pension and Disability Insurance (No. 34/2003, amended 2004–2010); Law on Compulsory Social Insurance Contributions (No. 84/2004, amended in 2005–2010).	Law on Mandatory State Pension Insurance, (No. 1058-III/2003, amended in 2004–2012).
Coverage limited to nationals or permanent residents	No	No	No	Yes Law No. 156-XIV/1998, Art. 1.	No	No	No
Qualifying conditions							
Normal retirement age	Men: 65 years; Women: 60 years	FBiH: Men: 65 years; Women: 65 years RS: Men: 65 years; Women: 60 years (65 years by 2019)	Men: 64 years; Women: 62 years	Men: 62 years; Women: 57 years	Men: 67 years; Women: 67 years	Men: 65 years; Women: 60 years	Men: 60 years (Civil servants 62 years by 2017); Women: 55 years (60 years by 2021)
Minimum qualifying period	15 years of insurance	FBiH: 20 years of insurance RS: 15 years of insurance	15 years of insurance	15 years of insurance	15 years of insurance	15 years of insurance	5 years of insurance

Key provisions	Albania	Bosnia and Herzegovina	FYR Macedonia	Moldova	Montenegro	Serbia	Ukraine
Early retirement	Men: 63 years with 35 years of insurance Women: 57 years with 35 years of insurance. Women with 6 or more children: 50 years with 30 years of insurance Reduced by 0.6% for each month of early retirement	FBIH: Men: 60 years with 35 years of insurance Women: 55 years with 30 years of insurance until 2015 Reduced by 1% (men)/ 0.5% (women) for each month of early retirement RS:	The retirement age for workers in hazardous jobs is reduced by 1 year for every 5 years in hazardous work.	Men: 54 years with 31 years (5 years by 2020) of insurance (at least 1.5 years in hazardous work); Women: 49 years with 30 years (5 years by 2020) of insurance (at least 1.5 years in hazardous work); Women: 54 years with 30 years of insurance and with five or more children	Men and Women: 62 years with 15 years of insurance	Men: 53 years with 40 years of insurance; Women: 53 years with 35 years of insurance; From 2023 onwards: Men: 58 years with 40 years of insurance; Women: 58 years with 38 years of insurance.	Workers in hazardous jobs can retire up to 5 years earlier than the normal retirement age. Special occupational groups with 20 years of insurance can retire at 45 years.
Pension formula	$P = [PB + 1\% \times T \times W] \times T_{pr} / 35$ PB: Basic pension (1,117 leks for urban workers; 7468 leks for rural workers; July 2021) T: Insurance year; T_{pr} : Insurance year up to 35 W: Reference wage	FBIH: $P = [1.5\% + 1.5\% \times T_{30}] \times W$ T_{30} : Insurance year in excess of 20; W: Reference wage RS: $P = PC \times T \times PV$ PC: Personal coefficient T: Insurance period PV: general point (9.24, KM; December 201)	Men: $P = [35\% + 1.8\% \times T_{15}] \times W$ Women: $P = [40\% + 2.6\% \times T_{15-20} + 1.8\% \times T_{20}] \times W$ T_{15} : Insurance year in excess of 15; T_{15-20} : Insurance year in excess of 15 up to 5; T_{20} : Insurance year in excess of 20 years; W: Reference wage	$P = [42\% + 2\% \times T_{30} + 2\% \times (R - Rn)] \times W$ T_{30} : Insurance year in excess of 31 for men and 30 for women (55 by 2020); R: Age at retirement; Rn: Statutory retirement age; W: Reference wage	$P = PC \times T \times PV$ PC: Personal coefficient T: Pension service PV: Value of the pension for one personal point	$P = PC \times T \times PV$ PC: Personal coefficient T: Insurance period PV: general point (604,51 RSD; January 2010) For women, the insurance period is increased by 15% (gradually reduced to 6% by 2021)	$P = 1.35\% \times T \times W$ T: Insurance period W: Reference wage For each insurance year in excess of 25 years (men) / 20 years (women), the pension is increased by 1%.

Key provisions	Albania	Bosnia and Herzegovina	FYR Macedonia	Moldova	Montenegro	Serbia	Ukraine
Normal Reference wage for pensions age	Average contributory wage over the entire insurance period (the contributory wages before 1994, were determined by the Council of Ministers).	<p><i>FBiH:</i> Average net contributory wage of 27 best years after 1970 (gradually extended to the entire period).</p> <p><i>RS:</i> Average net contributory wage over the entire insurance period after 1970. The personal coefficient in a year cannot exceed 4.</p>	Average net contributory wage over the entire insurance period after 1970	Average gross contributory wage over the entire insurance period	Average contributory wage over the entire insurance period after 1970	Average contributory wage over the entire insurance period	Average contributory wage of 36 months before retirement; or Average contributory wage of the best 60 months before 2000
Minimum pension (per month, 2012)	A flat-rate basic pension (1,117 leks for urban workers; 7468 leks for rural workers; July 2011)	<p><i>FBiH:</i> 60% of the average pension (350.52 KM)</p> <p><i>RS:</i> 60% of the average pension (15–19 years of insurance); 70% of the average pension (20–29 years of insurance); 80% of the average pension (30–39 years of insurance); 100% of the average pension (40 years of insurance or more); Pensions cannot be lower than 50% of the average pension.</p>	Defined according to the average wage in the country 4% (with more than 35 years of insurance for men and 30 for women), 38% (25 years of insurance for men and 20 for women) and 35% (less than 25 years of insurance for men and 20 for women) of the average net wage	702.54 lei for employees; 625.44 lei for farmers (October 2012)	97.86 Euro (January 2011)	Employed and self-employed: 27% of the average wage of employees in previous year (11,448 RSD for January 2011); Farmers: 9,000 RSD (January 2011)	The minimum subsistence level for individuals incapable of work (836 UAH in 2012).
Maximum pension	75% of the average net wage of the best 3 years in the last 10 years; or 22,234 leks for urban workers; 11,117 leks for rural workers (July 2011)	<p><i>FBiH:</i> 75% of the reference wage</p> <p><i>RS:</i> The annual maximum personal coefficient is 4.</p>	2.7 times of the established average wage	No maximum pension	The maximum personal coefficient is set at 4.	Before 2011: 30.8% of the monthly net average wage Since January 2011 : 29.3% of the monthly net average wage	10 times the minimum subsistence level for individuals incapable to work (8,360 UAH in 2012)

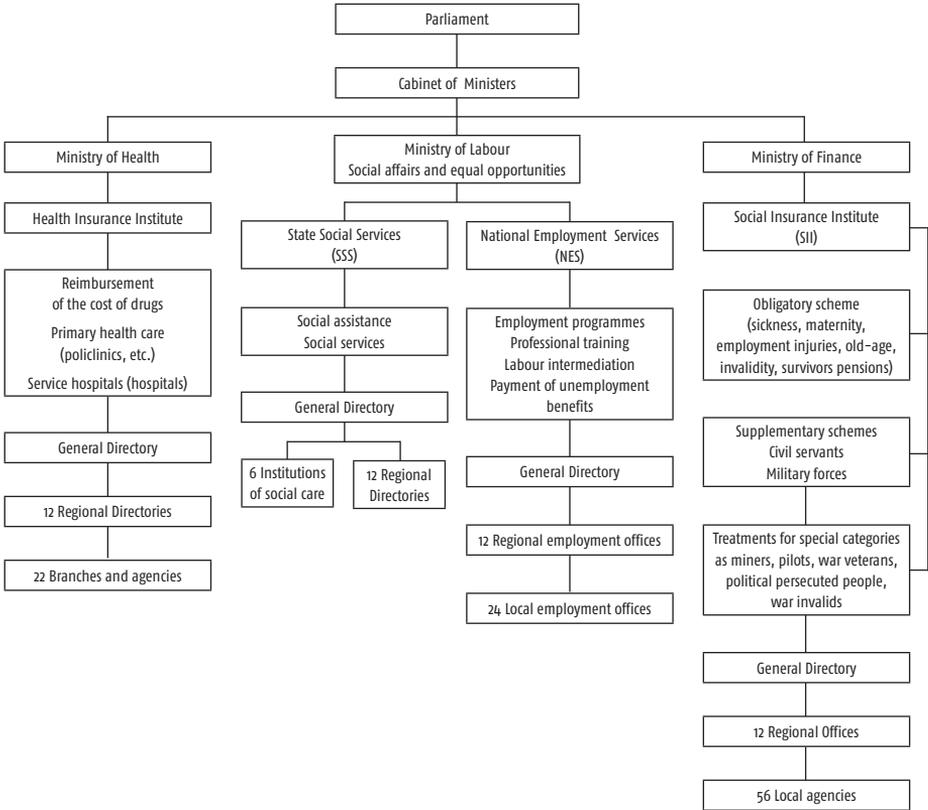
Key provisions	Albania	Bosnia and Herzegovina	FJR Macedonia	Moldova	Montenegro	Serbia	Ukraine
Supplements	None	None	None	None	For women, the insurance period is increased by 6 months for every child.	For women with 3 or more children the insurance period is increased by 2 years.	Non-working pensioners with dependents incapable of work: 100% of minimum old-age pension for each dependent
Duration of benefits	Life	Life	Life	Life	Life	Life	Life
Indexation	Basic pension is indexed annually according to the change in the price of a basket of goods Increment is indexed annually according to the change in the average paid contributions.	FBIH: Benefits are indexed subject to funds available for pension payments. RS: From 2013, benefits are indexed based on 50% of the increase in the costs of living and 50% of the increase in the national average wage over the previous year.	Indexation is based on 50% of the increase in the increase in the national average wage over the previous 6 months. Benefits are indexed in January and July.	Indexation is based on the increase in consumer prices and the increase in national average earnings over the previous year. Benefits are indexed in April.	Indexation is based on 75% of the increase in the CPI and 25% of the increase in average wage in the previous year compared to the prior year. Benefits are indexed in January.	Indexation is based on the increase in Consumer Price index and the real growth of GDP Benefits are indexed in April and October.	Benefits are adjusted periodically according to changes in the national average wage and inflation.
Financing sources	Contributions and State Budget	FBIH: Contributions and Cantonal budgets. RS: Contributions and Entity budget.	Contributions and State Budget	Contributions and State Budget	Contributions and State Budget	Contributions and State Budget	Contributions and State Budget
Contribution rates for old-age, survivors and invalidity benefits	Employer: 8.8% Employee: 12.8%	FBIH: Employer: 7% Employee: 17% RS: Employer: none Employee: 18%	Employer: 17.5%* Employee: none (*) Including also employment injury benefits	Employer: 3% Employee: 6% (for non-agricultural sector)	Employer: 5.5% Employee: 15%	Employer: 11% Employee: 11% (including also employment injury pensions)	Employer: 33.2% Employee: 2% to 4.5%
Minimum and maximum contributory wage	Minimum: the minimum wage Maximum: 5 times the minimum wage	Minimum: the minimum wage Maximum: none	Minimum: 65% of the monthly average gross wage Maximum: 3 times monthly average gross wage	Minimum: none Maximum: 5 times average monthly wage	–	Minimum: 35% of the monthly average gross wage in the previous month Maximum: 5 times average monthly gross wage in the previous month	Minimum: the minimum wage (1,073 UAH in January 2012) Maximum: 15 times the minimum subsistence level for individuals incapable of work (18,598 UAH in June 2012)

