European Commission

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

- Annex "C102 - Social Security (Minimum Standards) Convention" -

Employment, Social Affairs and Inclusion

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C102 - Social Security (Minimum Standards) Convention, 1952

SUMMARY	
Convention	**C102 – Social Security (Minimum Standards) Convention, 1952**
Subject	• Convention No. 102 is the flagship of the eight up-to-date social security Conventions. It is the only international Convention which defines the nine classical branches of social security and sets minimum standards for each. These are: medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit. • These risks are dealt with in Parts II to X of the Convention. For each of the nine contingencies, norms are formulated in respect of the material scope of the risk concerned, the personal coverage, the level and duration of the benefit, and the qualifying conditions that may be required. Furthermore, Part I contains general provisions, Part XI sets out the calculation methods for the required periodical payments, Part XII includes some provisions on equality of treatment of non-national residents, Part XIII contains a number of rules that apply to all social security benefits provided under the scope of the Convention (for example, relating to the suspension of benefits, the right of appeal, and the financing and administration of the schemes), and Part XIV consists of more technical rules regarding the legal status of the Convention and the Member State's reporting obligations. • A state which ratifies the convention has to accept the common part and at least 3 social security branches out of the 9, including at least one of the following five: unemployment, old age, employment injury, invalidity and survivors. Then, there is the possibility of ratifying at a later stage, according to the socio-economic situation in the country, further social security branches. Consequently, States can ratify without being bound to legislate for all benefits, it is left to each state to build up its own programme according to its own needs and its stage of development.
Member State uptake	• Forty-eight countries have ratified C102, **of which twenty-one are EU Member States**: • **Austria** (04 Nov 1969; has accepted Parts II, IV, V, VII and VIII. As a result of the ratification of Convention No. 128 and pursuant to Article 45 of that Convention certain parts of the present Convention are no longer applicable); **Belgium** (26 Nov 1969; has accepted Parts II to X. Part VI is no longer applicable as a result of the ratification of Convention No. 121); **Bulgaria** (14 Jul 2008; has accepted Parts II, III, V, VI, VII, VIII and X); **Cyprus** (03 Sep 1991; has accepted Parts III, IV, V, VI, IX and X. Part VI is no longer applicable as a result of the ratification of Convention No. 121. As a result of the ratification of Convention No. 128 and pursuant to Article 45 of that Convention Part X of the Convention is no longer applicable); **Czech Republic** (01 Jan 1993; has accepted Parts II, III, V and VII to X. As a result of the ratification of Convention No. 128 and pursuant to Article 45 of that Convention certain parts of the present Convention are no longer applicable. Part III is no longer applicable as a result of the ratification of Convention No. 130); **Denmark** (15 Aug 1995; has accepted Parts II, IV

