Council of the European Union

Brussels, 7 July 2021
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UK 173
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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	6 July 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2021) 364 final ANNEXES 1 to 3
Subject:	ANNEXES to the proposal for a Council Decision establishing the position to be adopted on behalf of the European Union in the Specialised Committee on Social Security Coordination established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, as regards the adoption of a decision to amend the Annexes to the Protocol on Social Security Coordination

Delegations will find attached document COM(2021) 364 final ANNEXES 1 to 3.

Encl.: COM(2021) 364 final ANNEXES 1 to 3

EUROPEAN
COMMISSION

Brussels, 6.7.2021
COM(2021) 364 final

ANNEXES 1 to 3

ANNEXES

to the proposal

for a Council Decision

establishing the position to be adopted on behalf of the European Union in the Specialised Committee on Social Security Coordination established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, as regards the adoption of a decision to amend the Annexes to the Protocol on Social Security Coordination.

ANNEX 1

Decision No 1/2021 of the Specialised Committee established by Article 8(1)(p) of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part,

of …

as regards the amendment of the Annexes to the Protocol on Social Security Coordination

THE SPECIALISED COMMITTEE,

Having regard to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part[1] (the 'Trade and Cooperation Agreement'), and in particular Article SSC.68 of its Protocol on Social Security Coordination,

Whereas:

(1) Pursuant to Article SSC.68 of the Protocol on Social Security Coordination to the Trade and Cooperation Agreement, the Specialised Committee on Social Security Coordination may amend the Annexes and Appendices to that Protocol.

(2) Annexes SSC-1 to 6 to the Protocol on Social Security Coordination, insofar as these Annexes reflect the national legislation of the Member States and the United Kingdom, should be amended, notably to take into account recent changes to national legislation. The title of Annex SSC-1 should be corrected so as not to refer only to benefits 'in cash'. Appendix SSCI-1 of Annex SSC-7 should be amended to reflect the decision of one of the Parties to an arrangement listed therein.

(3) Article SSC.11(6) of the Protocol on Social Security Coordination requires the Parties to publish an updated Annex SSC-8 as soon as possible after a period of one month from the entry into force of the Trade and Cooperation Agreement.

HAS ADOPTED THIS DECISION:

Article 1

The entries of the Member States and the United Kingdom in Annexes SSC-1, 3, 4, 5 and 6 as well as the entries in Appendix SSCI-1 of Annex SSC-7 to the Protocol on Social Security Coordination are updated as provided for in Annex I to this Decision.

Annex SSC-8 to the Protocol on Social Security Coordination is updated as provided for in Annex II to this Decision.

Article 2

This Decision shall enter into force on the date of its publication.

Done at …,

[1] OJ L 444, 31.12.2020, p. 14.

For the Partnership Council

The Co-chairs

ANNEX 2

Annex I to Decision No 1/2021

ANNEX SSC-1

CERTAIN BENEFITS
TO WHICH THIS PROTOCOL SHALL NOT APPLY

PART 1

SPECIAL NON-CONTRIBUTORY CASH BENEFITS
(Point (a) of Article SSC.3(4) of this Protocol)

(i) UNITED KINGDOM

(a) State Pension Credit (State Pension Credit Act 2002 and State Pension Credit Act (Northern Ireland) 2002)

(b) Income-based allowances for jobseekers (Jobseekers Act 1995 and Jobseekers (Northern Ireland) Order 1995)

(c) Disability Living Allowance, mobility component (Social Security Contributions and Benefits Act 1992 and Social Security Contributions and Benefits (Northern Ireland) Act 1992)

(d) Personal Independence Payment, mobility component (Welfare Reform Act 2012 (Part 4) and Welfare Reform (Northern Ireland) Order 2015 (Part 5))

(e) Employment and Support Allowance Income-related (Welfare Reform Act 2007 and Welfare Reform Act (Northern Ireland) 2007)

(f) Best Start Foods payment (Welfare Foods (Best Start Foods) (Scotland) Regulations 2019 (SSI 2019/193))

(g) Best Start Grants (pregnancy and baby grant, early learning grant, school-age grant) (The Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018 (SSI 2018/370))

(h) Funeral Support Payment (Funeral Expense Assistance (Scotland) Regulations 2019 (SSI 2019/292)).

(i) Scottish Child Payment (The Scottish Child Payment Regulations 2020 (SSI 2020/351))

(ii) MEMBER STATES

AUSTRIA

Compensatory supplement (Federal Act of 9 September 1955 on General Social Insurance — ASVG, Federal Act of 11 October 1978 on Social insurance for persons engaged in trade and commerce — GSVG and Federal Act of 11 October 1978 on Social insurance for farmers — BSVG).

BELGIUM

(a) Income replacement allowance (Law of 27 February 1987) (Inkomensvervangende tegemoetkoming/Allocation de remplacement de revenus);

(b) Guaranteed income for elderly persons (Law of 22 March 2001) (Inkomensgarantie voor ouderen/ Revenu garanti aux personnes âgées).

BULGARIA

Social Pension for old age (Article 89a of the Social Insurance Code).

CYPRUS

(a) Social Pension (Social Pension Law of 1995 (Law 25(I)/95), as amended);

(b) Severe motor disability allowance (Council of Ministers' Decisions Nos 38210 of 16 October 1992, 41370 of 1 August 1994, 46183 of 11 June 1997 and 53675 of 16 May 2001);

(c) Special grant to blind persons (Special Grants Law of 1996 (Law 77(I)/96), as amended).

DENMARK

Accommodation expenses for pensioners (Law on individual accommodation assistance, consolidated by Law No 204 of 29 March 1995).

ESTONIA

State unemployment allowance (Labour Market Services and Support Act of 29 September 2005).

FINLAND

(a) Housing allowance for pensioners (Act concerning the Housing Allowance for pensioners, 571/2007);

(b) Labour market support (Act on Unemployment Benefits 1290/2002);

(c) Special assistance for immigrants (Act on Special Assistance for Immigrants, 1192/2002).

FRANCE

(a) Supplementary allowances of:

(i) the Special Invalidity Fund; and

(ii) the Old Age Solidarity Fund in respect of acquired rights

(Law of 30 June 1956, codified in Book VIII of the Social Security Code);

(b) Disabled adults' allowance (Law of 30 June 1975, codified in Book VIII of the Social Security Code);

(c) Special allowance (Law of 10 July 1952, codified in Book VIII of the Social Security Code) in respect of acquired rights;

(d) Old-age solidarity allowance (ordinance of 24 June 2004, codified in Book VIII of the Social Security Code) as of 1 January 2006.

GERMANY

(a) Basic subsistence income for the elderly and for persons with reduced earning capacity under Chapter 4 of Book XII of the Social Code (Leistungen der Grundsicherung im Alter und bei Erwerbsminderung nach dem Vierten Kapitel des Zwölften Buches Sozialgesetzbuch);

(b) Benefits to cover subsistence costs under the basic provision for jobseekers in accordance with Book II of the Social Code (Leistungen zur Sicherung des Lebensunterhalts in der Grundsicherung für Arbeitssuchende nach dem Zweiten Buch Sozialgesetzbuch).

GREECE

Special benefits for the elderly (Law 1296/82).

HUNGARY

(a) Invalidity annuity (Decree No 83/1987 (XII 27) of the Council of Ministers on Invalidity Annuity);

(b) Old age allowance (Act III of 1993 on Social Administration and Social Benefits).

IRELAND

(a) Jobseekers' allowance (Social Welfare Consolidation Act 2005, Part 3, Chapter 2);

(b) State pension (non-contributory) (Social Welfare Consolidation Act 2005, Part 3, Chapter 4);

(c) Widow's, widower's, or surviving civil partners (non-contributory) pension (Social Welfare Consolidation Act 2005, Part 3, Chapter 6);

(d) Disability allowance (Social Welfare Consolidation Act 2005, Part 3, Chapter 10);

(e) Mobility allowance (Health Act 1970 (as amended), Section 61);

(f) Blind pension (Social Welfare Consolidation Act 2005, Part 3, Chapter 5).

ITALY

(a) Social pensions for persons without means (Law No 153 of 30 April 1969);

(b) Pensions and allowances for the civilian disabled or invalids (Laws No 118 of 30 March 1971, No 18 of 11 February 1980 and No 508 of 23 November 1988);

(c) Pensions and allowances for the deaf and dumb (Laws No 381 of 26 May 1970 and No 508 of 23 November 1988);

(d) Pensions and allowances for the civilian blind (Laws No 382 of 27 May 1970 and No 508 of 23 November 1988);

(e) Benefits supplementing the minimum pensions (Laws No 218 of 4 April 1952, No 638 of 11 November 1983 and No 407 of 29 December 1990);

(f) Benefits supplementing disability allowances (Law No 222 of 12 June 1984);

(g) Social allowance (Law No 335 of 8 August 1995);

(h) Social increase (Article 1(1) and (12) of Law No 544 of 29 December 1988 and successive amendments).

LATVIA

(a) State Social Security Benefit (Law on State Social Benefits of 1 January 2003);

(b) Allowance for the compensation of transportation expenses for disabled persons with restricted mobility (Law on State Social Benefits of 1 January 2003).

LITHUANIA

(a) Social assistance disability and old age pensions (Law of 1994 on Social Assistance Pensions No 1-675, Article 5 and 6, as amended);

(b) Relief compensation (Law of 1994 on Social Assistance Pensions No I-675, Article 12, as amended);

(c) Transport compensation for the disabled who have mobility problems (Law of 2000 on Transport Compensation, Article 7, as amended).

LUXEMBOURG

Income for the seriously disabled (Article 1(2), Law of 12 September 2003), with the exception of persons recognised as being disabled workers and employed on the mainstream labour market or in a sheltered environment.

MALTA

(a) Supplementary allowance (Section 73 of the Social Security Act (Cap. 318) 1987);

(b) Age pension (Social Security Act (Cap. 318) 1987).

NETHERLANDS

(a) Work and Employment Support for Disabled Young Persons Act of 24 April 1997 (Wet Wajong);

(b) Supplementary Benefits Act of 6 November 1986 (TW).

POLAND

(a) Social pension (Renta socjalna) Act of 27 June 2003 on social pensions (Ustawa o rencie socjalnej);

(b) Supplementary parental benefit (Rodzicielskie świadczenie uzupełniające Mama 4+) Act of 31 January 2019 on supplementary parental benefit (Ustawa o rodzicielskim świadczeniu uzupełniającym);

(c) Supplementary benefit for persons unable to live independently (Świadczenie uzupełniające dla osób niezdolnych do samodzielnej egzystencji) Act of 31 July on supplementary benefit for persons unable to live independently (Ustawa o świadczeniu uzupełniającym dla osób niezdolnych do samodzielnej egzystencji).

PORTUGAL

(a) Non-contributory State old-age pension (Decree-Law No 464/80 of 13 October 1980, amended);

(b) Non-contributory widowhood pension (Regulatory Decree No 52/81 of 11 November 1981);

(c) Solidarity supplement for the elderly (Decree – Law No 232/2005 of 29 December 2005, amended).

SLOVAKIA

(a) Adjustment awarded before 1 January 2004 to pensions constituting the sole source of income;

(b) Social pension which has been awarded before 1 January 2004.

SPAIN

(a) Minimum income guarantee (Law No 13/82 of 7 April 1982);

(b) Cash benefits to assist the elderly and invalids unable to work (Royal Decree No 2620/81 of 24 July 1981):

  (i) Non-contributory invalidity and retirement pensions as provided for in Chapter II of Title VI of the Consolidated Text of the General Law on Social Security, approved by Royal Legislative Decree No 8/2015 of 30 October 2015 ; and

  (ii) the benefits which supplement the above pensions, as provided for in the legislation of the Comunidades Autonómas, where such supplements guarantee a minimum subsistence income having regard to the economic and social situation in the Comunidades Autonómas concerned;

(c) Allowances to promote mobility and to compensate for transport costs (Law No 13/1982 of 7 April 1982).