Source: Social Security Programs Throughout the World (<http://www.ssa.gov>)
Council of Europe MISSCEO (<http://www.socialcouncil.ceo.int>)

Annex D.

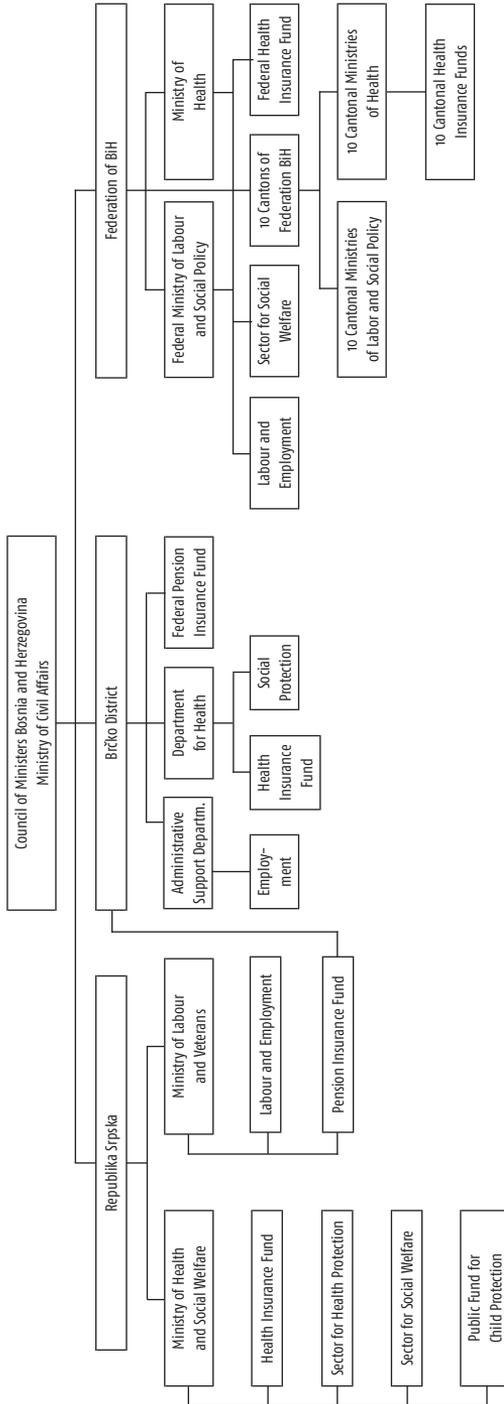
Organizational structure of social security systems in seven non-EU countries

Figure D.1: Albania (as of December 2012)



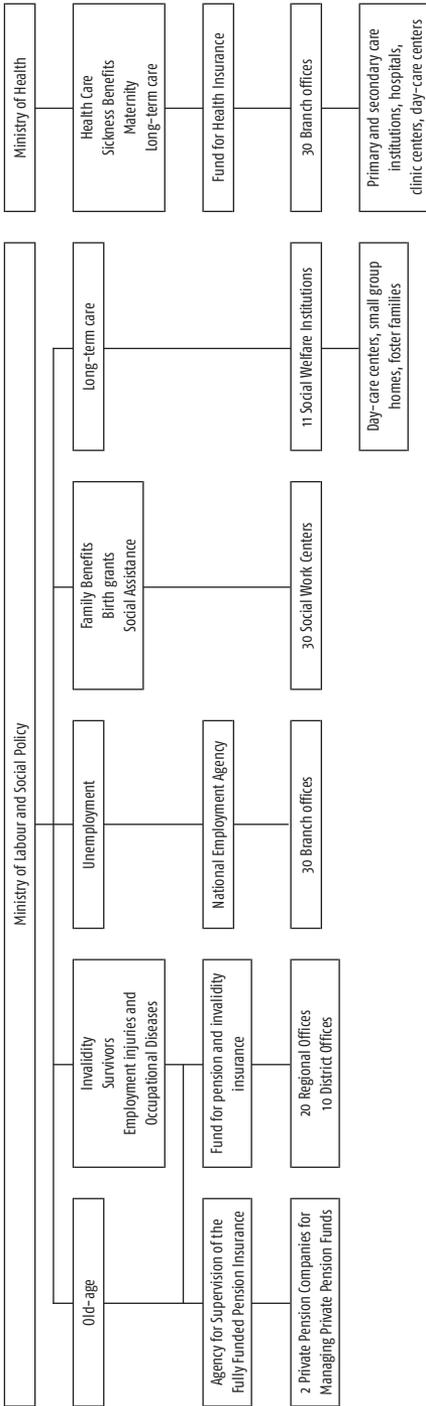
Source: Mutual Information System on Social Protection of the Council of Europe (MISSCEO <http://www.coe.int>)

Figure D.2: Bosnia and Herzegovina (as of December 2012)



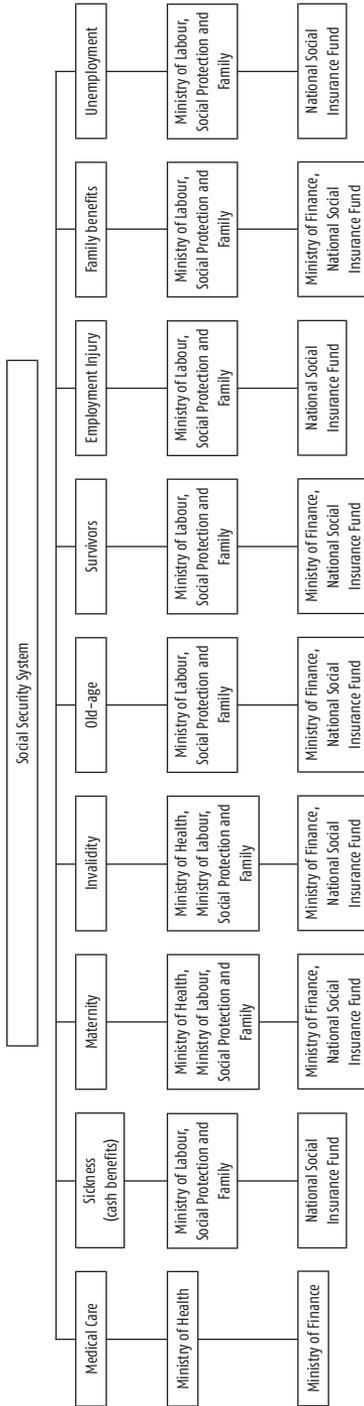
Source: Mutual Information System on Social Protection of the Council of Europe (MISSEED <http://www.coe.int>)

Figure D.3: FYR Macedonia (as of December 2012)



