Corrigendum to Council Regulation (EEC) No 878/73 of 26 March 1973 amending Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community

(Official Journal of the European Communities No L 86 of 31 March 1973, page 1)

[C42]

1. Article 1 (5): Article 10 (1) of the Implementing Regulation

   paragraph (a):

   before: '74',

   insert: 'Article';

   paragraph (b) (three times):

   before: '78',

   insert: 'Article';

   paragraph (b), second sentence:

   for: 'of Regulation',

   read: 'of the Regulation'.

2. Article 1 (7): Article 15 of the Implementing Regulation:

   read paragraphs 1 and 2 as follows:

   '1. In the cases referred to in Article 18 (1), Article 38, Article 45 (1) and (2), Article 64, and Article 67 (1) and (2) of the Regulation, aggregation of periods shall be effected in accordance with the following rules:

   (a) to periods of insurance or residence completed under the legislation of one Member State shall be added periods of insurance or residence completed under the legislation of any other Member State, to the extent that it is necessary to have recourse thereto in order to supplement periods of insurance or residence completed under the legislation of the first Member State for the purpose of acquiring, retaining, or recovering the rights to benefits, provided that such periods of insurance or residence do not overlap. Where benefits in respect of invalidity, old age or death (pensions) are to be awarded by the institutions of two or more Member States in accordance with the provisions of Article 46 (2) of the Regulation, each of the institutions concerned shall effect a separate aggregation, by taking into account the whole of the periods of insurance or residence completed by the worker under the legislations of all the Member States to which he has been subject, without prejudice, where appropriate, to the provisions of Article 45 (2) and Article 46 (2) (c) of the Regulation;

   (b) when a period of insurance or residence completed under compulsory insurance under the legislation of one Member State coincides with a period of insurance completed under voluntary or optional continued insurance under the legislation of another Member State, only the period completed under compulsory insurance shall be taken into account;

   (c) when a period of insurance or residence, other than a period treated as such, completed under the legislation of one Member State coincides with a period treated as such under the legislation of another Member State, only the period other than a period treated as such shall be taken into account;

   (d) any period treated as such under the legislations of two or more Member States, shall be taken into account only by the institution of the Member State under whose legislation the insured person was last compulsorily insured prior to the said period; where the insured person has not been compulsorily insured under the legislation of a Member State before the said period, the latter shall be taken into

account by the institution of the Member State under whose legislation he was compulsorily insured for the first time after the said period;

(e) where it is not possible to determine accurately the period of time in which certain periods of insurance or residence were completed under the legislation of one Member State, such periods shall be presumed not to overlap with periods of insurance or residence completed under the legislation of another Member State and shall, where advantageous, be taken into account;

(f) where under the legislation of one Member State, certain periods of insurance or residence are taken into account only if they have been completed within a specified time limit, the institution which administers such legislation shall,

(i) only take into account periods of insurance or residence completed under the legislation of another Member State if they were completed within the said time limit, or

(ii) extend such time limit for the duration of periods of insurance or residence completed wholly or partly within the said time limit under the legislation of another Member State, where the periods of insurance or residence involved under the legislation of the second Member State give rise only to the suspension of the time limit within which the periods of insurance or residence must be completed.

2. Periods of insurance or residence completed under the legislation of a Member State to which the Regulation does not apply, but which are taken into account under the legislation of that Member State to which the Regulation does apply, shall be considered as periods of insurance or residence to be taken into account for the purposes of aggregation.'

3. Article 1 (8): Article 19 of the Implementing Regulation:

for: 'Member State in whose territory',

read: 'territory of the Member State in which';

for: 'are more',

read: 'is more'.

4. —

5. Article 1 (11): Article 36 (2) of the Implementing Regulation:

for: 'send',

read: 'submit'.

6. Article 1 (12): Article 42 (1) of the Implementing Regulation:

for: 'insurance periods or periods of',

read: 'periods of insurance or'.

7. Article 1 (13): Article 43 (1) of the Implementing Regulation:

for: 'insurance periods or periods of',

read: 'periods of insurance or'.

8. Article 1 (13): Article 43 of the Implementing Regulation:

Read paragraphs 2 and 3 as follows:

'2. Where only one other institution is involved, that institution shall complete the said form by indicating:

(a) the periods of insurance or residence completed under the legislation which it administers;

(b) the amount of benefit which the claimant could claim in respect of those periods of insurance or residence only;

(c) the theoretical amount and the actual amount of benefits calculated in accordance with the provisions of Article 46 (2) of the Regulation.

The form, thus completed, shall be returned to the investigating institution.

If a right to benefits is acquired taking into account only the periods of insurance or residence completed under the legislation administered by the institution of the second Member State, and if the amount of benefit corresponding to those periods can be established without delay, whereas the calculation procedure referred to in subparagraph (c) requires an appreciably longer period of time, the form shall be returned to the investigating institution with the information referred to in subparagraphs (a) and (b); the information referred to in subparagraph (c) shall be forwarded to the investigating institution as soon as possible.

