European Commission

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

- Annex "C130 - Medical Care and Sickness Benefits Convention" -

Employment, Social Affairs and Inclusion

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Report prepared by:

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C130 - Medical Care and Sickness Benefits Convention, 1969

SUMMARY	
Convention	**C130 – Medical Care and Sickness Benefits Convention, 1969**
Subject	• C130 provides for substantive medical care (Part II) and sickness (Part III) benefits. It also provides for equal treatment of national and non-nationals within a Member State (Part IV).
Member State uptake	• Fifteen states have ratified C130, **of which nine are EU Member States:** • Czech Republic (01 Jan 1993); Denmark (06 Jun 1968); Finland (03 Sep 1974); Germany (08 Aug 1974); Luxembourg (03 Jul 1980); Netherlands (03 Jan 2006); Slovakia (01 Jan 1993); Sweden (14 May 1970). • No EU Member State has denounced C130, nor has any Member State cited incompatibility with the EU acquis as grounds for non-ratification
Relevant EU *acquis* engaged	• C130 falls under ILO social security and its subfield of medical care and sickness benefit, corresponding to the EU chapter on social policy and its subfield of social security. • C130 engages the EU chapter on social policy and its subfield of social security. • C130 engages Articles 4(2)(b), 5(3), 48, 79(2)(b), 151, 153(1)(c), 352 TFEU. • C130 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 - European Parliament and Council Directive 2011/98/EU on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State - Council Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment - European Parliament and Council Regulation (EU) No 492/2011on freedom of movement for workers within the Union (codification) (Text with EEA relevance). - European Parliament and Council Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC,

	75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC	
Summary of compatibility analysis	• C130 is **wholly compatible** with the EU *acquis*. • C130 is broader than Regulation 883/2004 in terms of its application to wholly internal situations within the EU, 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. • C130 is more stringent than the *acquis* in all areas where its scope extends beyond the coordination of Member State social security schemes.	
Assessment of external competence	• The majority of substantive provisions of C130 engage Union and Member State shared external competence as to the provision of social security. Therefore the Convention as a whole falls under **implied shared external competence**. • Article 32 of C130 on equality of treatment of nationals and non-nationals engages EU implied exclusive external competence as to coordination of Member States' social security schemes. • As a result of Art 32 falling under exclusive EU competence, **Member State ratification of C130 requires Council authorisation**.	
Ranking criteria	• **Compatibility:** C130 is wholly compatible with the EU *acquis*. • **Value added: High** • C130 provides for a social security scheme of sickness 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	C130 as a whole falls under **implied shared external competence**. However, Art 32 falls under exclusive EU competence, entailing that **Member State ratification of C130 requires Council**

		authorisation.
	Priority	**Medium**

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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 Sickness Insurance (Industry) Convention, 1927, and the Sickness Insurance (Agriculture) Convention, 1927, which is the fifth item on the agenda of the session, and	**Chapter:** Social Policy **Treaty Provisions:** Article 4 TFEU – areas of shared competence (2)(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 undertakings in the following branches of economic activity: mining and quarrying; manufacturing; construction; electricity, gas and water; and transport, storage and communication;			

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
(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 ***child*** covers--			
(i) a child under school-leaving age or under 15 years of age, whichever is the higher: Provided that a Member which has made a declaration under Article 2 may, while such declaration is in force, apply the Convention as if the term covered a child under school-leaving age or under 15 years of age; and			
(ii) a child under a prescribed age higher than that specified 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			

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
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;			
(h) the term ***standard beneficiary*** means a man with a wife and two children;			
(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 term ***sickness*** means any morbid condition, whatever its cause;			
(k) the term ***medical care*** includes allied benefits.			
Article 2 1. A Member whose economy and medical facilities are insufficiently developed may avail itself, by a declaration accompanying its ratification, of the temporary exceptions provided for in Article 1, subparagraph (g), clause (i);			

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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 11; Article 14; Article 20; and Article 26, 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.			
3. Each Member which has made a declaration under paragraph 1 of this Article shall, as appropriate to the terms of such declaration and as circumstances permit--			
(a) increase the number of persons protected;	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) extend the range of medical care provided;	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and