SWEDEN

(a) Housing supplement (Chapters 100-103 of the Social Insurance Code [2010:110]);

(b) Financial support for the elderly (Chapter 74 of the Social Insurance Code [2010:110]).

PART 2

LONG-TERM CARE BENEFITS
(Point (d) of Article SSC.3(4) of this Protocol)

(i) UNITED KINGDOM

(a) Attendance Allowance (Social Security Contributions and Benefits Act 1992, Social Security (Attendance Allowance) Regulations 1991, Social Security Contributions and Benefits (Northern Ireland) Act 1992 and Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992)

(b) Carer's Allowance (Social Security Contributions and Benefits Act 1992, The Social Security (Invalid Care Allowance) Regulations 1976, Social Security Contributions and Benefits (Northern Ireland) Act 1992 and The Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976

(c) Disability Living Allowance, care component (Social Security Contributions and Benefits Act 1992, Social Security (Disability Living Allowance) Regulations 1991, Social Security Contributions and Benefits (Northern Ireland) Act 1992 and Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992)

(d) Personal Independence Payment, daily living component (Welfare Reform Act 2012 (Part 4), Social Security (Personal Independence Payment) Regulations 2013, The Personal Independence Payment (Transitional Provisions) Regulations 2013, Personal Independence Payment (Transitional Provisions) (Amendment) Regulations 2019, Welfare Reform (Northern Ireland) Order 2015 (Part 5), The Personal Independence Payment Regulations (Northern Ireland) 2016, The Personal Independence Payment (Transitional Provisions) Regulations (Northern Ireland) 2016 and Personal Independence Payment (Transitional Provisions) (Amendment) Regulations (Northern Ireland) 2019)

(e) Carer's Allowance Supplement (The Social Security (Scotland) Act 2018)

(f) Young Carer's Grant (The Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2020 (as amended)).

(g) Child Winter Heating Assistance (The Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020 (SSI 2020/352))

(ii) MEMBER STATES

AUSTRIA

Federal Long-term care allowance Act (Bundespflegegeldgesetz, BPGG), original version BGBl. no. 110/1993, as amended: Pflegegeld (§1), Pflegekarenzgeld (§21c).

BELGIUM

(a) Article 93 paragraph 8 and Chapter Vbis of the Health Care and Sickness Benefit Compulsory Insurance Act (Loi relative à l'assurance obligatoire soins de santé et indemnités/Wet betreffende de verplichte verzekering voor geneeskundige verzorging en uitkeringen), coordinated on 14 July 1994.

(b) Act of 27 February 1987 on allowances for persons with disabilities (Loi relative aux allocations aux personnes handicapées/Wet betreffende de tegemoetkomingen aan gehandicapten).

(c) Flemish social protection (Vlaamse sociale bescherming): Decree of the Flemish Parliament of 18 May 2018 on the organisation of Flemish social protection (Decreet houdende Vlaamse sociale bescherming/) and Orders of the Flemish government of 30 November 2018.

- Title II Benefits in cash, Decree of the Flemish Parliament of 18 May 2018 on the organisation of Flemish social protection (Decreet houdende Vlaamse sociale bescherming):
  - art. 4, 1° and 77 – 83, Decree of the Flemish Parliament of 18 May 2018 on the organisation of Flemish social protection (Decreet van 18 mei 2018 houdende Vlaamse sociale bescherming) Care budget for severely dependent people;
  - art. 4, 2° and 84 – 90 Decree of the Flemish Parliament of 18 May 2018 on the organisation of Flemish social protection (Decreet van 18 mei 2018 houdende Vlaamse sociale bescherming) Care budget for elderly people with a care need,
  - art.4, 3° and 91 – 94 Decree of the Flemish Parliament of 18 May 2018 on the organisation of Flemish social protection (Decreet van 18 mei 2018 houdende Vlaamse sociale bescherming, Basic support budget

(d) Decree of 13 December 2018 on offers to elderly or dependent persons as well as on palliative care (Dekret über die Angebote für Senioren und Personen mit Unterstützungsbedarf sowie über die Palliativpflege)

(e) Decree of 4th June 2007 on psychiatric nursing homes (Dekret über die psychiatrischen Pflegewohnheime)

(f) Government Decree of 20 June 2017 on mobility aids (Erlass über die Mobilitätshilfen)

(g) Decree of 13 December 2016 on the establishment of a German Community Office for self-determined life (Dekret zur Schaffung einer Dienststelle der Deutschsprachigen Gemeinschaft für selbstbestimmtes Leben)

(h) Royal Decree of 5th March 1990 on the allowance for assistance to the elderly (Königliches Dekret vom 5. März 1990 über die Beihilfe für ältere Menschen)

(i) Order of 21 December 2018 on Brussels health insurance bodies in the field of health care and assistance to people (Ordonnantie van 21 december 2018 betreffende de Brusselse verzekeringsinstellingen in het domein van de gezondheidszorg en de hulp aan personen/Ordonnance du 21 décembre 2018 relative aux organismes assureurs bruxellois dans le domaine des soins de santé et de l'aide aux personnes)

(j) Article 215 bis Royal Decree of 3 July 1996 implementing the law on compulsory insurance for health care and benefits, coordinated on 14 July 1994 (Artikel 215 bis Koninklijk Besluit van 3 juli 1996 tot uitvoering van de wet betreffende de verplichte verzekering voor geneeskundige verzorging en uitkeringen, gecoördineerd op 14 juli

1994/ Article 215 bis Arrêté royal du 3 juillet 1996 portant application de la loi sur l'assurance obligatoire des soins de santé et des prestations, coordonné le 14 juillet 1994)

(k) Article 12 Royal Decree of 20 July 1971 concerning the implementation of a benefit insurance and maternity insurance for the benefit of the self-employed and the assisting spouses (Artikel 12 Koninklijk Besluit van 20 juli 1971 betreffende de uitvoering houdende instelling van een uitkeringsverzekering en een moederschapsverzekering ten voordele van de zelfstandigen en van de meewerkende echtgenoten/ Article 12 Arrêté royal du 20 juillet 1971 relatif à la mise en place de l'assurance de prévoyance et de l'assurance maternité au profit des indépendants et des conjoints aidants)

(l) Art. 43/32 - 43/46 of the Walloon Code of Social Action and Health : Allowance for Assistance to the Elderly.

(m) Art. 799 of the Walloon Regulatory Code for Social Action and Health : Personal Assistance Budget

(n) Decree of 8 February 2018 on the administration and payment of family benefits;

(o) Law of 19 December 1939 on family allowances (LGAF): Family allowance

(p) Order of 10 December 2020 on the allowance for assistance to the elderly (Ordonnantie van 10 december betreffende de tegemoetkoming voor hulp aan bejaarden/Ordonnance du 10 décembre 2020 relative à l'allocation pour l'aide aux personnes âgées)

(q) Decree of the Flemish Parliament of 18 May 2018 on the organisation of Flemish social protection (Decreet van 18 mei 2018 houdende Vlaamse sociale bescherming) and Orders of the Flemish government of 30 November 2018:

- art. 4, 4° and 140 - 153 of the Decree of the Flemish Parliament of 18 May 2018 on the organisation of Flemish social protection : financing residential care centers
- art 4, 5° of the Decree of the Flemish Parliament of 18 May 2018 on the organisation of Flemish social protection and article 54 - 72 of the Decree of 6 July 2018 regarding the takeover of the sectors of psychiatric care homes, sheltered housing initiatives, rehabilitation agreements, rehabilitation hospitals and multidisciplinary palliative care counseling teams with regard to the financing of psychiatric care homes and sheltered living initiatives (Decreet van 6 juli 2018 betreffende de overname van de sectoren psychiatrische verzorgingstehuizen, initiatieven van beschut wonen, revalidatieovereenkomsten, revalidatieziekenhuizen en multidisciplinaire begeleidingsequipes voor palliatieve verzorging voor wat betreft de financiering van de psychiatrische verzorgingstehuizen en de initiatieven van beschut wonen)
- art. 4, 9° and 105 - 135 of the Decree of the Flemish Parliament of 18 May 2018 concerning the mobility aids

(r) Decree of 13 December 2018 on offers for the elderly and people in need of support and on palliative care (Dekret vom 13. Dezember 2018 über die Angebote für Senioren und Personen mit Unterstützungsbedarf sowie über die Palliativpflege)

(s) Decree 4 June 2007 on Psychiatric Nursing Homes (Dekret über die psychiatrischen Pflegewohnheime)

(t) Government decree of 20 June 2017 relating to mobility aids (Erlass über die Mobilitätshilfen)

(u) Decree of 13 December 2016 establishing an Office of the German-speaking Community for a self-determined life (Dekret zur Schaffung einer Dienststelle der Deutschsprachigen Gemeinschaft für selbstbestimmtes Leben)

(v) Royal Decree of 5 March 1990 relating to the allowance for assistance to the elderly (Königliches Dekret vom 5. März 1990 über die Beihilfe für ältere Menschen)

(w) Government decree of 19 December 2019 relating to the transitional regulation of the procedure for obtaining a prior authorization or consent to cover the costs or share the costs of long-term rehabilitation abroad (Erlass der Regierung zur übergangsweisen Regelung des Verfahrens zur Erlangung einer Vorabgeehmigung oder Zustimmung zwecks Kostenübernahme oder Kostenbeteiligung für eine Langzeitrehabilitation im Ausland)

(x) Order of 21 December 2018 on Brussels health insurance bodies in the field of health care and assistance to people (Ordonnantie van 21 december 2018 betreffende de Brusselse verzekeringsinstellingen in het domein van de gezondsheidszorg en de hulp aan personen/Ordonnance du 21 décembre 2018 relative aux organismes assureurs bruxellois dans le domaine des soins de santé et de l'aide aux personnes)

(y) Coordinated Law on Hospitals and Other Care Institutions of 10 July 2008:

- Benefits provided by Psychiatric Care Homes (MSP) and care in rest homes (MR) and day care centres (CSJ) : Article 170
- Services provided by Protected Housing Initiatives (IHP) : Article 6

(z) Law on Compulsory Health Care and Indemnity Insurance, coordinated on 14 July 1994:

- Benefits provided by Psychiatric Care Homes (MSP) : Article 34, 11e: benefits provided by MSP
- Care in rest homes (MR) and day care centres (CSJ) : Articles 26, 34, 11° and 12°, 37, §12 and 69, §4
- Smoking cessation : article 34, paragraph 1, 24°, (provides that health benefits include assistance and assistance with medication for smoking cessation)

(aa) Royal Decree of 18 July 2001 laying down the rules according to which the budget of financial means, the quota of days of stay and the price per day of stay are determined for protected housing initiatives : Services provided by Protected Housing Initiatives (IHP)

(bb) Royal Decree of 31 August 2009 relating to the intervention of health care and compensation insurance for assistance with smoking cessation.

(cc) Walloon Code of Social Action and Health

- Benefits provided by Psychiatric Care Homes (MSP) and services provided by Protected Housing Initiatives (IHP): art. 43/7. [6°];
- Care in rest homes (MR) and day care centres (CSJ): Article 43/7 [4°]

  Functional re-education centres: art. 43/7, 3°: care necessitated by long-term revalidation care referred to in the revalidation agreements concluded with a

functional re-education establishment provided for in article 43/2, paragraph 1, 11 of the Walloon Code of Social Action and Health.

