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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3795/81

of 8 December 1981

extending Regulation (EEC) No 574/72 to self-employed persons and members of their families

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 2, 7, 51 and 235 thereof,

Having regard to Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (1), as last amended by Regulation (EEC) No 2793/81 (2), and in particular Article 97 thereof,

Having regard to the proposal from the Commission drawn up after consultation of the Administrative Commission on Social Security for Migrant Workers,

Having regard to the opinion of the European Parliament (3),

Having regard to the opinion of the Economic and Social Committee (4),

Whereas Regulation (EEC) No 1390/81 (5) extended Regulation (EEC) No 1408/71 to self-employed persons and members of their families; whereas Regulation (EEC) No 574/72 (6), as last amended by Regulation (EEC) No 2793/81, should be adapted accordingly;

Whereas there are difficulties inherent in formulating a procedure for implementing the rule under which persons who are simultaneously employed in the territory of one Member State and self-employed in the territory of another Member State are, in some cases, subject simultaneously to the legislation of each of those Member States; whereas it is therefore necessary to lay down the implementing procedure for this particular case in a subsequent regulation;

Whereas, at the same time, account should be taken of a number of changes which have taken place in the legislation of Member States for employed workers,

HAS ADOPTED THIS REGULATION:

Article 1

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

1. The title shall be replaced by the following:

'COUNCIL REGULATION (EEC) No 574/72

of 21 March 1972

laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed and self-employed persons and members of their families moving within the Community'

(1) OJ No L 149, 5. 7. 1971, p. 2.
(2) OJ No L 275, 29. 9. 1981, p. 1.
(3) OJ No C 327, 14. 12. 1981, p. 79.
(4) Opinion delivered on 25 November 1981 (not yet published in the Official Journal).
(5) OJ No L 143, 29. 5. 1981, p. 1.
(6) OJ No L 74, 27. 3. 1972, p. 1.

2. Article 4 shall be amended as follows:

(a) in paragraph 8, 'Article 10 (2) (d)' shall be replaced by 'Article 10a (1) (d)';

(b) paragraph 10 shall be replaced by the following:

'10. Annex 10 lists the institutions or bodies designated by the competent authorities pursuant, in particular, to the following provisions:

(a) Regulation: Article 14d (2), Article 17;

(b) Implementing Regulation: Article 6 (1), Article 11 (1), Article 11a, Article 12a, Article 13 (2) and (3), Article 14 (1), (2) and (3), Article 38 (1), Article 70 (1), Article 80 (2), Article 81, Article 82 (2), Article 85 (2), Article 86 (2), Article 89 (1), Article 91 (2), Article 102 (2), Article 110, Article 113 (2).'

(c) the following paragraph shall be added:

'11. Annex 11 lists the scheme or schemes referred to in Article 35 (2) of the Regulation.'

3. Article 6 shall be replaced by the following:

'Implementation of Article 9 of the Regulation

Article 6

Admission to voluntary or optional continued insurance

1. If, by virtue of Articles 9 and 15 (3) of the Regulation, a person satisfies the conditions for admission to a voluntary or optional continued insurance in respect of invalidity, old age and death (pensions) in several schemes under the legislation of one Member State, and if he has not been subject to compulsory insurance under one of those schemes by virtue of his last employment or self-employment he may, under the said Articles, join the voluntary or optional continued insurance scheme specified by the legislation of that Member State or, failing that, the scheme of his choice.

2. In order to invoke the provisions of Article 9 (2) of the Regulation, a person shall submit to the institution of the Member State in question a certified statement relating to the insurance periods or periods of residence completed under the legislation of any other Member State. Such certified statement shall be issued, at the request of the person concerned, by the institution or institutions who administer the legislations under which he has completed those periods.'

4. Article 8 shall be replaced by the following:

'Article 8

Rules applicable in the case of overlapping of rights to sickness or maternity benefits under the legislation of several Member States

1. If an employed or self-employed person or a member of his family is entitled to claim maternity benefits under the legislations of two or more Member States, those benefits shall be granted exclusively under the legislation of the Member State in whose territory the confinement took place or, if the confinement did not take place in the territory of one of these Member States, exclusively under the legislation of the Member State to which the employed or self-employed person was last subject.

2. If an employed or self-employed person is entitled to claim sickness benefits under the legislation of Ireland and the United Kingdom for the same period of incapacity for work, those benefits shall be granted exclusively under the legislation of the Member State to which the person concerned was last subject.'

5. Article 8a shall be replaced by the following:

'Article 8a

Rules applicable in the case of overlapping of rights to sickness benefits, benefits with respect to accidents at work or occupational disease under Greek legislation and the legislation of one or more other Member States

If during the same period an employed or self-employed person or member of his family is entitled to claim sickness benefits, benefits with respect to accidents at work or occupational disease under Greek legislation and under the legislation of one or more Member States, these benefits shall be granted exclusively under the legislation to which the person concerned was last subject.'

6. Article 9a shall be replaced by the following:

'Article 9a

Rules applicable in the case of overlapping of rights to unemployment benefits

If an employed or self-employed person, entitled to unemployment benefits under the legislation of a Member State to which he was subject during his last employment or self-employment pursuant to Article 69 of the Regulation, goes to Greece where he is also entitled to unemployment benefits by virtue of a period of insurance, employment or self-employment previously completed under Greek legislation, the right to benefits under Greek legislation shall be suspended for the period laid down in Article 69 (1) (c) of the Regulation.'

7. Article 10 shall be replaced by the following:

'Article 10

Rules applicable in the case of overlapping of rights to family benefits or family allowances for employed or self-employed persons

1. Entitlement to family benefits or family allowances due under the legislation of a Member State, according to which acquisition of the right to those benefits or allowances is not subject to conditions of insurance, employment, or self-employment, shall be suspended when, during the same period and for the same member of the family:

(a) benefits are due in pursuance of Article 73 or Article 74 of the Regulation. If, however, the spouse of the employed person or of the unemployed person who was formerly employed, referred to in those Articles, exercises a professional or trade activity in the territory of the said Member State, the right to family benefits or family allowances due in pursuance of the said Articles shall be suspended; and only those family benefits or family allowances of the Member State in whose territory the member of the family is residing shall be paid, the cost to be borne by that Member State;

(b) benefits are due in pursuance of Article 77 or Article 78 of the Regulation. If, however, a pensioner who is entitled to benefits under Article 77 of the Regulation, his spouse or the person looking after the orphans to whom benefits are due under Article 78 of the Regulation, exercises a professional or trade activity in the territory of the said Member State, entitlement to family allowances due in pursuance of Article 77 or Article 78 of the Regulation under the legislation of another Member State shall be suspended; where this is the case, the person concerned shall be entitled to the family benefits or family allowances of the Member State in whose territory the children reside, the cost to be borne by that Member State, and, where appropriate, to benefits other than the family allowances referred to in Article 77 or Article 78 of the Regulation, the cost to be borne by the competent State as defined by those Articles.

2. If an employed person subject to the legislation of a Member State is entitled to family allowances by virtue of periods of insurance or employment previously completed under Greek legislation, this right shall be suspended where, during the same period and for the same member of the family, family benefits or allowances are due under the legislation of the first Member State pursuant to Articles 73 and 74 of the Regulation.

Article 10a

Rules applicable when during the same period or part of a period the employed or self-employed person is successively subject to the legislation of several Member States

1. If an employed or self-employed person has been subject successively to the legislation of two Member States during the period separating two dates for the payment of family benefits or family allowances as provided for by the legislation of one or both of the Member States concerned, the following rules shall apply:

(a) the family benefits or family allowances which the person concerned may claim by virtue of being subject to the legislation of each one of these States shall correspond to the number of daily benefits or allowances due under the relevant legislation. Where these legislations do not provide for daily benefits or allowances, the family benefits or family allowances shall be granted in proportion to the length of time during which the person concerned has been subject to the legislation of each one of the Member States in relation to the period fixed by the legislation concerned;

(b) where the family benefits or family allowances have been provided by an institution during a period when they should have been provided by another institution,

there shall be an adjustment of accounts between the said institutions;

(c) for the purposes of subparagraphs (a) and (b) where periods of employment or self-employment completed under the legislation of one Member State are expressed in units different from those which are used in the calculation of family benefits or family allowances under the legislation of another Member State to which the person concerned has also been subject during the same period, the conversion shall be carried out in accordance with the provisions of Article 15 (3) of the Implementing Regulation;

(d) notwithstanding the provisions of subparagraph (a), in respect of dealings between the Member States listed in Annex 8 to the Implementing Regulation, the institution bearing the costs of the family benefits or family allowances by reason of the first employment or self-employment during the period concerned, shall bear their cost throughout the whole of the current period.

2. If the members of the family of an employed person, or of an unemployed person who was formerly employed, subject to French legislation, or of an unemployed person in receipt of unemployment benefits under French legislation, transfer their residence from the territory of one Member State to the territory of another Member State during the same calendar month, the institution responsible for providing the family allowances at the beginning of that month shall continue to provide them throughout the whole of the current month.'

8. Article 11 shall be replaced by the following:

'Implementation of Articles 13 to 17 of the Regulation

Article 11

Formalities in the case of the posting elsewhere of an employed person pursuant to Article 14 (1) and Article 14b (1) of the Regulation and in the case of Agreements concluded under Article 17 of the Regulation

1. The institution designated by the competent authority of the Member State whose legislation is to remain applicable shall issue a certificate stating that an employed person shall remain subject to that legislation up to a specified date:

(a) at the request of the employed person or his employer in cases referred to in Article 14 (1) and Article 14b (1) of the Regulation;

(b) in cases where Article 17 of the Regulation applies.

2. The consent provided for in Article 14 (1) (b) of the Regulation shall be requested by the employer.

Article 11a

Formalities pursuant to Article 14a (1) and Article 14b (2) of the Regulation and in the case of Agreements concluded under Article 17 of the Regulation in the case of work carried out in the territory of a Member State other than that in which the person concerned is normally self-employed

1. The institution designated by the competent authority of the Member State whose legislation is to remain applicable shall issue a certificate stating that the self-employed person shall remain subject to that legislation up to a specified date:

(a) at the request of the self-employed person in cases referred to in Article 14a (1) and Article 14b (2) of the Regulation;

(b) in cases where Article 17 of the Regulation applies.

2. The consent provided for in Article 14a (1) (b) of the Regulation shall be requested by the self-employed person.'

9. Article 12 shall be replaced by the following:

'Article 12

Special provisions concerning insurance of employed persons under the German social security scheme

Where, under the terms of Article 13 (2) (a), Article 14 (1) and (2) or Article 14b (1) of the Regulation, or under an agreement concluded pursuant to Article 17 of the Regulation, German legislation applies to a person employed by an undertaking or employer whose registered office or place of business is not situated on German territory, and the person concerned has no fixed job on German territory, this legislation shall apply as if the person concerned were employed in his place of residence on German territory.

If the employed person has no residence on German territory, German legislation shall apply as if he were employed in a place for which the Allgemeine Ortskrankenkasse Bonn (General Sickness Fund of Bonn), Bonn, is competent.'

10. Article 12a shall be replaced by the following:

'Article 12a

Rules applicable in respect of the persons referred to in Article 14 (2) (b), Article 14 (3), Article 14a (2) to (4) and Article 14c (1) (a) of the Regulation who normally engage in employment and/or self-employment in the territory of two or more Member States

For the purposes of Article 14 (2) (b), Article 14 (3), Article 14a (2) to (4) and Article 14c (1) (a) of the Regulation, the following rules shall apply:

1. (a) A person who normally pursues his activity in the territory of two or more Member States or in an undertaking which has its registered office or place of business in the territory of one Member State and which straddles the common frontier of two Member States, or who is employed simultaneously in the territory of one Member State and self-employed in the territory of another Member State shall notify this situation to the institution designated by the competent authority of the Member State in the territory of which he resides.

   (b) Where the legislation of the Member State in the territory of which the person resides is not applicable to him, the institution designated by the competent authority of that Member State shall in turn notify the situation to the institution designated by the competent authority of the Member State whose legislation is applicable.

2. (a) Where, in accordance with Article 14 (2) (b) (i) or the first sentence of paragraph 2 of Article 14a of the Regulation, a person who is normally employed or self-employed in the territory of two or more Member States and who pursues part of his activity in the Member State in whose territory he resides is subject to the legislation of that Member State, the institution designated by the competent authority of that Member State shall issue to the person concerned a certificate stating that he is subject to its legislation and shall send a copy thereof to the institution designated by the competent authority of any other Member State:

   (i) in the territory of which the person concerned pursues a part of his activity; and/or

   (ii) if he is an employed person, in the territory of which an undertaking or an employer by whom he is employed has its registered office or place of business.

   (b) The latter institution shall, where necessary, send to the institution designated by the competent authority of the Member State whose legislation is applicable the information necessary to assess the contributions for which the employer or employers and/or the person concerned are liable by virtue of that legislation.

3. (a) Where, in accordance with Article 14 (3) or Article 14a (3) of the Regulation, a person who is employed in the territory of one Member State by an undertaking which has its registered office or place of business in the territory of another Member State and which straddles the common frontier of those States, or who is self-employed in such an undertaking, is subject to the legislation of the Member State in whose territory the undertaking has its registered office or place of business, the institution designated by the competent authority of the latter Member State shall issue to the person concerned a certificate stating that he is subject to its legislation and shall send a copy thereof to the institution designated by the competent authority of any other Member State:

   (i) in the territory of which the person concerned is employed or self-employed;

   (ii) in the territory of which the person concerned resides.

   (b) Paragraph 2 (b) above shall apply by analogy.

4. (a) Where, in accordance with Article 14 (2) (b) (ii) of the Regulation, an employed person who does not reside in the territory of any of the Member States in which he is pursuing his activity, is subject to the legislation of the Member State in whose territory is situated the registered office or place of business of the undertaking or individual employing him, the institution designated by the competent authority of the latter Member State shall issue to the employed person a certificate stating that he is subject to its legislation and shall send a copy thereof to the institution designated by the competent authority of any other Member State:

   (i) in the territory of which the employed person pursues a part of his activity;

(ii) in the territory of which the employed person resides.

(b) Paragraph 2 (b) above shall apply by analogy.

5. (a) Where, in accordance with the provisions of the second sentence of paragraph 2 of Article 14a of the Regulation, a person who is normally self-employed in the territory of two or more Member States but who does not pursue any part of his activity in the territory of the Member State in which he resides, is subject to the legislation of the Member State in whose territory he pursues his main activity, the institution designated by the competent authority of the Member State in the territory of which he resides shall forthwith inform the institution designated by the competent authorities of the other Member States concerned.

(b) The competent authorities of the Member States concerned or the institutions designated by those competent authorities shall by common agreement determine the legislation applicable to the person concerned, account being taken of the provisions of subparagraph (d) and, where appropriate, of the provisions of Article 14a (4) of the Regulation, within a period of not more than six months counting from the day on which the situation of the person concerned was notified to one of the institutions concerned.