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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
			153(1)(a) TFEU
(c) extend the duration of sickness benefit.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 3 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, at the time of the ratification, are not yet protected by legislation which is in conformity with the standards of this Convention.	**Convention goes beyond coordinating legislation:** See preamble.		**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 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			

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
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, shall 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 sector comprising agricultural occupations to the extent and with the speed that the circumstances permit.			
Article 4 1. Any Member which ratifies this Convention may, by a declaration accompanying its ratification, exclude from the application of the Convention-- (a) seafarers, including sea fishermen,	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) public servants,	**Convention goes beyond coordinating legislation:** See preamble.		**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	**Convention goes beyond coordinating legislation:** See preamble.		**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
those required by this Convention.			
2. Where a declaration under paragraph 1 of this Article is in force, the Member may-- (a) 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 calculating the percentages specified in Article 5, subparagraph (c); Article 10, subparagraph (b); Article 11; Article 19, subparagraph (b); and Article 20;	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) exclude the persons belonging to the category or categories excluded from the application of the Convention, as well as the wives and children of such persons, from the number of persons taken into account when calculating the percentage specified in Article 10, subparagraph (c).	**Convention goes beyond coordinating legislation:** See preamble.		**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 that it	**Convention goes beyond coordinating legislation:** See preamble.		**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
accepts the obligations of this Convention in respect of a category or categories excluded at the time of its ratification.			
Article 5 Any Member whose legislation protects employees may, as necessary, exclude from the application of this Convention-- (a) persons whose employment is of a casual nature;	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) members of the employer's family living in his house, in respect of their work for him;	**Convention goes beyond coordinating legislation:** See preamble.		**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.	**Convention goes beyond coordinating legislation:** See preamble.		**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 this Convention, a Member may take account of protection effected by means of insurance which, although not made compulsory by its legislation at the time of ratification for the persons to be protected-- (a) is supervised by the public	**Convention goes beyond coordinating legislation:** See preamble.		**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
authorities or administered, in accordance with prescribed standards, by joint operation of employers and workers;			
(b) covers a substantial proportion of the persons whose earnings do not exceed those of the skilled manual male employee defined in Article 22, paragraph 6; and	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) complies, in conjunction with other forms of protection, where appropriate, with the provisions of the Convention.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 7 The contingencies covered shall include-- (a) need for medical care of a curative nature and, under prescribed conditions, need for medical care of a preventive nature;	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) incapacity for work resulting from sickness and involving suspension of earnings, as defined by national legislation.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
PART II. MEDICAL CARE ***Article 8*** Each Member shall secure to the persons protected, subject to prescribed conditions, the	**Convention goes beyond coordinating legislation:** See preamble.		**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
provision of medical care of a curative or preventive nature in respect of the contingency referred to in subparagraph (a) of Article 7.			
Article 9 The medical care referred to in Article 8 shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 10 The persons protected in respect of the contingency referred to in subparagraph (a) of Article 7 shall comprise--	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(a) all employees, including apprentices, and the wives and children of such employees; or	**Convention goes beyond coordinating legislation:** See preamble.		**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, and the wives and children of persons in the said classes; or	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) prescribed classes of residents constituting not less than 75 per	**Convention goes beyond coordinating legislation:**		**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
cent of all residents.	See preamble.		commitments engaging Articles 151 and 153(1)(a) TFEU
Article 11 Where a declaration made in virtue of Article 2 is in force, the persons protected in respect of the contingency referred to in subparagraph (a) of Article 7 shall comprise--			
(a) prescribed classes of employees, constituting not less than 25 per cent of all employees, and the wives and children of employees in the said classes; or (b) prescribed classes of employees in industrial undertakings, constituting not less than 50 per cent of all employees in industrial undertakings, and the wives and children of employees in the said classes.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 12 Persons who are in receipt of a social security benefit for invalidity, old age, death of the breadwinner or unemployment, and, where appropriate, the wives and children of such persons, shall continue to be protected, under prescribed conditions, in	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