- Establishments for the reception and accommodation of the elderly: art. 334 to 410.
- Care establishments: art. 411 to 418.
- Integrated health associations: art. 419 to 433.
- Mental health: art. 539 to 624.
- Support for families and the elderly: Art. 219-260.
- Smoking cessation: Art. 43/7 [9°];
- Mobility aids: Article 43/7. [1°]; Order of the Walloon Government of 11 April 2019 establishing the nomenclature of benefits and interventions referred to in Article 43/7, 1° of the Code of Social Action and Health and Article 10/8 of the Walloon Regulatory Code of Social Action and Health.
- Palliative care: Art. 491/4 and s.

(dd) Walloon Regulatory Code for Social Action and Health: Art. 726.

- Short Stay Services, Adult Residential Services (SRA), Adult Residential Night Services (SRNA), Supported Accommodation Services (SLS): art. 1192 to 1314.
- Support Services for Activities of Daily Living: Art. 726.
- Services organising respite care for family carers and people with disabilities: Art. 831/1.
- Services providing support in family-type care: Art. 477.
- Support services for adults: Art. 552 §2.
- Early support services: Art. 552 §1.
- Integration support services: Art. 630.
- Services providing sign language interpretation: Art. 831/77.
- Individual integration assistance: Art. 784.
- Functional rehabilitation of persons with disabilities: Art. 832.
- Specialised reception services for young people, Youth Residential Services (SRJ): Art. 1314/97 to 1314/187.
- Day care services for adults (SAJA): Art. 1314/1 to 1314/96.

(ee) Decree of 9 March 2017 relating to the price of accommodation and the financing of certain equipment for heavy medical-technical services in hospitals: Medico-social infrastructures

(ff) Order of the Walloon Government of 15 May 2008: Medico-social infrastructures

(gg) Royal Decree of 14 May 2003: Integrated home care services

(hh) Cooperation agreement of 31 December 2018 between the Flemish Community, the Walloon Region, the French Community Commission, the Joint Community Commission and the German-speaking Community concerning mobility aids (Samenwerkingsakkoord van 31 december 2018 tussen de Vlaamse Gemeenschap, de Franse Gemeenschapscommissie en de Gemeenschappelijke Gemeenschapscommissie betreffende de mobiliteitshulpmiddelen/ Accord de collaboration du 31 décembre 2018

entre la Communauté flamande, la Commission communautaire française et la Commission communautaire commune sur les aides à la mobilité)

(ii) (Cooperation agreement of 31 December 2018 between the Flemish Community, the French Community Commission and the Joint Community Commission concerning the single point of contact for mobility aids in the bilingual Brussels-Capital region (Samenwerkingsakkoord van 31 december 2018 tussen de Vlaamse Gemeenschap, de Franse Gemeenschapscommissie en de Gemeenschappelijke Gemeenschapscommissie betreffende het uniek loket voor de mobiliteitshulpmiddelen in het tweetalige gebied Brussel-Hoofdstad/Accord de coopération du 31 décembre 2018 entre la Communauté flamande, la Commission communautaire française et la Commission communautaire commune relatif au guichet unique pour les aides à la mobilité dans la région bilingue de Bruxelles-Capitale)

BULGARIA

(a) Article 103 of the Social Insurance Code (член 103 от Кодекса за социално осигуряване), 1999 title amended 2003.

(b) Law on Social Assistance (Закон за социално подпомагане), 1998.

(c) Regulation on the Implementation of the Law on Social Assistance (Правилник за прилагане на Закона за социално подпомагане), 1998.

(d) Persons with Disabilities Act (Закон за хората с увреждания), 2019.

(e) Personal Assistance Act (Закон за личната помощ), 2019.

(f) Regulation on the Implementation of the Persons with Disabilities Act (Правилник за прилагане на Закона за интеграция на хората с увреждания), 2019.

(g) Ordinance on the medical expertise (Наредба за медицинската експертиза), 2017.

CROATIA

(a) The Social Welfare Act (Zakon o socijalnoj skrbi, OG 157/13, 152/14, 99/15, 52/16, 16/17, 130/17, 98/19, 64/20 and 138/20):

- Guaranteed minimum benefit (zajamčena minimalna naknada)
- Housing benefit (naknada za troškove stanovanja)
- Right to fuel costs (pravo na troškove ogrjeva)
- Assistance for vulnerable energy consumers (naknada za ugroženog kupca energenata)
- One-off assistance payment
- Personal needs allowance for the beneficiary of accommodation (naknada za osobne potrebe korisnika smještaja)
- Compensation regarding education (naknada u vezi s obrazovanjem)
- Personal disability allowance (osobna invalidnina)
- Allowance for assistance and care (doplatak za pomoć i njegu)
- Allowance for the status of parent-caregiver or a caregiver (naknada za status roditelja njegovatelja ili njegovatelja)

– Jobseeker's allowances (naknada do zaposlenja).

(b) The Foster Care Act (Zakon o udomiteljstvu OG 115/18):

– Fostering allowance (opskrbnina)

– Foster care allowance (naknada za rad udomitelja).

CYPRUS

(a) Social Welfare Services (Υπηρεσίες Κοινωνικής Ευημερίας):

(b) The Guaranteed Minimum Income and in General the Social Benefits (Emergency Needs and Care Needs) Regulations and Decrees as they are amended or superseded. Homes for the Elderly and Disabled Persons Laws (Οι περί Στεγών για Ηλικιωμένους και Αναπήρους Νόμοι) of 1991 - 2011. [L. 222/91 and L. 65(I)/2011].

(c) Adult Day-Care Centres Laws (Οι περί Κέντρων Ενηλίκων Νόμοι) (L. 38(I)/1997 and L.64(I)/2011).

(d) State Aid Scheme, under the Regulation 360/2012 for the provision of services of general economic interest (De minimis) [Σχέδιο Κρατικών Ενισχύσεων 'Ησσονος Σημασίας, βαση του Κανονισμού 360/2012 για την παροχή υπηρεσιών γενικού οικονομικού συμφέροντος].

(e) Welfare Benefits Administration Service (Υπηρεσία Διαχείρισης Επιδομάτων Πρόνοιας):

(f) The Guaranteed Minimum Income and generally for Welfare Benefits Law of 2014 as it is amended or superseded.

(g) The Guaranteed Minimum Income and generally for Welfare Benefits Regulations and Decrees as they are amended or superseded.

CZECH REPUBLIC

Care Allowance according to the Act. No. 108/2006 on social services (Zákon o sociálních službách).

DENMARK

(a) Consolidation Act on Social Service (Lov om social service):

– Allowance for taking care of close relatives who wish to die in their own home (Vederlag til pasning af nærtstående, der ønsker at dø i eget hjem)

– Assistance to cover lost earnings for persons caring for a child under 18 at home with significant and permanent impairment of physical or mental functioning or invasive chronic or long-term illness (Hjælp til dækning af tabt arbejdsfortjeneste til personer, som passer et barn under 18 med betydelig og varigt nedsat fysisk eller psykisk funktionsevne eller indgribende kronisk eller langvarig lidelse i hjemmet)

– Coverage of additional expenses for children and young people with significant and permanent impairment of physical or mental functioning or intervening chronic or long-term illness (Dækning af merudgifter til børn og unge med

betydelig og varigt nedsat fysisk eller psykisk funktionsevne eller indgribende kronisk eller langvarig lidelse)

- Personal help and care, "care wills" and contact person for adults with physical or mental disabilities or with special social problems (Personlig hjælp og pleje, "plejetestamenter" og kontaktperson for voksne med nedsat fysisk eller psykisk funktionsevne eller med særlige sociale problemer)
- Aids, help with interior design for housing for people with permanent physical or mental disabilities (Hjælpemidler, hjælp til indretning af bolig for personer med varigt nedsat fysisk eller psykisk funktionsevne)
- Caring for close relative with disabilities or serious, including incurable, illness in the home (Pasning af nærtstående med handicap eller alvorlig, herunder uhelbredelig, lidelse i hjemmet)

(b) Consolidation Act on Housing Subsidy (Lov om individuel boligstøtte)

- Subsidy to costs of a dwellling in private housing cooperatives suitable for severely physically disabled persons (Støtte til udgifter til bolig i private andelsboligforeninger, der er egnet for stærkt bevægelseshæmmede)

(c) Consolidation Act on Social Housing (Lov om almene boliger)

- Access for disabled persons to different types of housing governed by the Act (Adgang for handicappede til boligtyper omfattet af loven).

ESTONIA

(a) Social Welfare Act (Sotsiaalhoolekande seadus) 2016.

(b) Social Benefits for Disabled Persons Act (Puuetega inimeste sotsiaaltoetuste seadus) 1999.

FRANCE

(a) Supplement for a third party (majoration pour tierce personne, MTP): Articles L. 341-4 and L. 355-1 of the Social Security Code (Code de la sécurité sociale).

(b) Supplementary benefit for recourse to a third party (prestation complémentaire pour recours à tierce personne): Article L. 434-2 of the Social Security Code.

(c) Special education supplement for a disabled child (complément d'allocation d'éducation de l'enfant handicapé): Article L. 541-1 of the Social Security Code.

(d) Disability compensation allowance (prestation de compensation du handicap, PCH): Articles L. 245-1 to L. 245-14 of the Social action and Family Code (Code de l'action sociale et des familles).

(e) Allowance for loss of autonomy (allocation personnalisée d'autonomie, APA): Articles L. 232-1 to L. 232-28 of the Social action and Family Code (Code de l'action sociale et des familles).

GERMANY

Long term care benefits under Chapter 4 of Book XI of the Social Code (Leistungen der Pflegeversicherung nach Kapitel 4 des Elften Buches Sozialgesetzbuch)

GREECE

(a) Law No. 1140/1981, as amended.

(b) Legislative Decree No. 162/73 and Joint Ministerial Decision No. Π4β/5814/1997.

(c) Ministerial Decision No. Π1γ/ΑΓΠ/οικ.14963 of 9 October 2001.

(d) Law No. 4025/2011.

(e) Law No. 4109/2013.

(f) Law No. 4199/2013 art. 127.

(g) Law No. 4368/2016 art. 334.

(h) Law No. 4483/2017 art. 153.

(i) Law No. 498/1-11-2018, art. 28, 30 and 31, for the "Unified Health Benefits Regulation" of the National Service Provider Organization Health (EOPYY).

HUNGARY

Long-term care benefits for persons providing personal care (Act III of 1993 on Social Administration and Social Assistance supplemented by Government and Ministerial decrees).

IRELAND

(a) Nursing Homes Support Scheme Act 2009 (No. 15 of 2009).

(b) Domiciliary Care Allowance (Social Welfare Consolidation Act 2005, Part 3, Chapter 8A).

ITALY

(a) Law No. 118 of 30 March 1971 on civilian invalidity benefits (Legge 30 Marzo 1971, n. 118 - Conversione in Legge del D.L. 30 gennaio 1971, n. 5 e nuove norme in favore dei mutilati ed invalidi civili).

(b) Law No. 18 of 11 February 1980 on Constant attendance allowance (Legge 11 Febbraio 1980, n. 18 - Indennità di accompagnamento agli invalidi civili totalmente inabili).

(c) Law No. 104 of 5 February 1992, Article 33 (Framework law on disability) (Legge 5 Febbraio 1992, n. 104 - Legge-quadro per l'assistenza, l'integrazione sociale e i diritti delle persone handicappate).

