



European Treaty Series - No. 12

**EUROPEAN INTERIM AGREEMENT
ON SOCIAL SECURITY SCHEMES
RELATING TO OLD AGE,
INVALIDITY AND SURVIVORS
AND PROTOCOL THERETO**

Paris, 19.XII.1953

The governments signatory hereto, being members of the Council of Europe,

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

Affirming the principle that the nationals of any one of the Contracting Parties to this Agreement should receive under the laws and regulations of any other Contracting Party relating to benefits payable in respect of old age, invalidity or survivors, equal treatment with the nationals of the latter, a principle sanctioned by Conventions of the International Labour Organisation;

Affirming also the principle that the nationals of any one of the Contracting Parties should receive the benefits of agreements relating to old age, invalidity and survivors concluded by any two or more of the other Contracting Parties;

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

Have agreed as follows:

Article 1

- 1 This Agreement shall apply to all social security laws and regulations which are in force at the date of signature or may subsequently come into force in any part of the territory of the Contracting Parties and which relate to:
 - a benefits in respect of old age;
 - b benefits in respect of invalidity, other than those awarded under an employment injury scheme;
 - c benefits payable to survivors, other than death grants or benefits awarded under an employment injury scheme.
- 2 This Agreement shall apply to schemes of contributory and non-contributory benefits. It shall not apply to public assistance, special schemes for civil servants or benefits paid in respect of war injuries or injuries due to foreign occupation.
- 3 For the purpose of this Agreement the word “benefit” shall include any increase in or supplement to the benefit.
- 4 The terms “nationals” and “territory” of a Contracting Party shall have the meaning assigned to them by such a Party in a declaration addressed to the Secretary General of the Council of

Europe for communication to all other Contracting Parties.

Article 2

- 1 Subject to the provisions of Article 9, a national of any one of the Contracting Parties shall be entitled to receive the benefits of the laws and regulations of any other of the Contracting Parties under the same conditions as if he were a national of the latter, provided that:
 - a in the case of invalidity benefit under either a contributory or non-contributory scheme he had become ordinarily resident in the territory of the latter Contracting Party before the first medical certification of the sickness responsible for such invalidity;
 - b in the case of benefit payable under a non-contributory scheme, he has been resident in that territory for a period in the aggregate of not less than fifteen years after the age of twenty, has been ordinarily resident without interruption in that territory for at least five years immediately preceding the claim for benefit and continues to be ordinarily resident in that territory;
 - c in the case of benefit payable under a contributory scheme, he is resident in the territory of any one of the Contracting Parties.
- 2 In any case where the laws and regulations of any one of the Contracting Parties impose a restriction on the rights of a national of that Party who was not born in its territory, a national of any other of the Contracting Parties born in the territory of the latter shall be treated as if he were a national of the former Contracting Party born in its territory.

Article 3

- 1 Any agreement relating to the laws and regulations referred to in Article 1 which has been or may be concluded by any two or more of the Contracting Parties shall, subject to the provisions of Article 9, apply to a national of any other of the Contracting Parties as if he were a national of one of the former Parties insofar as it provides, in relation to those laws and regulations:
 - a for determining under which laws and regulations a person should be insured;
 - b for maintaining acquired rights and rights in course of acquisition and, in particular, for adding together insurance periods and equivalent periods for the purpose of establishing the right to receive benefit and calculating the amount of benefit due;
 - c for paying benefit to persons residing in the territory of any one of the Parties to such agreement;
 - d for supplementing and administering the provisions of such agreement referred to in this paragraph.
- 2 The provisions of paragraph 1 of this article shall not apply to any provision of the said agreement which concerns benefits provided under a non-contributory scheme, unless the national concerned has been resident in the territory of the Contracting Party under whose laws and regulations he claims benefit for a period in the aggregate of not less than fifteen years after the age of twenty and has been ordinarily resident without interruption in that territory for a period of at least five years immediately preceding the claim for benefit.