(c) The institution administering the legislation that has been determined as being applicable to the person concerned shall issue a certificate to that person showing that he is subject to that legislation and shall send a copy thereof to the other institutions concerned.

(d) For the purpose of determining, in pursuance of Article 14a (2), third sentence, of the Regulation, the principal activity of the person concerned, account shall be taken first and foremost of the locality in which the fixed and permanent premises from which the person concerned pursues his activities is situated. Failing this, account shall be taken of criteria such as the usual nature or the duration of the activities pursued, the number of services rendered and the income arising from those activities.

(e) The institution concerned shall exchange all information necessary to determinate both the principal activity of the person concerned and the contributions payable under the legislation that has been determined as being applicable to him.

6. (a) Without prejudice to paragraph 5, and in particular to subparagraph (b) thereof, if the institution designated by the competent authority of the Member State whose legislation would be applicable by virtue of Article 14a (2) or (3) of the Regulation establishes that the provisions of paragraph 4 of the said Article apply in the case of the person concerned, it shall notify the competent authorities of the other Member States concerned or the institutions designated by those authorities; where necessary, the legislation to be applicable to the person concerned shall be decided on by common agreement.

(b) The information referred to in paragraph 2 (b) above shall be sent by the other institutions concerned to the institutions designated by the competent authority of the Member State whose legislation is determined to be applicable.

7. (a) Where, in accordance with Article 14c (1) (a) of the Regulation, a person who is employed simultaneously in the territory of one Member State and is self-employed in the territory of another Member State, is subject to the legislation of the Member State in whose territory he is engaged in paid employment, the institution designated by the competent authority of the latter Member State shall issue to the employed person a certificate stating that he is subject to its legislation and shall send a copy thereof to the institution designated by the competent authority of any other Member State:

(i) in the territory of which that person is self-employed;

(ii) in the territory of which that person resides.

(b) Paragraph 2 (b) above shall apply by analogy.'

11. Article 13 shall be replaced by the following:

'Article 13

Exercise of the right of option by persons employed by diplomatic missions and consular posts

1. The right of option provided for in Article 16 (2) of the Regulation must be exercised in the first instance within the three months following the date on which the employed person was

engaged by the diplomatic mission or consular post concerned, or on which he entered into the personal service of agents of such mission or post. The option shall take effect on the date of entry into employment.

When the person concerned renews his right of option at the end of a calendar year, the option shall take effect on the first day of the following calendar year.

2. The person concerned who exercises his right of option shall inform the institution designated by the competent authority of the Member State for whose legislation he has opted, at the same time notifying his employer thereof. The said institution shall, where necessary, forward such information to all other institutions of the same Member State, in accordance with directives issued by the competent authority of that Member State.

3. The institution designated by the competent authority of the Member State for whose legislation the person concerned has opted, shall issue to him a certificate testifying that he is subject to the legislation of that Member State while he is employed by the diplomatic mission or consular post in question or in the personal service of agents of such mission or post.

4. Where the person concerned has opted for German legislation to be applied, the provisions of such legislation shall be applied as though he were employed in the place where the German Government has its seat. The competent authority shall designate the competent sickness insurance institution.'

12. Article 15 shall be replaced by the following:

'Article 15

1. In the cases referred to in Article 18 (1), Article 38, Article 45 (1) to (3), 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 this 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 employed or self-employed person 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 (3) 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. When periods of insurance completed under the legislation of one Member State are expressed in units different from those used by the legislation of another Member State, the conversion necessary for the purposes of aggregation shall be carried out according to the following rules:

(a) where the person concerned is an employed person who has been subject to a six-day week or if he is self-employed:

(i) one day shall be equivalent to eight hours and vice versa;

(ii) six days shall be equivalent to one week and vice versa;

(iii) 26 days shall be equivalent to one month and vice versa;

(iv) three months or 13 weeks or 78 days shall be equivalent to one quarter and vice versa;

(v) for the conversion of weeks into months and vice versa the weeks and months shall be converted into days;

(vi) the application of the preceding rules shall not have the effect of producing, for the sum total of the periods of insurance completed during one calendar year, a total exceeding 312 days or 52 weeks or 12 months or four quarters;

(b) if the person concerned is an employed person who has been subject to a five-day week:

(i) one day shall be equivalent to nine hours and vice versa;

(ii) five days shall be equivalent to one week and vice versa;

(iii) 22 days shall be equivalent to one month and vice versa;

(iv) three months or 13 weeks or 66 days shall be equivalent to one quarter and vice versa;

(v) for the conversion of weeks into months and vice versa, the weeks and the months shall be converted into days;

(vi) the application of the preceding rules shall not have the effect of producing, for the sum total of the periods of insurance completed during one calendar year, a total exceeding 264 days or 52 weeks or 12 months or four quarters.'

13. Article 16 shall be replaced by the following:

'Implementation of Article 18 of the Regulation

Article 16

Certification of periods of insurance

1. In order to invoke the provisions of Article 18 of the Regulation, an employed or self-employed person shall submit to the competent institution a certified statement specifying the periods of insurance completed under the legislation to which he was last subject.

2. This certified statement shall be issued at the request of the employed or self-employed person by the institution or institutions of the Member State to whose legislation he was last subject. If he does not submit the said certified statement, the competent institution shall obtain it from the institution or institutions concerned.

3. The provisions of paragraphs 1 and 2 shall apply by analogy if it is necessary to take into account periods of insurance previously completed under the legislation of any other

Member State in order to satisfy the conditions of the legislation of the competent State.'

14. Article 17 shall be replaced by the following:

'Implementation of Article 19 of the Regulation

Article 17

Benefits in kind in the case of residence in a Member State other than the competent State

1. In order to receive benefits in kind under Article 19 of the Regulation, an employed or self-employed person must register himself and the members of his family with the institution of his place of residence by submitting a certified statement testifying that he and the members of his family are entitled to the said benefits. This certified statement, based upon information supplied by the employer, where appropriate, shall be issued by the competent institution. If the employed or self-employed person or the members of his family do not submit the said certified statement the institution of the place of residence shall obtain it from the competent institutions.

2. That certified statement shall remain valid until the institution of the place of residence receives notification of its cancellation. However, when the said certified statement has been issued by a French institution, it shall be valid only for a year following the date of its issue and must be renewed every year.

3. If the person concerned is a seasonal worker, the certified statement referred to in paragraph 1 shall be valid for the whole of the expected duration of the seasonal work unless, in the meanwhile, the competent institution notifies the institution of the place of residence of its cancellation.

4. The institution of the place of residence shall inform the competent institution of every registration effected in accordance with the provisions of paragraph 1.

5. Upon each application for benefits in kind, the person concerned shall submit the supporting documents required for the granting of benefits in kind under the legislation of the Member State in whose territory he resides.

6. In the event of hospitalization, the institution of the place of residence shall, within three days of becoming aware of the fact, notify the competent institution of the date of entry into hospital, the probable duration of hospitalization and the date of leaving hospital. Notification shall be unnecessary, however, when the costs of the benefits in kind are repaid in a lump sum to the institution of the place of residence.

7. The institution of the place of residence shall notify the competent institution in advance of any decision relating to the granting of benefits in kind where the likely or actual cost exceeds a lump sum which is fixed and periodically reviewed by the Administrative Commission. The competent institution shall have 15 days from the day on which such information is sent within which to raise any objection and to state the reasons on which such objection is based; if, at the end of that period, no such objection has been raised, the institution of the place of residence shall grant the benefits in kind. Where such benefits have to be granted in a case of extreme urgency, the institution of the place of residence shall forthwith inform the competent institution thereof. However, notification of its objection, stating the reasons on which such objection is based, shall be unnecessary when the costs of the benefits in kind are repaid in a lump sum to the institution of the place of residence.

8. The employed or self-employed person or the members of his family shall inform the institution of the place of residence of any change in their situation which is likely to alter their entitlement to benefits in kind, in particular any cessation or change of the employment or self-employment of the person concerned or any transfer of residence or stay of the employed or self-employed person or of a member of his family. Likewise, should the employed or self-employed person cease to be insured or cease to be entitled to benefits in kind, the competent institution shall inform the institution of the place of residence accordingly. The institution of the place of residence may, at any time, request the competent institution to supply it with any information relating to the employed or self-employed person's insurance or to his entitlement to benefits in kind.

9. Two or more Member States or the competent authorities of those Member States may, having received the opinion of the Administrative Commission, agree on other implementing provisions.'

15. Article 18 shall be replaced by the following:

'Article 18

Cash benefits in the case of residence in a Member State other than the competent State

1. In order to receive cash benefits under Article 19 (1) (b) of the Regulation an employed

or self-employed person shall, within three days of commencement of the incapacity for work, apply to the institution of the place of residence by submitting a notification of having ceased work or, if the legislation administered by the competent institution or by the institution of the place of residence so provides, a certificate of incapacity for work issued by the doctor providing treatment for the person concerned.

2. Where the doctors providing treatment in the country of residence do not issue certificates of incapacity for work, the person concerned shall apply directly to the institution of the place of residence within the time limit fixed by the legislation which it administers.

That institution shall immediately have the incapacity for work medically confirmed and the certificate referred to in paragraph 1 drawn up. Such certificate shall state the probable duration of the incapacity and shall be forwarded to the competent institution forthwith.

3. In cases where paragraph 2 does not apply, the institution of the place of residence shall, as soon as possible and in any event within the three days following the date on which the person concerned applied to it, have him medically examined as if he were insured with that institution. The report of the examining doctor shall indicate, in particular, the probable duration of the incapacity for work, and shall be forwarded to the competent institution by the institution of the place of residence within the three days following the date of the examination.

4. The institution of the place of residence shall subsequently carry out any necessary administrative checks or medical examinations of the person concerned as if he were insured with that institution. As soon as it establishes that the person concerned is fit to resume work, it shall forthwith notify him and the competent institution accordingly, stating the date on which his incapacity for work ceased. Without prejudice to the provisions of paragraph 6, the notification to the person concerned shall be treated as a decision taken on behalf of the competent institution.

5. In all cases the competent institution shall reserve the right to have the person concerned examined by a doctor of its own choice.

6. If the competent institution decides to withhold the cash benefits because the person concerned has not completed the formalities laid down by the legislation of the country of residence, or if it establishes that the person concerned is fit to resume work, it shall notify the person concerned of its decision and shall simultaneously send a copy of such decision to the institution of the place of residence.

7. When the person concerned resumes work, he shall notify the competent institution accordingly, if such notification is required by the legislation administered by that institution.

8. The competent institution shall pay cash benefits by the appropriate method, in particular by international money order, and shall inform the institution of the place of residence and the person concerned accordingly. Where cash benefits are paid by the institution of the place of residence on behalf of the competent institution, the latter shall inform the person concerned of his rights and shall notify the institution of the place of residence of the amount of the cash benefits, the dates for payment, and the maximum period during which they should be granted, in accordance with the legislation of the competent State.

9. Two or more Member States, or the competent authorities of those Member States may, having received the opinion of the Administrative Commission, agree on other implementing provisions.'

16. Article 20 shall be replaced by the following:

'Implementation of Article 22 of the Regulation

Article 20

Benefits in kind in the case of a stay in a Member State other than the competent State — Special case of persons employed in international transport and members of their families

1. In order to receive benefits in kind for himself or for members of his family who accompany him, a person employed in international transport, covered by Article 14 (2) (a) of the Regulation, who in the course of his employment goes to the territory of a Member State other than the competent State, shall, as soon as possible, submit to the institution of the place of stay, a special certified statement issued by the employer or by his agent during the current calendar month or during the two calendar months preceding its submission. Such certified statement shall state in particular the date from which the person concerned has been employed by the said employer, and the name and address of the competent institution; if, however, under the legislation of the competent State the employer is not required to know the competent institution, the person concerned shall provide in writing the name and address of that institution when submitting his application to the institution of the place of stay. A person who has

submitted such certified statement shall be presumed to have satisfied the conditions for acquisition of the right to benefits in kind. If a person is unable to contact the institution of the place of stay before receiving medical treatment, he shall nevertheless receive such treatment on presentation of the said certified statement as if he were insured with that institution.

2. The institution of the place of stay shall within three days inquire of the competent institution whether the person concerned satisfies the conditions for acquisition of the right to benefits in kind. The institution of the place of stay shall provide the benefits in kind until it receives a reply from the competent institution, but for not more than 30 days.

3. The competent institution shall send its reply to the institution of the place of stay within 10 days of the receipt of the request from that institution. If that reply is in the affirmative, the competent institution shall indicate, if necessary, the maximum period during which the benefits in kind may be granted, in accordance with the legislation which it administers, and the institution of the place of stay shall continue to provide the said benefits.

4. In place of the certified statement provided for in paragraph 1, the employed person covered by that paragraph may submit to the institution of the place of stay a certified statement stating that the conditions for acquisition of the right to benefits in kind have been satisfied. This certified statement, which shall be issued by the competent institution, shall specify in particular, where necessary, the maximum period during which benefits in kind may be granted in accordance with the legislation of the competent State. In such a case paragraphs 1, 2 and 3 shall not apply.

5. The provisions of Article 17 (6), (7) and (9) of the Implementing Regulation shall apply by analogy.

6. Benefits in kind provided by virtue of the presumption made in paragraph 1 shall be reimbursed as provided for in Article 36 (1) of the Regulation.'

17. Article 21 shall be replaced by the following:

'Article 21

Benefits in kind in the case of a stay in a Member State other than the competent State — Employed persons other than those covered by Article 20 of the Implementing Regulation or self-employed persons

1. In order to receive benefits in kind under Article 22 (1) (a) (i) of the Regulation, save in the case referred to in Article 20 of the Implementing Regulation, an employed or self-employed person shall submit to the institution of the place of stay a certified statement stating that he is entitled to benefits in kind. Such certified statement, which shall be issued by the competent institution at the request of the person concerned, if possible before he leaves the territory of the Member State in which he resides, shall specify in particular, where necessary, the maximum period during which benefits in kind may be granted, in accordance with the legislation of the competent State. If the person concerned does not submit the said certified statement, the institution of the place of stay shall obtain it from the competent institution.

2. The provisions of Article 17 (6), (7) and (9) of the Implementing Regulation shall apply by analogy.'

18. Article 22 shall be replaced by the following:

'Article 22

Benefits in kind for employed or self-employed persons who transfer their residence or return to their country of residence, and for employed or self-employed persons authorized to go to another Member State for medical treatment

1. In order to receive benefits in kind under Article 22 (1) (b) (i) of the Regulation, an employed or self-employed person shall submit to the institution of the place of residence a certified statement testifying that he is entitled to continue receiving the said benefits. This certified statement, which shall be issued by the competent institution, shall specify in particular, where necessary, the maximum period during which such benefits may continue to be provided, in accordance with the provisions of the legislation of the competent State. The certified statement may, at the request of the person concerned, be issued after his departure if, for reasons of *force majeure*, it cannot be drawn up beforehand.