(d) Legislative Decree No. 112 of 31 March 1998 on the transfer of legislative tasks and administrative competences from the State to the Regions and local entities (Decreto Legislativo 31 Marzo 1998, n. 112 - Conferimento di funzioni e compiti amministrativi dello Stato alle regioni ed agli enti locali, in attuazione del capo I della Legge 15 Marzo 1997, n. 59).

(e) Law No. 183 of 4 November 2010, Article 24, modifying the rules regarding the permits for the assistance to disabled persons in difficult situations (Legge n. 183 del 4

Novembre 2010, art. 24 - Modifiche alla disciplina in materia di permessi per l'assistenza a portatori di handicap in situazione di gravità).

(f) Law No. 147 of 27 December 2013 containing provisions for drawing up the annual and pluri-annual budget of the State – Stability Law 2014 (Disposizioni per la formazione del bilancio annuale e pluriennale dello Stato - Legge di stabilità 2014).

LATVIA

(a) Law on Social Services and Social Assistance (Sociālo pakalpojumu un sociālās palīdzības likums) 31/10/2002.

(b) Medical Treatment Law (Ārstniecības likums) 12/06/1997.

(c) Law on Patient Rights (Pacientu tiesību likums) 30/12/2009.

(d) Regulations of the Cabinet of Ministers No. 555 on Health care organisation and payment procedure (Ministru kabineta 2018. gada 28.augusta noteikumi Nr.555 "Veselības aprūpes pakalpojumu organizēšanas un samaksas kārtība") 28/08/2018.

(e) Regulations of the Cabinet of Ministers No. 275 on Procedures for Payment of Social Care and Social Rehabilitation Services and the Procedures for Covering Service Costs from a Local Government Budget (Ministru kabineta 2003.gada 27.maija noteikumi Nr.275 „Sociālās aprūpes un sociālās rehabilitācijas pakalpojumu samaksas kārtība un kārtība, kādā pakalpojuma izmaksas tiek segtas no pašvaldības budžeta") 27/05/2003.

(f) Regulations of the Cabinet of Ministers No.138 on Receiving of Social Services and Social Assistance (Ministru kabineta 2019.gada 2.aprīļa noteikumi Nr 138 "Noteiku mi par sociālo pakalpojumu un sociālās palīdzības saņemšanu") 02/04/2019.

(g) Law on State Social Benefits - allowance for a disabled person for whom care is necessary (Valsts sociālo pabalstu likums) 01/01/2003.

LITHUANIA

(a) Law of the Republic of Lithuania of 29 June 2016 on Target Compensations No XII-2507 (Lietuvos Respublikos tikslinių kompensacijų įstatymas).

(b) Law of the Republic of Lithuania of 21 May 1996 on Health Insurance No I-1343 (Lietuvos Respublikos sveikatos draudimo įstatymas).

(c) Law of the Republic of Lithuania of 19 July 1994 on the Health System No I-552 (Lietuvos Respublikos sveikatos sistemos įstatymas).

(d) Law of the Republic of Lithuania of 6 June 1996 on Health Care Institutions No I-1367 (Lietuvos Respublikos sveikatos priežiūros įstaigų įstatymas).

LUXEMBOURG

Benefits subject to long-term care insurance under the Social Security Code, Book V - Long-term care insurance, namely:

- Care and support to perform activities of daily living
- Activities to support independence and autonomy

- Activities for individual supervision, group supervision and night-time supervision
- Activities of caregiver training
- Activities of assistance with household chores
- Support activities in long-term care facility
- Lump-sum allowance for incontinence products
- Assistive technology and assistive technology training
- Home adaptations
- Lump-sum cash benefit in replacing benefits in kind for activities of daily living and for activities of assistance with household chores provided by the caregiver in accordance with the summary of care and assistance
- Coverage of caregiver's pension contributions
- Lump sum cash benefits for certain disease

MALTA

(a) Social Security Act (Att dwar is-Sigurta' Socjali) (Cap. 318).

(b) Subsidiary Legislation 318.19: State-Owned Institutions and Hostels Rates Regulations (Regolamenti dwar it-Trasferiment ta' Fondi għal Hostels Statali Indikati).

(c) Subsidiary Legislation 318.17: Transfer of Funds (Government Financed Beds) Regulations (Regolamenti dwar it-Trasferiment ta' Fondi għal Sodod Iffinanzjati mill-Gvern).

(d) Subsidiary Legislation 318.13: State Financed Residential Services Rates Regulations (Regolamenti dwar Rati għal Servizzi Residenzjali Finanzjali mill-Istat).

(e) Carer's Allowance – Social Security Act Article 68(1)a.

(f) Increased Carer's Allowance – Social Security Act Article 68(1)b.

THE NETHERLANDS

Long term care act (Wet langdurige zorg (WLZ)), Law of 3 December 2014.

POLAND

(a) Medical Care Allowance (zasiłek pielęgnacyjny), Special Attendance Allowance (specjalny zasiłek opiekuńczy), Nursing Benefit (świadczenie pielęgnacyjne) Act of 28 November 2003 on Family Benefits (Ustawa o świadczeniach rodzinnych)

(b) Allowance for Caregiver *(zasiłek dla opiekuna) Act of 4 April 2014 on Determination and Payments of the Allowances for Caregivers (Ustawa o ustalaniu i wypłacaniu zasiłków dla opiekunów).*

PORTUGAL

Social insurance and guaranteeing sufficient resources:

(a) Dependency Supplement: Decree-Law No 265/99 of 14 July 1999, amended (complemento por dependência).

(b) Dependency Supplement under the special protection system in case of disability: Act No 90/2009 of 31 August 2009, re-published in consolidated version by Decree-Law No 246/2015 of 20 October 2015, amended (regime especial de proteção na invalidez).

Social security system and National Health Service:

(c) National network for integrated continuous care: Decree-Law No 101/06 of 6 June 2006, re-published in a consolidated version by Decree-Law No 136/2015 of 28 July 2015 (rede de cuidados continuados integrados).

(d) Integrated continuous care in mental health: Decree-Law No 8/2010 of 28 January 2010, amended and republished by Decree-Law No 22/2011 of 10 February 2011 on the creation of units and teams for integrated continuous care in mental health (unidades e equipas de cuidados continuados integrados de saúde mental).

(e) Pediatric Care (National Network for Integrated Continuous Care): Decree order No 343/2015 of 12 October 2015 on standards governing hospital and ambulatory paediatric care within the framework of the national network for integrated continuous care (condições de instalação e funcionamento das unidades de internamento de cuidados integrados e de ambulatório pediátricas da Rede Nacional de Cuidados Continuados Integrados).

(f) Informal Carer (allowance): Act No 100/2019 of 6 September on the status of informal carer (Estatuto do cuidador informal).

ROMANIA

(a) Law no. 448/2006 from 6 December 2006 on the Protection and Promotion of the Rights of Persons with Disabilities, with subsequent amendments and completions:

- Indemnities granted to persons with disability, namely the monthly complementary personal budget for adults and children with disabilities and the monthly indemnity for adults with disability, provided by article 58 paragraph (4) from Law no.448/2006 on the protection and promotion of the rights of persons with disabilities, with subsequent amendments and completions;
- Companion indemnity provided by article 42 paragraph (4) and article 43 from Law no.448/2006 on the protection and promotion of the rights of persons with disabilities, with subsequent amendments and completions*;*
- *Companion indemnity for the adult with severe visual disability, provided by article 42 paragraph (1) and article 58 paragraph (3) from* Law no.448/2006 on the protection and promotion of the rights of persons with disabilities, with subsequent amendments and completions; *Monthly food allowance granted to children with HIV/AIDS disability, provided by article 58 paragraph (2) from Law no.448/2006 on the protection and promotion of the rights of persons with disabilities, with subsequent amendments and completions;*

(b) Law no. 584/2002 on measures to prevent the spread of malady AIDS in Romania and to protect the persons infected with HIV or AIDS, with subsequent amendments and completions

- Monthly food indemnity granted based on the Law no. 584/2002 on measures to prevent the spread of malady AIDS in Romania and to protect the persons infected with HIV or AIDS

SLOVENIA

No specific law related to long-term care.

Long-term care benefits are included in the following acts:

(a) Pension and Disability Insurance Act (Zakon o pokojninskem in invalidskem zavarovanju) (Official Gazette of the Republic of Slovenia, no. 96/2012, and subsequent amendments).

(b) Financial Social Assistance Act (Zakon o socialno vartsvenih prejemkih) (Official Gazette of the Republic of Slovenia, no. 61/2010, and subsequent amendments).

(c) Exercise of Rights to Public Funds Act (Zakon o uveljavljanju pravic iz javnih sredstev) (Official Gazette of the Republic of Slovenia, no. 62/2010, and subsequent amendments).

(d) Social Protection Act (Zakon o socialnem varstvu) (Official Gazette of the Republic of Slovenia, no. 3/2004 – official consolidated text, and subsequent amendments).

(e) Parental Care and Family Benefits Act (Zakon o starševskem varstvu in družinskih prejemkih) (Official Gazette of the Republic of Slovenia, no. 110/2006 – official consolidated text, and subsequent amendments).

(f) Mentally and Physically Handicapped Persons Act (Zakon o družbenem varstvu duševno in telesno prizadetih oseb) (Official Gazette of the Republic of Slovenia, no. 41/83, and subsequent amendments).

(g) Health Care and Health Insurance Act (Zakon o zdravstvenem varstvu in zdravstvenem zavarovanju) (Official Gazette of the Republic of Slovenia, no. 72/2006 – official consolidated text, and subsequent amendments).

(h) War Veterans Act (Zakon o vojnih veteranih) (Official Gazette of the Republic of Slovenia, no 59/06 official consolidated text, and subsequent amendments)

(i) War Disability Act (Zakon o vojnih invalidih) (Official Gazette of the Republic of Slovenia, no 63/59 official consolidated text, and subsequent amendments)

(j) Fiscal Balance Act (Zakon za uravnoteženje javnih finance (ZUJF)) (Official Gazette of the Republic of Slovenia, no. 40/2012, and subsequent amendments).

(k) Act Regulating Adjustments of Transfers to Individuals and Households in the Republic of Slovenia (Zakon o usklajevanju transferjev posameznikom in gospodinjstvom v Republiki Sloveniji) (Official Gazette of the Republic of Slovenia, no. 114/2006 – official consolidated text, and subsequent amendments).

SPAIN

(a) Law No. 39/2006 on the Promotion of Personal Autonomy and Assistance to persons in situations of dependence of 14 December 2006, as amended.

(b) Ministerial Order of 15 April 1969.

(c) Royal Decree No. 1300/95 of 21 July 1995, as amended.

(d) Royal Decree No. 1647/97 of 31 October 1997, as amended.

SWEDEN

(a) Care allowance (Chapter 22 of the Social Insurance Code [2010:110])

(b) Extra cost allowance (Chapter 50 of the Social Insurance Code [2010:110])

(c) Assistance allowance (Chapter 51 of the Social Insurance Code [2010:110])

(d) Car allowance (Chapter 52 of the Social Insurance Code [2010:110])

PART 3

PAYMENTS WHICH ARE CONNECTED TO A BRANCH OF SOCIAL SECURITY LISTED IN ARTICLE SSC.3(1) OF THIS PROTOCOL AND WHICH ARE PAID TO MEET EXPENSES FOR HEATING IN COLD WEATHER

(Point (f) of Article SSC.3(4) of this Protocol)

(i) UNITED KINGDOM

Winter Fuel Payment (Social Security Contributions and Benefits Act 1992, Social Fund Winter Fuel Payment Regulations 2000, Social Security Contributions and Benefits (Northern Ireland) Act 1992 and Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000).

