Analysis – in the light of the European Union acquis – of ILO up to date Conventions

- Annex "C128 - Invalidity, Old-Age and Survivors' Benefits Convention" -

Employment, Social Affairs and Inclusion

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Report prepared by:

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C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967

SUMMARY	
Convention	**C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967**
Subject	• Under C128, ratifying states are required to protect employees through the provision of invalidity benefit (Part II), old age benefit (Part III), and survivor's benefit (Part IV). • C128 is a revision of the Old Age Insurance Conventions, the Invalidity Insurance Conventions and the Survivor's Insurance Conventions of 1933.
Member State uptake	• Sixteen states have ratified C128, **of which eight are EU Member States:** • **Austria** (04 Nov 1969; *has accepted Part III. In accordance with Article 39, paragraph 1(b), public servants are excluded from the application of the Convention*); **Cyprus** (07 Jan 1969; *has accepted Part IV*); **Czech Republic** (01 Jan 1993; *has accepted Part III*); **Finland** (13 Jan 1976; *has accepted all Parts*); **Germany** (15 Jan 1971; *has accepted all Parts*); **Netherlands** (26 Oct 1969; *has accepted all Parts*); **Slovakia** (01 Jan 1993; *has accepted Part III*); **Sweden** (26 Jul 1968; *has accepted all Parts)*. • C128 has not been denounced by any EU Member States, nor has incompatibility with the EU acquis been cited by any Member State as a reasons for non-ratification
Relevant EU *acquis* engaged	• C128 falls under ILO social security and its subfield of invalidity, old-age and survivors' benefit, corresponding to the EU chapter on social policy and its subfield of social security. • C128 engages the EU chapter on social policy and its subfield of social security. • C128 engages Articles 4(2)(b), 5(3), 48, 79(2)(b), 151, 153(1)(c), 352 TFEU • C128 engages the following Regulations: - European Parliament and Council Regulation (EC) No 883/2004 on the coordination of social security systems - European Parliament and Council Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland) - European Parliament and Council Regulation (EC) No 1231/2010 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality
Summary of compatibility analysis	• C128 is **wholly compatible** with the EU acquis • C128 is broader than Regulation 883/2004 in terms of its application to wholly internal situations within the EU with regards to the maintenance of rights, whereas the Regulation only applies to EU citizens, and third country nationals residing lawfully within the EU, who have exercised freedom of movement within the EU. • C128 is more stringent than the *acquis* in all areas where it goes beyond the coordination Member State social

	security schemes.	
Assessment of external competence	• The majority of the substantive provisions of C128 engage Union and Member State fall under **implied shared external competence** as to the provision of social security. • Article 30 of C128 on equality of treatment of nationals and non-nationals with regards the maintenance of rights engages **EU implied exclusive external competence** as to coordination of Member States' social security schemes. • This entails that, while the Convention as a whole falls under **implied shared external competence, Member States require Council authorisation** in order to ratify the Convention in the interests of the Union	
Ranking criteria	• **Compatibility:** C128 is wholly compatible with the EU *acquis*. • **Value added: High** • C128 provides for a social security scheme of invalidity, old-age and survivors benefits, going beyond EU coordination Member State social security schemes. • **Importance to the EU: Medium** • The European Commission has stated that '[t]he standards and measures of the ILO also complement the acquis in areas which are not covered or only partly covered by legislation and Community policies, such as... social security' (See Com (2006) 249, p.4). The Commission continues that '[i]t is important that the Member States continue the process of ratification and application, in particular of conventions which have been brought up-to-date' (p.5). • However the EU and Member States regard Member States' national social security policy as a Member State prerogative. Therefore while C102 would add substantially to the EU *acquis* in terms of the level of social security afforded to EU citizens under EU law, its provisions are not political priorities. • **Importance to the ILO: Medium**	
Implications	***Compatibility***	There are **no significant compatibility concerns**. This means that the EU can promote ratification.
	Competence	C128 as a whole falls under **implied shared external competence.** However, because Art 30 of C128 engages **EU implied exclusive external competence**, Member States **require Council authorisation** in order to ratify the Convention in the interests of the Union
	Priority	**Medium**