2. The provisions of Article 17 (6), (7) and (9) of the Implementing Regulation shall apply by analogy.

3. Paragraphs 1 and 2 shall apply by analogy in respect of the provision of benefits in kind in the case referred to in Article 22 (1) (c) (i) of the Regulation.'

19. Article 24 shall be replaced by the following:

'Article 24

Cash benefits for employed or self-employed persons in the case of a stay in a Member State other than the competent State

The provisions of Article 18 of the Implementing Regulation shall apply by analogy in respect of the receipt of cash benefits under Article 22 (1)

(a) (ii) of the Regulation. However, without prejudice to the obligation to submit a certificate of incapacity for work, an employed or self-employed person who is staying in the territory of a Member State, without pursuing any employment or self-employment there, shall not be required to submit the notification of having ceased work referred to in Article 18 (1) of the Implementing Regulation.'

20. Article 25 shall be replaced by the following:

'Implementation of Article 23 (3) of the Regulation

Article 25

Certified statement relating to the members of the family to be taken into account in the calculation of cash benefits

1. In order to receive benefits under the provisions of Article 23 (3) of the Regulation, an employed or self-employed person shall submit to the competent institution a certified statement relating to the members of his family who are resident in the territory of a Member State other than that wherein the said institution is situated.

2. This certified statement shall be issued by the institution of the place of residence of the members of the family.

It shall be valid for the 12 months following the date of its issue. It may be renewed; in such a case, it shall be valid from the date of its renewal.

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.

3. In place of the certified statement provided for in paragraph 1, the competent institution may require the person concerned to produce recent civil status documents relating to the members of his family who are resident in the territory of a Member State other than that wherein the said institution is situated.'

21. After Article 32 there shall be inserted a new Article as follows:

'Implementation of Article 35 (2) of the Regulation

Article 32a

Special schemes applying to certain self-employed persons

Annex 11 lists the scheme or schemes referred to in Article 35 (2) of the Regulation.'

22. Article 33 shall be replaced by the following:

'Implementation of Article 35 (4) of the Regulation

Article 33

Taking account of the period during which benefits have already been provided by the institution of another Member State

For the purposes of implementing the provisions of Article 35 (4) of the Regulation, the institutions of a Member State called upon to provide benefits may request the institution of another Member State to supply it with information relating to the period during which the latter institution has already provided benefits for the same case of sickness or maternity.'

23. Article 34 shall be replaced by the following:

'Refund by the competent institution of one Member State of expenses incurred during a stay in another Member State

Article 34

1. If it is not possible during an employed or self-employed person's stay in a Member State other than the competent State to complete the formalities provided for in Article 20 (1) and (4) and Articles 21, 23 and 31 of the Implementing Regulation, his expenses shall, upon his application, be refunded by the competent institution in accordance with the refund rates administered by the institution of the place of stay.

2. The institution of the place of stay shall, at the request of the competent institution, supply it with the necessary information about such rates.

If the institution of the place of stay and the competent institution are bound by an agreement providing either that no refund, or that a lump-sum refund of benefits provided, in pursuance of Article 22 (1) (a) (i) and Article 31 of the Regulation, be made, the institution of the place of stay shall, in addition, be required to transfer to the competent institution the amount to be refunded to the person concerned in pursuance of the provisions of paragraph 1.

3. Where major expenses are involved, the competent institution may pay an appropriate advance to the person concerned as soon as that person submits to the said institution the claim for refund.'

24. Article 35 shall be replaced by the following:

'Submission and investigation of claims for benefits

Article 35

Claims for invalidity benefits where the employed or self-employed person has been subject exclusively to the legislation specified in Annex IV of the Regulation, and in the case referred to in Article 40 (2) of the Regulation

1. In order to receive benefits under Articles 37, 38 and 39 of the Regulation, including the cases referred to in Articles 40 (2), 41 (1) and 42 (2) of the Regulation, an employed or self-employed person shall submit a claim either to the institution of the Member State to whose legislation he was subject at the time of occurrence of the incapacity for work followed by invalidity or the aggravation of such invalidity, or to the institution of the place of residence, which shall then forward the claim to the first institution, indicating the date on which it was submitted; this date shall be regarded as the date of the submission of the claim to the first institution. However, if sickness insurance cash benefits have been granted, the date on which such cash benefits ceased to be granted must, where appropriate, be regarded as the date of submission of the pension claim.

2. In the case referred to in Article 41 (1) (b) of the Regulation, the institution with which the employed or self-employed person was last insured shall notify the amount and the operative date of the benefits due under the legislation which it administers to the institution initially responsible for payment of the benefits. With effect from that date, the benefits due prior to the aggravation of the invalidity shall be cancelled or reduced to an amount not exceeding the supplement referred to in Article 41 (1) (c) of the Regulation.

3. The provisions of paragraph 2 shall not apply in the case referred to in Article 41 (1) (d) of the Regulation. In this case, the institution with which the claimant was last insured shall apply to the Netherlands institution in order to ascertain the amount due from that institution.'

25. Article 36 shall be replaced by the following:

'Article 36

Claims for old age and survivors' benefits (excluding orphans' benefits) and invalidity benefits in cases not referred to in Article 35 of the Implementing Regulation

1. In order to receive benefits under Articles 40 and 51 of the Regulation, except in the cases referred to in Article 35 of the Implementing Regulation, the person concerned shall submit a claim to the institution of the place of residence in accordance with the procedure provided for by the legislation administered by that institution. If the employed or self-employed person has not been subject to that legislation, the institution of the place of residence shall forward the claim to the institution of the Member State to whose legislation he was last subject, indicating the date on which the claim was submitted. That date shall be regarded as the date on which the claim was submitted to the latter institution.

2. Where a claimant resides in the territory of a Member State to whose legislation the employed or self-employed person has not been subject, he may submit his claim to the institution of the Member State to whose legislation the employed or self-employed person was last subject.

3. Where a claimant resides in the territory of a State which is not a Member State, he shall submit his claim to the competent institution of that Member State to whose legislation the employed or self-employed person was last subject.

Should the claimant submit his claim to the institution of the Member State of which he is a national, the latter shall forward such claim to the competent institution.

4. A claim for benefits sent to the institution of one Member State shall automatically involve the concurrent award of benefits under the legislation of all the Member States in question whose conditions the claimant satisfies except where, under Article 44 (2) of the Regulation, the claimant asks for postponement of any old age benefits to which he would be entitled under the legislation of one or more Member States.'

26. Article 37 shall be replaced by the following:

'Article 37

Documents and information which should accompany claims to the benefits referred to in Article 36 of the Implementing Regulation

The submission of the claims referred to in Article 36 of the Implementing Regulation shall be subject to the following rules:

(a) the claim must be accompanied by the required supporting documents and must be made on the form provided for by the legislation:

(i) of the Member State in whose territory the claimant resides, in the case referred to in Article 36 (1);

(ii) of the Member State to which the employed or self-employed person was last subject, in the cases referred to in Article 36 (2) and (3);

(b) the accuracy of the information supplied by the claimant must be established by official documents attached to the claim form, or confirmed by the competent bodies of the Member State in whose territory the claimant resides;

(c) the claimant must indicate, in so far as is possible, either the institution or institutions administering insurance in respect of invalidity, old age or death (pensions) of any Member State with which the employed or self-employed person has been insured, or in the case of an employed person the employer or employers for whom he has worked in the territory of any Member State, by producing any employment certificates which he may have in his possession;

(d) if, under Article 44 (2) of the Regulation, the claimant asks for the postponement of the award of any old age benefits to which he would be entitled under the legislation of one or more Member States he must specify the legislation under which he is claiming benefits.'

27. (Does not concern the English text).

28. Article 39 shall be replaced by the following:

'Article 39

Investigation of claims for invalidity benefits in the case where the employed or self-employed person has been subject exclusively to the legislation specified in Annex IV of the Regulation

1. If an employed or self-employed person has submitted a claim for invalidity benefits, and the institution establishes that the provisions of Article 37 (1) of the Regulation apply, that institution shall, where necessary, obtain from the institution with which the person concerned was last insured a certified statement of the periods of insurance completed by him under the legislation administered by that last institution.

2. Where it is necessary to take into account periods of insurance previously completed under the legislation of any other Member State in order to satisfy the conditions of the legislation of the competent State, the provisions of paragraph 1 shall apply by analogy.

3. In the case referred to in Article 39 (3) of the Regulation, the institution which has investigated the claimant's case shall forward his file to the institution with which the person concerned was last insured.

4. Articles 41 to 50 of the Implementing Regulation shall not apply to the investigation of claims referred to in paragraphs 1, 2 and 3.'

29. Article 42 shall be replaced by the following:

'Article 42

Forms to be used for the investigation of claims for benefits

1. When investigating claims for benefits the investigating institution shall use a form which will include, in particular, a statement and a summary of the periods of insurance or residence completed by the employed or self-employed person under the legislation of all the Member States concerned.

2. These forms, when forwarded to the institution of any other Member State, shall take the place of supporting documents.'

30. Article 43 shall be replaced by the following:

'Article 43

Procedure to be followed by the institutions concerned in the investigation of a claim

1. The investigating institution shall enter on the form provided for in Article 42 (1) of the Implementing Regulation the periods of insurance or residence completed under the legislation which it administers and it shall forward a copy of that form to the institution administering insurance in respect of invalidity, old age or death (pensions) of any Member State with which the employed or self-employed person has been insured enclosing, where appropriate, any employment certificates produced by the claimant.

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.

4. As soon as the investigating institution, upon receipt of the information referred to in paragraphs 2 or 3, establishes the fact that the provisions of Article 40 (2) or Article 48 (2) or (3) of the Regulation should be applied, it shall inform the other institutions concerned accordingly.

5. In the case provided for in Article 37 (d) of the Implementing Regulation, the institutions of the Member States to whose legislation the claimant has been subject but to which he has applied for postponement of the award of the benefits, shall enter on the form provided for in Article 42 (1) of the Implementing Regulation only the periods of insurance or residence completed by the claimant under the legislation which they administer.'

31. Article 44 shall be replaced by the following:

'Article 44

Institution empowered to take a decision relating to the degree of invalidity

1. Subject to the provisions of paragraphs 2 and 3, only the investigating institution shall be empowered to take the decision referred to in Article 40 (4) of the Regulation concerning the degree of invalidity of the claimant. It shall take such a decision as soon as it is in a position to determine whether, taking account, where appropriate, of the provisions of Article 45 of the Regulation, the conditions for entitlement fixed by the legislation which it administers are fulfilled. It shall notify such decision forthwith to the other institutions concerned.

2. If, taking account of the provisions of Article 45 of the Regulation, the conditions for entitlement, other than those relating to the degree of invalidity, laid down by the legislation administered by the investigating institution are not fulfilled, that institution shall immediately notify the competent institution in respect of invalidity of the other Member State to whose legislation the employed or self-employed person was last subject. This institution shall, if the conditions for entitlement laid down by the

legislation which it administers are fulfilled, be empowered to take the decision relating to the degree of invalidity of the claimant; it shall forthwith notify that decision to the other institutions concerned.

3. Where necessary, the matter may have to be referred back, under the same conditions, to the competent institution in respect of invalidity of the Member State to whose legislation the employed or self-employed person was first subject.'

32. Article 50 (1) shall be replaced by the following:

'1. (a) (i) Where an employed or self-employed person who is a national of one Member State becomes subject to the legislation of another Member State, the competent institution in respect of pensions of the latter Member State shall, using all the means at its disposal and at the time of registration of the person concerned, forward to the body designated by the competent authority of that same Member State, all information relating to the identification of the person concerned and the name of the said competent institution and the insurance number allotted by the latter.

(ii) Moreover, the competent institution referred to in subparagraph (i) shall also, as far as possible, forward to the body designated under the provisions of subparagraph (i) any other information which may facilitate and accelerate the ultimate award of the pensions.

(iii) Such information shall be forwarded, under conditions fixed by the Administrative Commission, to the body designated by the competent authority of the Member State concerned.

(iv) For the implementation of the provisions of subparagraphs (i), (ii) and (iii), stateless persons and refugees shall be deemed to be nationals of the Member State to whose legislation they were first subject.

(b) The institutions concerned shall, at the request of the person concerned or of the institution with which he is currently insured, draw up his insurance history starting not later than one year before the date on which he will reach pensionable age.'

33. Article 51 shall be replaced by the following:

'Administrative checks and medical examinations

Article 51

1. When a person in receipt of benefits, in particular:

(a) invalidity benefits,

(b) old age benefits awarded in the event of unfitness for work,

(c) old age benefits awarded to elderly unemployed persons,

(d) old age benefits awarded in the event of cessation of a professional or trade activity,

(e) survivors' benefits awarded in the event of invalidity or unfitness for work,

(f) benefits awarded on condition that the means of the recipient do not exceed a prescribed limit,

is staying or residing in the territory of a Member State other than the State in which the institution responsible for payment is situated, administrative checks and medical examinations shall be carried out, at the request of that institution, by the institution of the place of stay or residence of the recipient in accordance with the procedures laid down by the legislation administered by the latter institution. The institution responsible for payment shall, however, reserve the right to have the recipient examined by a doctor of its own choice.

2. If it is established that the recipient referred to in paragraph 1 is employed or self-employed or has means in excess of the prescribed limit while receiving benefits, the institution of the place of stay or residence shall send a report to the institution responsible for payment which has requested the check or examination. This report shall indicate in particular the nature of the employment or self-employment pursued by the person concerned, the amount of earnings or means which he has had during the last complete quarter, the normal earnings obtained in the same area by an employed person or a self-employed person at the same level as the person concerned in the occupation which he followed before becoming an invalid over a reference period to be determined by the institution responsible for payment and, where appropriate, the opinion of a medical expert on the state of health of the person concerned.'

34. Article 60 shall be replaced by the following:

'Implementation of Articles 52 and 53 of the Regulation

Article 60

Benefits in kind in the case of residence in a Member State other than the competent State

1. In order to receive benefits in kind under Article 52 (a) of the Regulation, an employed or self-employed person shall submit to the institution of the place of residence a certified statement testifying that he is entitled to such benefits in kind. This certified statement, based upon information supplied by the employer, where appropriate, shall be issued by the competent institution. Moreover, if the legislation of the competent State so provides, the employed or self-employed person shall submit to the institution of the place of residence a receipt from the competent institution of notification of an accident at work or of an occupational disease. If the person concerned does not submit such documents, the institution of the place of residence shall obtain them from the competent institution and, pending their arrival, it shall grant him the benefits in kind under sickness insurance, provided that he satisfies the conditions for entitlement thereto.

2. That certified statement shall remain valid until the institution of the place of residence receives notification of its cancellation. However, when the said certified statement has been issued by a French institution, it shall be valid only for a year following the date of its issue, and must be renewed every year.