Article 4

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

Article 5

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

Article 6

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

Article 7

- 1 Annex I to this Agreement sets out in relation to each Contracting Party the social security schemes to which Article 1 applies which are in force in any part of its territory at the date of signature of this Agreement.
- 2 Each Contracting Party shall notify the Secretary General of the Council of Europe of every new law or regulation of a type not included in Annex I in relation to that Party. Such notifications shall be made by each Contracting Party within three months of the date of publication of the new law or regulation, or if such law or regulation is published before the date of ratification of this Agreement by the Contracting Party concerned, at that date of ratification.

Article 8

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

Article 9

- 1 Annex III to this Agreement sets out the reservations hereto made at the date of signature.
- 2 Any Contracting Party may, at the time of making a notification in accordance with Article 7 or Article 8, make a reservation in respect of the application of the present Agreement to any law, regulation or agreement which is referred to in such notification. A statement of any such reservation shall accompany the notification concerned; it will take effect from the date of entry into force of the new law, regulation or agreement.
- 3 Any Contracting Party may withdraw either in whole or in part any reservation made by it by a notification to that effect addressed to the Secretary General of the Council of Europe. Such notification shall take effect on the first day of the month following the month in which it is received and this Agreement shall apply accordingly

Article 10

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

Article 11

- 1 Arrangements, where necessary, between the competent authorities of the Contracting Parties shall determine the methods of implementation of this Agreement.
- 2 The competent authorities of the Contracting Parties concerned shall endeavour to resolve by negotiation any dispute relating to the interpretation or application of this Agreement.
- 3 If any such dispute has not been resolved by negotiation within a period of three months, the dispute shall be submitted to arbitration by an arbitral body whose composition and procedure shall be agreed upon by the Contracting Parties concerned, or, in default of such agreement, within a further period of three months, by an arbitrator chosen at the request of any of the Contracting Parties concerned by the President of the International Court of Justice. Should the latter be a national of one of the Parties to the dispute, this task shall be entrusted to the Vice-President of the Court or to the next judge in order of seniority not a national of one of the Parties to the dispute.
- 4 The decision of the arbitral body, or arbitrator, as the case may be, shall be made in accordance with the principles and spirit of this Agreement and shall be final and binding.

Article 12

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

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

insurance periods and equivalent periods completed before the date when the denunciation becomes effective.

Article 13

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

Article 14

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

Article 15

The Secretary General of the Council of Europe shall notify:

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

- iii of the withdrawal of any reservation in accordance with paragraph 3 of Article 9.

Article 16

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

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

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

**PROTOCOL
TO THE EUROPEAN INTERIM AGREEMENT
ON SOCIAL SECURITY SCHEMES
RELATING TO OLD AGE,
INVALIDITY AND SURVIVORS**

The governments signatory hereto, being members of the Council of Europe,

Having regard to the provisions of the European Interim Agreement on Social Security Schemes relating to Old Age, Invalidity and Survivors, signed at Paris, on the 11th day of December 1953 (hereinafter referred to as “the principal Agreement”);

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

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

Have agreed as follows:

Article 1

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

Article 2

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

Article 3

- 1 This Protocol shall be open to the signature of the members of the Council of Europe who have signed the principal Agreement. It shall be ratified.
- 2 Any State which has acceded to the principal Agreement may accede to this Protocol.
- 3 This Protocol shall come into force on the first day of the month following the date of deposit of the second instrument of ratification.

- 4 As regards any signatory ratifying subsequently, or any acceding State, the Protocol shall come into force on the first day of the month following the date of the deposit of its instrument of ratification or accession.
- 5 Instruments of ratification and accession shall be deposited with the Secretary General of the Council of Europe, who shall notify the members of the Council, acceding States and the Director General of the International Labour Office of the names of those who have ratified or acceded.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.
Done at Paris, this 11th day of December 1953, in the English and French languages, both texts being equally authoritative, in a single copy which shall remain in the archives of the Council of Europe and of which the Secretary General shall send certified copies to each of the signatories and to the Director General of the International Labour Office.