C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
Having decided upon the adoption of certain proposals with regard to the revision of the Old-Age Insurance (Industry, etc.) Convention, 1933, the Old-Age Insurance (Agriculture) Convention, 1933, the Invalidity Insurance (Industry, etc.) Convention, 1933, the Invalidity Insurance (Agriculture) Convention, 1933, the Survivors' Insurance (Industry, etc.) Convention, 1933, and the Survivors' Insurance (Agriculture) Convention, 1933, which is the fourth item on the agenda of the session, and	**Chapter:** Social Policy **Treaty Provisions:** Article 4 TFEU – areas of shared competence (b) social policy, for the aspects defined in this Treaty; Article 151 TFEU Article 153(1) TFEU (c) social security and social protection of workers;	**Compatible objectives:** There is no *acquis* providing for minimum substantive social security rights. Therefore Member States may adopt varying standards of minimum social security, including ILO standards.	**Union and Member State shared external competence as to international commitments engaging Articles 151 and 153(1)(a) TFEU:** TFEU Article 4 2. Shared competence between the Union and the Member States applies in the following principal areas: (b) social policy, for the aspects defined in this Treaty;
PART I. GENERAL PROVISIONS ***Article 1*** In this Convention-- (a) the term ***legislation*** includes any social security rules as well as laws and regulations;			
(b) the term ***prescribed*** means determined by or in virtue of national legislation;			
(c) the term ***industrial undertaking*** includes all			

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
undertakings in the following branches of economic activity: mining and quarrying; manufacturing; construction; electricity, gas, water and sanitary services; and transport, storage and communication;			
(d) the term ***residence*** means ordinary residence in the territory of the Member, and the term ***resident*** means a person ordinarily resident in the territory of the Member;			
(e) the term ***dependent*** refers to a state of dependency which is presumed to exist in prescribed cases;			
(f) the term ***wife*** means a wife who is dependent on her husband;			
(g) the term ***widow*** means a woman who was dependent on her husband at the time of his death;			
(h) the term ***child*** covers-- (i) a child under school-leaving age or under 15 years of age, whichever is the higher; and			
(ii) a child under a prescribed age higher than that specified			

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
in clause (i) of this subparagraph and who is an apprentice or student or has a chronic illness or infirmity disabling him for any gainful activity, under prescribed conditions: Provided that this requirement shall be deemed to be met where national legislation defines the term so as to cover any child under an age appreciably higher than that specified in clause (i) of this subparagraph;			
(i) the term ***qualifying period*** means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed;			
(j) the terms ***contributory benefits*** and ***non-contributory benefits*** means respectively benefits the grant of which depends or does not depend on direct financial participation by the persons protected or their employer or on a qualifying period of occupational activity.			
Article 2			

C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967

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Each Member for which this Convention is in force shall comply with-- (a) Part I;			
(b) at least one of Parts II, III and IV;			
(c) the relevant provisions of Parts V and VI; and			
(d) Part VII.			
2. Each Member shall specify in its ratification in respect of which of Parts II to IV it accepts the obligations of the Convention.			
Article 3 1. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of one or more of Parts II to IV not already specified in its ratification.			
2. The undertakings referred to in paragraph 1 of this Article shall be deemed to be an integral part of the ratification and to have the force of ratification as from			

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
the date of notification.			
Article 4 1. A Member whose economy is insufficiently developed may avail itself, by a declaration accompanying its ratification, of the temporary exceptions provided for in the following Articles: Article 9, paragraph 2; Article 13, paragraph 2; Article 16, paragraph 2; and Article 22, paragraph 2. Any such declaration shall state the reason for such exceptions.			
2. Each Member which has made a declaration under paragraph 1 of this Article shall include in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation a statement in respect of each exception of which it avails itself-- (a) that its reason for doing so subsists; or			
(b) that it renounces its right to avail itself of the exception in question as from a stated date.			