3. If the person concerned is a seasonal worker, the certified statement referred to in paragraph 1 shall be valid for the whole of the expected duration of the seasonal work unless, in the meanwhile, the competent institution notifies the institution of the place of residence of its cancellation.

4. Upon each application for benefits in kind, the person concerned shall submit the supporting documents required for the granting of benefits in kind under the legislation of the Member State in whose territory he resides.

5. In the event of hospitalization the institution of the place of residence shall, within three days of becoming aware of the fact, notify the competent institution of the date of entry into hospital, the probable duration of hospitalization and the date of leaving hospital.

6. The institution of the place of residence shall notify the competent institution in advance of any decision relating to the granting of benefits in kind where the likely or actual cost exceeds a lump sum which is fixed and periodically reviewed by the Administrative Commission.

The competent institution shall have 15 days from the day on which such information is sent within which to raise any objection and to state the reasons on which such objection is based; if, at the end of that period, no such objection has been raised, the institution of the place of residence shall grant the benefits in kind. Where such benefits in kind have to be granted in a case of extreme urgency, the institution of the place of residence shall forthwith inform the competent institution thereof.

7. The person concerned shall inform the institution of the place of residence of any change in his situation which is likely to alter his entitlement to benefits in kind, in particular any cessation or change of employment or self-employment or any transfer of residence or stay. Likewise, should the person concerned cease to be insured or cease to be entitled to benefits in kind, the competent institution shall inform the institution of the place of residence accordingly. The institution of the place of residence may, at any time, request the competent institution to supply it with any information relating to the insurance of the person concerned or to his entitlement to benefits in kind.

8. In the case of frontier workers, medicinal products, bandages, spectacles and small appliances may be issued, and laboratory analyses and tests carried out, only in the territory of the Member State in which they were prescribed in accordance with the provisions of the legislation of that Member State.

9. Two or more Member States or the competent authorities of these Member States may, having received the opinion of the Administrative Commission, agree on the implementing provisions.'

35. Article 61 shall be replaced by the following:

'Article 61

Cash benefits other than pensions in the case of residence in a Member State other than the competent State

1. In order to receive cash benefits other than pensions under Article 52 (b) of the Regulation,

an employed or self-employed person shall, within three days of commencement of the incapacity for work, apply to the institution of the place of residence by submitting a notification of having ceased work or, if the legislation administered by the competent institution or by the institution of the place of residence so provides, a certificate of incapacity for work issued by the doctor providing treatment for the person concerned.

2. If the doctors providing treatment in the country of residence do not issue certificates of incapacity for work, the person concerned shall apply directly to the institution of the place of residence within the time limit fixed by the legislation which it administers.

That institution shall immediately have the incapacity for work medically confirmed and the certificate referred to in paragraph 1 drawn up. Such certificate shall state the probable duration of the incapacity and shall be forwarded to the competent institution forthwith.

3. In cases where paragraph 2 does not apply, the institution of the place of residence shall, as soon as possible and in any event within the three days following the date on which the person concerned applied to it, have him medically examined as if he were insured with that institution. The report of the examining doctor shall indicate, in particular, the probable duration of the incapacity for work, and shall be forwarded to the competent institution by the institution of the place of residence within the three days following the date of the examination.

4. The institution of the place of residence shall subsequently carry out any necessary administrative checks or medical examinations of the person concerned as if he were insured with that institution. As soon as it establishes that he is fit to resume work it shall forthwith notify the person concerned and the competent institution accordingly, stating the date on which the incapacity for work ceased. Without prejudice to the provisions of paragraph 6, the notification to the person concerned shall be treated as a decision taken on behalf of the competent institution.

5. In all cases, the competent institution shall reserve the right to have the person concerned examined by a doctor of its own choice.

6. If the competent institution decides to withhold the cash benefits because the person concerned has not completed the formalities laid down by the legislation of the country of residence, or if it establishes that the person concerned is fit to resume work, it shall notify the person concerned of its decision and shall simultaneously send a copy of such decision to the institution of the place of residence.

7. When the person concerned resumes work, he shall notify the competent institution accordingly if such notification is required by the legislation administered by that institution.

8. The competent institution shall pay cash benefits by the appropriate method, in particular by international money order, and shall inform the institution of the place of residence and the person concerned accordingly. Where cash benefits are paid by the institution of the place of residence on behalf of the competent institution, the latter shall inform the person concerned of his rights and shall notify the institution of the place of residence of the amount of the cash benefits, the dates for payment and the maximum period during which they should be granted, in accordance with the legislation of the competent State.

9. Two or more Member States or the competent authorities of those Member States may, having received the opinion of the Administrative Commission, agree on other implementing provisions.'

36. Article 62 shall be replaced by the following:

'Implementation of Article 55 of the Regulation

Article 62

Benefits in kind in the case of a stay in a Member State other than the competent State

1. In order to receive benefits in kind, a person employed in international transport covered by Article 14 (2) (a) of the Regulation who, in the course of his employment, goes to the territory of a Member State other than the competent State, shall, as soon as possible, submit to the institution of the place of stay a special certified statement issued by the employer or by his agent during the current calendar month or during the two calendar months preceding its submission. Such certified statement shall state in particular the date from which the person concerned has been employed by the said employer and the name and address of the competent institution. If the person concerned has submitted such certified statement, he shall be presumed to have satisfied the conditions for acquisition of the right to benefits in kind. If the person concerned is unable to contact the institution of the place of stay before receiving medical treatment he shall nevertheless

receive such treatment on presentation of the said certified statement as if he were insured with that institution.

2. The institution of the place of stay shall within three days inquire of the competent institution whether the person concerned satisfies the conditions for acquisition of the right to benefits in kind. The institution of the place of stay shall provide the benefits in kind until it receives a reply from the competent institution, but for not more than 30 days.

3. The competent institution shall send its reply to the institution of the place of stay within 10 days of the receipt of the request from that institution. If that reply is in the affirmative, the competent institution shall indicate, if necessary, the maximum period during which the benefits in kind may be granted, in accordance with the legislation which it administers, and the institution of the place of stay shall continue to provide the said benefits.

4. Benefits in kind provided by virtue of the presumption made in paragraph 1 shall be reimbursed as provided for in Article 36 (1) of the Regulation.

5. In place of the certified statement provided for in paragraph 1 the employed person referred to in that paragraph may submit to the institution of the place of stay a certified statement as provided for in paragraph 6.

6. In order to receive benefits in kind under Article 55 (1) (a) (i) of the Regulation, except in cases where a presumption is made under paragraph 1, the employed or self-employed person shall submit to the institution of the place of stay a certified statement stating that he is entitled to benefits in kind. Such certified statement, which shall be issued by the competent institution, if possible before the person concerned leaves the territory of the Member State in which he resides, shall specify in particular, where necessary, the maximum period during which benefits in kind may be granted, in accordance with the legislation of the competent State. If the person concerned does not submit the said certified statement, the institution of the place of stay shall obtain it from the competent institution.

7. The provisions of Article 60 (5), (6) and (9) of the Implementing Regulation shall apply by analogy.'

37. Article 63 shall be replaced by the following:

'*Article 63*

Benefits in kind for employed or self-employed persons who transfer their residence or return to their country of residence, and for employed or self-employed persons authorized to go to another Member State for medical treatment

1. In order to receive benefits in kind under Article 55 (1) (b) (i) of the Regulation, an employed or self-employed person shall submit to the institution of the place of residence a certified statement testifying that he is entitled to continue receiving the said benefits. This certified statement, which shall be issued by the competent institution, shall specify in particular, where necessary, the maximum period during which such benefits may continue to be provided, in accordance with the provisions of the legislation of the competent State. The certified statement may, at the request of the person concerned, be issued after his departure if, for reasons of *force majeure*, it cannot be drawn up beforehand.

2. The provisions of Article 60 (5), (6) and (9) of the Implementing Regulation shall apply by analogy.

3. Paragraphs 1 and 2 shall apply by analogy in respect of the provision of benefits in kind in the case referred to in Article 55 (1) (c) (i) of the Regulation.'

38. Article 64 shall be replaced by the following:

'*Article 64*

Cash benefits other than pensions in the case of a stay in a Member State other than the competent State

The provisions of Article 61 of the Implementing Regulation shall apply by analogy in respect of the receipt of cash benefits, other than pensions, under Article 55 (1) (a) (ii) of the Regulation. However, without prejudice to the obligation to submit a certificate of incapacity for work, an employed or self-employed person who is staying in the territory of a Member State without pursuing any professional or trade activity there shall not be required to submit the notification of having ceased work referred to in Article 61 (1) of the Implementing Regulation.'

39. Article 66 shall be replaced by the following:

'*Article 66*

Disputes concerning the occupational nature of the accident or disease

1. When, in the cases referred to in Article 52 or 55 (1) of the Regulation, the competent institution disputes the application of the legislation relating to accidents at work or occu-

pational diseases, it shall forthwith notify that fact to the institution of the place of residence or institution of the place of stay which provided the benefits in kind; those benefits shall then be considered as coming under sickness insurance and shall continue to be provided thereunder upon presentation of the certificates or certified statements referred to in Articles 20 and 21 of the Implementing Regulation.

2. When a final decision has been reached on this subject, the competent institution shall forthwith notify the fact to the institution of the place of residence or to the institution of the place of stay which provided the benefits in kind. Where the case is not one of an accident at work or an occupational disease that institution shall continue to provide the said benefits in kind under sickness insurance if the employed or self-employed person is entitled thereto. In other cases, the benefits in kind received by the person concerned under sickness insurance shall be considered as benefits for an accident at work or an occupational disease.'

40. (Does not concern the English text.)

41. (Does not concern the English text.)

42. Article 71 shall be replaced by the following:

'Implementation of Article 60 of the Regulation

Article 71

Aggravation of an occupational disease

1. In the cases covered by Article 60 (1) of the Regulation, the claimant shall supply the institution of the Member State from which he is claiming rights to benefits with all information relating to benefits previously granted in respect of the occupational disease in question. That institution may apply to any other institution which has previously been competent in order to obtain any information which it considers necessary.

2. In the case covered by Article 60 (1) (c) of the Regulation, the competent institution required to pay the cash benefits shall notify the other institution concerned, for its approval, of the amount of costs to be borne by the latter institution as a result of the aggravation, together with appropriate supporting evidence. At the end of each calendar year, the first institution shall send the second institution a statement of the cash benefits paid during the financial year in question, showing the amount due from the latter institution which shall make the refund to the first institution as soon as possible, and within three months at the latest.

3. In the case referred to in the first sentence of Article 60 (2) (b) of the Regulation, the institution responsible for payment of cash benefits shall notify the competent institutions concerned, for their approval, of the changes made in the previous apportionment of costs, together with the appropriate supporting evidence.

4. In the case referred to in the second sentence of Article 60 (2) (b) of the Regulation, the provisions of paragraph 2 shall apply by analogy.'

43. Article 72 shall be replaced by the following:

'Implementation of Article 61 (5) of the Regulation

Article 72

Assessment of the degree of incapacity in the case of an accident at work sustained previously or an occupational disease diagnosed previously

1. In order to assess the degree of incapacity in the case referred to in Article 61 (5) of the Regulation, a claimant shall supply the competent institution of the Member State to whose legislation he was subject at the time when the accident at work was sustained or the occupational disease was first diagnosed, with all information on previous accidents at work sustained or occupational diseases contracted by him when he was subject to the legislation of any other Member State, whatever the degree of incapacity caused by those previous cases.

2. In accordance with the legislation which it administers in respect of the acquisition of the right to benefit, and the determination of the amount of benefit, the competent institution shall take into account the degree of incapacity caused by those previous cases.

3. The competent institution may apply to any other institution which was previously competent in order to obtain any information which it considers necessary.

When a previous incapacity for work was caused by an accident sustained while the person concerned was subject to the legislation of a

Member State which makes no distinction as to the origin of the incapacity for work, the competent institution in respect of the previous incapacity for work or the body designated by the competent authority of the Member State concerned shall, at the request of the competent institution of another Member State, supply information on the degree of the previous incapacity for work and, as far as possible, any information which would make it possible to determine whether the incapacity was the result of an accident at work within the meaning of the legislation administered by the institution of the second Member State. Where such is the case, the provisions of paragraph 2 shall apply by analogy.'

44. Article 73 shall be replaced by the following:

'Implementation of Article 62 (1) of the Regulation

Article 73

Institutions to which workers in mines and similar undertakings may apply when staying or residing in a Member State other than the competent State

1. In the cases referred to in Article 62 (1) of the Regulation and where, in the country of stay or residence, the benefits provided under the insurance scheme for accidents at work and occupational diseases covering manual workers in the steel industry are equivalent to those provided under the special scheme for workers in mines and similar undertakings, workers belonging to the latter category may apply to the nearest institution in the territory of the Member State in which they are staying or residing specified in Annex 3 of the Implementing Regulation, even if the latter is an institution of the scheme applicable to manual workers in the steel industry, which institution shall then provide such benefits.

2. Where the benefits provided under the special scheme for workers in mines and similar undertakings are more advantageous, such workers shall have the option of applying either to the institution responsible for the administration of that scheme, or to the nearest institution in the territory of the Member State in which they are staying or residing, which administers the scheme for manual workers in the steel industry. In the latter case the institution in question shall draw the attention of the person concerned to the fact that by applying to the institution responsible for the administration of the abovementioned special scheme, he will obtain more advantageous benefits; it must, furthermore, inform him of the name and address of such institution.'

45. Article 75 shall be replaced by the following:

'Submission and investigation of pension claims, excluding pensions in respect of occupational diseases covered by Article 57 of the Regulation

Article 75

1. In order to receive a pension or supplementary allowance under the legislation of a Member State, an employed or self-employed person or his survivors residing in the territory of another Member State shall make a claim either to the competent institution, or to the institution of the place of residence, which shall forward such claim to the competent institution. The submission of the claim shall be subject to the following rules:

(a) the claim must be accompanied by the required supporting documents and made on the form provided for by the legislation administered by the competent institution;

(b) the accuracy of the information supplied by the claimant must be established by official documents attached to the claim form, or confirmed by the competent bodies of the Member State in whose territory the claimant resides.

2. The competent institution shall notify the claimant of its decision directly or through the liaison body of the competent State; it shall send a copy of that decision to the liaison body of the Member State in whose territory the claimant resides.'

46. Article 79 shall be replaced by the following:

'Article 79

Certified statement of periods

1. In order to invoke the provisions of Article 64 of the Regulation, a claimant shall submit to the competent institution a certified statement specifying the periods of insurance or residence completed by the employed or self-employed person under the legislation to which he was last subject.

2. This certified statement shall be issued, at the request of the claimant, by the sickness insurance or the old age insurance institution, as the case may be, with which the employed or self-employed person was last insured. If the claimant does not submit the said certified statement, the competent institution shall obtain it from one or other of the aforementioned institutions.

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.'