	to VI and IX); **France** (14 Jun 1974; has accepted Parts II and IV to IX); **Germany** (21 Feb 1958; has accepted Parts II to X. Part VI is no longer applicable as a result of the ratification of Convention No. 121. As a result of the ratification of Convention No. 128 and pursuant to Article 45 of that Convention certain parts of the Convention are no longer applicable. Part III is no longer applicable as a result of the ratification of Convention No. 130); **Greece** (16 Jun 1955; has accepted Parts II to VI and VIII to X); **Ireland** (17 Jun 1968; has accepted Parts III, IV and X); **Italy** (08 Jun 1956; has accepted Parts V, VII and VIII); **Luxembourg** (31 Aug 1964; has accepted Parts II to X. Part VI is no longer applicable as a result of the ratification of Convention No. 121. Part III is no longer applicable as a result of the ratification of Convention No. 130); **Netherlands** (11 Oct 1962; has accepted Parts II to X. Part III is no longer applicable as a result of the ratification of Convention No. 130. Part VI is no longer applicable as a result of the ratification of Convention No. 121. As a result of the ratification of Convention No. 128 and pursuant to Article 45 of that Convention certain parts of the Convention are no longer applicable); **Poland** (03 Dec 2003; has accepted Parts II, V, VII, VIII and X); **Portugal** (17 Mar 1994; has accepted Parts II to X); **Romania** (15 Oct 2009; has accepted Parts II, III, V, VII and VIII); **Slovakia** (01 Jan 1993; has accepted Parts II, III, V and VII-X. As a result of the ratification of Convention No. 128 and pursuant to Article 45 of that Convention certain parts of the present Convention are no longer applicable. Part III is no longer applicable as a result of the ratification of Convention No. 130); **Slovenia** (29 May 1992; has accepted Parts II to VI, VIII and X. Part VI is no longer applicable as a result of the ratification of Convention No. 121); **Spain** (29 Jun 1988; has accepted Parts II to IV and VI); **Sweden** (12 Aug 1953; has accepted Parts II to IV and VI to VIII. Part VI is no longer applicable as a result of the ratification of Convention No. 121. Part III is no longer applicable as a result of the ratification of Convention No. 130); **United Kingdom** (27 Apr 1954; has accepted Parts II to V, VII and X). • The Convention has not been denounced by any EU Member States.
Relevant EU *acquis* engaged	• C102 falls under the ILO classification of social security, corresponding to the EU chapter on social policy and its subfield of social security. • C102 engages the EU chapter on social policy and its subfield of social security. • C102 engages Articles 4(2)(b), 5(3) and (4), 18, 21, 48, 79(2)(b), 151, 153(c), 352 TFEU. • C102 engages the following Regulations and Directives: - 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 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 - European Parliament and Council Regulation (EU) No 492/2011on freedom of movement for workers within the Union (codification) (Text with EEA relevance).
Summary of compatibility analysis	• C102 is wholly compatible with the EU *acquis*. No Member States have denounced C102 or raised compatibility concerns. • C102 is more stringent than the *acquis* in all areas where it provides for minimum requirements for the provision of social security: medical care (Part II), sickness benefit (Part III), unemployment benefit (Part IV), old-age benefit (Part V), employment injury benefit (Part VI), family benefit (Part VII), maternity benefit (Part VIII), invalidity benefit (Part IX), and survivors' benefit (Part X). • It is also more stringent than the *acquis* where it establishes minimum requirements to be complied with by periodical payments (Part XI). • This is because the existing EU social security legislation is coordinating legislation only, facilitating free movement of persons within the EU and providing for equal treatment of migrants from third countries who have moved within the EU. • C102 is also more stringent than the *acquis* on equal treatment by Member States with regards nationals and non-nationals, as C102 applies to wholly internal situations within the EU (Convention Article 68).
Assessment of external competence	• Competence pertaining to social security is marked by a clear division between coordination and minimum requirements. – The internal *coordination* of social security schemes gives rise to an implied exclusive external Union competence, flowing from Regulation (EC) No 883/2004 (as last amended by Regulation 465/2012) adopted pursuant to Art 42 TEU (now Art 48 TFEU). Art 48 TFEU provides that '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'. The 2012 EC Communication on 'The External Dimension of EU Social Security Coordination' (COM (2012) 153) reiterates that '[t]he existence of Regulation (EU) No 1231/2010 gives the EU exclusive competence as regards the social security coordination rights of nationals from third countries who are in a cross-border situation within the EU.' – The *organisation and financing* of Member State social security systems, including the minimum level of social security provided by such systems, is a Member State prerogative. While the sub-field of social security is a shared competence as it engages Arts 151 and 153(1)(a) TFEU, there is no *acquis* providing for minimum standards of social security (the European Code of Social Security being an instrument of the Council of Europe). To this extent Member States may adopt varying minimum standards of social security, including ILO standards. • C102 as a whole falls under Union and Member State **shared external competence**: all but one of C102's provisions (Article 68) fall under Union and Member State shared external competence, which reflects the fact that the predominant purpose of the legislation is to provide for *minimum requirements* as to social security. • However, Convention Article 68 **engages implied exclusive external competence** where it provides for equal treatment of national and non-national residents, derived from EU (internal) exclusive competence regarding the coordination of social security so as to provide freedom of movement for workers under Art 48 FTEU. • As a result of Art 68, **Member States require Council authorisation in order to ratify C102** in the interests of the Union.
Ranking criteria	• **Compatibility:** C102 is wholly compatible with the EU *acquis*. • **Value added: Very high** • C102 would add substantially to the EU *acquis* in terms of the level of social security guaranteed to EU citizens under EU law. To this end, the Commission has promoted ratification of international (minimum) social security instruments including C102 by accession countries before they joined the EU, such as Romania. • **Importance to the EU: High** • C102 served as a blueprint for the European Code of Social Security, adopted under the auspices of the Council of Europe. Whereas C102 can be ratified on the basis of compliance with three of the nine branches, the European Code requires the ratification of at least six branches, and thus represents a higher level of protection. • The European Social Charter also refers to C102 for establishing the minimum level of social security (art. 12 EC).