C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
3. Each Member which has made a declaration under paragraph 1 of this Article shall increase the number of employees protected as circumstances permit.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 5 Where, for the purpose of compliance with any of the Parts II to IV of this Convention which are to be covered by its ratification, a Member is required to protect prescribed classes of persons constituting not less than a specified percentage of employees or of the whole economically active population, the Member shall satisfy itself, before undertaking to comply with any such Part, that the relevant percentage is attained.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 6 For the purpose of compliance with Parts II, III or IV of this Convention, a Member may take account of protection effected by means of insurance which, although not made compulsory by its	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
legislation for the persons to be protected-- (a) is supervised by the public authorities or administered, in accordance with prescribed standards, by joint operation of employers and workers;			
(b) covers a substantial part of the persons whose earnings do not exceed those of the skilled manual male employee; and			
(c) complies, in conjunction with other forms of protection, where appropriate, with the relevant provisions of the Convention.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
PART II. INVALIDITY BENEFIT ***Article 7*** Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of invalidity benefit in accordance with the following Articles of this Part.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 8 The contingency covered shall include incapacity to engage	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
in any gainful activity, to an extent prescribed, which incapacity is likely to be permanent or persists after the termination of a prescribed period of temporary or initial incapacity.	ordination of Member State social security policy provided for in the *acquis*.		153(1)(a) TFEU
Article 9 1. The persons protected shall comprise-- (a) all employees, including apprentices; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) prescribed classes of the economically active population, constituting not less than 75 per cent. of the whole economically active population; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) all residents, or residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 28.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. Where a declaration made in virtue of Article 4 is in force, the persons protected shall comprise-- (a) prescribed classes of employees, constituting not	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*..		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
less than 25 per cent. of all employees;			
(b) prescribed classes of employees in industrial undertakings, constituting not less than 50 per cent. of all employees in industrial undertakings.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 10 The invalidity benefit shall be a periodical payment calculated as follows:	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(a) where employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 26 or with the requirements of Article 27;	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) where all residents or all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 28.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 11 1. The benefit specified in Article 10 shall, in a			

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
contingency covered, be secured at least--			
(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or ten years of residence; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) where, in principle, all economically active persons are protected, to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of three years of contribution and in respect of whom, while he was of working age, the prescribed yearly average number or yearly number of contributions has been paid.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. Where the invalidity benefit is conditional upon a minimum period of contribution, employment or residence, a reduced benefit shall be secured at least-- (a) to a person protected who has completed, prior to the	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
contingency, in accordance with prescribed rules, a qualifying period of five years of contribution, employment or residence; or			
(b) where, in principle, all economically active persons are protected, to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of three years of contribution and in respect of whom, while he was of working age, half of the yearly average number or of the yearly number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, five years of contribution, employment or residence.			
4. A proportional reduction of the percentage indicated in the Schedule appended to Part V may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds five years of contribution, employment or residence but is less than 15 years of contribution or employment or ten years of residence; a reduced benefit shall be payable in conformity with paragraph 2 of this Article.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
5. The requirements of paragraphs 1 and 2 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V is secured at least to a person protected who has completed, in accordance with prescribed	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
rules, a qualifying period of contribution or employment which shall not be more than five years at a prescribed minimum age and may rise with advancing age to not more than a prescribed maximum number of years.			
Article 12 The benefit specified in Articles 10 and 11 shall be granted throughout the contingency or until an old-age benefit becomes payable.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 13 1. Each Member for which this Part of this Convention is in force shall, under prescribed conditions-- (a) provide rehabilitation services which are designed to prepare a disabled person wherever possible for the resumption of his previous activity, or, if this is not possible, the most suitable alternative gainful activity, having regard to his aptitudes and capacity; and	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) take measures to further the placement of disabled	No relevant EU *acquis* engaged by this part of the Convention - the		**Union and Member State shared external competence** as to international

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
persons in suitable employment.	provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		commitments engaging Articles 151 and 153(1)(a) TFEU
2. Where a declaration made in virtue of Article 4 is in force, the Member may derogate from the provisions of paragraph 1 of this Article.			
Article 14 Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of old-age benefit in accordance with the following Articles of this Part.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 15 1. The contingency covered shall be survival beyond a prescribed age.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. The prescribed age shall be not more than 65 years or such higher age as may be fixed by the competent authority with due regard to demographic, economic and social criteria, which shall be demonstrated statistically.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
3. If the prescribed age is 65 years or higher, the age shall be lowered, under prescribed conditions, in respect of persons who have been engaged in occupations that are deemed by national legislation, for the purpose of old-age benefit, to be arduous or unhealthy.			
Article 16 1. The persons protected shall comprise-- (a) all employees, including apprentices; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) prescribed classes of the economically active population, constituting not less than 75 per cent. of the whole economically active population; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) all residents or residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 28.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. Where a declaration made in virtue of Article 4 is in force, the persons protected shall	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
comprise-- (a) prescribed classes of employees, constituting not less than 25 per cent. of all employees; or	ordination of Member State social security policy provided for in the *acquis*.		153(1)(a) TFEU
(b) prescribed classes of employees in industrial undertakings, constituting not less than 50 per cent. of all employees in industrial undertakings.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 17 The old-age benefit shall be a periodical payment calculated as follows: (a) where employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 26 or with the requirements of Article 27;	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*..		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) where all residents or all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 28.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 18 1. The benefit specified in			