47. Article 80 shall be replaced by the following:

'Implementation of Article 67 of the Regulation

Article 80

Certified statement of periods of insurance or employment

1. In order to invoke the provisions of Article 67 (1), (2) or (4) of the Regulation, the person concerned shall submit to the competent institution a certified statement specifying the periods of insurance or employment completed previously as an employed person under the legislation to which he was last subject, together with any further information required by the legislation administered by that institution.

2. This certified statement shall be issued, at the request of the person concerned, either by the competent institution in respect of unemployment of the Member State to whose legislation he was last subject, or by another institution designated by the competent authority of the said Member State. If he does not submit the said certified statement, the competent institution shall obtain it from one or other of the aforementioned institutions.

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 employment completed previously as an employed person under the legislation of any other Member State.'

48. Article 82 shall be replaced by the following:

'Article 82

Certified statement relating to the members of the family to be taken into consideration for the calculation of benefits

1. In order to invoke the provisions of Article 68 (2) of the Regulation, a person shall submit to the competent institution a certified statement relating to the members of his family who are resident in the territory of a Member State other than the one in which the said institution is situated.

2. This certified statement shall be issued by the institution designated by the competent authority of the Member State in whose territory those members of the family reside. It must certify that the members of the family are not taken into consideration for the calculation of unemployment benefits due to another person under the legislation of the said Member State.

The certified statement shall be valid for the 12 months following the date of its issue. It may be renewed; in such case, it shall be valid from the date of its renewal. 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.

3. Where the institution issuing the certified statement referred to in paragraph 1 is not in a position to certify that the members of the family are not taken into consideration for the calculation of unemployment benefits due to another person under the legislation of the Member State in whose territory they reside, the person concerned shall, when submitting the certified statement to the competent institution, supplement the said certified statement by a declaration to that effect.

The provisions of paragraph 2, second subparagraph shall apply by analogy to that declaration.'

49. Article 84 shall be replaced by the following:

'Implementation of Article 71 of the Regulation

Article 84

Unemployed persons who were formerly employed and who, during their last employment, were residing in a Member State other than the competent State

1. In the cases referred to in Article 71 (1) (a) (ii) and in the first sentence of Article 71 (1) (b) (ii) of the Regulation, the institution of the place of residence shall be considered to be the competent institution, for the purposes of implementing the provisions of Article 80 of the Implementing Regulation.

2. In order to claim benefits under the provisions of Article 71 (1) (b) (ii) of the Regulation, an unemployed person who was formerly employed shall submit to the institution of his place of residence, in addition to the certified statement provided for in Article 80 of the Implementing Regulation, a certified statement from the institution of the Member State to whose legislation he was last subject, indicating that he has no right to benefits under Article 69 of the Regulation.

3. For the purposes of implementing the provisions of Article 71 (2) of the Regulation, the institution of the place of residence shall ask the competent institution for any information relating to the entitlements, from the latter institution, of the unemployed person who was formerly employed.'

50. Article 85 shall be replaced by the following:

'Implementation of Article 72 of the Regulation

Article 85

Certified statement of periods of employment or self-employment

1. In order to invoke the provisions of Article 72 of the Regulation, a person shall submit to the competent institution a certified statement specifying the periods of employment or self-employment completed under the legislation to which he was last subject.

2. That certified statement shall be issued, at the request of the person concerned, either by the competent institution in respect of family benefits of the Member State with which he was last insured, or by another institution designated by the competent authority of the said Member State. If he does not submit the said certified statement, the competent institution shall obtain it from one or other of the abovementioned institutions unless the sickness insurance institution is able to forward him a copy of the certified statement provided for in Article 16 (1) of the Implementing Regulation.

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 employment or self-employment completed previously under the legislation of any other Member State.'

51. Article 86 shall be replaced by the following:

'Implementation of Article 73 (1) and Article 75 (1) (a) and (b) of the Regulation

Article 86

Employed persons subject to the legislation of a Member State other than France

1. In order to receive family benefits under Article 73 (1) of the Regulation, an employed person shall submit a claim to the competent institution, where necessary through his employer.

2. In support of his claim, the employed person shall submit a certificate relating to members of his family residing in the territory of a Member State other than that in which the competent institution is situated. Such certificate shall be issued, either by the authorities competent in civil status matters in the country of residence of those members of the family, or by the competent institution in respect of sickness insurance in the place of residence of those members of the family, or by another institution designated by the competent authority of the Member State in whose territory those members of the family reside. Such a certificate must be renewed every year.

3. Where the legislation of the competent State provides that the family benefits may or must be paid to a person other than the employed person, the latter shall also submit in support of his claim, information identifying the individual to whom the family benefits are to be paid in the country of residence (name, forename, full address).

4. The competent authorities of two or more Member States may agree on special procedures for the payment of family benefits, in particular with a view to facilitating the implementation of Article 75 (1) (a) and (b) of the Regulation. Such agreements shall be communicated to the Administrative Commission.

5. An employed person shall inform the competent institution where necessary through his employer:

— of any change in the situation of the members of his family which might alter entitlement to family benefits,

— of any change in the number of members of his family for whom family benefits are due,

— of any transfer of residence or stay of such members of the family,

— of any pursuit of a professional or trade activity by virtue of which family benefits are also due under the legislation of the Member State in whose territory the members of the family are resident.'

52. Article 87 shall be replaced by the following:

'Implementation of Article 73 (2) of the Regulation

Article 87

Employed persons subject to French legislation

1. In order to receive family allowances under Article 73 (2) of the Regulation, an employed person shall submit a claim to the competent institution which shall issue him with a certified statement testifying that he is subject to French legislation and is entitled to receive family allowances. At the same time, the person concerned shall sign a declaration certifying that no right to family allowances exists under the legislation of the country of residence of the members of the family, by virtue of a professional or trade activity.

The members of the family shall be registered with the institution of their place of residence on presentation of that certified statement and of the supporting documents required by the legislation administered by that institution for the granting of family allowances.

If the members of the family do not submit the said certified statement, the institution of the place of residence shall obtain it from the competent institution.

2. The certified statement provided for in paragraph 1 shall remain valid for a period of three months following the date of its issue, and must be renewed automatically every three months by the competent institution.

3. In the case of a seasonal worker, the certified statement provided for in paragraph 1 shall be valid for the expected duration of seasonal work unless, in the meantime, the competent institution notifies the institution of the place of residence of its cancellation.

4. If the legislation of the Member State in whose territory the members of the family reside provides for the granting of allowances for a number of days corresponding to the number of days of employment completed, while French legislation provides for entitlement to family allowances to last for one month, the family allowances shall be granted for one month.

5. In the case referred to in paragraph 4, when the periods completed under French legislation are expressed in units different from those which are used for the calculation of family allowances under the legislation of the Member State in whose territory the members of the family reside, the conversion shall be carried out in accordance with the provisions of Article 15 (3) of the Implementing Regulation.

6. The competent institution shall immediately inform the institution of the place of residence of the members of the family of the date on which the person concerned ceases to be entitled to family allowances or on which he transfers his residence from the territory of one Member State to that of another Member State.

The institution of the place of residence of the members of the family may, at any time, request the competent institution to supply it with any information relating to the entitlement of the person concerned to family allowances.

If the competent institution considers it necessary, the institution of the place of residence shall, at its request, verify the declaration referred to in the first subparagraph of paragraph 1.

7. The members of the family shall inform the institution of their place of residence of any change in their situation which is likely to alter their entitlement to family allowances, in particular any transfer of residence.'

53. Article 88 shall be replaced by the following:

'Implementation of Article 74 (1) of the Regulation

Article 88

Unemployed persons who were formerly employed and who are subject to the legislation of a Member State other than France

The provisions of Article 86 of the Implementing Regulation shall apply by analogy to unemployed persons who were formerly employed and who are covered by Article 74 (1) of the Regulation'.

54. Article 89 shall be replaced by the following:

'Implementation of Article 74 (2) of the Regulation

Article 89

Unemployed persons who were formerly employed and who are subject to French legislation

1. In order to receive family allowances in the territory of the Member State where they reside, the members of the family covered by Article 74 (2) of the Regulation shall submit to the institution of their place of residence a certified statement testifying that the unemployed person who was formerly employed is receiving unemployment benefits under French legislation.

This certified statement shall be issued by the French competent institution in respect of unemployment matters or by the institution designated by the French competent authority, at the request of the unemployed person who was formerly employed who shall sign a declaration certifying that no right to family allowances exists under the legislation of the country of residence of the members of the family by virtue of a professional or trade activity.

If the members of the family do not submit the said certified statement the institution of the place of residence shall obtain it from the competent institution.

2. The provisions of Article 87 (2) to (7) of the Implementing Regulation shall apply by analogy.'

55. Article 90 (1) to (3) shall be replaced by the following:

'1. In order to receive benefits under Article 77 or 78 of the Regulation, a claimant shall submit a claim to the institution of his place of residence, in accordance with the procedures laid down by the legislation administered by that institution.

2. If, however, the claimant does not reside in the territory of the Member State in which the competent institution is situated, he may submit his claim either to the competent institution or to the institution of his place of residence, which shall then forward the claim to the competent institution, indicating the date on which it was submitted. The date shall be considered as the date of submission of the claim to the competent institution.

3. If the competent institution referred to in paragraph 2 finds that there is no entitlement under the legislation which it administers, it shall forward the claim forthwith, together with all necessary documents and information, to the institution of the Member State to whose legislation the employed or self-employed person was subject for the longest period of time.

Where necessary the matter may have to be referred back, under the same conditions, to the institution of the Member State under whose legislation the person concerned completed the shortest of his periods of insurance or residence.'

56. Article 93 shall be replaced by the following:

'Article 93

Refund of sickness and maternity insurance benefits other than those provided for in Articles 94 and 95 of the Implementing Regulation

1. The actual amount of benefits in kind provided under Article 19 (1) and (2) of the Regulation to employed and self-employed persons and to members of their families residing in the territory of the same Member State, and benefits in kind provided under Articles 21 (2), 22, 25 (1), (3) and (4), 26, 29 (1) or 31 of the Regulation, shall be refunded by the competent institution to the institution which provided the said benefits as shown in the accounts of that institution.

2. In the cases referred to in the second subparagraph of Article 21 (2), the second subparagraph of Article 22 (3) and in Articles 29 (1) and 31 of the Regulation, and for the purposes of implementing paragraph 1, the institution of the place of residence of the members of the family or of the pensioner, as the case may be, shall be considered the competent institution.

3. If the actual amount of the benefits referred to in paragraph 1 is not shown in the accounts of the institution which has provided them, and no agreement has been concluded under paragraph 6, the amount to be refunded shall be determined on the basis of a lump-sum payment calculated from all the appropriate references obtained from the data available. The Administrative Commission shall assess the bases to be used for the calculation of the lump-sum payments and shall decide the amount thereof.

4. For the purposes of the refund, rates higher than those applicable to the benefits in kind provided to employed or self-employed persons who are subject to the legislation administered by the institution which provided the benefits

referred to in paragraph 1 may not be taken into account.

5. The provision of paragraphs 1 and 2 shall apply by analogy to the refund of cash benefits paid in accordance with the provisions of the second sentence of Article 18 (8) of the Implementing Regulation.

6. Two or more Member States or the competent authorities of those Member States may, having received the opinion of the Administrative Commission, agree to other methods of assessing the amounts to be refunded, in particular on the basis of lump sums.'

57. Article 94 shall be replaced by the following:

'Article 94

Refund of benefits in kind provided under sickness and maternity insurance to the members of the family of an employed or self-employed person not residing in the same Member State as the latter

1. The amount of benefits in kind provided under Article 19 (2) of the Regulation to the members of the family of an employed or self-employed person who are not residing in the territory of the same Member State as the person concerned shall be refunded by the competent institutions to the institutions which provided the said benefits on the basis of a lump sum in respect of each calendar year which is as close as possible to the actual expenditure incurred.

2. The lump-sum payment shall be determined by multiplying the average annual cost per family by the average annual number of families to be taken into account and by reducing the resultant amount by 20 %.

3. The factors necessary for the calculation of the said lump sum shall be determined as follows:

(a) the average annual cost per family shall be obtained, for each Member State, by dividing the annual expenditure on all the benefits in kind provided by the institutions of that Member State to all the members of the families of employed or self-employed persons who are subject to the legislation of the said Member State, under the social security schemes to be taken into consideration, by the average annual number of such employed or self-employed persons with members of the family; the social security schemes to be taken into consideration for that purpose are specified in Annex 9 of the Implementing Regulation;

(b) in dealings between the institutions of two Member States, the average annual number of families to be taken into account shall be equal to the average annual number of employed or self-employed persons who are subject to the legislation of one of those Member States and the members of whose families are entitled to benefits in kind to be provided by an institution of the other Member States.

4. The number of families to be taken into account in accordance with the provisions of paragraph 3 (b) shall be determined by means of a list kept for that purpose by the institution of the place of residence, based upon documentary evidence supplied by the competent institution of the rights of the persons concerned. In the event of any dispute, the observations of the institutions involved shall be submitted to the Audit Board provided for in Article 101 (3) of the Implementing Regulation.

5. The Administrative Commission shall lay down the methods and procedures for determining the calculation factors referred to in paragraphs 3 and 4.

6. Two or more Member States or the competent authorities of those Member States may, having received the opinion of the Administrative Commission, agree on other methods of assessing the amounts to be refunded.'

58. In Article 98, the heading and paragraphs (1) to (3) shall be replaced by the following:

'Members of the families of employed persons subject to French legislation or of unemployed persons who were formerly employed and who are receiving unemployment benefits under French legislation.

1. The actual amount of the family allowances paid under Articles 73 (2) and 74 (2) of the Regulation shall be refunded by the competent French institution to the institution which has paid those family allowances, as shown in the accounts of the latter institution.

2. France and each of the other Member States or the competent authorities of France and those of each of the other Member States may, by mutual agreement, provide for lump-sum refund of those family allowances. In the case of a lump-sum refund, such lump sum shall be determined by multiplying the average annual cost per family by the average annual number of families to be taken into account.

3. The factors necessary for the calculation of the said lump sum shall be determined according to the following rules:

(a) the average annual cost per family shall be obtained by dividing the total annual cost of the family allowances paid by the institutions of the Member State in whose territory the members of the family are residing, in respect of all the members of the families of employed or unemployed persons who were formerly employed residing in the territory of that Member State by the average annual number of families entitled to benefits;

(b) the average annual number of families to be taken into account shall be equal to the average annual number of employed persons subject to the legislation of the competent State and, where appropriate, of unemployed persons who were formerly employed receiving unemployment benefits at the expense of an institution of that competent State, the members of whose family are entitled to receive family allowances paid by an institution of another Member State in whose territory they are residing.'