3. If two or more other institutions are involved, each one of those institutions shall complete the said form by indicating the periods of insurance or residence completed under the legislation which it administers, and shall return it to the investigating institution.

If a right to benefits is acquired taking into account only the periods of insurance or residence completed under the legislation administered by one or more of those institutions, and if the amount of benefit corresponding to those periods can be determined without delay, the investigating institution shall be simultaneously notified of that amount and of the periods of insurance or residence; if the determination of the said amount involves some delay, the investigating institution shall be notified of that amount as soon as it has been determined.

On receipt of all the forms giving information concerning periods of insurance or residence and, where appropriate, the amount or amounts due under the legislation of one or more of the Member States concerned, the investigating institution shall forward a copy of the forms thus completed to each of the institutions concerned which shall specify thereon the theoretical amount and the actual amount of the benefits, calculated in accordance with the provisions of Article 46 (2) of the Regulation, and shall return the form to the investigating institution.'

9. Article 1 (13): Article 43 (4) of the Implementing Regulation:

before: 'Article 40',

insert: 'the provisions of'.

10. Article 1 (13): Article 43 (5) of the Implementing Regulation:

for: 'insurance periods or periods of',

read: 'periods of insurance or'.

11. Article 1 (14): Article 45 (1) to (3) of the Implementing Regulation:

paragraphs 1, 2 and 3:

for: 'insurance periods or periods of',

read: 'periods of insurance or';

paragraph 3:

for: 'to benefit',

read: 'to benefits';

for: 'institution of',

read: 'institution which in the first place informed the investigating institution of'.

12. Article 1 (16): Article 69 (a) and (b) of the Implementing Regulation:

paragraphs (a) and (b):

for: 'insurance periods',

read: 'periods of insurance';

paragraph (b):

for: 'with which the person suffering from the disease was issued in each of those States',

read: 'of those Member States with which the person suffering from the disease was insured'.

13. Article 1 (17): Article 79 (1) of the Implementing Regulation:

for: 'insurance periods or periods of',

read: 'periods of insurance or'.

14. Article 1 (18): Article 79 (3) of the Implementing Regulation:

read:

'3. The provisions of paragraphs 1 and 2 shall apply by analogy if, in order to satisfy the conditions of the legislation of the competent State, it is necessary to take into account periods of insurance or residence previously completed under the legislation of any other Member State.'

15. Article 1 (19): Article 82 (2), second subparagraph, of the Implementing Regulation:

second sentence:

delete: 'as';

third sentence:

read: 'The person concerned shall immediately notify the competent institution of any occurrence necessitating an amendment to the said certified statement. Such amendment shall take effect from the date of such occurrence.'

16. Article 1 (21): Article 86 (2) of the Implementing Regulation:

first sentence:

delete: 'be required to';

second sentence:

for: 'institution competent in matters',

read: 'competent institution in respect'.

17. Article 1 (22): Article 90 (3), second subparagraph, of the Implementing Regulation:

for: 'his shortest insurance periods or periods of',

read: 'the shortest of his periods of insurance or'.

18. Article 1 (25): Article 118 (1) (a) (at the end) of the Implementing Regulation:

delete: 'and'.

19. Article 1 (27): Annex 2 to the Implementing Regulation, point B. DENMARK (II) (1), left-side column:

read:

'1. **Sickness and maternity**

Benefits in kind'.

20. Article 1 (28): Annex 3 to the Implementing Regulation, point B. DENMARK:

(B)(I) (1) and (II)(1), left-side column:

read:

'1. **Sickness and maternity**

Benefits in kind';

(B) (II) (2), right-side column:

for: 'Greenland for',

read: 'Greenland'.

21. Article 1 (29): Annex 4 to the Implementing Regulation, point B. DENMARK (II)(1) and (2):

for: 'Office of Employment and Social Affairs',

read: 'Employment and Social Affairs Office'.

22. Article 1 (30): Annex 5 to the Implementing Regulation, point 9, DENMARK—GERMANY:

for: 'Agreement',

read: 'Convention'.

23. Article 1 (33): Annex 8 to the Implementing Regulation, introductory sentence:

for: 'Regulation',

read: 'Regulation'.

24. Article 1 (34): Annex 9 to the Implementing Regulation, point B. DENMARK:

for: 'account',

read: 'consideration';

point E. IRELAND:

for: 'account',

read: 'consideration';

point I. UNITED KINGDOM:

for: 'account',

read: 'consideration the'.

25. Article 1 (35): Annex 10 to the Implementing Regulation, point B. DENMARK (II) (3) and (5):

for: 'national',

read: 'Regional'.