	The Charter provides that the Contracting Parties undertake to maintain a level of protection at least equal to that required for the ratification of C102. • 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) • The 2012 Commission Communication on 'The External Dimension of EU Social Security Coordination' [COM(2012) 153 final] emphasises the importance of 'strengthening the EU's external profile on social security', noting that the EU 'should, given its long experience of social security coordination, take a lead role. This should include cooperation with other international organisations, such as the ILO.' • The ETUC Strategy and Action Plan 2011-2015 states "All G20, and in particular European, states should respect international conventions and agreements and should, in particular, ratify and implement fully all up-to-date ILO Conventions. The EU should give full support to the establishment of a universal social protection floor, while rejecting leveling down, in line with **ILO Convention 102**" (p.73). • The ETUC Resolution on EU Investment Policy (Adopted at the Executive Committee meeting of 5-6 March 2013) states that "The investment agreement should explicitly promote these rights. For example, there must be strong and unambiguous references to the requirement that both parties commit themselves to the ratification and effective implementation of ILO core labour standards and other basic decent work components. [4] Both parties should submit regular reports on the implementation of these commitments. In addition to co-operation regarding the core labour standards, there are other important ILO conventions relevant to decent work that should be encompassed in the agreement. These include those identified as "priority conventions" by the ILO Governing Body in its 1993 decision". (Convention 122 on Employment Policy, Conventions 81 and 129 on Labour Inspection and Convention 144 on Tripartite Consultation), other Conventions enjoying widespread support at the ILO (including Convention 155 on Occupational Safety and Health, **Convention 102 on Social Security,** Convention 183 on Maternity Protection, and Convention 135 on Workers' Representatives), and certain other essential ILO instruments (namely the Promotion of Cooperatives Recommendation, 2002 (No. 193), the Human Resources Development Recommendation, 2004 (No. 195) and the Employment Relationship Recommendation, 2006 (No. 198)). • **Importance to the ILO: High** • ILO accords significant importance to C102, as the *fundamental* social security Convention which embodies an

		internationally accepted definition of the social security per se. In addition, C102 has had substantial impact on the development of social security schemes in most countries worldwide and served as a model for regional instruments. • The International Labour Conference in 2011 called upon ILO member states to consider the conclusion of agreements to provide equality of treatment, as well as access to and the preservation and/or portability of social security entitlements for migrant workers.
Implications	***Compatibility***	There are **no significant compatibility concerns**. This means that the EU can promote ratification.
	Competence	As Article 68 falls under Union implied exclusive competence, and therefore **Member States require Council authorisation** in order to ratify C102.
	Priority	**High**

C102 - Social Security (Minimum Standards) Convention, 1952

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 minimum standards of social security, which are included in the fifth 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 share 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*** 1. In this Convention-- (a) the term ***prescribed*** means ... (b) the term ***residence***... (c) the term ***wife***... (d) the term ***widow*** ... (e) the term ***child*** ... (f) the term ***qualifying period*** ... 2. In Articles 10, 34 and 49 the term ***benefit*** ...			**Union and Member State share external competence**
Article 2 Each Member for which this Convention is in force-- (a) shall comply with-- (i) Part I;	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 share external competence**
Article 3	No relevant EU *acquis* engaged by this part of the Convention -		**Union and Member State share**

C102 - Social Security (Minimum Standards) Convention, 1952

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
1. A Member whose economy and medical facilities are insufficiently developed may, if and for so long as the competent authority considers necessary, avail itself, by a declaration appended to its ratification, of the temporary exceptions provided for in the following Articles...	the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**external competence**
Article 4 – Implementing procedure			
Article 5 Where, for the purpose of compliance with any of the Parts II to X of this Convention which are to be covered by its ratification, a Member is required to protect prescribed classes of persons ...	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 share external competence**
Article 6 For the purpose of compliance with Parts II, III, IV, V, VIII (in so far as it relates to medical care), IX or X 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 share external competence**