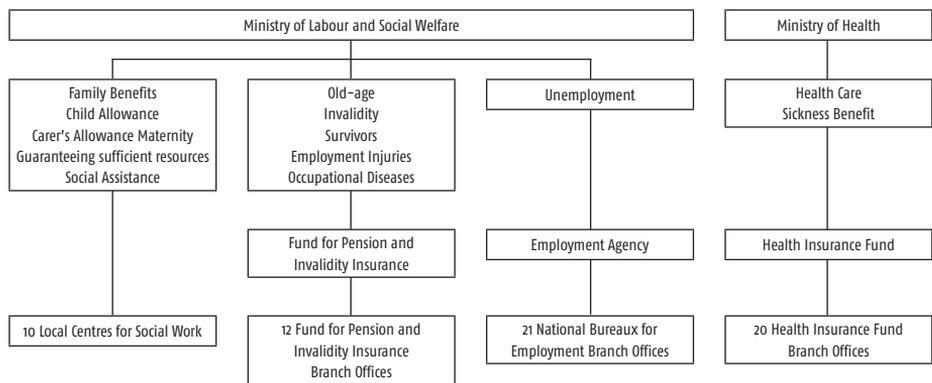
Source: Mutual Information System on Social Protection of the Council of Europe (MISSEO <http://www.coe.int>)

Figure D.4: Moldova (as of December 2012)



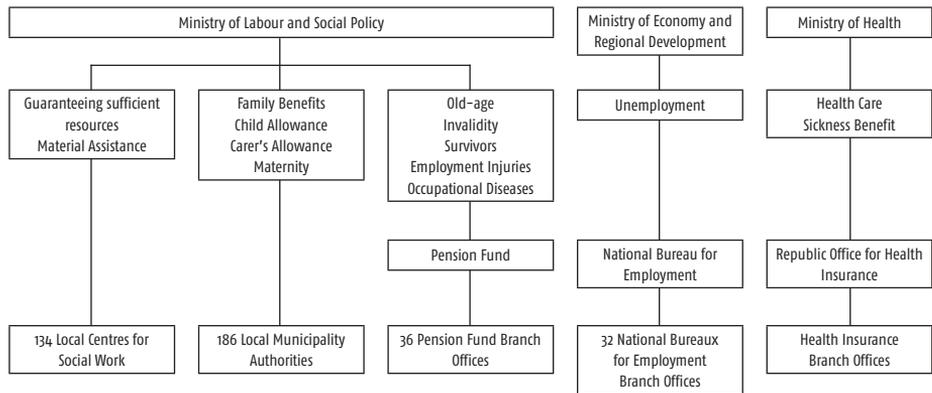
Source: Mutual Information System on Social Protection of the Council of Europe (MISSEED <http://www.coe.int>)

Figure D.5: Montenegro (as of December 2012)



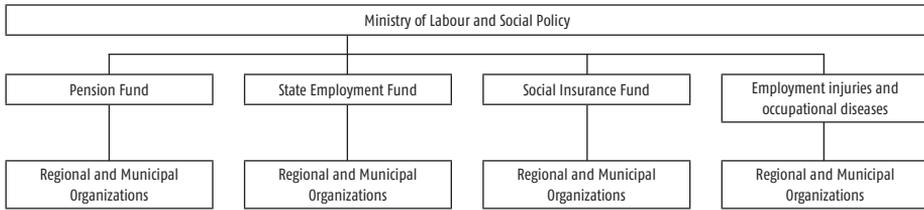
Source: Mutual Information System on Social Protection of the Council of Europe (MISSCEO <http://www.coe.int>)

Figure D.6: Serbia (as of December 2012)



Source: Mutual Information System on Social Protection of the Council of Europe (MISSCEO <http://www.coe.int>)

Figure D.7: Ukraine (as of December 2012)



Source: Mutual Information System on Social Protection of the Council of Europe (MISSCEO <http://www.coe.int>)

Annex E.

Status of bilateral social security agreements by country

Table E.1: Albania (as of 1 October 2012)													
Country	Date of signature	Date of ratification	Entry into force	Branch									
				Old-age	Disability	Survivors*	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment	
Czech Republic	30.06.1960												
Turkey	15.07.1998	15.05.2003	15.04.2005	✓	✓		✓	✓	✓				

Source: Social Insurance Institute Albania (<http://www.iss.gov.al>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.2: Bosnia and Herzegovina (as of 1 October 2012)													
Country	Date of signature	Date of ratification	Entry into force	Branch									
				Old-age	Disability	Survivors*	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment	
Austria	1999		11.01.2001										
Belgium	03.06.2006	12.02.2009		✓	✓	✓	✓	✓	✓	✓			✓
Croatia	10.04.2000		11.01.2001	✓	✓	✓	✓	✓	✓				✓
France	04.12.2003		04.01.2004	✓	✓	✓	✓	✓	✓			✓	
FYR of Macedonia	17.02.2005	13.09.2005	04.01.2006	✓	✓		✓					✓	✓
Hungary	06.12.2008												
Slovenia	19.02.2007		20.09.2007	✓	✓		✓		✓				✓
SR Yugoslavia	29.10.2002		01.01.2004	✓	✓		✓	✓	✓				✓
Turkey	27.05.2003		09.01.2004	✓	✓		✓	✓	✓				✓

Source: UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families: Second periodic reports of State parties (<http://www2.ohchr.org>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.3: FYR Macedonia (as of 1 October 2012)

Country	Date of signature	Date of ratification	Entry into force	Branch									
				Old-age	Disability	Survivors*	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment	
Australia	26.10.2009	18.02.2010	04.01.2011	✓	✓	✓							
Austria	31.07.1997		01.04.1998										
Belgium	13.02.2007	06.01.2007	06.01.2009	✓	✓		✓	✓	✓			✓	
Bosnia and Herzegovina	17.02.2005	13.09.2005	04.01.2006	✓	✓		✓	✓	✓			✓	✓
Bulgaria	02.06.2003	17.04.2003	08.01.2003	✓	✓	✓	✓	✓	✓			✓	✓
Canada	26.08.2009	02.04.2010	11.01.2011	✓	✓	✓							
Croatia	05.09.1997	07.09.1997	11.01.1997	✓	✓		✓		✓			✓	✓
Czech Republic	10.07.2005	02.10.2005	01.01.2007	✓	✓		✓	✓	✓			✓	✓
Denmark	20.03.2000	05.09.2000		✓			✓					✓	
France	14.12.1995		14.12.1995	✓	✓	✓	✓	✓	✓			✓	✓
Germany	07.08.2003	20.10.2003	01.01.2005										
Luxembourg	28.11.2006	04.02.2007	04.01.2009	✓	✓		✓	✓	✓			✓	✓
Montenegro	22.10.2011	03.08.2011	08.01.2011	✓	✓		✓		✓	✓			✓
Poland	04.06.2006	26.02.2007	07.01.2007				✓	✓	✓			✓	✓
Romania	27.02.2006	28.04.2006	03.01.2008	✓	✓	✓	✓	✓	✓			✓	
Slovenia	13.07.1998	25.02.1999	04.01.2001	✓	✓	✓			✓				✓
The Netherlands	17.10.2005	02.10.2005	04.01.2007	✓	✓			✓	✓			✓	✓
Turkey	07.06.1998	02.05.1999	07.01.2000	✓	✓		✓	✓	✓				

Source: Republic of Macedonia Ministry of Labour and Social Policy (<http://www.mtsp.gov.mk>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.4: Republic of Moldova (as of 1 October 2012)

Country	Date of signature	Date of ratification	Entry into force	Branch									
				Old-age	Disability	Survivors*	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment	
Austria	11.05.2011												
Bulgaria	12.05.2008	02.02.2009	09.01.2009	✓	✓	✓	✓		✓				✓
Czech Republic	29.11.2011												
Estonia	19.10.2011												
Luxembourg	14.06.2010	29.09.2011	01.01.2012	✓	✓	✓	✓	✓	✓			✓	✓
Portugal	02.11.2009	15.07.2010	12.01.2010										
Romania	27.04.2010	24.09.2010	09.01.2011	✓	✓	✓	✓		✓				✓

Source: ILO NORMLEX (<http://www.ilo.org>)

Table E.5: Montenegro (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Austria	06.05.1998		05.01.2002	✓	✓		✓	✓	✓			✓
Bosnia and Herzegovina	29.10.2002		01.01.2004	✓	✓		✓	✓	✓			✓
Croatia	15.09.1997		05.01.2003	✓	✓	✓	✓	✓	✓			✓
Czech Republic	17.01.2002		12.01.2002	✓	✓		✓	✓	✓		✓	✓
Egypt	27.06.1987		02.01.1989									
France	26.03.2003		26.03.2003	✓	✓	✓	✓	✓	✓		✓	
FIR of Macedonia	22.10.2011	03.08.2011	08.01.2011	✓	✓		✓		✓	✓		✓
Germany	10.12.1968		09.01.1969	✓	✓	✓	✓		✓			
Hungary	20.05.2008		04.01.2009									
Libya	04.06.1989		06.01.1990									
Luxembourg	19.02.2008		05.01.2009	✓	✓		✓	✓	✓		✓	✓
Romania	20.03.1976		12.01.1976							(✓)*		
Serbia	17.12.2006		01.01.2008	✓	✓		✓	✓	✓			✓
Slovenia	10.08.2010		01.01.2012	✓		✓	✓		✓	✓		✓

Source: Pension and Disability Fund of Montenegro (<http://www.fondpio.me>)

ILO NORMLEX (<http://www.ilo.org>)

(✓)* Provision of medical care in the event of sickness, maternity and accident.