(ii) MEMBER STATES

DENMARK

(a) Act on Social and state pensions, LBK no. 983 of 23/09/2019

(b) Regulations on social and state pensions, BEK no. 1602 of 27/12/2019.

ANNEX SSC-3

MORE RIGHTS FOR PENSIONERS RETURNING TO THE COMPETENT STATE

(Article SSC.25(2) of this Protocol)

AUSTRIA

BELGIUM

BULGARIA

CYPRUS

CZECH REPUBLIC

FRANCE

GERMANY

GREECE

HUNGARY

LATVIA

LITHUANIA

LUXEMBOURG

THE NETHERLANDS

POLAND

PORTUGAL

ROMANIA

SLOVENIA

SPAIN

SWEDEN

ANNEX SSC-4

CASES IN WHICH THE PRO RATA CALCULATION SHALL BE WAIVED OR SHALL NOT APPLY

(Article SSC.47(4) and (5) of this Protocol)

PART 1

CASES IN WHICH THE PRO RATA CALCULATION SHALL BE WAIVED PURSUANT TO ARTICLE SSC.47(4)

AUSTRIA

(a) All applications for benefits under the Federal Act of 9 September 1955 on General Social Insurance – ASVG, the Federal Act of 11 October 1978 on social insurance for self-employed persons engaged in trade and commerce – GSVG, the Federal Act of 11 October 1978 on social insurance for self-employed farmers – BSVG and the Federal Act of 30 November 1978 on social insurance for the self-employed in the liberal professions (FSVG);

(b) All applications for survivors' pensions based on a pension account pursuant to the General Pensions Act (APG) of 18 November 2004, with the exception of cases under

Part 2;

(c) All applications for survivors' pensions of the Austrian Provincial Chambers of Physicians (Landesärztekammer) based on basic provision (basic and any supplementary benefit, or basic pension);

(d) All applications for survivors' support from the pension fund of the Austrian Chamber of Veterinary Surgeons;

(e) All applications for benefits from widows and orphans pensions according to the statutes of the welfare institutions of the Austrian bar associations, Part A;

(f) All applications for benefits under the Notary Insurance Act of 3 February 1972 – NVG 1972.

CYPRUS

All applications for old age, widow's and widower's pensions.

DENMARK

All applications for pensions referred to in the law on social pensions, except for pensions mentioned in Annex SSC-5 to this Protocol.

IRELAND

All applications for state pension (contributory), widow's, widower's, and surviving civil partners (contributory) pension.

LATVIA

All applications for survivor's pensions (Law on State pensions of 1 January 1996; Law on State funded pensions of 1 July 2001).

LITHUANIA

All applications for State social insurance survivor's pensions calculated on the basis of the basic amount of survivor's pension (Law on State Social Insurance Pensions).

NETHERLANDS

All applications for old-age pensions under the law on general old-age insurance (AOW).

POLAND

All applications for old-age under the defined benefits scheme and survivors' pensions, except for the cases where the totalised periods of insurance completed under the legislation of more than one country are equal to or longer than 20 years for women and 25 years for men but the national periods of insurance are inferior to these limits (and not less than 15 years for women and 20 years for men), and the calculation is made under Articles 27 and 28 of the Act of 17 December 1998 (O.J. 2015, item 748).

PORTUGAL

All applications for old-age and survivors' pension claims, except for the cases where the totalised periods of insurance completed under the legislation of more than one country are equal to or longer than 21 calendar years but the national periods of insurance are equal or inferior to 20 years, and the calculation is made under Articles 32 and 33 of Decree-Law No 187/2007 of 10 May 2007, amended.

SLOVAKIA

(a) All applications for survivors' pension (widow's pension, widower's and orphan's pension) calculated according to the legislation in force before 1 January 2004, the amount of which is derived from a pension formerly paid to the deceased;

(b) All applications for pensions calculated pursuant to Act No 461/2003 Coll. on social security as amended.

SWEDEN

(a) Applications for an old-age pension in the form of a guaranteed pension for persons born in or before 1937 (Chapter 66 of the Social Insurance Code [2010:110]).

(b) Applications for an old-age pension in the form of a supplementary pension (Chapter 63 of the Social Insurance Code [2010:110]).

UNITED KINGDOM

All applications for retirement pension, state pension pursuant to Part 1 of the Pensions Act 2014, widows' and bereavement benefits, with the exception of those for which during a tax year beginning on or after 6 April 1975:

(i) the party concerned had completed periods of insurance, employment or residence under the legislation of the United Kingdom and a Member State; and one (or more) of the tax years was not considered a qualifying year within the meaning of the legislation of the United Kingdom;

(ii) the periods of insurance completed under the legislation in force in the United Kingdom for the periods prior to 5 July 1948 would be taken into account for the purposes of point (b) of Article SSC.47(1) of this Protocol by application of the periods of insurance, employment or residence under the legislation of a Member State.

All applications for additional pension pursuant to the Social Security Contributions and Benefits Act 1992, section 44, and the Social Security Contributions and Benefits (Northern Ireland) Act 1992, section 44.

PART 2

CASES IN WHICH ARTICLE SSC.47(5)APPLIES

AUSTRIA

(a) Old-age pensions and survivor's pensions derived thereof based on a pension account pursuant to the General Pensions Act (APG) of 18 November 2004;

(b) Compulsory allowances under Article 41 of the Federal Law of 28 December 2001, BGBl I Nr. 154 on the general salary fund of Austrian pharmacists (Pharmazeutische Gehaltskasse für Österreich);

(c) Retirement and early retirement pensions of the Austrian Provincial Chambers of Physicians based on basic provision (basic and any supplementary benefit, or basic pension), and all pension benefits of the Austrian Provincial Chambers of Physicians based on additional provision (additional or individual pension);

(d) Old-age support from the pension fund of the Austrian Chamber of Veterinary Surgeons;

(e) Benefits according to the statutes of the welfare institutions of the Austrian bar associations, Parts A and B, with the exception of applications for benefits from widows' and orphans' pensions according to the statutes of the welfare institutions of the Austrian bar associations, Part A;

(f) Benefits by the welfare institutions of the Federal Chamber of Architects and Consulting Engineers under the Austrian Civil Engineers' Chamber Act (Ziviltechnikerkammergesetz) 1993 and the statutes of the welfare institutions, with the exception of benefits on grounds of survivors' benefits deriving from the last-named benefits;

(g) Benefits according to the statute of the welfare institution of the Federal Chamber of Professional Accountants and Tax Advisors under the Austrian Professional Accountants and Tax Advisors' Act (Wirtschaftstreuhandberufsgesetz).

BULGARIA

Old age pensions from the Supplementary Compulsory Pension Insurance, under Part II, Title II, of the Social Insurance Code.

CROATIA

Pensions from the compulsory insurance scheme based on the individual capitalised savings according to the Compulsory and Voluntary Pension Funds Act (OG 49/99, as amended) and the Act on Pension Insurance Companies and Payment of Pensions Based on Individual Capitalised Savings (OG 106/99, as amended), except in the cases provided by Articles 47 and 48 of the Compulsory and Voluntary Pension Funds Act and survivor's pension).

DENMARK

(a) Personal pensions;

(b) Benefits in the event of death (accrued based on contributions to Arbejdsmarkedets Tillægspension related to the time before 1 January 2002);

(c) Benefits in the event of death (accrued based on contributions to Arbejdsmarkedets Tillægspension related to the time after 1 January 2002) referred to in the Consolidated Act on Labour Market Supplementary Pension (Arbejdsmarkedets Tillægspension)

942:2009.

ESTONIA

Mandatory funded old-age pension scheme.

FRANCE

Basic or supplementary schemes in which old-age benefits are calculated on the basis of retirement points.

HUNGARY

Pension benefits based on membership of private pension funds.

LATVIA

Old-age pensions (Law on State pensions of 1 January 1996; Law on State funded pensions of 1 July 2001).

POLAND

Old-age pensions under the defined contribution scheme.

PORTUGAL

Supplementary pensions granted pursuant to Decree-Law No 26/2008 of 22 February 2008, amended (public capitalisation scheme).

SLOVAKIA

Mandatory old-age pension saving.

SLOVENIA

Pension from compulsory supplementary pension insurance.

SWEDEN

Old-age pension in the form of an income pension and a premium pension (Chapters 62 and 64 of the Social Insurance Code[2010:110]).

UNITED KINGDOM

Graduated retirement benefits paid pursuant to the National Insurance Act 1965, sections 36 and 37, and the National Insurance Act (Northern Ireland) 1966, sections 35 and 36.

ANNEX SSC-5

BENEFITS AND AGREEMENTS WHICH ALLOW
THE APPLICATION OF ARTICLE SSC.49

I. Benefits referred to in point (a) of Article SSC.49(2) of this Protocol, the amount of which is independent of the length of periods of insurance or residence completed

DENMARK

The full Danish national old-age pension acquired after 10 years' residence by persons who will have been awarded a pension by 1 October 1989

FINLAND

National pensions and spouse's pensions determined according to the transitional rules and awarded prior to the 1 of January 1994 (Act on Enforcement of the National Pensions Act, 569/2007)

The additional amount of child's pension when calculating independent benefit according to the National Pension Act (the National Pension Act, 568/2007)

FRANCE

Widower's or widow's invalidity pension under the general social security system or under the agricultural workers scheme where it is calculated on the basis of the deceased spouse's invalidity pension settled in accordance with point (a) of Article SSC.47(1).

GREECE

Benefits under Law No 4169/1961 relating to the agricultural insurance scheme (OGA)

NETHERLANDS

General Surviving Relatives Act of 21 December 1995 (ANW)

The Work and Income according to Labour Capacity Act of 10 November 2005 (WIA)

SPAIN

Survivors' pensions granted under the general and special schemes, with the exception of the Special Scheme for Civil Servants

SWEDEN

(a) Income-related sickness compensation and income-related activity compensation (Chapter 34 of the Social Insurance Code [2010:110]).

(b) Guaranteed pension and guaranteed compensation which replaced the full state pension awarded under the legislation on state pension which applied before 1 January 1993, and the full state pension awarded under the transitional rules of the legislation applying from that date

II. Benefits referred to in point (b) of Article SSC.49(2) of this Protocol, the amount of which is determined by reference to a credited period deemed to have been completed between the date on which the risk materialised and a later date

FINLAND

Employment pensions for which account is taken of future periods according to the national legislation

GERMANY

Survivors' pensions, for which account is taken of a supplementary period

Old-age pensions, for which account is taken of a supplementary period already acquired

ITALY

Italian pensions for total incapacity for work (inabilità)

LATVIA

Survivors' pension calculated on the basis of assumed insurance periods (Article 23(8) of the Law on State Pensions of 1 January 1996)

LITHUANIA

(a) State social insurance work incapacity pensions, paid under the Law on State Social Insurance Pensions

(b) State social insurance survivors' and orphans' pensions, calculated on the basis of the work incapacity pension of the deceased under the Law on State Social Insurance Pensions

LUXEMBOURG

Survivors' pensions

SLOVAKIA

Slovak survivors' pension derived from the invalidity pension.

SPAIN

The pensions for retirement under the Special Scheme for Civil Servants due under Title I of the consolidated text of the Law on State Pensioners if at the time of materialisation of the risk the beneficiary was an active civil servant or treated as such; death and survivors' (widows'/widowers', orphans' and parents') pensions due under Title I of the consolidated text of the Law on State Pensioners if at the time of death the civil servant was active or treated as such

SWEDEN

(a) Sickness compensation and activity compensation in the form of guaranteed compensation (Chapter 35 of the Social Insurance Code [2010:110]).

(b) Survivors' pension calculated on the basis of credited insurance periods (Chapters 76-85 of the Social Insurance Code [2010:110]).