59. Article 108 shall be replaced by the following:

'Article 108

Proof of status of seasonal worker

In order to prove that he is a seasonal worker, the employed person covered by Article 1 (c) of the Regulation shall be required to submit his contract of employment stamped by the employment services of the Member State in whose territory he has gone to work or has worked. If no seasonal employment contract is concluded in that Member State, the institution of the country of employment shall, where appropriate, issue, in the case of a claim for benefits, a certificate attesting that, on the basis of information supplied by the person concerned, the work which he is doing or has done is of a seasonal nature.'

60. Article 109 shall be replaced by the following:

'Article 109

Arrangement for payment of contributions

The employer who has no place of business in the Member State in whose territory the employed person is employed may agree with the latter that he shall assume the obligations of the employer with regard to the payment of contributions.

The employer shall notify the competent institution or, where necessary, the institution designated by the competent authority of the said Member State of any such arrangement.'

61. Article 113 shall be replaced by the following:

'Article 113

Recovery of benefits in kind provided but not due to persons employed in international transport

1. If the right to benefits in kind is not recognized by the competent institution, the benefits in kind which have been provided to a person employed in international transport by the institution of the place of stay by virtue of the presumption referred to in Article 20 (1) or 62 (1) of the Implementing Regulation, shall be refunded by the competent institution.

2. Expenses incurred by the institution of the place of stay in respect of any person employed in international transport who has not previously applied to the institution of the place of stay and is not entitled to benefits in kind but has nevertheless received benefits in kind upon presentation of the certified statement referred to in Article 20 (1) or 62 (1) of the Implementing Regulation, shall be refunded by the institution shown as competent in the said certified statement or by any other institution designated for that purpose by the competent authority of the Member State concerned.

3. The competent institution or, in the case referred to in paragraph 2, the institution shown as competent or the institution designated for that purpose shall debit the recipient of benefits with the value of the benefits in kind which were provided but were not due to him. The said institutions shall notify these debits to the Audit Board referred to in Article 101 (3) of the Implementing Regulation which shall draw up a statement thereof.'

62. Article 114 shall be replaced by the following:

'Article 114

Provisional payments of benefits in cases of dispute over the legislation to be applied or the institution which should provide benefits

In the case of a dispute between the institutions or competent authorities of two or more Member States, either as to which legislation should apply under Title II of the Regulation, or as to which institution should provide the benefits, the person

concerned who could claim benefits if there were no dispute shall provisionally receive the benefits provided for by the legislation administered by the institution of the place of residence or, if the person concerned does not reside in the territory of one of the Member States concerned, the benefits provided for by the legislation administered by the institution to which his claim was submitted in the first instance.'

63. Article 119 shall be replaced by the following:

'Article 119

Transitional provisions relating to family benefits

1. The rights referred to in Article 94 (9) of the Regulation shall be those enjoyed by employed persons in respect of members of their families giving entitlement to family benefits, at the rate and within the limits applicable on the day preceding that of the entry into force of the Regulation, pursuant either to Article 41 or Annex D to Regulation No 3, or to Article 20 or Annex 1 to Council Regulation No 36/63/EEC of 2 April 1963, on social security for frontier workers (1).

2. Provided that the amount of the family benefits referred to in paragraph 1 is higher than the amount of the family allowances which would be due under Article 73 (2) of the Regulation, it shall be the responsibility of the French competent institution to ensure payment thereof to the employed person, or directly to the members of his family at their place of residence, in respect of the children giving entitlement to such benefits.

3. Where the family benefits have to be paid under Article 73 (2) of the Regulation, the institution of the place of residence of the members of the family shall ensure payment of family allowances in accordance with the provisions of the legislation which it administers, reimbursement to be made by the French competent institution.

4. In the bilateral relations between the Member States concerned, the procedure for implementing this Article shall be determined by those Member States or their competent authorities.'

Article 2

1. Annexes 2, 3 and 10 of Regulation (EEC) No 574/72 shall be amended as follows:

(a) *ANNEX 2*

(i) In Section A

— in the right-hand column of paragraph 1 (a) (i), the word 'worker' shall be replaced by the words 'employed or self-employed person';

— in the left-hand column of paragraph 2 (a), the following words shall be added: 'and invalidity of self-employed persons'; in the right-hand column, the word 'worker' shall be replaced by the words 'employed or self-employed person';

— in the right-hand column of paragraph 3, add: 'Institut national d'assurances sociales pour travailleurs indépendants, Bruxelles — Rijksinstituut voor de sociale verzekeringen der zelfstandigen, Brussel (National Social Insurance Institute for the Self-Employed) Brussels';

— paragraph 4 shall be replaced by the following:

'4. **Accidents at work:**

(a) until expiry of the review period provided for by the Law of 10 April 1971 (Article 72)

(1) OJ No 62, 20. 4. 1963, p. 1314/63.

— benefits in kind:	
(i) renewal and maintenance of prostheses:	Fonds des accidents du travail, Bruxelles — Fonds voor arbeidsongevallen, Brussel — (Accidents at Work Fund, Brussels)
(ii) benefits other than those referred to above:	the insurer with whom the employer is insured
— cash benefits: grant:	the insurer with whom the employer is insured
— supplementary awards provided for by Royal Decree of 21 December 1971:	Fonds des accidents du travail, Bruxelles — Fonds voor arbeidsongevallen, Brussel — (Accidents at Work Fund, Brussels)
(b) after expiry of the review periods provided for by the Law of 10 April 1971 (Article 72)	
(i) benefits in kind:	Fonds des accidents du travail, Bruxelles — Fonds voor arbeidsongevallen, Brussel — (Accidents at Work Fund, Brussels)
(ii) cash benefits	
— pension:	the duly appointed body for the pensions department
— supplementary awards:	Fonds des accidents du travail, Bruxelles — Fonds voor arbeidsongevallen, Brussel — (Accidents at Work Fund, Brussels)
(c) scheme for mariners and fishermen:	Fonds des accidents du travail, Bruxelles — Fonds voor arbeidsongevallen, Brussel — (Accidents at Work Fund, Brussels)
(d) in cases on non-insurance:	Fonds des accidents du travail, Bruxelles — Fonds voor arbeidsongevallen, Brussel — (Accidents at Work Fund, Brussels).'

— in the right-hand column of paragraph 6 (a) (i) the word 'worker' shall be replaced by the words 'employed person';

— in the right-hand column of paragraph 8, add: 'Institut national d'assurances sociales pour travailleurs indépendants, Bruxelles Rijksinstituut voor de sociale verzekeringen der zelfstandigen, Brussel (National Social Insurance Institute for the Self-Employed), Brussels.'

(ii) In Section C, paragraphs 3 to 5 shall become paragraphs 4 to 6 respectively and the following paragraph shall be inserted:

'3. **Old-age insurance for farmers:** Landwirtschaftliche Alterskasse (Agricultural Old-age Fund) Rheinhessen-Pfalz, Speyer'.

(iii) In Section D

— point 1 shall be replaced by the following

'1. For the purposes of Articles 93 (1), 94 and 95 of the Implementing Regulation:

A. **Scheme for employed persons**

(a) general scheme: Caisse nationale de l'assurance-maladie (National Sickness Insurance Fund), Paris

(b) agricultural scheme: Caisse centrale de secours mutuels agricoles (Central Agricultural Mutual Benefit Fund), Paris

(c) miners' scheme: Caisse autonome nationale de sécurité sociale dans les mines (National Independent Social Security Fund for Miners), Paris

(d) mariners' scheme: Etablissement national des invalides de la marine (National Institution for Disabled Mariners), Paris

B. **Scheme for self-employed persons**

(a) scheme for self-employed persons not engaged in agriculture: Caisse Nationale d'assurance-maladie et maternité des travailleurs non-salariés des professions non-agricoles, Saint-Denis (National Sickness and Maternity Fund for Self-Employed Persons not engaged in Agriculture), Saint-Denis

(b) agricultural scheme: Caisse centrale de secours mutuels agricoles (Central Agricultural Mutual Benefit Fund), Paris

Caisse Centrale des Mutuelles Agricoles (Central Agricultural Mutual Benefit Fund)

Fédération Française des Sociétés d'Assurances (RAMEX et GAMEX) (French Federation of Insurance Societies)

Fédération Nationale de la Mutualité Française (National Federation of French Mutual Benefit Associations)';

— In the left-hand column of Part I of point 4, the following subheading shall be inserted before subparagraph (a):

'A. **Scheme for employed persons'**

— A new paragraph 'B' shall be inserted after subparagraph (d) as follows:

'B. **Scheme for self-employed persons**	
(a) scheme for self-employed persons not engaged in agriculture:	
(i) sickness, maternity:	Caisse Mutuelle Régionale (Regional Mutual Benefit Fund)
(ii) Old-age:	
(aa) craftsmen scheme:	Caisse Nationale de l'Organisation autonome d'assurance-vieillesse des travailleurs non salariés des professions artisanales (CANCAVA) Paris (National Independent Old-age Insurance Fund for Self-Employed Persons in Craft Occupations)
	Caisses de base professionnelles ou interprofessionnelles (Local Professional or Inter-professional Funds)
(bb) manufacturers' and tradesmen scheme:	Caisse Nationale de l'organisation autonome d'assurance-vieillesse des travailleurs non salariés des professions industrielles et commerciales (ORGANIC) (National Independent Old-age Insurance Fund for Self-Employed Persons in manufacturing or trading occupations)
	Caisses de base professionnelles ou interprofessionnelles (Local Professional or Inter-professional Funds)
(cc) professional occupations scheme:	Caisse Nationale d'assurance-vieillesse des professions Libérales (CNAVPL) — Sections professionnelles (National Old-age Insurance Fund for Members of the Professions — Professional Branches)
(dd) lawyers' scheme	Caisse nationale des barreaux français (CNBF) (National Fund for Members of the French Bar)
(b) agricultural scheme:	
(i) Sickness, maternity, invalidity:	Organisme assureur habilité auprès duquel le travailleur non salarié agricole est affilié (the authorized insurance body with which the self-employed person engaged in agriculture is insured)

(ii) Old-age insurance and benefits for the surviving spouse:	Caisse de Mutualité Sociale Agricole (Agricultural Social Insurance Mutual Benefit Fund)
(iii) Non-industrial accidents, accidents at work and occupational diseases;	— Organisme agréé auprès duquel le travailleur non salarié agricole est affilié (the appointed body with which the self-employed person engaged in agriculture is insured)
	— For the départements Moselle, Bas-Rhin and Haut-Rhin: Caisse d'Assurance accidents agricoles (Agricultural Accidents Insurance Fund)';

— Part II shall be replaced by the following:

'II. *OVERSEAS DEPARTMENTS*

(a) **Scheme for employed persons** (all schemes with the exception of the mariners' scheme and all risks, with the exception of family benefits):	
(i) in general:	Caisse générale de sécurité sociale (General Social Security Fund)
(ii) for pension increases in respect of accidents at work occurring in overseas departments before 1 January 1952:	Direction départementale de l'enregistrement (Departmental Directorate of Registration)
(b) **Scheme for self-employed persons:**	
(i) Sickness, maternity:	Caisse mutuelle régionale (Regional Mutual Benefit Fund)
(ii) Old-age:	
— craftsmen scheme:	Caisse nationale de l'organisation autonome d'assurance-vieillesse des travailleurs non salariés des professions artisanales (CANCAVA) (National Independent Old-age Insurance Fund for Self-employed Persons in Craft Occupations)
— manufacturers' and tradesmen scheme:	Caisse interprofessionnelle d'assurance-vieillesse des industriels et commerçants d'Algérie et d'Outre-Mer (CAVICORG) (Interprofessional Old-age Insurance Fund for Manufacturers and Traders in Algeria and Overseas)

— professional occupations scheme:	Caisse Nationale d'assurance-vieillesse des professions libérales (CNAVPL) — Sections professionnelles (National Old-age Insurance Fund for Members of the Professions — Professional Branches)
— lawyers' scheme:	Caisse nationale des barreaux français (CNBF) (National Fund for Members of the French Bar)
(c) **Family benefits:**	Caisse d'allocations familiales (Family Allowances Fund)
(d) **Mariners' scheme:**	
(i) all risks, except old-age and family benefits:	Section "Caisse générale de prévoyance des marins" du Quartier des affaires maritimes (The General Welfare Fund for Mariners, Department of the Maritime Affairs Division)
(ii) old-age:	Section "Caisse de retraite des marins" du Quartier des affaires maritimes (The Mariners' Pension Fund Department of the Maritime Affairs Division)
(iii) family benefits:	Caisse d'allocations familiales (Family Allowances Fund)'.

(iv) In Section G

— in the left-hand column of point 1, the following subheading shall be inserted before paragraph (a):

'A. **Employed persons'**

— the following text shall be added at the end of point 1:

'B. **Self-employed persons**

benefits in kind:	the local health unit with which the person concerned is registered'

— in the left-hand column of point 2, the following subheading shall be inserted before paragraph (a):

'A. **Employed persons'**

— the following text shall be added at the end of point 2:

'B. **Self-employed persons** (for medical radiologists only):

(a) benefits in kind:	the local health unit with which the person concerned is registered
(b) prostheses and major appliances, medico-legal	

benefits and related examinations and certificates:	Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), provincial offices
(c) cash benefits:	Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), provincial offices'

— in the left-hand column of point 3, the following subheading shall be inserted before paragraph (a):

'A. **Employed persons**'

— the following text shall be added at the end of point 3:

'B. **Self-employed persons**

(a) for medical practitioners:	Ente nazionale di previdenza ed assistenza medici (National Welfare and Assistance Office for Medical Practitioners)
(b) for pharmacists:	Ente nazionale di previdenza ed assistenza farmacisti (National Welfare and Assistance Office for Pharmacists)
(c) for veterinarians	Ente nazionale di previdenza ed assistenza veterinari (National Welfare and Assistance Office for Veterinarians)
(d) for obstetricians:	Ente nazionale di previdenza ed assistenza per le ostetriche (National Welfare and Assistance Office for Obstetricians)
(e) for engineers and architects:	Cassa nazionale di previdenza per gli ingegneri ed architetti (National Welfare Fund for Engineers and Architects)
(f) for surveyors:	Cassa nazionale di previdenza ed assistenza a favore dei geometri (National Welfare and Assistance Fund for Surveyors)
(g) for solicitors and barristers:	Cassa nazionale di previdenza ed assistenza a favore degli avvocati e dei procuratori (National Welfare and Assistance Fund for Solicitors and Barristers)
(h) for economists:	Cassa nazionale di previdenza ed assistenza a favore dei dottori commercialisti (National Welfare and Assistance Fund for Economists)
(i) for accountants:	Cassa nazionale di previdenza ed assistenza a favore dei ragionieri e

	periti commerciali (National Welfare and Assistance Fund for Accountants)
(j) for employment experts:	Ente nazionale di previdenza ed assistenza per i consulenti del lavoro (National Welfare and Assistance Office for Employment Experts)
(k) for notaries:	Cassa nazionale notariato (National Fund for Notaries)
(l) for customs officers:	Fondo di previdenza a favore degli spedizionieri doganali (Welfare Fund for Customs Officers)'

— in the left-hand column of point 5, after 'Unemployment' add '(for employed persons)'.