Table E.6: Serbia (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Austria	06.05.1998		05.01.2002	✓	✓		✓	✓	✓			✓
Belgium	15.07.2010		15.12.2010	✓	✓		✓	✓	✓		✓	✓
Bosnia and Herzegovina	29.10.2002		01.01.2004	✓	✓		✓	✓	✓			✓
Bulgaria	19.09.2011			✓	✓		✓	✓	✓			✓
Croatia	15.09.1997		05.01.2003	✓	✓	✓	✓	✓	✓			✓
Cyprus	20.05.2010			✓	✓	✓	✓	✓	✓			✓
Czech Republic	17.01.2002		12.01.2002	✓	✓		✓	✓	✓		✓	✓
Egypt	27.06.1987		02.01.1989									
FIR of Macedonia	29.12.2000	23.01.2002	01.04.2002	✓	✓		✓	✓	✓		✓	✓
Germany	10.12.1968		09.01.1969	✓	✓	✓	✓		✓			
Libya	04.06.1989		06.01.1990									
Luxembourg	27.10.2003	08.04.2005	01.09.2005	✓	✓	✓	✓	✓	✓		✓	✓
Montenegro	17.12.2006		01.01.2008	✓	✓		✓	✓	✓			✓
Poland	16.01.1958		01.01.1959	✓	✓	✓	✓	✓	✓		✓	
Romania	20.03.1996							✓				
Slovenia	29.09.2009		01.11.2010	✓	✓		✓	✓	✓			✓
Switzerland	10.11.2010		15.10.2010	✓	✓		✓	✓	✓		✓	

Source: Institute for Social Insurance (<http://www.zso.gov.rs>)

ILO NORMLEX (<http://www.ilo.org>)

Table E.7: Ukraine (as of 1 October 2012)													
Country	Date of signature	Date of ratification	Entry into force	Branch									
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment	
Armenia	17.06.1995	26.04.1996	06.10.1996										
Azerbaijan	28.07.1995	05.07.1996	11.02.1996										
Belarus	17.07.1995	26.04.1996	16.07.1996	✓	✓	✓							
Bulgaria	09.04.2001	22.11.2002	04.01.2003		✓		✓			✓			✓
Czech Republic	07.04.2001	22.11.2002	04.01.2003	✓	✓	✓	✓	✓	✓				
Estonia	20.02.1997	11.04.1997	28.01.1998										
Georgia	01.09.1995	22.11.1995	22.12.1995										
Hungary	20.12.1962	31.05.1963	04.12.1963										
Kazakhstan	21.09.1995		21.09.1995										
Latvia	26.02.1998	19.03.1999	06.11.1999										
Lithuania	23.04.2001	01.10.2002	02.08.2002	✓	✓	✓							
Romania	24.12.1960	05.10.1961	27.06.1961	✓	✓	✓	✓	✓	✓			✓	
Slovakia	12.06.2000	20.09.2001	01.01.2002										
Spain	10.07.1996	17.12.1997	27.03.1998	✓	✓	✓	✓	✓	✓			✓	
Viet Nam	04.08.1996	02.04.1998	03.06.1998										

Source: UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families: Second periodic reports of State parties (<http://www2.ohchr.org>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.8: Austria (as of 1 October 2012)													
Country	Date of signature	Date of ratification	Entry into force	Branch									
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment	
Australia	01.04.1992		01.12.1992	✓	✓	✓						✓	
Bosnia and Herzegovina	1999		11.01.2001										
Canada	24.02.1987		01.11.1987	✓	✓	✓							
Chile	19.06.1997		01.12.1999	✓	✓	✓							
Croatia	16.01.1997		01.10.1998	✓	✓	✓	✓	✓	✓				
FYR of Macedonia	31.07.1997		01.04.1998										
Iceland	18.11.1993		01.02.1996	✓	✓	✓	✓	✓	✓			✓	✓
Israel	28.11.1973		01.01.1975	✓	✓	✓	✓	✓	✓			✓	✓
Korea, Republic of	01.01.2010		01.10.2010	✓	✓	✓							
Liechtenstein	23.09.1966		01.09.1998	✓	✓	✓							
Moldova, Republic of	11.05.2011												
Montenegro	06.05.1998		05.01.2002	✓	✓		✓	✓	✓				✓
Norway	18.10.1996		01.06.1998	✓	✓	✓	✓	✓	✓			✓	✓
Philippines	01.12.1980		01.04.1982	✓	✓	✓	✓						
Quebec	09.12.1993		01.06.1994	✓	✓	✓							
Serbia	06.05.1998		05.01.2002	✓	✓		✓	✓	✓				✓
Switzerland	15.11.1967		01.01.1969	✓	✓	✓	✓	✓	✓			✓	
Tunisia	04.12.1989		01.03.1991	✓	✓	✓	✓	✓	✓				
Turkey	02.12.1982		01.04.1985	✓	✓	✓	✓	✓	✓			✓	
United States	13.07.1990		01.11.1991	✓	✓	✓							
Uruguay	14.01.2009	19.08.2011	01.12.2011	✓	✓	✓	✓	✓					

Source: Austrian Social Service (<https://www.sozialversicherung.at>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.9: Belgium (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Algeria	27.02.1968		01.10.1969	✓	✓	✓	✓	✓	✓	✓	✓	✓
Australia	20.11.2002		01.07.2005	✓	✓	✓				✓		
Bosnia and Herzegovina	03.06.2006	12.02.2009		✓	✓	✓	✓	✓	✓	✓		✓
Canada	10.05.1984		01.01.1987	✓	✓	✓						
Chile	09.09.1996		01.11.1999	✓	✓	✓						
Congo, Republic of	03.05.1968		01.10.1971	✓	✓	✓	✓	✓	✓		✓	
Croatia	31.10.2001		01.08.2005	✓	✓	✓	✓	✓	✓	✓		✓
FYR of Macedonia	13.02.2007		06.01.2009	✓	✓		✓	✓	✓		✓	
India	03.11.2006		01.09.2009	✓	✓	✓						
Israel	05.07.1971		01.05.1973	✓	✓	✓	✓					
Japan	23.02.2005			✓	✓	✓						
Korea, Republic of	05.07.2005		01.07.2009	✓	✓	✓						
Morocco	24.06.1968		01.02.1971	✓	✓	✓	✓	✓	✓	✓	✓	✓
Philippines	07.12.2001		01.08.2005	✓	✓	✓						
Quebec	28.05.2006	23.06.2010	01.11.2011	✓	✓	✓	✓					
San Marino	22.04.1955		01.10.1956	✓	✓	✓	✓	✓	✓	✓	✓	✓
Serbia	15.07.2010		15.12.2010	✓	✓	✓	✓	✓	✓		✓	✓
Switzerland	24.09.1975		01.05.1977	✓	✓	✓	✓	✓			✓	
Tunisia	29.01.1975		01.11.1976	✓	✓	✓	✓	✓	✓	✓	✓	✓
Turkey	04.07.1966		01.05.1968	✓	✓	✓	✓	✓	✓	✓	✓	
United States	19.02.1982		01.07.1984	✓	✓	✓						
Uruguay	06.09.2006	18.06.2008	01.08.2009	✓	✓	✓						

Source: National Office for Social Security (<https://www.socialsecurity.be>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.10: Bulgaria (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Croatia	14.07.2003		01.10.2004		✓		✓		✓			✓
FYR of Macedonia	02.06.2003	17.04.2003	08.01.2003	✓	✓	✓	✓	✓	✓		✓	✓
Israel		22.01.2009	01.09.2009	✓	✓	✓	✓		✓			
Korea, Republic of			01.03.2010	✓	✓	✓						
Moldova, Republic of	12.05.2008	02.02.2009	09.01.2009	✓	✓	✓	✓		✓			✓
Russian Federation	27.02.2009	10.04.2009	20.03.2010	✓		✓	✓	✓	✓			
Serbia	19.09.2011			✓	✓		✓	✓	✓			✓
Switzerland	15.03.2006	25.10.2006	01.12.2007	✓	✓	✓		✓				
Ukraine	09.04.2001	22.11.2002	04.01.2003		✓		✓		✓			✓

Source: National Social Security Institute (<http://www.noi.bg>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.11: Cyprus (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Australia	12.05.1992		01.01.1993	✓	✓	✓						
Canada	24.01.1990		01.05.1991	✓	✓	✓						
Egypt	12.07.1988		01.08.1988	✓	✓	✓						
Quebec	29.08.1990		01.09.1991	✓	✓	✓						
Serbia	20.05.2010			✓	✓	✓	✓	✓	✓			✓
Switzerland	30.05.1995		01.01.1997	✓	✓	✓	✓	✓	✓			
Syrian Arab Republic				✓	✓	✓	✓					