III. Agreements referred to in point (b)(i) of Article SSC.49(2) of this Protocol intended to prevent the same credited period being taken into account two or more times:

The Social Security Agreement of 28 April 1997 between the Republic of Finland and the Federal Republic of Germany

The Social Security Agreement of 10 November 2000 between the Republic of Finland and the Grand Duchy of Luxembourg

Nordic Convention on social security of 12 June 2012.

ANNEX SSC-6

SPECIAL PROVISIONS FOR THE APPLICATION OF THE LEGISLATION OF THE MEMBER STATES AND OF THE UNITED KINGDOM

(Article SSC.3(2), Article SSC.51(1) and Article SSC.66)

AUSTRIA

1. For the purpose of acquiring periods in the pension insurance, attendance at a school or comparable educational establishment in another State shall be regarded as equivalent to attendance at a school or educational establishment pursuant to Articles 227(1)(1) and 228(1)(3) of the Allgemeines Sozialversicherungsgesetz (ASVG) (General Social Security Act), Article 116(7) of the Gewerbliches Sozialversicherungsgesetz (GSVG) (Federal Act on Social Insurance for Persons engaged in Trade and Commerce) and Article 107(7) of the Bauern-Sozialversicherungsgesetz (BSVG) (Social Security Act for Farmers), when the person concerned was subject at some time to Austrian legislation on the grounds that he pursued an activity as an employed or self-employed person, and the special contributions provided for under Article 227(3) of the ASVG, Article 116(9) of the GSVG and Article 107(9) of the BSGV for the purchase of such periods of education, are paid.
2. For the calculation of the pro rata benefit referred to in point (b) of Article SSC.47(1) of

this Protocol, special increments for contributions for supplementary insurance and the miners' supplementary benefit under Austrian legislation shall be disregarded. In those cases the pro rata benefit calculated without those contributions shall, if appropriate, be increased by unreduced special increments for contributions for supplementary insurance and the miners' supplementary benefit.

3. Where pursuant to Article SSC.7 of this Protocol substitute periods under an Austrian pension insurance scheme have been completed but cannot form a basis for calculation pursuant to Articles 238 and 239 of the ASVG, Articles 122 and 123 of the GSVG and Articles 113 and 114 of the BSVG, the calculation basis for periods of childcare pursuant to Article 239 of the ASVG, Article 123 of the GSVG and Article 114 of the BSVG shall be used.

BULGARIA

Article 33(1) of the Bulgarian Health Insurance Act applies to all persons for whom Bulgaria is the competent Member State under Chapter 1 of Title III of this Protocol.

CYPRUS

For the purpose of applying the provisions of Articles SSC.7, SSC.46 and SSC.56 of this Protocol, for any period commencing on or after 6 October 1980, a week of insurance under the legislation of the Republic of Cyprus is determined by dividing the total insurable earnings for the relevant period by the weekly amount of the basic insurable earnings applicable in the relevant contribution year, provided that the number of weeks so determined shall not exceed the number of calendar weeks in the relevant period.

CZECH REPUBLIC

1. For the purposes of defining members of the family in accordance with point (s) of Article SSC.1 of this Protocol, "spouse" includes registered partners as defined in the Czech act no. 115/2006 Coll., on registered partnership.

2. Notwithstanding Articles SSC.6 and SSC.7 of this Protocol, for the purposes of granting the supplementary benefit in respect of insurance periods completed under the legislation of the former Czech and Slovak Federal Republic, solely the insurance periods completed under the Czech legislation can be taken into account in order to meet the condition of at least one year of Czech pension insurance within the defined period after the date of dissolution of the federation (§ 106a, paragraph 1, letter b) of Act No. 155/1995 Coll., on pension insurance).

3. In the cases referred to in Article SSC 39, in determination of the amount of invalidity benefit according to the Act No. 155/1995 Coll., the provisions of Chapter 5 of the Protocol shall apply mutatis mutandis.

DENMARK

1. (a) For the purpose of calculating the pension under the "lov om social pension" (Social Pension Act), periods of activity as an employed or self-employed person completed under Danish legislation by a frontier worker or a worker who has gone to Denmark to do work of a seasonal nature are regarded as periods of residence

completed in Denmark by the surviving spouse in so far as, during those periods, the surviving spouse was linked to the abovementioned worker by marriage without separation from bed and board or de facto separation on grounds of incompatibility, and provided that, during those periods, the spouse resided in the territory of another State. For the purposes of this point, "work of a seasonal nature" means work which, being dependent on the succession of the seasons, automatically recurs each year.

(b) For the purpose of calculating the pension under the "lov om social pension" (Social Pension Act), periods of activity as an employed or self-employed person completed under Danish legislation before 1 January 1984 by a person to whom point (a) does not apply shall be regarded as periods of residence completed in Denmark by the surviving spouse, in so far as, during those periods, the surviving spouse was linked to that person by marriage without separation from bed and board or de facto separation on grounds of incompatibility, and provided that, during those periods, the spouse resided in the territory of another State.

(c) Periods to be taken into account under points (a) and (b) shall not be taken into consideration if they coincide with the periods taken into account for the calculation of the pension due to the person concerned under the legislation on compulsory insurance of another State, or with the periods during which the person concerned received a pension under such legislation. Those periods shall, however, be taken into consideration if the annual amount of the said pension is less than half the basic amount of the social pension.

2. (a) Notwithstanding the provisions of Article SSC.7 of this Protocol, persons who have not been gainfully employed in one or more States are entitled to a Danish social pension only if they have been, or have previously been, permanent residents of Denmark for at least 3 years, subject to the age limits prescribed by Danish legislation. Subject to Article SSC.5 of this Protocol, Article SSC.8 of this Protocol does not apply to a Danish social pension to which entitlement has been acquired by such persons.

(b) The provisions referred to in point (a) do not apply to Danish social pension entitlement for the members of the family of persons who are or have been gainfully employed in Denmark, or for students or the members of their families.

3. The temporary benefit for unemployed persons who have been admitted to the ledighedsydelse (flexible job' scheme) (Law No 455 of 10 June 1997) is covered by Chapter 6 of Title III of this Protocol.

4. Where the beneficiary of a Danish social pension is also entitled to a survivor's pension from another State, those pensions for the implementation of Danish legislation shall be regarded as benefits of the same kind within the meaning of Article SSC.48(1), subject to the condition, however, that the person whose periods of insurance or of residence serve as the basis for the calculation of the survivor's pension had also acquired a right to a Danish social pension.

FINLAND

1. For the purposes of determining entitlement and of calculating the amount of the Finnish national pension under Articles SSC.47, SSC.48 and 49 of this Protocol,

pensions acquired under the legislation of another State are treated in the same way as pensions acquired under Finnish legislation.

2. When applying point (b)(i) of Article SSC.47(1) of this Protocol for the purpose of calculating earnings for the credited period under Finnish legislation on earnings-related pensions, where an individual has pension insurance periods based on activity as an employed or self-employed person in another State for part of the reference period under Finnish legislation, the earnings for the credited period shall be equivalent to the sum of earnings obtained during the part of the reference period in Finland, divided by the number of months for which there were insurance periods in Finland during the reference period.

FRANCE

1. For persons receiving benefits in kind in France pursuant to Article SSC.15 or SSC.24 of this Protocol who are resident in the French departments of Haut-Rhin, Bas-Rhin or Moselle, benefits in kind provided on behalf of the institution of another State which is responsible for bearing their cost include benefits provided by both the general sickness insurance scheme and the obligatory supplementary local sickness insurance scheme of Alsace-Moselle.

2. French legislation applicable to a person engaged, or formerly engaged, in an activity as an employed or self-employed person for the application of Chapter 5 of Title III of this Protocol includes both the basic old-age insurance scheme(s) and the supplementary retirement scheme(s) to which the person concerned was subject.

GERMANY

1. Notwithstanding point (a) of Article SSC.6 of this Protocol and point 1 of Article 5(4) of the Sozialgesetzbuch VI (Volume VI of the Social Code), a person who receives a full old-age pension under the legislation of another State may request to be compulsorily insured under the German pension insurance scheme.

2. Notwithstanding point (a) of Article SSC.6 of this Protocol and Article 7 of the Sozialgesetzbuch VI (Volume VI of the Social Code), a person who is compulsorily insured in another State, or receives an old-age pension under the legislation of another State may join the voluntary insurance scheme in Germany.

3. For the purpose of granting cash benefits under §47(1) of SGB V, §47(1) of SGB VII and §200(2) of the Reichsversicherungsordnung to insured persons who live in another State, German insurance schemes calculate net pay, which is used to assess benefits, as if the insured person lived in Germany, unless the insured person requests an assessment on the basis of the net pay which he actually receives.

4. Nationals of other States whose place of residence or usual abode is outside Germany and who fulfil the general conditions of the German pension insurance scheme may pay voluntary contributions only if they had been voluntarily or compulsorily insured in the German pension insurance scheme at some time previously; this also applies to stateless persons and refugees whose place of residence or usual abode is in another State.

5. The pauschale Anrechnungszeit (fixed credit period) pursuant to Article 253 of the Sozialgesetzbuch VI (Volume VI of the Social Code) shall be determined exclusively with reference to German periods.

6. In cases where the German pension legislation, in force on 31 December 1991, is applicable for the recalculation of a pension, only the German legislation applies for the purposes of crediting German Ersatzzeiten (substitute periods).

7. The German legislation on accidents at work and occupational diseases to be compensated for under the law governing foreign pensions and on benefits for insurance periods which can be credited under the law governing foreign pensions in the territories named in paragraph 1(2)(3) of the Act on affairs of displaced persons and refugees (Bundesvertriebenengesetz) continues to apply within the scope of application of this Protocol, notwithstanding the provisions of paragraph 2 of the Act on foreign pensions (Fremdrentengesetz).

8. For the calculation of the theoretical amount referred to in point (b)(i) of Article SSC.47(1) of this Protocol, in pension schemes for liberal professions, the competent institution shall take as a basis, in respect of each of the years of insurance completed under the legislation of any other State, the average annual pension entitlement acquired during the period of membership of the competent institution through the payment of contributions.

GREECE

1. Law No 1469/84 concerning voluntary affiliation to the pension insurance scheme for Greek nationals and foreign nationals of Greek origin is applicable to nationals of other States, stateless persons and refugees, where the persons concerned, regardless of their place of residence or stay, have at some time in the past been compulsorily or voluntarily affiliated to the Greek pension insurance scheme.

2 Notwithstanding point (a) of Article SSC.6 of this Protocol and Article 34 of Law 1140/1981, a person who receives a pension in respect of accidents at work or occupational diseases under the legislation of another State may request to be compulsorily insured under the legislation applied by OGA, to the extent that they pursue an activity falling within the scope of that legislation.

IRELAND

1. Notwithstanding Article SSC.19(2) and Article SSC.57 of this Protocol, for the purposes of calculating the prescribed reckonable weekly earnings of an insured person for the grant of sickness or unemployment benefit under Irish legislation, an amount equal to the average weekly wage of employed persons in the relevant prescribed year shall be credited to that insured person in respect of each week of activity as an employed person under the legislation of another State during that prescribed year.

MALTA

Special provisions for civil servants

(a) Solely for the purposes of the application of Articles SSC.43 and SSC.55 of this Protocol, persons employed under the Malta Armed Forces Act (Chapter 220 of the Laws of Malta), the Police Act (Chapter 164 of the Laws of Malta) and the Prisons Act (Chapter 260 of the Laws of Malta) shall be treated as civil servants.