— in the left-hand column of point 6, after 'Family allowances' add '(for employed persons)'.

(v) In Section H

— the text in the right-hand column of paragraph 1 (b) shall be replaced as follows:

'Caisse de maladie à laquelle le travailleur salarié ou non salarié est affilié en raison de son activité professionnelle ou à laquelle il était affilié en dernier lieu (The sickness fund with which the employed or self-employed person is insured by reason of his professional or trade activity, or with which he was last insured)'.

— Paragraphs 2, 3 and 5 shall be replaced by the following:

'2. **Invalidity, old-age, death (pensions):**

(a) for manual workers:	Etablissement d'assurance contre la vieillesse et l'invalidité, Luxembourg (Old-age and Invalidity Insurance Institution), Luxembourg
(b) for clerical staff and self-employed members of the professions:	Caisse de pension des employés privés, Luxembourg (Pension Fund for Clerical Staff in the Private Sector), Luxembourg
(c) for self-employed persons engaged in a craft industry, in trading or in manufacture:	Caisse de pension des artisans, des commerçants et industriels, Luxembourg (Pension Fund for Craftsmen, Tradesmen and Manufacturers), Luxembourg
(d) for self-employed persons engaged in agriculture:	Caisse de pension agricole, Luxembourg (Agricultural Pension Fund), Luxembourg

3. **Accidents at work and occupational diseases:**	
(a) for employed and self-employed persons engaged in agriculture or forestry:	Association d'assurance contre les accidents, section agricole et forestière, Luxembourg (Accident Insurance Association, Agricultural and Forestry Department), Luxembourg
(b) for all other cases of insurance on a compulsory or optional basis:	Association d'assurance contre les accidents, section industrielle, Luxembourg (Accident Insurance Association, Industrial Department), Luxembourg
5. **Family benefits:**	
(a) for manual workers:	Caisse d'allocations familiales des ouvriers près l'établissement d'assurance contre la vieillesse et l'invalidité, Luxembourg (Family Allowances Fund for Manual Workers at the Old-age and Invalidity Insurance Institution), Luxembourg
(b) for clerical staff:	Caisse d'allocations familiales des employés près la caisse de pension des employés privés, Luxembourg (Family Allowances Fund for Clerical Staff at the Pension Fund for Clerical Staff in the Private Sector), Luxembourg'.

(vi) In Section I

— paragraph 2 shall be replaced by the following:

'2. **Invalidity**

(a) Where the right to benefit exists outside the scope of the Regulation, under Netherlands legislation only:	
— for employed persons:	The Bedrijfsvereniging (Professional and Trade Association) with which the insured person's employer is insured
— for self-employed persons:	The Bedrijfsvereniging (Professional and Trade Association) with which the insured person would be insured if he had personnel in his employ

(b) Other cases:

— for employed and self-employed persons — The Nieuwe Algemene Bedrijfsvereniging (New General Professional and Trade Association) Amsterdam'.

(b) *ANNEX 3*

(i) in Section A

— in the left-hand column of paragraph 2 (a), the following words shall be added: 'and invalidity of self-employed persons'

— in the right-hand column of paragraph 3, add: 'Institut national d'assurances sociales pour travailleurs indépendants, Bruxelles — Rijksinstituut voor de sociale verzekeringen der zelfstandingen, Brussel (National Social Insurance Institute for the Self-Employed), Brussels'

— in the right-hand column of paragraph 8, add: 'Institut national d'assurances sociales pour travailleurs indépendants, Bruxelles — Rijksinstituut voor de sociale verzekeringen der zelfstandigen, Brussel (National Social Insurance Institute for the Self-Employed), Brussels'

(ii) in Section C

— in the first line of the right-hand column of paragraph 1 (b) the words 'the worker' shall be replaced by 'the person concerned'

— paragraph 4 shall become paragraph 5 and the following paragraph shall be inserted:

'4. **Old-age insurance for farmers:** — Landwirtschaftliche Alterskasse (Agricultural Old-age Fund) Rheinhessen-Pfalz, Speyer'

(iii) Section D shall be replaced by the following:

'D. FRANCE

I. *METROPOLITAN FRANCE:*

A. **Scheme for employed persons**

1. Risks other than unemployment and family benefits:

(a) in general: — Caisse primaire d'assurance-maladie (Local sickness insurance fund) of the place of residence or place of stay

(b) for joint application of Article 19 (1) and (2) and Article 35 (1) of the Regulation in the case of benefits in kind under the miners' scheme for sickness, maternity, invalidity and death insurance (grants): — Société de secours minière (Miners' Relief Society) of the place of residence of the persons concerned

(c) for the purposes of applying Article 35 of the Implementing Regulation:	
(i) general scheme:	
(aa) as a general rule, except for Paris and the Paris region:	Caisse primaire d'assurance-maladie (Local Sickness Insurance Fund)
for Paris and the Paris region:	Caisse régionale d'assurance-maladie (Regional Sickness Insurance Fund), Paris
(bb) special scheme provided for in Articles L 365 to L 382 of the Social Security Code:	Caisse régionale d'assurance-maladie (Regional Sickness Insurance Fund), Strasbourg
(ii) agricultural scheme:	Caisse de mutualité sociale agricole (Agricultural Social Insurance Mutual Benefit Fund)
(iii) miners' scheme:	Caisse autonome nationale de sécurité sociale dans les mines (National Independent Social Security Fund for Miners), Paris
(d) for the purposes of applying Article 36 of the Implementing Regulation with regard to invalidity pensions:	
(i) in general except for Paris and the Paris region:	Caisse primaire d'assurance-maladie (Local Sickness Insurance Fund)
for Paris and the Paris region:	Caisse régionale d'assurance-maladie (Regional Sickness Insurance Fund), Paris
(ii) special scheme provided for in Articles L 365 to L 382 of the Social Security Code:	Caisse régionale d'assurance-maladie (Regional Sickness Insurance Fund), Strasbourg
(e) for the purposes of applying Article 36 of the Implementing Regulation with regard to old-age pensions:	

(i) general scheme:	
(aa) in general, except for Paris and the Paris region:	Caisse régionale d'assurance-maladie (branche vieillesse) (Regional Sickness Insurance Fund (Old-age Section))
for Paris and the Paris region:	Caisse nationale d'assurance-vieillesse des travailleurs salariés (National Old-age Insurance Fund for Employed Persons), Paris
(bb) special scheme provided for in Articles L 365 to L 382 of the Social Security Code:	Caisse régionale d'assurance-vieillesse (Regional Old-age Insurance Fund), Strasbourg
(ii) agricultural scheme:	Caisse centrale de secours mutuels agricoles (Central Agricultural Relief Fund), Paris
(iii) miners' scheme:	Caisse autonome nationale de sécurité sociale dans les mines (National Independent Social Security Fund for Miners), Paris
(f) for the purposes of applying Article 75 of the Implementing Regulation:	Caisse primaire d'assurance-maladie (Local Sickness Insurance Fund)
2. Unemployment:	
(a) for the purposes of applying Articles 80, 81 and 82 (2) of the Implementing Regulation	Direction départementale du travail et de la main-d'œuvre (Departmental Directorate of Labour and Manpower) of the place of employment for which the certified statement is requested The local branch of the National Employment Office The Town Hall of the place of residence of the members of the family
(b) for the purposes of applying Article 83 (1) and (2) and Article 97 of the Implementing Regulation:	l'Association pour l'emploi dans l'industrie et le commerce (ASSEDIC) (Association for Employment in Industry and Trade) of the place of residence of the person concerned

(c) for the purposes of applying Article 84 of the Implementing Regulation:	
(i) total unemployment:	l'Association pour l'emploi dans l'industrie et le commerce (ASSEDIC) (Association for Employment in Industry and Trade) of the place of residence of the person concerned
(ii) partial unemployment:	Direction départementale du travail et de la main-d'œuvre (Departmental Directorate of Labour and Manpower) of the place of employment of the person concerned
(d) for the purposes of applying Article 89 of the Implementing Regulation:	Direction départementale du travail et de la main-d'œuvre (Departmental Directorate of Labour and Manpower)
B. Scheme for self-employed persons	
1. Sickness, maternity:	
in general:	Organismes conventionnés par les Caisses mutuelles régionales (Bodies operating on behalf of Regional Mutual Benefit Funds)
2. For the purposes of applying Article 35 of the Implementing Regulation with regard to the agricultural scheme:	Caisse de Mutualité Sociale Agricole et tout autre organisme assureur dûment habilité (Agricultural Social Insurance Mutual Benefit Fund and all other duly authorized insurance bodies)
3. For the purposes of applying Article 36 of the Implementing Regulation with regard to old-age pensions:	
(a) craftsmen scheme:	Caisse Nationale de l'organisation autonome d'assurance-vieillesse des travailleurs non salariés des professions artisanales (CANCAVA) (National Independent Old-age Insurance Fund for Self-Employed Persons in Craft Occupations) Caisses de base professionnelles (Local Professional Funds)

(b) manufacturers' and tradesmen scheme:	Caisse Nationale de l'organisation autonome d'assurance-vieillesse des travailleurs non salariés des professions industrielles et commerciales (ORGANIC) (National Independent Old-age Insurance Fund for Self-Employed Persons in Manufacturing or Trading Occupations) Caisses de base professionnelles ou interprofessionnelles (Local Professional or Interprofessional Funds)
(c) professional occupations scheme:	Caisse Nationale d'assurance-vieillesse des professions libérales (CNAVPL) — Sections professionnelles (National Old-age Insurance Fund for Members of the Professions — Professional Branches)
(d) lawyers' scheme:	Caisse Nationale des Barreaux français (CNBF) (National fund for Members of the French Bar)
(e) agricultural scheme:	Caisse Nationale d'Assurance-Vieillesse Mutuelle Agricole (National Old-age Insurance Agricultural Mutual Benefit Fund)
C. **Mariners' scheme**	
(a) for the purposes of applying Article 27 of the Regulation with regard to the mariners' scheme:	La section "Caisse générale de prévoyance des marins" du Quartier des affaires maritimes (The General Welfare Fund for Mariners, Department of the Maritime Affairs Division)
(b) for the purposes of applying Article 35 of the Implementing Regulation:	La section "Caisse Générale de prévoyance des marins" du Quartier des affaires maritimes (The General Welfare Fund for Mariners, Department of the Maritime Affairs Division)
D. **Family benefits:**	Caisse d'allocation familiales (Family Allowances Fund) of the place of residence of the person concerned
II. *OVERSEAS DEPARTMENTS:*	
A. **Scheme for employed persons**	
Risks other than family benefits:	
in general:	Caisse générale de sécurité sociale (General Social Security Fund)

B. **Scheme for self-employed persons**	
(a) Sickness, maternity:	Organismes conventionnés par les Caisses mutuelles régionales (Bodies operating on behalf of Regional Mutual Benefit Funds)
(b) Old-age pensions:	
— craftsmen scheme:	Caisse Nationale de l'organisation Autonome d'assurance-vieillesse des travailleurs non salariés des professions artisanales (CANCAVA) (National Independent Old-age Insurance Fund for Self-Employed Persons in Craft Occupations)
— manufacturers' and tradesmen scheme:	Caisse interprofessionnelle d'assurance-vieillesse des industriels et commerçants d'Algérie et d'Outre-Mer (CAVICORG) (Interprofessional Old-age Insurance Fund for Manufacturers and Traders In Algeria and Overseas)
— professional occupations scheme:	Sections professionnelles (Professional Departments)
— lawyers' scheme:	Caisse Nationale des Barreaux français (National Fund for Members of the French bar)
C. **Mariners:**	
(i) invalidity pensions:	Section "Caisse générale de prévoyance des marins" du Quartier des affaires maritimes (The General Welfare Fund for Mariners, Department of the Maritime Affairs Division)
(ii) old-age pensions:	Section "Caisse de retraite des marins" du Quartier des affaires maritimes (The Mariners' Pension Fund, Department of the Maritime Affairs Division)
D. **Family benefits:**	Caisse d'allocations familiales (Family Allowances Fund) of the place of residence of the person concerned'

(iv) In Section G

— in the left-hand column of point 1, the following subheading shall be inserted before paragraph (a):

'A. **Employed persons**'

— the following text shall be added at the end of point 1:

'B. **Self-employed persons:**

benefits in kind:	the territorially competent local health unit'

— in the left-hand column of point 2, the following subheading shall be inserted before paragraph (a):

'A. **Employed persons'**

— the following text shall be added at the end of point 2:

'B. **Self-employed persons** (for medical radiologists only):

(a) benefits in kind:	the territorially competent local health unit
(b) benefits and major appliances, medico-legal benefits and related examinations and certificates:	Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), provincial offices
(c) cash benefits:	Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (National Institution for Insurance against Accidents at Work), provincial offices'

— in the left-hand column of point 3, the following subheading shall be inserted before paragraph (a):

'A. **Employed persons'**

— the following text shall be added at the end of point 3:

'B. **Self-employed persons**

(a) for medical practitioners:	Ente nazionale di previdenza ed assistenza medici (National Welfare and Assistance Office for Medical Practitioners)
(b) for pharmacists:	Ente nazionale di previdenza ed assistenza farmacisti (National Welfare and Assistance Office for Pharmacists)
(c) for veterinarians:	Ente nazionale di previdenza ed assistenza veterinari (National Welfare and Assistance Office for Veterinarians)
(d) for obstetricians:	Ente nazionale di previdenza ed assistenza per le ostetriche (National Welfare and Assistance Office for Obstetricians)
(e) for engineers and architects:	Cassa nazionale di previdenza per gli ingegneri ed architetti (National Welfare Fund for Engineers and Architects)

(f) for surveyors:	Cassa nazionale di previdenza ed assistenza a favore dei geometri (National Welfare and Assistance Fund for Surveyors)
(g) for solicitors and barristers:	Cassa nazionale di previdenza ed assistenza a favore degli avvocati e dei procuratori (National Welfare and Assistance Fund for Solicitors and Barristers)
(h) for economists:	Cassa nazionale di previdenza ed assistenza a favore dei dottori commercialisti (National Welfare and Assistance Fund for Economists)
(i) for accountants:	Cassa nazionale di previdenza ed assistenza a favore dei ragionieri e periti commerciali (National Welfare and Assistance Fund for Accountants)
(j) for employment experts:	Ente nazionale di previdenza ed assistenza per i consulenti del lavoro (National Welfare and Assistance Office for Employment Experts)
(k) for notaries:	Cassa nazionale notariato (National Fund for Notaries)
(l) for customs officers:	Fondo di previdenza a favore degli spedizionieri doganali (Welfare Fund for Customs Agents)'

— in the left-hand column of point 5, after 'Unemployment' add '(for employed persons)'

— in the left-hand column of point 6, after 'Family allowances' add '(for employed persons)'.