Source: National Social Insurance Service (<http://www.mlsi.gov.cy>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.12: Czech Republic (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Albania	30.06.1960											
Australia	16.09.2009		01.07.2011	✓	✓	✓						
Canada	24.05.2001		01.01.2003	✓	✓	✓						
Chile	07.12.2000	04.11.2003	01.03.2004	✓	✓	✓				✓		
Croatia	22.11.1999		01.07.2000	✓	✓	✓	✓	✓	✓	✓		
FYR of Macedonia	10.07.2005	02.10.2005	01.01.2007	✓	✓		✓	✓	✓		✓	✓
India	09.06.2010		Not in force	✓	✓	✓						
Israel	16.07.2000		01.07.2002	✓	✓	✓	✓	✓	✓	✓	✓	
Japan	21.02.2008		01.06.2009	✓	✓	✓				✓	✓	
Moldova, Republic of	29.11.2011											
Montenegro	17.01.2002		12.01.2002	✓	✓		✓	✓	✓		✓	✓
Russian Federation	02.12.1959		01.07.1960	✓	✓	✓	✓	✓	✓		✓	
Serbia	17.01.2002		12.01.2002	✓	✓		✓	✓	✓		✓	✓
Switzerland	10.06.1996		01.11.1997	✓	✓	✓		✓				
Turkey	02.10.2003		07.10.2004	✓	✓	✓	✓	✓	✓		✓	✓
Ukraine	04.07.2001		01.04.2003	✓	✓	✓	✓	✓	✓			
United States	07.09.2007		01.01.2009	✓	✓	✓					✓	

Source: Ministry of Labour and Social Affairs (<http://www.mpsv.cz>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.13: Denmark (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Australia	01.07.1999		01.01.2001	✓	✓	✓						
Canada	12.04.1985		01.01.1986	✓	✓	✓						
Chile	08.03.1995		01.09.1995	✓	✓	✓						
Croatia	21.04.2005		01.11.2006				✓	✓	✓		✓	
FYR of Macedonia	20.03.2000	05.09.2000		✓			✓				✓	
India	17.02.2010		01.05.2011	✓	✓	✓						
Israel	03.07.1995		01.04.1996	✓	✓	✓	✓		✓		✓	
Korea, Republic of	11.03.2010		01.09.2011	✓	✓	✓						
Morocco	02.04.1982		01.04.1988	✓	✓	✓					✓	
New Zealand	06.05.1997		01.10.1997	✓	✓	✓						
Pakistan	01.03.1982		01.05.1983	✓	✓	✓	✓	✓	✓		✓	✓
Quebec	22.12.1987		01.04.1988	✓	✓	✓						
Switzerland	05.01.1983		01.12.1983	✓	✓	✓	✓	✓			✓	
Turkey	22.01.1976		01.02.1978	✓	✓	✓	✓	✓	✓		✓	✓
United States	13.06.2007		01.10.2008	✓	✓	✓						

Source: The Danish Pensions Agency (<http://www.penst.dk>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.14: Estonia (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Canada	21.02.2005		01.11.2006	✓	✓	✓						
Moldova, Republic of	19.10.2011											
Ukraine	20.02.1997	11.04.1997	28.01.1998									

Source: Ministry of Labour and Social Policy (<http://www.sm.ee>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.15: Finland (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Australia	10.09.2008		01.07.2009	✓	✓	✓						
Canada	28.10.1986		01.02.1988	✓	✓	✓						
Chile	07.03.1997		01.01.2008	✓	✓	✓						
Israel	15.09.1997		01.09.1999	✓	✓	✓	✓		✓		✓	
Quebec	30.10.1986		01.04.1988	✓	✓	✓						
Switzerland	28.06.1985		01.10.1986	✓	✓	✓	✓	✓			✓	
United States	03.06.1991		01.11.1992	✓	✓	✓						

Source: Ministry of Social Affairs and Health (<http://www.stm.fi>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.16: France (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Algerie	01.10.1980		01.01.1982	✓	✓	✓	✓	✓	✓		✓	
Andorra	04.06.2003		01.06.2003	✓	✓	✓	✓	✓	✓		✓	
Benin	06.11.1979		01.09.1981	✓	✓	✓	✓		✓		✓	
Bosnia and Herzegovina	04.12.2003		04.01.2004	✓	✓	✓	✓	✓	✓		✓	
Camerun	05.11.1990		01.03.1992	✓	✓	✓	✓		✓		✓	
Canada	09.02.1979		01.03.1981	✓	✓	✓						
Cape Verde	15.01.1980		01.04.1983	✓	✓	✓	✓	✓	✓		✓	
Chile	25.06.1999		01.09.2001	✓	✓	✓		✓				
Congo	11.02.1987		01.06.1988	✓	✓	✓	✓	✓	✓		✓	
Côte d'Ivoire	16.01.1985		01.01.1987	✓		✓	✓		✓		✓	
Croatia	12.10.1995		12.10.1995	✓	✓	✓	✓	✓	✓		✓	✓
FYR of Macedonia	14.12.1995		14.12.1995	✓	✓	✓	✓	✓	✓		✓	✓
Gabon	02.10.1980		01.02.1983	✓	✓	✓	✓	✓			✓	
Guernsey	10.07.1956		01.05.1958	✓	✓	✓	✓	✓	✓			
India	30.09.2008		01.07.2011	✓	✓	✓						
Israel	17.12.1965		01.10.1966	✓		✓	✓	✓	✓		✓	
Japan	06.12.2004	14.06.2007	01.07.2007	✓	✓	✓					✓	
Jersey	10.12.1956		01.05.1958	✓	✓	✓	✓	✓	✓			
Korea, Republic of	25.02.2005		01.06.2007	✓	✓	✓					✓	
Madagascar	08.05.1967		01.03.1968				✓				✓	
Mali	12.06.1979		01.06.1983	✓		✓	✓	✓	✓			
Mauritania	22.12.1965		01.02.1967	✓	✓	✓	✓				✓	
Monaco	28.02.1952		01.04.1954	✓	✓	✓	✓	✓	✓		✓	
Montenegro	26.03.2003		26.03.2003	✓	✓	✓	✓	✓	✓		✓	
Morocco	22.10.2007		01.06.2011	✓	✓	✓		✓	✓		✓	
Niger	28.03.1973		01.11.1974	✓	✓	✓	✓	✓	✓		✓	
Philippines	07.02.1990		01.11.1994	✓	✓	✓						
Quebec	12.02.1979		01.11.1981	✓		✓						
San Marino	12.07.1949		01.01.1951	✓	✓	✓	✓	✓	✓		✓	
Senegal	29.03.1974		01.09.1976	✓		✓	✓				✓	
Switzerland	03.07.1975		01.11.1976	✓	✓	✓	✓	✓			✓	
Togo	07.12.1971		01.07.1973	✓	✓	✓	✓	✓	✓		✓	
Tunisia	17.12.1965		01.09.1966	✓	✓	✓	✓	✓	✓		✓	
Turkey	20.01.1972		01.08.1973	✓	✓	✓	✓	✓	✓		✓	
United States	02.03.1987		01.07.1988	✓	✓	✓						

Source: Centre de Liasons Européennes et Internationales de Sécurité Sociale (<http://www.cleiss.fr>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.17: Germany (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Australia	13.12.2000		01.01.2003	✓	✓	✓						
Brazil	03.07.1905		Not in force									
Canada	14.11.1985		01.04.1988	✓	✓	✓						
Chile	05.03.1993		01.01.1994	✓	✓	✓						
China	12.07.2001		04.04.2002	✓	✓	✓						
Croatia	24.11.1997	25.08.1998	01.12.1998	✓			✓			✓		
FIR of Macedonia	07.08.2003	20.10.2003	01.01.2005									
India	08.10.2008		01.10.2009	✓	✓	✓						
Israel	17.12.1973		01.05.1975	✓	✓	✓	✓		✓			
Japan	20.04.1998		01.02.2000	✓								
Korea, Republic of	01.03.2000		01.01.2003	✓	✓	✓						
Liechtenstein	07.04.1977		01.11.1980	✓	✓	✓					✓	
Montenegro	10.12.1968		09.01.1969	✓	✓	✓	✓		✓			
Morocco	25.03.1981		01.08.1986	✓	✓	✓	✓	✓	✓		✓	
Quebec	14.05.1987		01.04.1988	✓	✓	✓						
Serbia	10.12.1968		09.01.1969	✓	✓	✓	✓		✓			
Switzerland	25.02.1964		01.05.1966	✓	✓	✓	✓	✓			✓	
Tunisia	16.04.1984		01.08.1986	✓	✓	✓	✓	✓			✓	
Turkey	30.04.1964		01.11.1965	✓	✓	✓	✓	✓	✓		✓	
United States	07.01.1976		01.12.1979	✓	✓	✓						

Source: Association of German Pensions Insurance (<http://www.deutsche-rentenversicherung-bund.de>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.18: Greece (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Argentina	30.05.1984		05.01.1988	✓	✓	✓		✓	✓		✓	
Australia	23.05.2007		01.10.2008	✓								
Brazil	12.09.1984		09.01.1988	✓	✓	✓		✓	✓		✓	
Canada	10.11.1995		01.12.1997	✓	✓	✓						
New Zealand	24.06.1993	08.02.1994	01.04.1994	✓	✓	✓						
Norway	12.06.1980		01.06.1983	✓	✓	✓	✓	✓	✓		✓	
Quebec	23.06.1981		09.01.1983	✓	✓	✓						
Switzerland	01.06.1973		01.12.1974	✓	✓	✓	✓	✓			✓	
United States	22.06.1993		01.09.1994	✓	✓	✓						
Uruguay	15.04.1994		05.12.1994	✓	✓	✓	✓	✓	✓			
Venezuela, Bolivarian Republic of	24.04.1991		01.02.1995	✓	✓	✓	✓					