C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
Article 17 shall, in a contingency covered, be secured at least--			
(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 30 years of contribution or employment, or 20 years of residence; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) where, in principle, all economically active persons are protected, to a person protected who has completed, prior to the contingency, a prescribed qualifying period of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*..		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. Where the old-age benefit is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least-- (a) to a person protected who has completed, prior to the contingency, in accordance	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
with prescribed rules, a qualifying period of 15 years of contribution or employment; or			
(b) where, in principle, all economically active persons are protected, to a person protected who has completed, prior to the contingency, a prescribed qualifying period of contribution and in respect of whom, while he was of working age, half of the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V but a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed,	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
in accordance with prescribed rules, ten years of contribution or employment, or five years of residence.			
4. A proportional reduction of the percentage indicated in the Schedule appended to Part V may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds ten years of contribution or employment or five years of residence but is less than 30 years of contribution or employment or 20 years of residence; if such qualifying period exceeds 15 years of contribution or employment, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 19 The benefit specified in Articles 17 and 18 shall be granted throughout the contingency.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
PART IV. SURVIVORS' BENEFIT ***Article 20***	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and

C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of survivors' benefit in accordance with the following Articles of this Part.	ordination of Member State social security policy provided for in the *acquis*..		153(1)(a) TFEU
Article 21 1. The contingency covered shall include the loss of support suffered by the widow or child as the result of the death of the breadwinner.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. In the case of a widow the right to a survivors' benefit may be made conditional on the attainment of a prescribed age. Such age shall not be higher than the age prescribed for old-age benefit.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*..		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
3. No requirement as to age may be made if the widow-- (a) is invalid, as may be prescribed; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) is caring for a dependent child of the deceased.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
	acquis.		
4. In order that a widow who is without a child may be entitled to a survivors' benefit, a minimum duration of marriage may be required.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 22 1. The persons protected shall comprise-- (a) the wives, children and, as may be prescribed, other dependants of all breadwinners who were employees or apprentices; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) the wives, children and, as may be prescribed, other dependants of breadwinners in prescribed classes of the economically active population, which classes constitute not less than 75 per cent. of the whole economically active population; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) all widows, all children and all other prescribed dependants who have lost their breadwinner, who are residents and, as appropriate, whose means during the	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
contingency do not exceed limits prescribed in such a manner as to comply with the provisions of Article 28.			
2. Where a declaration made in virtue of Article 4 is in force, the persons protected shall comprise-- (a) the wives, children and, as may be prescribed, other dependants of breadwinners, in prescribed classes of employees, which classes constitute not less than 25 per cent. of all employees; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) the wives, children and, as may be prescribed, other dependants of breadwinners in prescribed classes of employees in industrial undertakings, which classes constitute not less than 50 per cent. of all employees in industrial undertakings.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 23 The survivors' benefit shall be a periodical payment calculated as follows:			
(a) where employees or classes of the economically active population are protected, in	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
such a manner as to comply either with the requirements of Article 26 or with the requirements of Article 27;	ordination of Member State social security policy provided for in the *acquis*..		153(1)(a) TFEU
(b) where all residents or all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 28.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 24 1. The benefit specified in Article 23 shall, in a contingency covered, be secured at least-- (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or ten years of residence: Provided that, for a benefit payable to a widow, the completion of a prescribed qualifying period of residence by such widow may be required instead; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) where, in principle, the wives and children of all	No relevant EU *acquis* engaged by this part of the Convention - the		**Union and Member State shared external competence** as to international