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respect of the contingency referred to in subparagraph (a) of Article 7.			
Article 13 The medical care referred to in Article 8 shall comprise at least-- (a) general practitioner care, including domiciliary visiting;	**Convention goes beyond coordinating legislation:** See Preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;	**Convention goes beyond coordinating legislation:** See Preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) the necessary pharmaceutical supplies on prescription by medical or other qualified practitioners;	**Convention goes beyond coordinating legislation:** See Preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(d) hospitalisation where necessary;	**Convention goes beyond coordinating legislation:** See Preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(e) dental care, as prescribed; and	**Convention goes beyond coordinating legislation:** See Preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(f) medical rehabilitation, including the supply, maintenance and renewal of prosthetic and orthopaedic appliances, as prescribed.	**Convention goes beyond coordinating legislation:** See Preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 14 Where a declaration made in	**Convention goes beyond coordinating legislation:**		**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
virtue of Article 2 is in force, the medical care referred to in Article 8 shall comprise at least-- (a) general practitioner care, including, wherever possible, domiciliary visiting;	See Preamble.		commitments engaging Articles 151 and 153(1)(a) TFEU
(b) specialist care at hospitals for in-patients and out-patients, and, wherever possible, such specialist care as may be available outside hospitals;	**Convention goes beyond coordinating legislation:** See Preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) the necessary pharmaceutical supplies on prescription by medical or other qualified practitioners; and	**Convention goes beyond coordinating legislation:** See Preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(d) hospitalisation where necessary.	**Convention goes beyond coordinating legislation:** See Preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 15 Where the legislation of a Member makes the right to the medical care referred to in Article 8 conditional upon the fulfilment of a qualifying period by the person protected or by his breadwinner, the conditions governing the qualifying period shall be such as not to deprive of the right to benefit persons who normally belong to the categories	**Convention goes beyond coordinating legislation:** See Preamble.		**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
of persons protected.			
Article 16 1. The medical care referred to in Article 8 shall be provided throughout the contingency.	**Convention goes beyond coordinating legislation:** See Preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. Where a beneficiary ceases to belong to the categories of persons protected, further entitlement to medical care for a case of sickness which started while he belonged to the said categories may be limited to a prescribed period which shall not be less than 26 weeks: Provided that the medical care shall not cease while the beneficiary continues to receive a sickness benefit.	**Convention goes beyond coordinating legislation:** See Preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
3. Notwithstanding the provisions of paragraph 2 of this Article, the duration of medical care shall be extended for prescribed diseases recognised as entailing prolonged care.	**Convention goes beyond coordinating legislation:** See Preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 17 Where the legislation of a Member requires the beneficiary or his breadwinner to share in the cost of the medical care referred to in Article 8, the rules concerning such cost sharing	**Convention goes beyond coordinating legislation:** See Preamble.		**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
shall be so designed as to avoid hardship and not to prejudice the effectiveness of medical and social protection.			
PART III. SICKNESS BENEFIT ***Article 18*** Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of sickness benefit in respect of the contingency referred to in subparagraph (b) of Article 7.	**Convention goes beyond coordinating legislation:** See Preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 19 The persons protected in respect of the contingency specified in subparagraph (b) of Article 7 shall comprise-- (a) all employees, including apprentices; or (b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population; or	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 24.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 20			

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
Where a declaration made in virtue of Article 2 is in force, the persons protected in respect of the contingency referred to in subparagraph (b) of Article 7 shall comprise--			
(a) prescribed classes of employees, constituting not less than 25 per cent of all employees; or	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 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.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 21 The sickness benefit referred to in Article 18 shall be a periodical payment and shall--	**Convention goes beyond coordinating legislation:** See preamble.		**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, be calculated in such a manner as to comply either with the requirements of Article 22 or with the requirements of Article 23;	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) where all residents whose means during the contingency do not exceed prescribed limits are protected, be calculated in such a	**Convention goes beyond coordinating legislation:** See preamble.		**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
manner as to comply with the requirements of Article 24.			
Article 22 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 for the standard beneficiary, in respect of the contingency referred to in subparagraph (b) of Article 7, at least 60 per cent of the total of the previous earnings of the beneficiary and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary. 2. The previous earnings of the beneficiary shall be calculated according to prescribed rules, and, where the persons protected 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.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared 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	**Convention goes beyond coordinating legislation:**		**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
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 are equal to or lower than the wage of a skilled manual male employee.	See preamble.		commitments engaging Articles 151 and 153(1)(a) TFEU
4. The previous earnings of the beneficiary, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
5. For the other beneficiaries the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.	**Convention goes beyond coordinating legislation:** See preamble.		**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--	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(a) a fitter or turner in the manufacture of machinery other than electrical machinery; or	**Convention goes beyond coordinating legislation:** See preamble.		**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	**Convention goes beyond coordinating legislation:**		**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
accordance with the provisions of the following paragraph; or	See preamble.		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	**Convention goes beyond coordinating legislation:** See preamble.		**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 persons protected.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 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 referred to in subparagraph (b) of Article 7 in the division comprising the largest number of such persons; 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	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