Source: General Secretariat of Social Security (<http://ggka.citron.gr>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.19: Hungary (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Australia	07.06.2011		Not in force	✓		✓						
Bosnia and Herzegovina	06.12.2008											
Canada	04.03.2002		01.10.2003	✓	✓	✓						
Croatia	08.02.2005		01.03.2006	✓	✓		✓			✓	✓	✓
India	02.02.2010		Not in force	✓	✓	✓						
Montenegro	20.05.2008		04.01.2009									
Quebec	12.05.2005		01.07.2006	✓	✓	✓						
Russian Federation	20.12.1962		01.07.1963	✓	✓	✓	✓	✓	✓		✓	
Switzerland	04.06.1996		01.01.1998	✓	✓	✓		✓				
Ukraine	20.12.1962	31.05.1963	04.12.1963									

Source: Central Administration of National Pension Insurance (<http://www.onyf.hu>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.20: Ireland (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Australia	08.04.1991		01.04.1992	✓	✓	✓						
Canada	29.11.1990		01.01.1992	✓	✓	✓						
Japan	29.10.2009		01.12.2010	✓	✓	✓						
Korea, Republic of	31.10.2007		01.01.2009	✓	✓	✓						
New Zealand	20.05.1993		01.03.1994	✓	✓	✓						
Quebec	06.10.1993		01.10.1994	✓	✓	✓						
Switzerland	11.12.1997		01.07.1999	✓	✓	✓		✓				
United States	14.04.1993		01.09.1993	✓	✓	✓		✓				

Source: Department of Social Protection (<http://www.welfare.ie>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.21: Italy (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Argentina	03.11.1981	15.02.1983	01.01.1984	✓	✓	✓	✓	✓	✓		✓	
Australia	23.04.1986		01.09.1988	✓	✓	✓						
Brazil	09.12.1960		26.02.1965	✓	✓	✓	✓	✓		✓		
Canada	17.11.1977	14.03.1979	01.01.1979	✓	✓	✓	✓					
Cape Verde	18.12.1980	15.02.1983	25.01.1983	✓	✓	✓	✓	✓	✓		✓	
Croatia	27.06.1997		01.11.2003	✓	✓		✓					
Israel	07.01.1987	28.08.1989	21.11.1989									
Japan	06.02.2009		Not in force									
Korea, Republic of	03.03.2000		01.04.2005	✓	✓	✓						
Liechtenstein	11.11.1976		01.03.1980	✓	✓	✓					✓	
Mexico	02.02.1977		01.04.1977	✓	✓	✓						
Monaco	12.02.1982	15.04.1985	01.10.1985	✓	✓	✓	✓	✓	✓		✓	✓
Norway	12.06.1959	05.10.1961	01.02.1962	✓	✓	✓	✓	✓	✓		✓	
San Marino	10.07.1974		01.11.1975	✓	✓	✓	✓	✓	✓		✓	✓
Switzerland	14.02.1962		01.09.1964	✓	✓	✓	✓	✓	✓		✓	
Tunisia	07.12.1984		01.06.1987	✓	✓	✓	✓	✓	✓		✓	
Turkey	14.12.1972		12.04.1990	✓	✓	✓	✓	✓	✓		✓	✓
United States	23.05.1973	04.07.1975	01.11.1978	✓	✓	✓						
Uruguay	07.11.1979		06.01.1985	✓	✓	✓	✓	✓	✓		✓	
Vatican	07.06.1956		06.06.1956	✓	✓	✓						
Venezuela, Bolivarian Republic of	07.06.1988	28.05.1990	18.08.1991	✓	✓	✓	✓	✓	✓			

Source: National Social Insurance Institute (<http://www.inps.it>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.22: Latvia (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Australia	07.09.2011	02.02.2012	Not in force	✓	✓	✓						
Belarus	29.02.2008	04.12.2008	28.09.2010									
Canada	29.06.2005	15.12.2005	01.11.2006	✓	✓	✓						
Russian Federation	18.12.2007	02.10.2008	19.01.2011	✓	✓	✓						✓
Ukraine	26.02.1998	07.05.1998	11.06.1999									

Source: Ministry of Foreign Affairs (<http://www.am.gov.lv>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.23: Lithuania (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Belarus	04.02.1999		25.04.2000	✓	✓	✓			✓	✓	✓	✓
Canada	05.07.2005		01.11.2006	✓	✓	✓						
Russian Federation	29.06.1999		29.05.2001	✓	✓	✓						
Ukraine	23.04.2001	01.10.2002	02.08.2002	✓	✓	✓						

Source: State Social Insurance Fund Board (<http://www.sodra.lt>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.24: Luxembourg (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Argentina	13.05.2010	07.04.2011	Not in force	✓	✓	✓	✓	✓	✓		✓	✓
Brazil	16.09.1965	12.07.1966	01.08.1967	✓	✓	✓	✓	✓	✓		✓	
Canada	22.05.1986	24.05.1989	01.04.1990	✓	✓	✓						
Cape Verde	24.05.1989	28.04.1992	01.08.1992	✓	✓	✓	✓	✓	✓		✓	
Chile	03.06.1997	06.04.1999	01.07.1999	✓	✓	✓						
Croatia	17.05.2001	29.05.2002	01.11.2002	✓	✓	✓	✓	✓	✓		✓	✓
FYR of Macedonia	28.11.2006	04.02.2007	04.01.2009	✓	✓		✓	✓	✓		✓	✓
Iceland	30.11.2001	03.12.2002	01.12.2004	✓	✓	✓	✓	✓	✓		✓	✓
India	30.09.2009	18.04.2010	01.06.2011	✓	✓	✓						
Moldova, Republic of	14.06.2010	29.09.2011	01.01.2012	✓	✓	✓	✓	✓	✓		✓	✓
Montenegro	19.02.2008	19.12.2008	05.01.2009	✓	✓		✓	✓	✓		✓	✓
Morocco	02.10.2006	01.08.2007	Not in force	✓	✓	✓	✓		✓		✓	✓
Norway	19.03.1998	14.01.2000	01.05.2000	✓	✓	✓	✓	✓	✓		✓	✓
Quebec	22.09.1987	24.05.1989	01.04.1990	✓	✓	✓						
Serbia	27.10.2003	08.04.2005	01.09.2005	✓	✓	✓	✓	✓	✓		✓	✓
Switzerland	03.06.1967	05.07.1968	01.05.1969	✓	✓	✓	✓	✓			✓	✓
Tunisia	23.04.1980	29.07.1981	01.05.1982	✓	✓	✓	✓	✓	✓		✓	✓
Turkey	20.11.2003	08.04.2005	01.06.2006	✓	✓	✓	✓	✓	✓		✓	✓
United States	12.02.1992	08.07.1993	01.11.1993	✓	✓	✓						

Source: Institutions de Sécurité Sociale (<http://www.secu.lu>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.25: Malta (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Australia	15.08.1990		01.07.1991	✓	✓	✓						
Canada	04.04.1991		01.03.1992	✓	✓	✓						
Libya	06.05.1988		01.02.1990				✓	✓	✓			
Quebec	05.04.1991		01.03.1992	✓	✓	✓						

Source: Ministry of Social Policy (<https://secure2.gov.mt>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.26: The Netherlands (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Australia	04.01.1991		01.04.1992	✓	✓	✓						
Canada	26.02.1897		01.10.1990	✓	✓	✓						
Cape Verde	18.11.1981		01.03.1988	✓	✓	✓		✓	✓		✓	✓
Chile	10.01.1996		01.03.1997	✓	✓	✓		✓			✓	✓
Croatia		11.09.1998		✓	✓	✓	✓	✓	✓		✓	✓
Ecuador	27.12.2002		01.11.2006	✓	✓	✓		✓	✓		✓	
Egypt	27.07.2003											
FYR of Macedonia	17.10.2005	02.10.2005	04.01.2007	✓	✓			✓	✓		✓	✓
India	22.10.2008		01.12.2011	✓	✓	✓		✓	✓		✓	✓
Israel	25.04.1984		01.09.1985	✓	✓	✓			✓		✓	✓
Japan				✓	✓	✓		✓	✓		✓	✓
Morocco	14.02.1972		01.01.1973	✓	✓	✓		✓	✓		✓	✓
New Zealand	08.10.1990		01.02.1992	✓	✓	✓						
Norway	04.06.1996		01.04.1997	✓	✓	✓		✓	✓		✓	✓
Paraguay	22.12.2005	26.03.2007		✓	✓	✓	✓	✓	✓		✓	
Philippines	10.04.2001											
South Africa	16.05.2001			✓	✓	✓		✓	✓		✓	
Korea, Republic of	01.07.2002		01.10.2003	✓	✓	✓		✓			✓	✓
Switzerland	27.05.1970		01.07.1971	✓	✓	✓	✓	✓	✓		✓	
Thailand		11.11.2002										
Tunisia	22.09.1978		01.12.1979	✓	✓	✓		✓	✓		✓	✓
Turkey	05.04.1966		01.02.1968	✓	✓	✓		✓	✓		✓	✓
United States	08.12.1987		01.11.1990	✓	✓	✓						
Uruguay		19.04.2008	01.06.2008	✓	✓	✓		✓	✓		✓	

