Consolidated Text

of Annexes I, II and III to the European Convention on Social and Medical Assistance, signed at Paris 11 December 1953

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CONSOLIDATED TEXT
OF ANNEXES I, II AND III OF THE EUROPEAN CONVENTION ON SOCIAL
AND MEDICAL ASSISTANCE, SIGNED AT PARIS 11 DECEMBER 1953¹

ANNEX I

Legislative measures regarding assistance referred to in Article 1 of the Convention

BELGIUM

Law of 27 June 1956 concerning the Special Assistance Fund.
Law of 2 April 1965 concerning Public Assistance.
Royal Decree No. 81 of 10 November 1967 establishing a Fund to provide for medical, social and educational services for the handicapped.
Law of 8 July 1964 concerning urgent Medical Assistance.
Law of 7 August 1974 establishing the right to a minimum level of means of subsistence.
Law of 8 July 1976 relating to the organisation of Public Social Assistance Centres.

DENMARK

Social Assistance Act of 19 June 1974, as later amended.

FRANCE

Family and Social Assistance Code: (Decree No. 56-149 of 24 January 1956).
Social Assistance to Children — Part II — Chapter II.
Social and Medical Assistance — Part III (except Articles 162 and 171):
— Social Assistance to families and to the aged, infirm, blind or seriously disabled. Compensatory allowances for rent increases. Special accommodation measures.
— Medical Assistance to the sick, sufferers from tuberculosis, mental patients.

GERMANY

(b) Article 1, paragraphs 27, 32 and 35 and paragraph 41, each in conjunction with paragraph 39 of the Child and Youth Services Act of 26 June 1990 (Federal Law Gazette I, p. 1163).

GREECE

Greek legislation provides for public assistance for those in need. Social assistance is made available consisting of economic, medical-pharmaceutical and hospital related assistance, as well as other benefits. Ministerial decisions have been promulgated and enacted regarding health care in such a degree that there is no, not insured indigent Social group, in this country, not covered by a social assistance regime including hospital medical and pharmaceutical assistance.

According to Decree No. 57/1973 (Article 5, paragraph 2) aliens from States who have adopted the European Convention on Social and Medical Assistance, residents in Greece, are integrated within the social assistance programmes as equals of the Greek citizens.

Such programmes cover needy and emergency cases of individuals who are unable to face by their own or their family's means, a natural disaster or illness by the assignment of a lump sum.

The above social assistance is also provided for the over 65 years old unable to cover their living demands by their own or their family's means, although no emergency reason occurs.

This assistance is granted after claim at the Prefectural Welfare Authority of the place of residence, responsible to certify the economic weakness of the claimant. Ministerial Decision A3/7485/81 provides full health assistance to foreigners on transit and tourists of Greek origin not residing in Greece, on the condition that their stay will be no longer than three months; besides foreign students fellows of the Greek Government and the members of the families of the medical fellows enjoy full health assistance during their stay in this country.

a. Assistance to children

The following reform has been realised:

(i) Presidential Decree 856/81 (Official Gazette 218/81 Vol A). It has been reformed and completed by a joint Ministerial Decision signed by the Ministers of Finance and Health, Welfare and Social Security. No. of Decision 3634/82 re: Benefit for children without support uprating of the age limit to 16 years old, instead of 14.

(ii) Presidential Decree No. 147/89 (Official Gazette No. 70/Vol. A/89 re: uprating of the monthly benefit from 7,000 Drs. to 9,500 Drs. and expansion of the financial criteria.

(iii) Circular to the Ministry of Social Assistance No. 817/7338 of 10 January 1952 “Free admission to observation clinics for children suffering from glandular infections”.

(iv) Ministerial Decision 8291/84 (Official Gazette No. 860/Vol. B/84) re: Child Care Homes approval of their operating Regulations, according to Article 4.

Child Care Homes (ex. Orphanages) are open to children aged from 5 1/2 to 16 years old, physically and mentally normal needing an institutional care, that is proved by a social investigation carried out for each claimant.

(v) Law 4227 of 17 March 1962 “Organisation of day-nurseries and admission of infants not supported by their families” (Official Gazette A No. 49 of 24 March 1962).

b. Assistance to Adults

(i) Circular of the Ministry of Social Assistance No. 374/9505 of 30 July 1956 “Hospital care and medical and pharmaceutical assistance”.

Such assistance is provided for needy cases and for entitled persons in other special categories.

(ii) Circular of the Ministry of Merchant Shipping No. 14931 of 7 March 1950 “Free travel”. A number of free places are reserved for the needy on Greek coastal vessels.