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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
Seventh Session on 27 August 1948, as amended up to 1968 and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.			
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.	**Convention goes beyond coordinating legislation:** See preamble.		**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.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 23 1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any	**Convention goes beyond coordinating legislation:** See preamble.		**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
family allowances payable during the contingency, shall be such as to attain for the standard beneficiary, in respect of the contingency referred to in subparagraph (b) of Article 7, at least 60 per cent 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.	**Convention goes beyond coordinating legislation:** See preamble.		**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.	**Convention goes beyond coordinating legislation:** See preamble.		**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	**Convention goes beyond coordinating legislation:** See preamble.		**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 unskilled labour selected in	**Convention goes beyond coordinating legislation:**		**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
accordance with the provisions of the following paragraph.	See preamble.		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 referred to in subparagraph (b) of Article 7 in the division comprising the largest number of such persons; 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 1968 and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
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.			

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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
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.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 24 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;	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(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	**Convention goes beyond coordinating legislation:** See preamble.		**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
conformity with prescribed rules;			
(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 23;	**Convention goes beyond coordinating legislation:** See preamble.		**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 sickness benefits paid under this Convention exceeds by at least 30 per cent the total amount of benefits which would be obtained by applying the provisions of Article 23 and the provisions of subparagraph (b) of Article 19.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 25 Where the legislation of a Member makes the right to the sickness benefit referred to in Article 18 conditional upon the fulfilment of a qualifying period by the person protected, the conditions governing the qualifying period shall be such as	**Convention goes beyond coordinating legislation:** See preamble.		**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
not to deprive of the right to benefit persons who normally belong to the categories of persons protected.			
Article 26 1. The sickness benefit referred to in Article 18 shall be granted throughout the contingency: Provided that the grant of benefit may be limited to not less than 52 weeks in each case of incapacity, as prescribed. 2. Where a declaration made in virtue of Article 2 is in force, the grant of the sickness benefit referred to in Article 18 may be limited to not less than 26 weeks in each case of incapacity, as prescribed.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
3. Where the legislation of a Member provides that sickness benefit is not payable for an initial period of suspension of earnings, such period shall not exceed three days.			
Article 27 1. In the case of the death of a person who was in receipt of, or qualified for, the sickness benefit referred to in Article 18, a funeral benefit shall, under prescribed	**Convention goes beyond coordinating legislation:** See preamble.		**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
conditions, be paid to his survivors, to any other dependants or to the person who has borne the expense of the funeral.			
2. A member may derogate from the provision of paragraph 1 of this Article where-- (a) it has accepted the obligations of Part IV of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967;	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) it provides in its legislation for cash sickness benefit at a rate of not less than 80 per cent of the earnings of the persons protected; and	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) the majority of persons protected are covered by voluntary insurance which is supervised by the public authorities and which provides a funeral grant.			
PART IV. COMMON PROVISIONS ***Article 28*** 1. A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

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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
prescribed-- (a) as long as the person concerned is absent from the territory of the Member;			
(b) as long as the person concerned is being indemnified for the contingency by a third party, to the extent of the indemnity;	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) where the person concerned has made a fraudulent claim;	**Convention goes beyond coordinating legislation:** See preamble.		**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;	**Convention goes beyond coordinating legislation:** See preamble.		**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 caused by the serious and wilful misconduct of the person concerned;	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(f) where the person concerned, without good cause, neglects to make use of the medical care or the 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;	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(g) in the case of the sickness	**Convention goes beyond**		**Union and Member State shared external**