C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
economically active persons are protected, to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, the prescribed yearly average number or the yearly number of contributions has been paid.	provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		commitments engaging Articles 151 and 153(1)(a) TFEU
2. Where the survivors' benefit is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least-- (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*..		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
has completed, in accordance with prescribed rules, a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, half of the yearly average number or of the yearly number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.	*acquis*.		
3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected whose breadwinner has completed, in accordance with prescribed rules, five years of contribution, employment or residence.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
4. A proportional reduction of the percentage indicated in	No relevant EU *acquis* engaged by this part of the Convention - the		**Union and Member State shared external competence** as to international

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
the Schedule appended to Part V may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds five years of contribution, employment or residence but is less than 15 years of contribution or employment or ten years of residence; if such qualifying period is one of contribution or employment, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.	provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		commitments engaging Articles 151 and 153(1)(a) TFEU
5. The requirements of paragraphs 1 and 2 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V is secured at least to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of contribution or employment which shall not be more than five years at a prescribed minimum age and may rise with advancing age to not	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
more than a prescribed maximum number of years.			
Article 25 The benefit specified in Articles 23 and 24 shall be granted throughout the contingency.			
PART V. Standard ***Article 26*** 1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this Part, at least the percentage indicated therein of the total of the previous earnings of the beneficiary or his breadwinner and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. The previous earnings of the	No relevant EU *acquis* engaged by		**Union and Member State shared**

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
beneficiary or his breadwinner shall be calculated according to prescribed rules, and, where the persons protected or their breadwinners are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.	this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*..		**external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this Article are complied with where the previous earnings of the beneficiary or his breadwinner are equal to or lower than the wage of a skilled manual male employee.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
4. The previous earnings of the beneficiary or his breadwinner, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
same time basis.			
5. For the other beneficiaries the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
6. For the purpose of this Article, a skilled manual male employee shall be-- (a) a fitter or turner in the manufacture of machinery other than electrical machinery; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per cent. of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(d) a person whose earnings are equal to 125 per cent. of the average earnings of all the	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
persons protected.	ordination of Member State social security policy provided for in the *acquis*.		153(1)(a) TFEU
7. The person deemed typical of skilled labour for the purposes of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended up to 1958 and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this Article.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
9. The wage of the skilled manual male employee shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national legislation, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 8 of this Article is not applied, the median rate shall be taken.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 27 1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
Schedule appended to this Part, at least the percentage indicated therein of the total of the wage of an ordinary adult male labourer and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.			
2. The wage of the ordinary adult male labourer, the benefit and any family allowances shall be calculated on the same time basis.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
4. For the purpose of this Article, the ordinary adult male labourer shall be-- (a) a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) a person deemed typical of	No relevant EU *acquis* engaged by		**Union and Member State shared**

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
unskilled labour selected in accordance with the provisions of the following paragraph.	this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
5. The person deemed typical of unskilled labour for the purpose of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended up to 1958 and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
used.			
6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
7. The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national legislation, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 6 of this Article is not applied, the median rate shall be taken.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 28 In the case of a periodical payment to which this Article applies-- (a) the rate of the benefit shall be determined according to a prescribed scale or a scale fixed by the competent public authority in conformity with prescribed rules;	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
(b) such rate may be reduced only to the extent by which the other means of the family of the beneficiary exceed prescribed substantial amounts or substantial amounts fixed by the competent public authority in conformity with prescribed rules;	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) the total of the benefit and any other means, after deduction of the substantial amounts referred to in subparagraph (b), shall be sufficient to maintain the family of the beneficiary in health and decency, and shall be not less than the corresponding benefit calculated in accordance with the requirements of Article 27;	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(d) the provisions of subparagraph (c) shall be deemed to be satisfied if the total amount of benefits paid under the Part concerned exceeds by at least 30 per cent. the total amounts of benefits which would be obtained by applying the	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
provisions of Article 27 and the provisions of-- (i) Article 9, paragraph 1, subparagraph (b) for Part II;			
(ii) Article 16, paragraph 1, subparagraph (b) for Part III;	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(iii) Article 22, paragraph 1, subparagraph (b) for Part IV.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 29 1. The rates of cash benefits currently payable pursuant to Article 10, Article 17 and Article 23 shall be reviewed following substantial changes in the general level of earnings or substantial changes in the cost of living.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. Each Member shall include the findings of such reviews in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
International Labour Organisation, and shall specify any action taken.			
PART VI. COMMON PROVISIONS ***Article 30*** National legislation shall provide for the maintenance of rights in course of acquisition in respect of contributory invalidity, old-age and survivors' benefits under prescribed conditions.	Article 5(3) Article 48 TFEU Article 79(2)(b) TFEU Article 352 TFEU Regulation 883/2004 Article 6 Aggregation of periods Unless otherwise provided for by this Regulation, the competent institution of a Member State whose legislation makes: – the acquisition, retention, duration or recovery of the right to benefits, – the coverage by legislation, or – the access to or the exemption from compulsory, optional continued or voluntary insurance, conditional upon the completion of periods of insurance, employment, self-employment or residence shall, to the extent necessary, take into account periods of insurance, employment, self-employment or residence completed under the legislation of any other Member State as though they were periods completed under the legislation	**The Convention is broader in scope than Regulation 883/2004, but compatible regulation:** The Regulation only applies to EU citizens, and third country nationals residing lawfully within the EU, who have exercised freedom of movement within the EU.	**Union exclusive competence as to international commitments that engage Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009:** See preamble.