Source: UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families: Second periodic reports of State parties (<http://www2.ohchr.org>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.27: Poland (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Australia	07.10.2009		01.10.2010	✓	✓	✓	✓					
Canada	02.04.2008		01.10.2009	✓	✓	✓						
FYR of Macedonia	06.04.2006		01.07.2007	✓	✓	✓	✓	✓	✓		✓	
Israel	31.10.1991		31.12.1991				✓					
Korea, Republic of	25.02.2009		01.03.2010	✓	✓	✓						
Serbia	16.01.1958		01.01.1959	✓	✓	✓	✓	✓	✓		✓	
United States	02.04.2008		01.03.2009	✓	✓	✓						

Source: Social Insurance Institution (<http://www.zus.pl>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.28: Portugal (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Andorra	28.01.1988		01.07.1991	✓	✓	✓	✓	✓	✓			
Argentina	20.05.1966		27.10.1967	✓	✓	✓	✓	✓	✓			
Australia	07.10.2009		01.10.2010	✓	✓	✓	✓	✓	✓		✓	✓
Brazil	07.05.1991		25.03.1995	✓	✓	✓	✓	✓	✓		✓	
Canada	15.12.1980		01.05.1981	✓	✓	✓						
Cape Verde	05.06.1985		01.12.1987	✓	✓	✓	✓	✓	✓		✓	
Chile	01.09.1999	05.06.2000	01.11.2000	✓	✓	✓		✓	✓	✓		
Moldova, Republic of	02.11.2009	15.07.2010	12.01.2010									
Morocco	14.11.1998			✓	✓	✓	✓	✓	✓	✓	✓	
Norway	05.06.1980		01.09.1981	✓	✓	✓	✓	✓	✓		✓	✓
Quebec	20.03.1981		01.07.1981	✓	✓	✓						
Switzerland	11.09.1975		01.03.1977	✓	✓	✓	✓	✓			✓	
Tunisia	09.11.2006	09.07.2008	24.04.2009	✓	✓	✓	✓	✓	✓		✓	
United States	30.03.1988		01.08.1989	✓	✓	✓						
Uruguay	20.05.1987		01.12.1987	✓	✓	✓		✓	✓			
Venezuela, Bolivarian Republic of	21.07.1989		01.01.1993	✓	✓	✓	✓	✓	✓			

Source: Social Security Service (<http://www2.seg-social.pt>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.29: Romania (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Albania	03.05.1961		03.01.1963	✓	✓	✓	✓	✓	✓		✓	
Algeria	29.12.1981	09.07.1982	12.03.1983	✓	✓		✓	✓			✓	
Canada	19.11.2009		01.11.2011	✓	✓	✓						
FYR of Macedonia	27.02.2006	22.11.2007	03.01.2008	✓	✓	✓	✓	✓	✓		✓	
Korea, Republic of	11.09.2008	27.10.2009		✓	✓	✓						
Libya	18.04.1977	27.10.1977		✓	✓		✓					
Moldova, Republic of	24.12.1960		01.08.1968	✓	✓	✓	✓	✓	✓		✓	
Montenegro	20.03.1976		12.01.1976							✓		
Peru	20.11.1982	26.12.1983					✓	✓	✓			
Russian Federation	24.12.1960		01.08.1968	✓	✓	✓	✓	✓	✓		✓	
Serbia	20.03.1996							✓	✓			
Turkey	06.07.1999		17.12.2003	✓	✓	✓	✓	✓	✓			✓
Ukraine	24.12.1960	05.10.1961	27.06.1961	✓	✓	✓	✓	✓	✓		✓	

Source: Ministry of Labor, Social Solidarity and Family (<http://www.mmuncii.ro>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.30: Slovakia (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Australia	21.09.2010		01.01.2012	✓	✓	✓						
Canada	21.05.2001		01.01.2003	✓	✓	✓						
Croatia	29.01.1997			✓	✓	✓	✓	✓	✓			✓
Israel			01.01.2012	✓	✓	✓	✓					
Russian Federation	02.12.1959		01.07.1960	✓	✓	✓	✓	✓	✓		✓	
Switzerland	07.06.1996		01.12.1997	✓	✓	✓		✓				
Ukraine	12.06.2000	20.09.2001	01.01.2002									

Source: Ministry of Labour and Social Affairs (<http://www.employment.gov.sk>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.31: Slovenia (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Argentina	12.04.2007	02.04.2008	01.08.2009	✓	✓	✓						
Australia	19.12.2002		01.01.2004	✓	✓	✓						
Bosnia and Herzegovina	19.02.2007		20.09.2007	✓	✓		✓		✓			✓
Canada	17.05.1998		01.01.2001	✓	✓	✓						
Croatia	28.04.1997	28.10.1997	01.02.1998	✓			✓	✓	✓			✓
FYR of Macedonia	13.07.1998	25.02.1999	04.01.2001	✓	✓	✓			✓			✓
Montenegro	10.08.2010		01.01.2012	✓		✓	✓		✓	✓		✓
Quebec	11.05.2000	29.08.2000		✓	✓	✓						
Serbia	29.09.2009	26.03.2010	01.11.2010	✓	✓		✓	✓				✓
Switzerland	10.04.1996		01.08.1997	✓	✓	✓	✓	✓			✓	

Source: Ministry of Labour, Family and Social Affairs (<http://www.mddsz.gov.si>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.32: Spain (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Andorra	09.11.2001		01.01.2003	✓	✓	✓	✓	✓	✓			
Argentina	28.01.1997		01.12.2004	✓	✓	✓	✓		✓			
Australia	31.01.2002		01.01.2003	✓	✓	✓						
Brazil	16.05.1991		01.12.1995	✓	✓	✓	✓		✓	✓	✓	
Canada	10.11.1986		01.01.1988	✓	✓	✓					✓	
Chile	29.01.1997		13.03.1998	✓	✓	✓	✓	✓	✓		✓	✓
Colombia	06.09.2005		01.03.2008	✓	✓	✓						
Dominican Republic	01.07.2004		01.07.2006	✓	✓	✓	✓	✓	✓		✓	
Ecuador	04.12.2009		01.01.2011	✓	✓	✓	✓	✓	✓			
Japan	12.11.2008		01.12.2010	✓	✓	✓						
Mexico	25.04.1944		01.01.1995	✓	✓	✓	✓					
Morocco	08.11.1979		01.10.1982	✓	✓	✓	✓	✓	✓		✓	
Paraguay	24.06.1998		01.03.2006	✓	✓	✓	✓	✓	✓		✓	
Peru	16.06.2003		01.02.2005	✓	✓	✓	✓	✓	✓		✓	
Philippines	20.05.1988		11.10.1989	✓	✓	✓	✓	✓	✓			
Russian Federation	11.04.1994		24.02.1996	✓	✓	✓	✓	✓	✓		✓	
Switzerland	13.10.1969		01.09.1970	✓	✓	✓	✓	✓			✓	
Tunisia	26.02.2001		01.01.2002	✓	✓	✓	✓	✓	✓		✓	
Ukraine	10.07.1996	17.12.1997	27.03.1998	✓	✓	✓	✓	✓	✓		✓	
United States	30.09.1986		01.04.1988	✓	✓	✓						
Uruguay	01.12.1997		01.04.2000	✓	✓	✓	✓		✓		✓	
Venezuela, Bolivarian Republic of	12.05.1988		01.07.1990	✓	✓	✓	✓	✓	✓			

Source: Ministry of Labour and Social Security (<http://www.seg-social.es>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.33: Sweden (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Canada	10.04.1985		01.01.1986	✓	✓	✓						
Cape Verde	09.02.1988		03.10.1991	✓	✓	✓	✓	✓	✓		✓	✓
Chile	13.03.1995		01.01.1996	✓	✓	✓						
Israel	30.06.1982		01.07.1983	✓	✓	✓	✓		✓		✓	✓
Morocco	04.01.1980		01.06.1982	✓	✓	✓	✓	✓	✓		✓	✓
Quebec	20.09.1986		01.04.1988	✓	✓	✓						
Switzerland	20.10.1978		01.03.1980	✓	✓	✓	✓	✓				
Turkey	30.06.1978		01.05.1981	✓	✓	✓	✓	✓	✓		✓	
United States	27.05.1985		01.01.1987	✓	✓	✓						