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
benefit referred to in Article 18, as long as the person concerned is maintained at public expense or at the expense of a social security institution or service; and	**coordinating legislation:** See preamble.		**competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(h) in the case of the sickness benefit referred to in Article 18, as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, subject to the part of the benefit which is suspended not exceeding the other benefit.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. In the cases and within the limits prescribed, part of the benefit otherwise due shall be paid to the dependants of the person concerned.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 29 1. Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. Where in the application of this Convention a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a	**Convention goes beyond coordinating legislation:** See preamble.		**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
complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.			
Article 30 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 purpose.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 31 Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature-- (a) representatives of the persons protected shall participate in the management under prescribed conditions;	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) national legislation shall, where appropriate, provide for	**Convention goes beyond coordinating legislation:**		**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 participation of representatives of employers;	See preamble.		commitments engaging Articles 151 and 153(1)(a) TFEU
(c) national legislation may likewise decide as to the participation of representatives of the public authorities.	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 32 Each Member shall, within its territory, assure to non-nationals who normally reside or work there equality of treatment with its own nationals as regards the right to the benefits provided for in this Convention.	**Treaty Provisions:** Article 5 TFEU 3. The Union may take initiatives to ensure coordination of Member States' social policies. Article 18 TFEU Within the scope of application of the Treaties, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt rules designed to prohibit such discrimination. Article 21 TFEU 1. Every citizen of the Union shall have the right to move and	**Convention broader in scope than the Regulations, but compatible regulation:** The Regulations do not apply to wholly internal situations within a single Member State. EU citizens and third country nationals are required to move between Member States for Regulation 883/2004 to apply. Further, Regulation 883/2004 does not apply to medical assistance.	**Union implied exclusive external competence as to Regulation (EC) No 883/2004, Regulation (EC) No 987/2009, Regulation No 1231/2010:** The measures are EU coordinating measures. **Union and Member State shared competence as to international commitments that engage Directive 2011/98/EU and Directive 2009/50/EC:** The preambles of the Directives state, respectively, that (1) For the gradual establishment of an area of freedom, security and justice, the Treaty on the Functioning of the European Union (TFEU) provides for measures to be adopted in the fields of asylum, immigration and protection of the rights of third-country nationals. (1) For the gradual establishment of an area of freedom, security and justice, the Treaty provides for measures to be adopted in the

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
	reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect. 2. If action by the Union should prove necessary to attain this objective and the Treaties have not provided the necessary powers, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1. 3. For the same purposes as those referred to in paragraph 1 and if the Treaties have not provided the necessary powers, the Council, acting in accordance with a special legislative procedure, may adopt measures concerning social security or social protection. The Council shall act unanimously after consulting the European Parliament.		fields of asylum, immigration and protection of the rights of third-country nationals. Under Article 4(2)(j) TFEU, establishment of an area of freedom, security and justice falls under shared Union and Member State competence. **Union and Member State shared competence as to international commitments that engage Regulation (EU) No 492/201:** Under Article 4(2)(a) TFEU the internal market falls under Union and Member State shared competence. **Union and Member State shared competence as to international commitments that engage Directive 2004/38/EC:** Under Article 4(2)(a) TFEU, the internal market falls under Union and Member State shared competence.

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 48 TFEU The European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure, adopt such measures in the field of social security as are necessary to provide freedom of movement for workers; to this end, they shall make arrangements to secure for employed and self-employed migrant workers and their dependants: (a) aggregation, for the purpose of acquiring and retaining the right to benefit and of calculating the amount of benefit, of all periods taken into account under the laws of the several countries; (b) payment of benefits to persons resident in the territories of Member States. Article 79(2)(b) TFEU 1. The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment		

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
	of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings. 2. For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures in the following areas: (b) the definition of the rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States; Article 352 TFEU – flexibility clause **Specific measures:** European Parliament and Council Regulation (EC) No 883/2004 on the coordination of social security systems Article 4 Equality of treatment Unless otherwise provided for by		