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
	which it applies. Article 51 1. Where the legislation of a Member State makes the granting of certain benefits conditional upon the periods of insurance having been completed only in a specific activity as an employed or self-employed person or in an occupation which is subject to a special scheme for employed or self-employed persons, the competent institution of that Member State shall take into account periods completed under the legislation of other Member States only if completed under a corresponding scheme or, failing that, in the same occupation, or where appropriate, in the same activity as an employed or self-employed person. Chapter 4 Invalidity Benefits Article 45 The competent institution of a Member State whose legislation makes the acquisition, retention or recovery of the right to benefits conditional upon the completion of		

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
	periods of insurance or residence shall, where necessary, apply Article 51(1) mutatis mutandis. Regulation 987/2009 Article 12 Aggregation of periods European Parliament and Council Regulation (EC) No 1231/2010 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality Article 1		
Article 31 1. The payment of invalidity, old-age or survivors' benefit may be suspended, under prescribed conditions, where the beneficiary is engaged in gainful activity.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. A contributory invalidity, old-age or survivors' benefit may be reduced where the earnings of the beneficiary exceed a prescribed amount; the reduction in benefit shall not exceed the earnings.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
3. A non-contributory invalidity, old-age or survivors' benefit may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 32 1. A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to IV of this Convention may be suspended to such extent as may be prescribed-- (a) as long as the person concerned is absent from the territory of the Member, except, under prescribed conditions, in the case of a contributory benefit;	CHAPTER 4 Invalidity Benefits Article 44 Persons subject only to type A legislation Article 45 Special provisions on aggregation of periods Article 46 Persons subject either only to type B legislation or to type A and B legislation CHAPTER 5 Old-age and survivors' pensions Article 51 Special provisions on aggregation of periods	**Regulation confers greater social security protection than the Convention:** The Regulation requires that a person who satisfies the conditions of the legislation of the competent Member State for entitlement to invalidity, old-age or survivors benefits, and who then goes to another Member State, shall in some circumstances retain his or her right to benefits from his or her former State of residence.	**Union implied exclusive external competence as to international commitments that engage Regulation 883/2004:** See preamble above.
(b) as long as the person concerned is maintained at public expense or at the expense of a social security	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
institution or service;	security policy provided for in the *acquis*.		
(c) where the person concerned has made a fraudulent claim;	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(d) where the contingency has been caused by a criminal offence committed by the person concerned;	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(e) where the contingency has been wilfully caused by the serious misconduct of the person concerned;	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(f) in appropriate cases, where the person concerned, without good reason, neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries; and	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
(g) in the case of survivors' benefit for a widow, as long as she is living with a man as his wife.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. In the case and within the limits prescribed, part of the benefit otherwise due shall be paid to the dependants of the person concerned.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 33 1. If a person protected is or would otherwise be eligible simultaneously for more than one of the benefits provided for in this Convention, these benefits may be reduced under prescribed conditions and within prescribed limits; the person protected shall receive in total at least the amount of the most favourable benefit.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. If a person protected is or would otherwise be eligible for a benefit provided for in this Convention and is in receipt of another social security cash benefit for the same	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
contingency, other than a family benefit, the benefit under this Convention may be reduced or suspended under prescribed conditions and within prescribed limits, subject to the part of the benefit which is reduced or suspended not exceeding the other benefit.			
Article 34 1. Every claimant shall have a right of appeal in the case of refusal of benefit or complaint as to its quality or quantity.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. Procedures shall be prescribed which permit the claimant to be represented or assisted, where appropriate, by a qualified person of his choice or by a delegate of an organisation representative of persons protected.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 35 1. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
purpose.			
2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 36 Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature, representatives of the persons protected shall participate in the management under prescribed conditions; national legislation may likewise decide as to the participation of representatives of employers and of the public authorities.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
PART VII. MISCELLANEOUS PROVISIONS ***Article 37*** Any Member whose legislation protects employees may, as necessary, exclude from the application of this convention-- (a) persons whose	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
employment is of a casual nature;			
(b) members of the employer's family living in his house, in respect of their work for him;	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) other categories of employees, which shall not exceed in number 10 per cent. of all employees other than those excluded under subparagraphs (a) and (b) of this Article.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 38 1. Any Member whose legislation protects employees may, by a declaration accompanying its ratification, temporarily exclude from the application of this Convention the employees in the sector comprising agricultural occupations who are not yet protected by its legislation at the time of the ratification.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. Each Member which has made a declaration under paragraph 1 of this Article shall indicate in its reports			