(b) Pensions payable under the above Acts and under the Pensions Ordinance (Chapter 93

of the Laws of Malta) shall, solely for the purposes of point (cc) of Article SSC.1 of this Protocol, be considered as "special schemes for civil servants".

NETHERLANDS

1. Health care insurance

(a) As regards entitlement to benefits in kind under Dutch legislation, persons entitled to benefits in kind for the purpose of the implementation of Chapters 1 and 2 of Title III of this Protocol shall mean:

(i) persons who, under Article 2 of the Zorgverzekeringswet (Health Care Insurance Act), are obliged to take out insurance under a health care insurer; and

(ii) in so far as they are not already included under point (i), members of the family of active military personnel who are living in another State and persons who are resident in another State and who, under this Protocol, are entitled to health care in their state of residence, the costs being borne by the Netherlands.

(b) The persons referred to in point 1(a)(i) must, in accordance with the provisions of the Zorgverzekeringswet (Health Care Insurance Act), take out insurance with a health care insurer, and the persons referred to in point 1(a)(ii) must register with the College voor zorgverzekeringen (Health Care Insurance Board).

(c) The provisions of the Zorgverzekeringswet (Health Care Insurance Act) and the Algemene Wet Bijzondere Ziektekosten (General Act on Exceptional Medical Expenses) concerning liability for the payment of contributions shall apply to the persons referred to in point (a) and the members of their families. In respect of members of the family, the contributions shall be levied on the person from whom the right to health care is derived with the exception of the members of the family of military personnel living in another State, who shall be levied directly.

(d) The provisions of the Zorgverzekeringswet (Health Care Insurance Act) concerning late insurance shall apply *mutatis mutandis* in the event of late registration with the College voor zorgverzekeringen (Health Care Insurance Board) in respect of the persons referred to in point (a)(ii).

(e) Persons entitled to benefits in kind by virtue of the legislation of a State other than the Netherlands who reside in the Netherlands or stay temporarily in the Netherlands shall be entitled to benefits in kind in accordance with the policy offered to insured persons in the Netherlands by the institution of the place of residence or the place of stay, taking into account Article 11(1), (2) and (3) and Article 19(1) of the Zorgverzekeringswet (Health Care Insurance Act), as well as to benefits in kind provided for by the Algemene Wet Bijzondere Ziektekosten (General Act on Exceptional Medical Expenses).

(f) For the purposes of Articles SSC.21 to SSC.27 of this Protocol, the following benefits, in addition to pensions covered by Chapters 4 and 5 of Title III of this Protocol, shall be treated as pensions due under Dutch legislation:

– pensions awarded under the Law of 6 January 1966 on pensions for civil servants and their survivors (Algemene burgerlijke pensioenwet) (Netherlands Civil Service Pensions Act),

– pensions awarded under the Law of 6 October 1966 on pensions for military personnel and their survivors (Algemene militaire pensioenwet) (Military Pensions Act),

– benefits for incapacity for work awarded under the Law of 7 June 1972 on benefits for incapacity for work for military personnel (Wetarbeidsongeschiktheidsvoorziening militairen) (Military Personnel Incapacity for Work Act),

– pensions awarded under the Law of 15 February 1967 on pensions for employees of the NV Nederlandse Spoorwegen (Dutch Railway Company) and their survivors (Spoorwegpensioenwet) (Railway Pensions Act),

– pensions awarded under the Reglement Dienstvoorwaarden Nederlandse Spoorwegen (governing conditions of employment of the Netherlands Railway Company),

– benefits awarded to retired persons before reaching the pensionable age of 65 years under a pension designed to provide income for former employed persons in their old age, or benefits provided in the event of premature exit from the labour market under a scheme set up by the state or by an industrial agreement for persons aged 55 or over,

– benefits awarded to military personnel and civil servants under a scheme applicable in the event of redundancy, superannuation and early retirement.

(g) For the purposes of Article SSC.16(1) of this Protocol, the persons referred to in point (a)(ii) of this paragraph who stay temporarily in the Netherlands shall be entitled to benefits in kind in accordance with the policy offered to insured persons in the Netherlands by the institution of the place of stay, taking into account Article 11(1), (2) and (3) and Article 19(1) of the Zorgverzekeringswet (Health Care Insurance Act), as well as to benefits in kind provided for by the Algemene Wet Bijzondere Ziektekosten (General Act on Exceptional Medical Expenses).

2. Application of the Algemene Ouderdomswet (AOW) (General Old Age Pensions Act)

(a) The reduction referred to in Article 13(1) of the AOW (General Old Age Pensions Act) shall not be applied for calendar years before 1 January 1957 during which a recipient not satisfying the conditions for having such years treated as periods of insurance:

– resided in the Netherlands between the ages of 15 and 65,

– while residing in another State, worked in the Netherlands for an employer established in the Netherlands, or

– worked in another State during periods regarded as periods of insurance under the Dutch social security system.

By way of derogation from Article 7 of the AOW, anyone who resided or worked in the Netherlands in accordance with the above conditions only prior to 1 January 1957 shall also be regarded as being entitled to a pension.

(b) The reduction referred to in Article 13(1) of the AOW shall not apply to calendar years prior to 2 August 1989 during which a person, between the ages of 15 and

65, who is or was married was not insured under the above legislation, while being resident in the territory of a State other than the Netherlands, if these calendar years coincide with periods of insurance completed by the person's spouse under the above legislation or with calendar years to be taken into account under point 2(a), provided that the couple's marriage subsisted during that time.

By way of derogation from Article 7 of the AOW, such a person shall be regarded as being entitled to a pension.

(c) The reduction referred to in Article 13(2) of the AOW shall not apply to calendar years before 1 January 1957 during which a pensioner's spouse who fails to satisfy the conditions for having such years treated as periods of insurance:

– resided in the Netherlands between the ages of 15 and 65, or

– while residing in another State, worked in the Netherlands for an employer established in the Netherlands, or

– worked in another State during periods regarded as periods of insurance under the Netherlands social security system.

(d) The reduction referred to in Article 13(2) of the AOW shall not apply to calendar years prior to 2 August 1989 during which a pensioner's spouse resident in a State other than the Netherlands, between the ages of 15 and 65, was not insured under the AOW, if those calendar years coincide with periods of insurance completed by the pensioner under that legislation or with calendar years to be taken into account under point 2(a), provided that the couple's marriage subsisted during that time.

(e) Points 2(a), 2(b), 2(c) and 2(d) shall not apply to periods which coincide with:

– periods which may be taken into account for calculating pension rights under the old-age insurance legislation of a State other than the Netherlands, or

– periods for which the person concerned has drawn an old-age pension under such legislation.

Periods of voluntary insurance under the system of another State shall not be taken into account for the purposes of this point.

(f) Points 2(a), 2(b), 2(c) and 2(d) shall apply only if the person concerned has resided in one or more States for 6 years after the age of 59 and only for such time as that person is resident in one of those States.

(g) By way of derogation from Chapter IV of the AOW, anyone resident in a State other than the Netherlands whose spouse is covered by compulsory insurance under that legislation shall be authorised to take out voluntary insurance under that legislation for periods during which the spouse is compulsorily insured.

This authorisation shall not cease where the spouse's compulsory insurance is terminated as a result of their death and where the survivor receives only a pension under the Algemene nabestaandenwet (General Surviving Relatives Act).

In any event, the authorisation in respect of voluntary insurance ceases on the date on which the person reaches the age of 65.

The contribution to be paid for voluntary insurance shall be set in accordance with the provisions relating to the determination of the contribution for voluntary insurance under the AOW. However, if the voluntary insurance follows on from a

period of insurance as referred to in point 2(b), the contribution shall be set in accordance with the provisions relating to the determination of the contribution for compulsory insurance under the AOW, with the income to be taken into account being deemed to have been received in the Netherlands.

(h) The authorisation referred to in point 2(g) shall not be granted to anyone insured under another State's legislation on pensions or survivors' benefits.

(i) Anyone wishing to take out voluntary insurance under point 2(g) shall be required to apply for it to the Social Insurance Bank (Sociale Verzekeringsbank) not later than 1 year after the date on which the conditions for participation are fulfilled.

3. Application of the Algemene nabestaandenwet (ANW) (General Surviving Relatives Act)

(a) Where the surviving spouse is entitled to a survivor's pension under the ANW (General Surviving Relatives Act) pursuant to Article SSC.46(3) of this Protocol, that pension shall be calculated in accordance with point (b) of Article SSC.47(1) of this Protocol.

For the application of these provisions, periods of insurance prior to 1 October 1959 shall also be regarded as periods of insurance completed under Dutch legislation if during those periods the insured person, after the age of 15:

– resided in the Netherlands; or

– while resident in another State, worked in the Netherlands for an employer established in the Netherlands; or

– worked in another State during periods regarded as periods of insurance under the Dutch social security system.

(b) Account shall not be taken of the periods to be taken into consideration under point 3(a) which coincide with periods of compulsory insurance completed under the legislation of another State in respect of survivor's pensions.

(c) For the purposes of point (b) of Article SSC.47(1) of this Protocol, only periods of insurance completed under Dutch legislation after the age of 15 shall be taken into account as periods of insurance.

(d) By way of derogation from Article 63a(1) of the ANW, a person resident in a State other than the Netherlands whose spouse is compulsorily insured under the ANW shall be authorised to take out voluntary insurance under the ANW provided that such insurance has already begun by the date of application of this Protocol, but only for periods during which the spouse is compulsorily insured.

That authorisation shall cease as from the date of termination of the spouse's compulsory insurance under the ANW, unless the spouse's compulsory insurance is terminated as a result of their death and where the survivor only receives a pension under the ANW.

In any event, the authorisation in respect of voluntary insurance ceases on the date on which the person reaches the age of 65.

The contribution to be paid for voluntary insurance shall be set in accordance with the provisions relating to the determination of contributions for voluntary insurance under the ANW. However, if the voluntary insurance follows on from a period of insurance as referred to in point 2(b), the contribution shall be set in

accordance with the provisions relating to the determination of contributions for compulsory insurance under the ANW, with the income to be taken into account being deemed to have been received in the Netherlands.

4. Application of Dutch legislation relating to incapacity for work

In calculating benefits under either the WAO, WIA or the WAZ, the Netherlands institutions shall take account of:

- periods of paid employment, and periods treated as such, completed in the Netherlands before 1 July 1967,
- periods of insurance completed under the WAO,
- periods of insurance completed by the person concerned, after the age of 15, under the Algemene Arbeidsongeschiktheidswet (General Act on Incapacity for Work), in so far as they do not coincide with the periods of insurance completed under the WAO,
- periods of insurance completed under the WAZ,
- periods of insurance completed under the WIA.

SPAIN

1. For the purpose of implementing of this Protocol, the years which the worker lacks to reach the pensionable or compulsory retirement age as stipulated under Article 31(4) of the consolidated version of the Ley de Clases Pasivas del Estado (Law on State Pensioners) shall be taken into account as actual years of service to the State only if at the time of the event in respect of which death pensions are due, the beneficiary was covered by Spain's special scheme for civil servants or was performing an activity assimilated under the scheme, or if, at the time of the event in respect of which the pensions are due, the beneficiary was performing an activity that would have required the person concerned to be included under the State's special scheme for civil servants, the armed forces or the judiciary, had the activity been performed in Spain.

2. (a) Under point (c) of Article SSC.51(1), the calculation of the theoretical Spanish benefit shall be carried out on the basis of the actual contributions of the person during the years immediately preceding payment of the last contribution to Spanish social security. Where, in the calculation of the basic amount for the pension, periods of insurance or residence under the legislation of other States have to be taken into account, the contribution basis in Spain which is closest in time to the reference periods shall be used for those periods, taking into account the development of the retail price index.