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
	this Regulation, persons to whom this Regulation applies shall enjoy the same benefits and be subject to the same obligations under the legislation of any Member State as the nationals thereof. 5. This Regulation shall not apply to social and medical assistance or to benefit schemes for victims of war or its consequences. 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		

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
	nationality Article 1 Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 shall apply to nationals of third countries who are not already covered by those Regulations solely on the ground of their nationality, as well as to members of their families and to their survivors, provided that they are legally resident in the territory of a Member State and are in a situation which is not confined in all respects within a single Member State. European Parliament and Council Directive 2011/98/EU on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State Article 12 1. Third-country workers as referred to in points (b) and (c)		

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
	of Article 3(1) shall enjoy equal treatment with nationals of the Member State where they reside with regard to: (e) branches of social security, as defined in Regulation (EC) No 883/2004; Council Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment Article 14 1. EU Blue Card holders shall enjoy equal treatment with nationals of the Member State issuing the Blue Card, as regards: (e) provisions in national law regarding the branches of social security as defined in Regulation (EEC) No 1408/71. The special provisions in the Annex to Regulation (EC) No 859/2003 shall apply accordingly; European Parliament and Council Regulation (EU) No 492/2011on freedom of movement for workers within the Union (codification) (Text with EEA relevance).		

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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 7 1. A worker who is a national of a Member State may not, in the territory of another Member State, be treated differently from national workers by reason of his nationality in respect of any conditions of employment and work, in particular as regards remuneration, dismissal, and, should he become unemployed, reinstatement or re-employment. 2. He shall enjoy the same social and tax advantages as national workers. European Parliament and Council Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC		

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 24 Equal treatment 1. Subject to such specific provisions as are expressly provided for in the Treaty and secondary law, all Union citizens residing on the basis of this Directive in the territory of the host Member State shall enjoy equal treatment with the nationals of that Member State within the scope of the Treaty. The benefit of this right shall be extended to family members who are not nationals of a Member State and who have the right of residence or permanent residence. 2. By way of derogation from paragraph 1, the host Member State shall not be obliged to confer entitlement to social assistance during the first three months of residence or, where appropriate, the longer period provided for in Article 14(4)(b), nor shall it be obliged, prior to acquisition of the right of permanent residence, to grant maintenance aid for studies, including vocational training,		

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
	consisting in student grants or student loans to persons other than workers, self-employed persons, persons who retain such status and members of their families.		
Article 33 1. A Member-- (a) which has accepted the obligations of this Convention without availing itself of the exceptions and exclusions provided for in Article 2 and Article 3,	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) which provides over-all higher benefits than those provided in this Convention and whose total relevant expenditure on medical care and sickness benefits amounts to at least 4 per cent of its national income, and	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) which satisfies at least two of the three following conditions:	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(i) it covers a percentage of the economically active population which is at least ten points higher than the percentage required by Article 10, subparagraph (b), and by Article 19, subparagraph (b), or	**Convention goes beyond coordinating legislation:** See preamble.		**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
a percentage of all residents which is at least ten points higher than the percentage required by Article 10, subparagraph (c),			
(ii) it provides medical care of a curative and preventive nature of an appreciably higher standard than that prescribed by Article 13,	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(iii) it provides sickness benefit corresponding to a percentage at least ten points higher than is required by Articles 22 and 23,	**Convention goes beyond coordinating legislation:** See preamble.		**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
may, after consultation with the most representative organisations of employers and workers, where such exist, make temporary derogations from particular provisions of Parts II and III of this Convention on condition that such derogation shall neither fundamentally reduce nor impair the essential guarantees of this Convention.	**Convention goes beyond coordinating legislation:** See preamble.		**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 such a derogation shall indicate in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation the position of its law and practice as regards such	**Convention goes beyond coordinating legislation:** See preamble.		**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
derogation and any progress made towards complete application of the terms of the Convention.			
Article 34 This Convention shall not apply to-- (a) contingencies which occurred before the coming into force of the Convention for the Member concerned; (b) benefits in contingencies occurring after the coming into force of the Convention for the Member concerned in so far as the rights to such benefits are derived from periods preceding that date.			**Union and Member State shared external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
PART V. FINAL PROVISIONS ***Articles 35-45***			

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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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