(iii) Law 2603 of 1953 ratifying Decision No. 487 of 13 May 1952 of the Council of Ministers, concerning payment by the State of travelling expenses for needy prisoners returning home on release.

(iv) Free legal assistance under Articles 220 to 224 of the Code of Civil Procedure. This assistance is granted to aliens on a basis of reciprocity.

c. Assistance for the aged and the chronically ill

I. Legislative decree 162/1973

Official Gazette No. 227 “Assistance provisions in favour of the aged and chronically ill” providing institutionalisation (in Public and Private Entity Establishments and protection of the non-institutionalised, Day Centre for the aged (KAPI), home assistance a.s.o.

II. Legislative Decree 1118/1972

re: “Private enterprises providing medical assistance for the aged or the chronically ill, suffering from a deficiency of the mobility system and regulation of adequate matters”.
ICELAND

Law No. 80, dated 5 June 1947, concerning social assistance.

IRELAND

Mental Treatment Act, 1945.
Health Act, 1953.
Health and Mental Treatment Act, 1957.
Health and Mental Treatment (Amendment) Act, 1958.
Health Act, 1970.

ITALY

(a) Single text of the laws on public order of 18 June 1931, No. 733, Art. 142, et seq., governing the sojourn of aliens in Italy.
(b) Law of 17 July 1890, No. 6972 on public assistance and welfare institutions Art. 76–77 and Administrative Regulation of 5 February 1891, No. 99, Art. 112 and 116 relating to invalids and needy persons in general.
(c) Law of 14 February 1904, No. 36, Art. 6 and Regulations of 16 August 1909, No. 615, Art. 55, 56, 75, 76 and 77 relating to the insane.
(d) Law of 23 December 1978, No. 833, concerning the setting up of the National Health Service: Articles 6, 33, 34, 35.
(f) Law of 4 May 1990, No. 107 concerning the activities of transfusion relating to human blood and of the production of derived plasmas.
(g) Law of 26 May 1990, concerning toxic dependencies.
(h) Law of 5 June 1990, concerning AIDS.

LUXEMBOURG

Law of 28 May 1897, concerning emergency residence (domicile de secours).
Law of 7 August 1923, rendering compulsory the training of the blind and the deaf and dumb.
Law of 30 July 1960 concerning the setting-up of a National Solidarity Fund.
Law of 14 March 1973 setting up institutes and services of differentiated education.
Amended Law of 16 April 1979, creating a special allowance for the seriously handicapped.
Amended Law of 26 July 1980, concerning the advancing and recovery of maintenance allowances by the National Solidarity Fund.
Law of 26 July 1986,
(a) establishing entitlement to a guaranteed minimum income
(b) creating a social welfare service
(c) amending the Law of 30 July 1960, concerning the setting up of a National Solidarity Fund.

Law of 2 May 1989, creating a care allowance and organising placement in a Care Centre.

Grand-Ducal Regulation of 23 October 1989, concerning the membership and powers of the National, Medical, Psychological and Pedagogical Committee.

Grand-Ducal Regulation of 19 June 1990, organising the child guidance service.

MALTA


NETHERLANDS

Act of 13 June 1963 containing new regulations pertaining to the provision of social assistance by the authorities, known as the National Assistance Act ("Staatsblad", Bulletin of Acts, Orders and Decrees, 1963, No. 284), entered into force 1 January 1965, together with additions and amendments enacted by the following legislation:

- Act of 3 April 1969, Stb. 1 167;
- Act of 10 September 1970, Stb. 447;
- Act of 30 September 1970, Stb. 435;
- Act of 6 May 1971, Stb. 291;
- Act of 22 November 1972, Stb. 675;
- Act of 17 January 1973, Stb. 32;
- Act of 8 April 1976, Stb. 229;
- Act of 19 October 1977, Stb. 578;
- Act of 16 February 1978, Stb. 127;
- Act of 6 September 1978, Stb. 490;
- Act of 20 December 1979, Stb. 711.
- Act of 20 April 1983, Stb. 182;
- Act of 12 December 1984, Stb. 631;
- Act of 30 December 1984, Stb. 690;
- Act of 6 November 1986, Stb. 564;
- Act of 6 November 1986, Stb. 567;
- Act of 18 December 1986, Stb. 688;
- Act of 1 July 1987, Stb. 333;
- Act of 26 November 1987, Stb. 631;
- Act of 11 February 1988, Stb. 77;
- Act of 15 December 1988, Stb. 610;
- Act of 27 April 1989, Stb. 127;