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation to what extent effect is given and what effect is proposed to be given to the provisions of the Convention in respect of the employees in the sector comprising agricultural occupations and any progress which may have been made with a view to the application of the Convention to such employees or, where there is no change to report, furnish all the appropriate explanations.			
3. Each Member which has made a declaration under paragraph 1 of this Article shall increase the number of employees protected in the agricultural sector to the extent and with the speed that the circumstances permit.			
Article 39 1. Any Member which ratifies this Convention may, by a declaration accompanying its ratification, exclude from the	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
application of the Convention-- (a) seafarers, including sea fishermen,	*acquis*.		
(b) public servants,	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
where these categories are protected by special schemes which provide in the aggregate benefits at least equivalent to those required by this Convention.			
2. Where a declaration under paragraph 1 of this Article is in force, the Member may exclude the persons belonging to the category or categories excluded from the application of the Convention from the number of persons taken into account when...	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
3. Any Member which has made a declaration under paragraph 1 of this Article may subsequently notify the Director-General of the International Labour Office			

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
that it accepts the obligations of this Convention in respect of a category or categories excluded at the time of its ratification.			
Article 40 If a person protected is entitled, under national legislation, in case of death of the breadwinner, to periodical benefits other than a survivors' benefit, such periodical benefits may be assimilated to the survivors' benefit for the application of this Convention.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 41 1. A Member which-- (a) has accepted the obligations of this Convention in respect of Parts II, III and IV, and...	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 42 1. A Member which-- (a) has accepted the obligations of this Convention in respect of Parts II, III and IV, and...	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 43 This Convention shall not apply to-- (a) contingencies which			

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
occurred before the coming into force of the relevant Part of the Convention for the Member concerned;			
(b) benefits in contingencies occurring after the coming into force of the relevant Part of the Convention for the Member concerned in so far as the rights to such benefits are derived from periods preceding that date.			
Effect of ratification on Member obligations under other ILO Conventions ***Articles 44-46***			
PART VIII. FINAL PROVISIONS ***Articles 47-54***			

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This annex is part of "Analysis – in the light of the European Union acquis – of ILO up to date Conventions", a study that aims at providing an analysis of ILO Conventions in the light of the EU acquis and at providing a ground for promoting the ratification of ILO conventions by Member States. For this purpose, the study provides a review of literature and legal doctrine in order to develop an adequate methodology: focusing on division of competences, compatibility of ILO provisions with Union acquis, and consequences for ratification of these instruments by Member States. It provides as well a detailed analysis of each of the up-to-date ILO instruments in light of the EU acquis, and an aggregation of this analysis in an accessible summary. The promotion of the ratification of international labour standards by Member States is an essential part of the Decent Work Agenda, to which all Member States have subscribed at international level.

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