Source: National Social Insurance Board (<http://www.forsakringskassan.se>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.34: United Kingdom (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Barbados	07.01.1992		01.04.1992	✓	✓	✓	✓	✓	✓		✓	
Bermuda	23.10.1969		01.11.1969	✓		✓	✓					
Canada	16.01.1997		01.04.1998	✓		✓	✓					
Iceland	25.08.1983		01.08.1985	✓	✓	✓	✓	✓	✓			
Israel	29.04.1957		01.11.1957	✓	✓	✓	✓	✓	✓		✓	
Jamaica	12.11.1996		01.04.1997	✓	✓	✓	✓					
Japan*	29.02.2000		01.02.2001									
Jersey and Guernsey				✓	✓	✓	✓	✓	✓		✓	✓
Korea, Republic of*												
Mauritius	22.04.1981		01.11.1981	✓		✓	✓				✓	
New Zealand	11.01.1983		01.01.1984	✓	✓	✓		✓	✓		✓	✓
Norway	19.06.1990		01.04.1991	✓	✓	✓	✓	✓	✓		✓	✓
Philippines	27.02.1985		01.12.1989	✓	✓	✓	✓					
Switzerland	21.02.1968		01.04.1969	✓	✓	✓	✓	✓			✓	
Turkey	09.09.1959		01.06.1961	✓	✓	✓	✓	✓	✓			
United States	13.02.1984		01.01.1985	✓	✓	✓						

Source: Department for Work and Pensions (<http://www.dwp.gov.uk>)
ILO NORMLEX (<http://www.ilo.org>)

* The agreements with Japan and the Republic of Korea are Double Contributions Conventions (DCC) which only cover social security contribution liability and do not include benefits

Table E.35: Iceland (as of 1 October 2012)

Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Austria	18.11.1993		01.02.1996	✓	✓	✓	✓	✓	✓		✓	✓
Canada	15.06.1988		01.10.1989	✓	✓	✓						
Luxembourg	30.11.2001	03.12.2002	01.12.2004	✓	✓	✓	✓	✓	✓		✓	✓
Norway	18.08.2003		01.09.2004	✓	✓			✓	✓			✓
Sweden	18.08.2003		01.09.2004	✓	✓			✓	✓			✓

Source: The Social Insurance Administration/Tryggingastofnun (<http://www.tr.is>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.36: Liechtenstein (as of 1 October 2012)

Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Austria	23.09.1996		01.09.1998	✓	✓	✓						
Germany	07.04.1977		01.11.1980	✓	✓	✓					✓	
Italy	11.11.1976		01.03.1980	✓	✓	✓					✓	
Switzerland	08.03.1989		01.05.1990	✓	✓	✓	✓	✓			✓	

Source: Department for Social Security (<http://www.ahv.li>)
ILO NORMLEX (<http://www.ilo.org>)

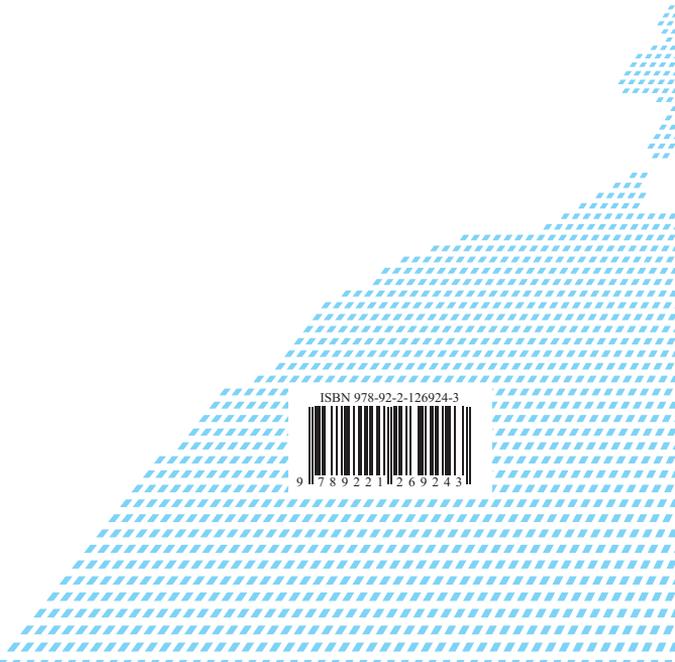
Table E.37: Norway (as of 1 October 2012)

Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Australia	02.12.2005		01.01.2007	✓	✓	✓						
Austria	18.10.1996		01.06.1998	✓	✓	✓	✓	✓	✓		✓	✓
Canada	12.11.1985		01.01.1987	✓	✓	✓						
Chile	03.04.1997	17.02.1998		✓	✓	✓					✓	
Greece	12.06.1980		01.06.1983	✓	✓	✓	✓	✓	✓		✓	
Israel			01.04.2008	✓	✓	✓	✓		✓		✓	
Italy	12.06.1959	05.10.1961	01.02.1962	✓	✓	✓	✓	✓	✓		✓	
Luxembourg	19.03.1998	14.01.2000	01.05.2000	✓	✓	✓	✓	✓	✓		✓	✓
The Netherlands	04.06.1996		01.04.1997	✓	✓	✓		✓	✓		✓	✓
Portugal	05.06.1980		01.09.1981	✓	✓	✓	✓	✓	✓		✓	✓
Quebec	29.10.1987		01.04.1988	✓	✓	✓						
Switzerland	21.02.1979		01.11.1980	✓	✓	✓	✓	✓			✓	
Turkey	20.12.1978		01.06.1981	✓	✓	✓	✓	✓	✓		✓	✓
United Kingdom	19.06.1990		01.04.1991	✓	✓	✓	✓	✓	✓		✓	✓
United States	13.01.1983		01.07.1984	✓	✓	✓					✓	

Source: Labour and Welfare Administration (<http://www.nav.no>)
ILO NORMLEX (<http://www.ilo.org>)

Table E.38: Switzerland (as of 1 October 2012)												
Country	Date of signature	Date of ratification	Entry into force	Branch								
				Old-age	Disability	Survivors'	Employment injury	Sickness	Maternity	Medical care	Family	Unemployment
Australia	09.10.2006		01.01.2008	✓	✓	✓						
Austria	15.11.1967		01.01.1969	✓	✓	✓	✓	✓	✓		✓	
Belgium	24.09.1975		01.05.1977	✓	✓	✓	✓	✓			✓	
Bulgaria	15.03.2006	25.10.2006	01.12.2007	✓	✓	✓		✓				
Canada	24.02.1994		01.10.1995	✓	✓	✓						
Quebec	25.02.1994		01.10.1995	✓	✓	✓						
Chile	20.06.1996		01.03.1998	✓	✓	✓		✓				
Cyprus	30.05.1995		01.01.1997	✓	✓	✓	✓	✓				
Czech Republic	10.06.1996		01.11.1997	✓	✓	✓		✓				
Croatia	09.04.1996		01.01.1998	✓	✓	✓	✓	✓				
Denmark	05.01.1983		01.12.1983	✓	✓	✓	✓	✓			✓	
Finland	28.06.1985		01.10.1986	✓	✓	✓	✓	✓			✓	
France	03.07.1985		01.11.1976	✓	✓	✓	✓	✓			✓	
Germany	25.02.1964		01.05.1966	✓	✓	✓	✓	✓			✓	
Greece	01.06.1973		01.12.1974	✓	✓	✓	✓	✓			✓	
Hungary	04.06.1996		01.01.1998	✓	✓	✓		✓				
India	03.09.2009		29.01.2011	✓	✓	✓	✓	✓				
Ireland	11.12.1997		01.07.1999	✓	✓	✓		✓				
Israel	23.03.1984		01.10.1985	✓	✓	✓						
Italy	14.02.1962		01.09.1964	✓	✓	✓	✓	✓			✓	
Japan	22.10.2010		01.03.2012	✓	✓	✓		✓				
Liechtenstein	08.03.1989		01.05.1990	✓	✓	✓	✓	✓			✓	
Luxembourg	03.06.1967		01.05.1969	✓	✓	✓	✓	✓			✓	
FYR of Macedonia	09.12.1999		01.01.2002	✓	✓	✓	✓	✓			✓	
The Netherlands	27.05.1970		01.07.1971	✓	✓	✓	✓	✓			✓	
Norway	21.02.1979		01.11.1980	✓	✓	✓	✓	✓			✓	
Philippines	17.09.2001		01.03.2004	✓	✓	✓						
Portugal	11.09.1975		01.03.1977	✓	✓	✓	✓	✓			✓	
San Marino	16.12.1981		01.03.1983	✓	✓	✓	✓	✓	✓		✓	
Slovakia	07.06.1996		01.12.1997	✓	✓	✓		✓				
Slovenia	10.04.1996		01.08.1997	✓	✓	✓	✓	✓			✓	
Spain	13.10.1969		01.09.1979	✓	✓	✓	✓	✓			✓	
Sweden	20.10.1978		01.03.1980	✓	✓	✓	✓	✓				
Turkey	01.05.1969		01.01.1972	✓	✓	✓	✓	✓			✓	
United Kingdom	21.02.1968		01.04.1969	✓	✓	✓	✓	✓			✓	
United States	18.07.1979		01.11.1980	✓	✓	✓						

Source: Federal Office of Social Insurance (<http://www.bsv.admin.ch>)
ILO NORMLEX (<http://www.ilo.org>)



ISBN 978-92-2-126924-3



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