1 Stb. = Staatsblad (Bulletin of Acts, Orders and Decrees)
The following General Administrative Orders (Royal Decrees) enacted on the basis of the National Assistance Act:

- Government Unemployment Assistance Regulations;
- Government Assistance Scheme for Self-employed Persons;
- Municipal Assistance to Self-Employed Persons (Inland Shipping) Decree;
- Government Assistance Scheme for elderly Self-employed Persons;
- National Norms Decree;
- Mortgage Guarantee Decree;
- Supplementary Living Expenses (national criteria for calculation of resources) Decree;

Various ministerial orders (and amendments thereto) pertaining to the implementation of the provisions of the above General Administrative Orders and/or to specifying them in greater detail.


Act of 11 June 1987, Stb. 281 containing regulations pertaining to income provisions for the older and partially disabled formerly self-employed (IOAZ), entered into force on 1 July 1987.

General Administrative Orders (Royal Decrees) enacted on the basis of the aforementioned income provision acts:

- Definition of income decree to the "IOAW";
- Definition of income decree to the "IOAZ".

NORWAY

Act of 5 June 1964 concerning social care.

PORTUGAL

Constitution of the Portuguese Republic, Article 64 modified by Constitutional Act No. 1/89, 8 July 1989.

Act No. 48/90, of 24 August 1990, on Basic Health Laws.

SPAIN

Framework law of 22 November 1944 relating to National Health.

Law No. 37 of 21 July 1961 relating to hospital co-ordination.

General law of 30 May 1974 on Social Security.

Decree No. 2176 of 25 August 1978 relating to the activities of the National Plan for the prevention of mental deficiencies.

Royal Decree-Law No. 276 of 16 November 1978 relating to the institutional management of Social Security, health and employment.

Royal Decree No. 1949 of 31 July 1980 relating to the transfer of Government services to the Generalitat of Catalonia in the fields of health and social services and assistance.

Royal Decree No. 2768 of 26 September 1980 relating to the transfer of Government services to the Autonomous Community of the Basque country in the fields of health and social services and assistance.

Royal Decree No. 620 of 5 February 1981 relating to the unified regime of public assistance to defectives.

Royal Decree No. 2620 of 24 July 1981, Regulations governing the grant of aid from the National Fund for Social Assistance to the aged, sick and infirm.
Royal Decree No. 2347 of 2 October 1981, Regulations of the Secretariat General for Social Assistance.

Royal Decree No. 2346 of 8 October 1981 relating to the structure and functions of the National Institute for Social Assistance.

Royal Decree No. 251 of 15 January 1982 relating to the transfer of powers, functions and departments of the National Administration to pre-autonomous entities in the field of social services and assistance.

Resolutions of 30 January 1982 of the Directorate General for Social Action laying down rules governing the grant of social assistance:

- to drug addicts and alcoholics;
- for the maintenance of assistance centres and departments for the marginalised and the aged; for the support of the activities of associations and federations;
- for the maintenance of young-childhood assistance centres;
- individually and sporadically to persons in need;
- to lepers;
- for the purchase, construction, extension, reform and equipment of centres for the aged and marginalised.

Order of 16 February 1982 for the setting up of centralised management centres under the National Institute for Social Assistance.

Order of 5 March 1982 in furtherance of Decree No. 620.

SWEDEN


Health and Medical Services Act (SFS 1982: 763).

TURKEY

Law concerning Public Hygiene, No. 1593, Articles 72/2, 99, 105 and 117.

Law No. 7402 relating to the campaign against malaria, Article 3/B.

Law No. 6972, Regulations governing hospital institutions, Articles 57/E and 79.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Great Britain: The Social Security Act 1986 and regulations made thereunder so far as the Act and regulations relate to Income Support and Family Credit; and the Social Security Act 1986 and regulations made and directions given thereunder so far as the Act regulations and directions relate to payments payable out of the Social Fund referred to in the directions as Crisis Loans.

Northern Ireland: The Social Security (Northern Ireland) Order 1986 and regulations made thereunder so far as the Order and regulations relate to Income Support and Family Credit; and the Social Security (Northern Ireland) Order 1986 and regulations made and directions given thereunder so far as the Order regulations and directions relate to payments payable out of the Social Fund referred to in the directions as Crisis Loans.

Laws and regulations concerning Great Britain, Northern Ireland and the Isle of Man establishing National health services.

