



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 21 March 2005
(OR. es)**

6540/05

SOC 71

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject : Declaration by the Kingdom of Spain pursuant to Article 5 of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to their families moving within the Community

I. LEGISLATION AND SCHEMES REFERRED TO IN ARTICLE 4(1) AND (2) OF THE REGULATION

- (1) The legislation listed and the regulatory and administrative provisions implementing them.

Royal Legislative Decree No 1/1994 of 20 June 1994, approving the Codified Text of the General Law on Social Security

Decree No 2065/1974 of 30 May, approving the Codified Text of the General Law on Social Security (the provisions which remain valid)

Law No 47/1998 of 23 December laying down rules for the recognition of early retirement from the social security scheme, in certain specific cases

Decree No 2123/1971 of 23 July, approving the Codified Text of Laws No 38/1966 of 31 May and No 41/1970 of 22 December, establishing and regulating the Special Agricultural Social Security Scheme

Decree No 2864/1974 of 30 August, approving the Codified Text of Laws No 116/1969 of 30 December and No 24/1972 of 21 June, regulating the Special Social Security Scheme for Seafarers

Decree No 2530/1970 of 20 August regulating the Special Social Security Scheme for Self-Employed Persons

Decree No 2346/1969 of 25 September regulating the Special Social Security Scheme for Domestic Service

Law of 17 July 1953 on the establishment of a special scheme for students in Spain ("Seguro Escolar")

Decree No 298/1973 of 8 February on the updating of the Special Social Security Scheme for Coal Mining, in accordance with Law No 24/1972 of 21 June on the financing and improvement of the General Social Security Scheme

With reference to:

health care;
short-term incapacity;
invalidity;
old age;
death and survivors;
accidents at work and occupational disease;
family benefits.

(2) For unemployment protection

Title III of Royal Legislative Decree No 1/1994 of 20 June, approving the Codified Text of the General Law on Social Security

Chapter III of Law No 45/2002 of 12 December on urgent measures to reform the unemployment protection system and improve employability

Law No 56/2003 of 16 December on Employment

II. MINIMUM BENEFITS REFERRED TO IN ARTICLE 50 OF THE REGULATION

The laws and regulations governing supplements to pensions below the minimum.

III. BENEFITS REFERRED TO IN ARTICLE 77 OF THE REGULATION, FOR DEPENDENT CHILDREN

The laws and regulations listed

Chapter IX, relating to family benefits, of Title II of Royal Legislative Decree No 1/1994 of 20 June, approving the Codified Text of the General Law on Social Security

The rules contained in the above Chapter IX, relating to family benefits, apply to all Special Social Security Schemes (8th additional provision No 1 of the above Codified Text as amended by Article 19(4) of Law No 52/2003 of 10 December on specific provisions concerning social security).

Point (h) of Article 7 of Law No 40/1998 of 9 December on Personal Income Tax and other rules on taxation, as amended by point 1 of Article 1(1) of Law No 62/2003 of 30 December on Fiscal, Administrative and Social Measures.

IV. BENEFITS REFERRED TO IN ARTICLE 78 OF THE REGULATION

The laws and regulations governing orphans' benefits in the Codified Text of the General Law on Social Security, approved by Royal Legislative Decree No 1/1994 of 20 June, and in the provisions governing Special Social Security Schemes.