   (b) The amount of the pension obtained shall be increased by the amount of the increases and revaluations calculated for each subsequent year for pensions of the same nature.

3. Periods completed in other States which must be calculated in the special scheme for civil servants, the armed forces and the judicial administration, will be treated in the same way, for the purposes of Article SSC.51 of this Protocol, as the periods closest in time covered as a civil servant in Spain.

4. The additional amounts based on age referred to in the Second Transitional Provision of

the General Law on Social Security shall be applicable to all beneficiaries under this Protocol who have contributions to their name under the Spanish legislation prior to 1 January 1967; it shall not be possible, by application of Article SSC.6 of this Protocol, to treat periods of insurance credited in another State prior to 1 January 1967 as being the same as contributions paid in Spain, solely for the purposes of this Protocol. The date corresponding to 1 January 1967 shall be 1 August 1970 for the Special Scheme for Seafarers and 1 April 1969 for the Special Social Security Scheme for Coal Mining.

SWEDEN

1. The provisions of this Protocol on the aggregation of insurance periods and periods of residence shall not apply to the transitional provisions in the Swedish legislation on entitlement to guaranteed pension for persons born in or before 1937 who have been resident in Sweden for a specified period before applying for a pension (Chapter 6 of the Act [2010:111] on the introduction of the Social Insurance Code).

2. For the purpose of calculating income for notional income-related sickness Chapter 34 of the Social Insurance Code (2010:110), the following shall apply. Where the insured person, during the reference period, has also been subject to the legislation of one or more other States on account of activity as an employed or self-employed person, income in the State(s) concerned shall be deemed to be equivalent to the insured person's average gross income in Sweden during the part of the reference period completed in Sweden, calculated by dividing the earnings in Sweden by the number of years over which those earnings accrued.

3. (a) For the purpose of calculating notional pension assets for income-based survivors' pension (Chapter 82 of the Social Insurance Code [2010:110]) , if the requirement in Swedish legislation for pension entitlement in respect of at least three out of the five calendar years immediately preceding the insured person's death (reference period) is not met, account shall also be taken of insurance periods completed in other States as if they had been completed in Sweden. The insurance periods in other States shall be regarded as based on the average Swedish pension base. If the person concerned has only 1 year in Sweden with a pension base, each insurance period in another State shall be regarded as constituting the same amount.

   (b) For the purpose of calculating notional pension credits for widows' pensions relating to deaths on or after 1 January 2003, if the requirement in Swedish legislation for pension credits in respect of at least two out of the four years immediately preceding the insured person's death (reference period) is not met and insurance periods were completed in another State during the reference period, those years shall be regarded as being based on the same pension credits as the Swedish year.

UNITED KINGDOM

1. Where, in accordance with United Kingdom legislation, a person may be entitled to a retirement pension if:

   (a) the contributions of a former spouse are taken into account as if they were that person's own contributions; or

(b) the relevant contribution conditions are satisfied by that person's spouse or former spouse, then provided, in each case, that the spouse or former spouse is or had been exercising an activity as an employed or self-employed person, and had been subject to the legislation of two or more States, the provisions of Chapter 5 of Title III of this Protocol shall apply in order to determine entitlement under United Kingdom legislation. In that case, references in Articles SSC.44 to SSC.55 of this Protocol to "periods of insurance" shall be construed as references to periods of insurance completed by:

(1) a spouse or former spouse where a claim is made by:

(a) a married woman, or

(b) a person whose marriage has terminated otherwise than by the death of the spouse; or

(2) a former spouse, where a claim is made by:

(a) a widower who immediately before pensionable age is not entitled to a widowed parent's allowance, or

(b) a widow who immediately before pensionable age is not entitled to a widowed mother's allowance, widowed parent's allowance or widow's pension, or who is only entitled to an age-related widow's pension calculated pursuant to point (b) of Article SSC.47(1) of this Protocol, and for this purpose 'age related widow's pension' means a widow's pension payable at a reduced rate in accordance with section 39(4) of the Social Security Contributions and Benefits Act 1992.

2. For the purposes of Article SSC.8 of this Protocol in the case of old-age or survivors' cash benefits, pensions for accidents at work or occupational diseases and death grants, any beneficiary under United Kingdom legislation who is staying in the territory of another State shall, during that stay, be considered as if they resided in the territory of that other State.

(1) For the purpose of calculating an earnings factor in order to determine entitlement to benefits under United Kingdom legislation, for each week of activity as an employed person under the legislation of a Member State, and which commenced during the relevant income tax year within the meaning of United Kingdom legislation, the person concerned shall be deemed to have paid contributions as an employed earner, or have earnings on which contributions have been paid, on the basis of earnings equivalent to two-thirds of that year's upper earnings limit.

(2) For the purposes of point (b) of Article SSC.47(1) of this Protocol, where:

(a) in any income tax year starting on or after 6 April 1975, a person carrying out activity as an employed person has completed periods of insurance, employment or residence exclusively in a Member State, and the application of point (1) of this paragraph results in that year being counted as a qualifying year within the meaning of United Kingdom legislation for the purposes of point (b)(i) of Article SSC.47(1) of this Protocol, they shall be deemed to have been insured for 52 weeks in that year in that Member State;

(b) any income tax year starting on or after 6 April 1975 does not count as a qualifying year within the meaning of United Kingdom legislation for the

purposes of point (b)(i) of Article SSC.47(1) of this Protocol, any periods of insurance, employment or residence completed in that year shall be disregarded.

(3) For the purpose of converting an earnings factor into periods of insurance, the earnings factor achieved in the relevant income tax year within the meaning of United Kingdom legislation shall be divided by that year's lower earnings limit. The result shall be expressed as a whole number, any remaining fraction being ignored. The figure so calculated shall be treated as representing the number of weeks of insurance completed under United Kingdom legislation during that year, provided that such figure shall not exceed the number of weeks during which in that year the person was subject to that legislation.

3. Where receipt of Widowed Parent's Allowance or Bereavement Support Payment (higher rate) is contingent on entitlement to UK Child Benefit, a person meeting all other eligibility criteria, and who would be eligible to receive UK Child Benefit if they, or the relevant child, were resident in the UK, will not be prevented from claiming Widowed Parent's Allowance or Bereavement Support Payment (higher rate) in accordance with this Protocol, notwithstanding the fact that UK Child Benefit is excluded from the material scope of this Protocol under Article SSC.3(4)(g).

APPENDIX SSCI-1

ADMINISTRATIVE ARRANGEMENTS BETWEEN TWO OR MORE STATES
(referred to in Article SSCI.8 of this Annex)

BELGIUM — UNITED KINGDOM

The Exchange of Letters of 4 May and 14 June 1976 regarding Article 105(2) of Regulation (EEC) No 574/72 (waiving of reimbursement of the costs of administrative checks and medical examinations)

The Exchange of Letters of 18 January and 14 March 1977 regarding Article 36(3) of Regulation (EEC) No 1408/71 (arrangement for reimbursement or waiving of reimbursement of the costs of benefits in kind provided under the terms of Chapter 1 of Title III of Regulation (EEC) No 1408/71) as amended by the Exchange of Letters of 4 May and 23 July 1982 (agreement for reimbursement of costs incurred under Article 22(1)(a) of Regulation (EEC) No 1408/71)

DENMARK — UNITED KINGDOM

The Exchange of Letters of 30 March and 19 April 1977 as modified by an Exchange of Letters of 8 November 1989 and of 10 January 1990 on agreement of waiving of reimbursement of the costs of benefits in kind and administrative checks and medical examinations

ESTONIA — UNITED KINGDOM

The Arrangement finalised on 29 March 2006 between the Competent Authorities of the Republic of Estonia and of the United Kingdom under Article 36(3) and 63(3) of Regulation (EEC) No 1408/71 establishing other methods of reimbursement of the costs of benefits in kind provided under Regulation (EC) No 883/2004 by both countries with effect from 1 May 2004

FINLAND — UNITED KINGDOM

The Exchange of Letters 1 and 20 June 1995 concerning Article 36(3) and 63(3) of Regulation (EEC) No 1408/71 (reimbursement or waiving of reimbursement of the cost of benefits in kind) and Article 105(2) of Regulation (EEC) 574/72 (waiving of reimbursement of the cost of administrative checks and medical examinations)

FRANCE — UNITED KINGDOM

The Exchange of Letters of 25 March and 28 April 1997 regarding Article 105(2) of Regulation (EEC) No 574/72 (waiving of reimbursement of the costs of administrative checks and medical examinations)

The Agreement of 8 December 1998 on the specific methods of determining the amounts to be reimbursed for benefits in kind pursuant to Regulations (EEC) No 1408/71 and (EEC) No 574/72

HUNGARY — UNITED KINGDOM

The Arrangement finalised on 1 November 2005 between the Competent Authorities of the Republic of Hungary and of the United Kingdom under Article 35(3) and 41(2) of Regulation (EEC) No 883/2004 establishing other methods of reimbursement of the costs of benefits in kind provided under that Regulation by both countries with effect from 1 May 2004

IRELAND — UNITED KINGDOM

The Exchange of Letters of 9 July 1975 regarding Article 36(3) and 63(3) of Regulation (EEC) No 1408/71 (arrangement for reimbursement or waiving of reimbursement of the costs of benefits in kind provided under the terms of Chapter 1 or 4 of Title III of Regulation (EEC) No 1408/71) and Article 105(2) of Regulation (EEC) No 574/72 (waiving of reimbursement of the costs of administrative checks and medical examinations)

ITALY — UNITED KINGDOM

The Arrangement signed on 15 December 2005 between the Competent Authorities of the Italian Republic and of the United Kingdom under Article 36(3) and 63(3) of Regulation (EEC) No 1408/71 establishing other methods of reimbursement of the costs of benefits in kind provided under Regulation (EC) No 883/2004 by both countries with effect from 1 January 2005

LUXEMBOURG — UNITED KINGDOM

The Exchange of Letters of 18 December 1975 and 20 January 1976 regarding Article 105(2) of Regulation (EEC) No 574/72 (waiving of reimbursement of the costs entailed in administrative checks and medical examinations referred to in Article 105 of Regulation (EEC) No 574/72)

MALTA — UNITED KINGDOM

The Arrangement finalised on 17 January 2007 between the Competent Authorities of Malta and of the United Kingdom under Article 35(3) and 41(2) of Regulation (EEC) No 883/2004 establishing other methods of reimbursement of the costs of benefits in kind provided under that Regulation by both countries with effect from 1 May 2004

NETHERLANDS — UNITED KINGDOM

The second sentence of Article 3 of the Administrative Arrangement of 12 June 1956 on the implementation of the Convention of 11 August 1954

PORTUGAL — UNITED KINGDOM

The Arrangement of 8 June 2004 establishing other methods of reimbursement of the costs of benefits in kind provided by both countries with effect from 1 January 2003

SPAIN — UNITED KINGDOM

The Agreement of 18 June 1999 on the reimbursement of costs for benefits in kind granted pursuant to the provisions of Regulations (EEC) No 1408/71 and (EEC) No 574/72

ANNEX 3

Annex II to Decision No 1/2021

ANNEX SSC-8

TRANSITIONAL PROVISIONS
REGARDING THE APPLICATION OF ARTICLE SSC.11

MEMBER STATES

Austria

Belgium

Bulgaria

Croatia

Cyprus

Czech Republic

Denmark

Estonia

Finland

France

Germany

Greece

Hungary

Ireland

Italy

Latvia

Lithuania

Luxembourg

Malta

Netherlands

Poland

Portugal

Romania

Slovakia

Slovenia

Spain

Sweden