Amendment to Annex I for the United Kingdom registered at the Secretariat General on 28 June 1991.
ANNEX II

Reservations formulated by the Contracting Parties

1. *The Government of Belgium* has formulated the following reservation:

   The Belgian Government reserves the right not to grant to nationals of Contracting Parties the benefit of the legislation concerning the minimum level of means of subsistence.

2. *The Government of Germany* has formulated the following reservation:

   The Government of the Federal Republic of Germany does not undertake to grant to the nationals of the other Contracting Parties, equally and under the same conditions as to its own nationals, assistance designed to enable the beneficiary to make a living, or assistance to overcome particular social difficulties, under the Federal Social Assistance Act for the time being in force. Notwithstanding the above, such assistance may be granted in appropriate cases.

3. *The Government of Luxembourg* has formulated the following reservations:

   (a) Without prejudice to the provisions of Article 18, the Luxembourg Government reserves the right to apply the Convention as far as it concerns Article 7 only under the condition that the person concerned has been a resident for at least ten years.

   (b) The Government of Luxembourg makes a general *de jure* reservation in respect of the extension of the benefits of the law of 30 July 1960 concerning the setting-up of a National Solidarity Fund to foreign nationals. Nevertheless, paragraph 3 of Article 2 of the said law determines the cases in which it also applies to stateless persons and foreigners and it is to the extent thus laid down in the law itself that the Government of Luxembourg intends to apply it *de facto*.

4. *The Government of the Netherlands* has formulated the following reservation:

   With regard to the Government Assistance Scheme for Caravan Dwellers, the Netherlands considers itself able, although not obliged, to provide assistance to nationals of other Contracting Parties for the purchase of caravans.

5. *The Government of Norway* has formulated the following reservation:

   Norway and the Federal Republic of Germany decided by exchange of Notes (2 to 6 September 1965) not to make use of Articles 7 and 14 in the European Convention of 11 December 1953 on social and medical assistance.

6. *The Government of the United Kingdom* has formulated the following reservation:

   Her Majesty's Government reserve the right to free themselves from their obligation under Article 1 in respect of any person who may be repatriated by virtue of the provisions of Article 7 but who fails to take advantage of the facilities offered for his repatriation (including free transport to the frontier of his country of origin).
ANNEX III

List of documents recognised as affording proof of residence, referred to in Article 11 of the Convention

BELGIUM

Alien's identity card or certificate of entry in the Register of Aliens or residence card issued to nationals of an EEC member State.

DENMARK

Extract from the Register of Aliens or from the Population Register. Health insurance certificate.

FRANCE

Alien's "carte de séjour".

GERMANY

Residence authorisation pursuant to paragraph 5 of the Aliens Act of 9 July 1990, conferred by a separate paper or by a reference in the identity document.

Residence authorisations for nationals of EEC Member States.

Request for residence authorisation, substantiated by an appropriate certificate or by a reference in the identity document: "Registered as an alien".

GREECE

The document accepted as proof of the status of aliens is, generally, the passport. Aliens who become established in Greece are furnished with identity cards by the Aliens Office within a month of arrival. In all other cases aliens receive a residence permit.

ICELAND

Certificate drawn up in accordance with the list of aliens kept by the Immigration authorities, or Certificate drawn up in accordance with the Census Register.

IRELAND

Endorsement of the Department of Justice on passports or on travel documents and notations on police registration certificates by police of such endorsements.

ITALY

Certificates of civil status accompanied by various other supporting documents including one or more identity certificates worded in the usual form.

LUXEMBOURG

Alien's Identity Card.

MALTA

Endorsement on passport or residence permit.
NETHERLANDS

(a) Temporary residence permit.
(b) Residence card issued to nationals of EEC member States.
(c) Permanent residence permit.
(d) Residence permit issued indefinitely ex art. 10, para 2 of the Aliens Act.

NORWAY

Extract from the Register of Aliens.

PORTUGAL

Legislative Law No. 264-B/81, of 3 September 1981.
Legislative Law No. 267/87 of 2 July 1987, on jurisdiction of entry, residence and exit of nationals of EEC member States.

SPAIN

Residence permit recorded in the passport or identity document issued by the Provincial Civil Governor.
Decree No. 522 of 14 February 1974.
Royal Decree No. 1775 of 24 July 1981.
Residence permit and work permit in one document.
Royal Decree No. 1031 of 3 May 1980.
Document delivered in conformity with Order of 16 May 1979, provisional regulations relating to the recognition in Spain of the status of refugee.

SWEDEN

Residence Permit.

TURKEY

Alien’s Residence Permit.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

An endorsement in the passport or other travel document; a residence permit issued to nationals of EEC member States; or a police certificate of registration.