(v) In Section H

— paragraphs 2, 3 and 5 shall be replaced by the following:

'2. **Invalidity, old-age, death (pensions)**

(a) for manual workers:	Établissement d'assurance contre la vieillesse et l'invalidité, Luxembourg (Old-age and Invalidity Insurance Institution), Luxembourg
(b) for clerical staff and members of the professions:	Caisse de pension des employés privés, Luxembourg (Pension Fund for Clerical Staff in the Private Sector), Luxembourg
(c) for self-employed persons engaged in a craft industry, in trading or in manufacture:	Caisse de pension des artisans, des commerçants et industriels, Luxembourg (Pension Fund for Craftsmen, Tradesmen and Manufacturers), Luxembourg

(d) for self-employed persons engaged in agriculture:	Caisse de pension agricole, Luxembourg (Agricultural Pension Fund), Luxembourg
3. **Accidents at work and occupational diseases:**	
(a) for employed and self-employed persons engaged in agriculture or forestry:	Association d'assurance contre les accidents, section industrielles, Luxembourg (Accident Insurance Insurance Association, Agricultural and Forestry Department), Luxembourg
(b) for all other cases of insurance on a compulsory or optional basis:	Association d'assurance contre les accidents, section industrielle, Luxembourg (Accident Insurance Association, Industrial Department), Luxembourg
5. **Family benefits:**	
(a) for manual workers:	Caisse d'allocations familiales des ouvriers près l'établissement d'assurance contre la vieillesse et l'invalidité, Luxembourg (Family Allowances Fund for Manual Workers at the Old-age and Invalidity Insurance Institution), Luxembourg
(b) for clerical staff:	Caisse d'allocations familiales des employés près la caisse de pension des employés privés, Luxembourg (Family Allowances Fund for Clerical Staff at the Pension Fund for Clerical Staff in the Private Sector), Luxembourg'

(c) *ANNEX 10*

(i) In Section A, paragraphs 3 to 6 shall become paragraphs 4 to 7 respectively and the following paragraph shall be inserted:

'3. For the purposes of applying Article 14a of the Regulation and Articles 11a and 12a of the Implementing Regulation:	Institut national d'assurances sociales pour travailleurs indépendants, Bruxelles — Rijksinstituut voor de sociale verzekeringen der zelfstandigen, Brussel (National Social Insurance Institute for the Self-Employed), Brussels'.

(ii) In Section B

— in the left-hand column of paragraph 1, the words 'Article 11a' shall be inserted after the words 'Article 11 (1)'

— paragraphs 2 to 5 shall become paragraphs 4 to 7 respectively and the following two new paragraphs shall be inserted:

'2. For the purposes of Article 14 (1) (b), Article 14a (1) (b) and Article 14b (1) and (2) of the Regulation: Sikringsstyrelsen, (National Social Security Office) København

3. For the purposes of Article 17 of the Regulation: Sikringsstyrelsen, (National Social Security Office) København".

(iii) In Section C

— paragraph 2 shall be worded as follows:

'2. For the purposes of applying

— Article 14 (1) (a), Article 14 (b) (1) of the Regulation and in the case of agreements pursuant to Article 17 of the Regulation, in conjunction with Article 11 of the Implementing Regulation;

— Article 14a (1) (a) and in the case of agreements pursuant to Article 17 of the Regulation, in conjunction with Article 11 (a) of the Implementing Regulation;

— Article 14 (2) (b), Article 14a (2), first sentence, Article 14 (b) (2) and in the case of agreements pursuant to Article 17 of the Regulation, in conjunction with Article 12a of the Implementing Regulation;

— Article 14 (3), Article 14 (a) (3) and Article 14 (c) (1) (a) and in the case of agreements pursuant to Article 17 of the Regulation, in conjunction with Article 12 (a) of the Implementing Regulation:

(a) person insured with sickness insurance: the institution with which he is insured;

(b) person not insured with sickness insurance: Bundesversicherungsanstalt für Angestellte (Federal Insurance Office for Clerical Staff), Berlin'

— paragraph 3 shall be worded as follows:

'3. For the purposes of applying Article 14 (1) (b), Article 14 (a) (1) (b), Article 14 (b) (2) and (3) (where the circumstances arise, in conjunction with Article 14 (1) (b)) of the Regulation:	Bundesverband der Ortskrankenkassen (National Federation of Local Sickness Funds), Bonn 2'

— paragraph 4 shall be worded as follows:

'4. For the purposes of applying Article 14 (a) (4) and Article 17 of the Regulation:	Bundesverband der Ortskrankenkassen (National Federation of Local Sickness Funds), Bonn 2'

— the left-hand column of paragraph 11 shall be worded as follows:

'11. For the purposes of applying Article 14 (d) (2) of the Regulation:'.	

(iv) In Section D

— in the left-hand column of paragraph 2 the words 'Article 11 (1)' shall be replaced by the words 'Article 11 (1) (a) and Article 12a'

— paragraphs 3 to 9 shall become paragraphs 4 to 10 respectively and the following paragraph shall be inserted:

'3. For the purposes of applying Article 11a and Article 12a of the Implementing Regulation	Caisses mutuelles régionales (Regional Mutual Benefit Funds)'

— the new paragraph 5 shall be replaced as follows:

'5. For the purposes of applying Article 17 in conjunction with Article 14 (1) and 14a (1) of the Regulation:	
(i) schemes other than agricultural schemes	Direction régionale des Affaires sanitaires et sociales (Regional Directorate of Health and Welfare)
(ii) agricultural schemes	Ministère de l'Agriculture (Ministry of Agriculture), Paris'.

(v) In Section E, paragraphs 2 to 7 shall become paragraphs 5 to 10 respectively and paragraphs 1 and 1a shall be replaced as follows:

'1. For the purposes of applying Article 14 (1) and Article 14b (1) of the Regulation and Article 11 (1) (a) of the Implementing Regulation:	
(a) In general:	Ἵδρυμα Κοινωνικῶν Ἀσφαλίσεων (ΙΚΑ), Ἀθήνα (Social Insurance Institute), Athens

(b) For mariners:	Ναυτικό Ἀπομαχικό Ταμεῖο (NAT), Πειραιάς (Mariners' Retirement Fund), Piraeus
2. For the purposes of applying Article 14 (2) (b) (i) of the Regulation and Article 12a (1) of the Implementing Regulation:	Ἵδρυμα Κοινωνικῶν Ἀσφαλίσεων (ΙΚΑ), Ἀθήνα (Social Insurance Institute), Athens
3. For the purposes of applying Article 14a (1) and Article 14b (2) of the Regulation and Article 11a (1) (a) of the Implementing Regulation:	
(a) in general:	Ἵδρυμα Κοινωνικῶν Ἀσφαλίσεων (ΙΚΑ), Ἀθήνα (Social Insurance Institute), Athens
(b) for mariners:	Ναυτικό Ἀπομαχικό Ταμεῖο (NAT), Πειραιάς (Mariners' Retirement Fund), Piraeus
4. For the purposes of applying Article 14d (2) of the Regulation:	
(a) in general:	Ἵδρυμα Κοινωνικῶν Ἀσφαλίσεων (ΙΚΑ), Ἀθήνα (Social Insurance Institute), Athens
(b) for mariners:	Ναυτικό Ἀπομαχικό Ταμεῖο (NAT), Πειραιάς (Mariners' Retirement Fund), Piraeus'.

(vi) In Section F, in the left-hand column of paragraph 1, after the words 'Article 11 (1)' the words 'Article 11a' shall be inserted.

(vii) In Section G

— paragraph 3 shall become paragraph 4 and the following paragraph shall be inserted:

'3. For the purposes of applying Articles 11a and 12a of the Implementing Regulation:	
for medical practitioners:	Ente nazionale di previdenza ed assistenza medici (National Welfare and Assistance Office for Medical Practitioners)
for pharmacists:	Ente nazionale di previdenza ed assistenza farmacisti (National Welfare and Assistance Office for Pharmacists)
for veterinarians:	Ente nazionale di previdenza ed assistenza veterinari (National Welfare and Assistance Office for Veterinarians)

for obstetricians:	Ente nazionale di previdenza ed assistenza per le ostetriche (National Welfare and Assistance Office for Obstetricians)
for engineers and architects:	Cassa nazionale di previdenza per gli ingegneri ed architetti (National Welfare Fund for Engineers and Architects)
for surveyors:	Cassa nazionale di previdenza ed assistenza a favore dei geometri (National Welfare and Assistance Fund for Surveyors)
for solicitors and barristers:	Cassa nazionale di previdenza ed assistenza a favore degli avvocati e dei procuratori (National Welfare and Assistance Fund for Solicitors and Barristers)
for economists:	Cassa nazionale di previdenza ed assistenza a favore dei dottori commercialisti (National Welfare and Assistance Fund for Economists)
for accountants:	Cassa nazionale di previdenza ed assistenza a favore dei ragionieri e periti commerciali (National Welfare and Assistance Fund for Accountants)
for employment experts:	Ente nazionale di previdenza ed assistanze per i consulenti del lavoro (National Welfare and Assistance Office for Employment Experts)
for notaries:	Cassa nazionale notariato (National Fund for Notaries)
for customs officers:	Fondo di previdenza a favore degli spedizionieri doganali (Welfare Fund for Customs Officers)'

— paragraphs 4 to 7 shall become paragraphs 5 to 8 respectively.

(viii) In Section H

— paragraphs 1 and 2 shall be replaced by the following:

'1. For the purposes of applying Article 14d (2) of the Regulation:	The competent authority for the relevant type of professional or trade activity pursued
2. For the purposes of applying Article 6 (1) of the Implementing Regulation:	The competent scheme for the relevant type of employment or self-employment last pursued in the Grand-Duchy'

— in the left-hand column of paragraph 3 'Article 11a' shall be inserted after 'Article 11 (1)'

— in paragraph 4, the words in the right-hand column shall be replaced by the following: 'Centre d'informatique, d'affiliation et de perception des cotisations, commun aux institutions de sécurité sociale (Joint Data-Processing, Membership and Contributions Centre of the Social Security Institutions), Luxembourg'

— in the left-hand column of paragraph 5, the reference to Article 89 shall be omitted

— paragraph 7 shall be replaced as follows:

'7. For the purposes of applying Article 91 (2) of the Implementing Regulation:

(a) **Invalidity, old-age, death (pensions):**	
(i) for manual workers:	Établissement d'assurance contre la vieillesse et l'invalidité, Luxembourg (Old-age and Invalidity Insurance Institution), Luxembourg
(ii) for clerical staff and members of the professions:	Caisse de pension des employés privés, Luxembourg (Pension Fund for Clerical Staff in the Private Sector), Luxembourg
(iii) for self-employed persons engaged in a craft industry, in trading or in manufacture:	Caisse de pension des artisans, des commerçants et industriels, Luxembourg (Pension Fund for Craftsmen, Tradesmen and Manufacturers), Luxembourg
(iv) for self-employed persons engaged in agriculture:	Caisse de pension agricole, Luxembourg (Agricultural Pension Fund), Luxembourg
(b) **Family benefits:**	
(i) for manual workers:	Caisse d'allocations familiales des ouvriers près l'établissement d'assurance contre la vieillesse et l'invalidité, Luxembourg (Family Allowances Fund for Manual Workers at the Old-age and Invalidity Insurance Institution), Luxembourg
(ii) for clerical staff:	Caisse d'allocations familiales des employés près la caisse de pension des employés privés, Luxembourg (Family Allowances Fund for Clerical Staff at the Pension Fund for Clerical Staff in the Private Sector), Luxembourg
(iii) for self-employed persons:	Caisse d'allocations familiales des non-salariés, Luxembourg (Family Allowances Fund for the Self-Employed), Luxembourg'.

(ix) In Section I

— in the right-hand column of paragraph 1, for 'Den Haag' substitute 'Zoetermeer'

— in the right-hand column of subparagraph (a) of paragraph 4, for 'Amsterdam' substitute 'Amstelveen'

— in the right-hand column of subparagraph (b) of paragraph 4, for 'Den Haag' substitute 'Zoetermeer'.

(x) In Section J, in the left-hand column, after the words 'Article 11 (1)', the words 'Article 11a' shall be inserted.

2. The following Annex shall be added:

'ANNEX 11

SCHEME OR SCHEMES REFERRED TO IN ARTICLE 35 (2) OF THE REGULATION

(Article 4 (11) of the Implementing Regulation)

A. BELGIUM

Scheme extending insurance for medical treatment (benefits in kind) to self-employed persons.

B. DENMARK

None

C. GERMANY

None

D. FRANCE

Scheme for self-employed persons not engaged in agriculture

By virtue of Article 35 (2) of the Regulation:

— the sickness and maternity scheme for non-agricultural occupations set up under the law of 12 July 1966 as amended.

E. GREECE

1. Insurance Fund for Craftsmen and Small Traders (TEBE)
2. Traders' Insurance Fund
3. Sickness Insurance Fund for Lawyers:
   (a) Provident Fund of Athens
   (b) Provident Fund of Piraeus
   (c) Provident Fund of Salonika
   (d) Health Fund for Provincial Lawyers (TYDE)
4. Medical Personnel's Insurance and Pension Fund

F. IRELAND

None

G. ITALY

None

H. LUXEMBOURG

None

I. NETHERLANDS

None

J. UNITED KINGDOM

None'.

Article 3

Neither Regulation (EEC) No 1390/81 nor this Regulation shall affect rights acquired, prior to their entry into force, under Regulations (EEC) No 1408/71 and (EEC) No 574/72.

Article 4

Transitional provisions relating to pensions

1. Where the date on which the contingency arises precedes the date on which this Regulation enters into force, and where the claim for pension has not yet been awarded before the latter date, such claim shall give rise to a double award, inasmuch as benefits must be granted, pursuant to such contingency, for a period prior to the last-mentioned date:

(a) for the period prior to the entry into force of this Regulation, in accordance with the provisions of Regulation (EEC) No 1408/71 or of agreements in force between the Member States concerned;

(b) for the period commencing from the date on which this Regulation enters into force, in accordance with the provisions of Regulation (EEC) No 1408/71 as amended by Regulation (EEC) No 1390/81.

If, however, the amount calculated in pursuance of the provisions referred to in (a) is greater than that calculated in pursuance of the provisions referred to in (b), the person concerned shall continue to be entitled to the amount calculated in pursuance of the provisions referred to in (a).

2. A claim for invalidity, old-age and survivors' benefits submitted to the institution of a Member State, as from the date on which this Regulation enters into force, shall automatically necessitate the reassessment of the benefits that have already been awarded for the same contingency prior to that date by the institution or institutions of one or more of the other Member States, in accordance with the provisions of Regulation (EEC) No 1408/71 as amended by Regulation (EEC) No 1390/81, without prejudice to the provisions of Article 3.

Article 5

This Regulation shall enter into force on the first day of the seventh month following its publication in the *Official Journal of the European Communities.*

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

Done at Brussels, 8 December 1981.

For the Council

The President

N. TEBBIT