C102 - Social Security (Minimum Standards) Convention, 1952

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
PART II. MEDICAL CARE ***Article 7*** Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of benefit in respect of a condition requiring medical care of a preventive or curative nature 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 share external competence**
Article 8 The contingencies covered shall include any morbid condition, whatever its cause, and pregnancy and confinement and their consequences.	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 share external competence**
Article 9 The persons protected shall comprise-- (a) prescribed classes of employees, constituting not less than 50 per cent. of all employees, and also their wives and children; or (b) prescribed classes of economically active population, constituting not less than 20 per cent. of all residents, and also their wives and children; 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 share external 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
(c) prescribed classes of residents, constituting not less than 50 per cent. of all residents; or (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees constituting not less than 50 per cent. of all employees in industrial workplaces employing 20 persons or more, and also their wives and children.			
Article 10 1. The benefit shall include at least-- (a) in case of a morbid condition-- (i) general practitioner care, including domiciliary visiting; (ii) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals; (iii) the essential pharmaceutical supplies as prescribed by medical or other qualified practitioners; and (iv) hospitalisation where necessary; and (b) in case of pregnancy and confinement and their consequences--	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 share external 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
(i) pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives; and (ii) hospitalisation where necessary. 2. The beneficiary or his breadwinner may be required to share in the cost of the medical care the beneficiary receives in respect of a morbid condition; the rules concerning such cost-sharing shall be so designed as to avoid hardship. 3. The benefit provided in accordance with this Article 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. 4. The institutions or Government departments administering the benefit shall, by such means as may be deemed appropriate, encourage the persons protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.			
Article 11	No relevant EU *acquis* engaged by this part of the Convention -		**Union and Member State share**

C102 - Social Security (Minimum Standards) Convention, 1952

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 benefit specified in Article 10 shall, in a contingency covered, be secured at least to a person protected who...	the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**external competence**
Article 12 1. The benefit specified in Article 10 shall be granted throughout the contingency covered, except that, in case of a morbid condition, its duration may be limited to 26 weeks in each case, but benefit shall not be suspended while a sickness benefit continues to be paid, and provision shall be made to enable the limit to be extended for prescribed diseases recognised as entailing prolonged care. 2. Where a declaration made in virtue of Article 3 is in force, the duration of the benefit may be limited to 13 weeks in each case.	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 share external competence**
PART III. SICKNESS BENEFIT ***Article 13*** Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of sickness 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 share external competence**
Article 14	No relevant EU *acquis* engaged by this part of the Convention -		**Union and Member State share**

C102 - Social Security (Minimum Standards) Convention, 1952

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 contingency covered shall include incapacity for work resulting from a morbid condition and involving suspension of earnings, as defined by national laws or regulations.	the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**external competence**
Article 15 The persons protected shall comprise--...	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 share external competence**
Article 16	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 share external competence**
Article 17 The benefit specified in Article 16 shall, in a contingency covered, be secured at least to a person...	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 share external competence**
Article 18 1. The benefit specified in Article 16 shall be granted throughout the contingency, except that the benefit may be limited to 26 weeks in each case of sickness, in which event it need not be paid for the first three days of suspension of earnings. 2. Where a declaration made in virtue of Article 3 is in force, the duration of the benefit may be limited-- (a) to such period that the total number of days for which 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 share external 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
sickness benefit is granted in any year is not less than ten times the average number of persons protected in that year; or (b) to 13 weeks in each case of sickness, in which event it need not be paid for the first three days of suspension of earnings.			
PART IV. UNEMPLOYMENT BENEFIT ***Article 19*** Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of unemployment 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 share external competence**
Article 20 The contingency covered shall include suspension of earnings, as defined by national laws or regulations, due to inability to obtain suitable employment in the case of a person protected who is capable of, and available for, work.	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 share external competence**
Article 21 The persons protected shall comprise--...	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 share external competence**
Article 22 1. Where classes of employees are	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State		**Union and Member State share external 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
protected, the benefit shall be a periodical payment calculated in such manner as to comply either with the requirements of Article 65 or with the requirements of Article 66. 2. Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67.	social security policy provided for in the *acquis*.		
Article 23 The benefit specified in Article 22 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.	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 share external competence**
Article 24 1. The benefit specified in Article 22 shall be granted throughout the contingency, except that its duration may be limited-- (a) where classes of employees are protected, to 13 weeks within a period of 12 months, or (b) where all residents whose means	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 share external 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
during the contingency do not exceed prescribed limits are protected, to 26 weeks within a period of 12 months. 2. Where national laws or regulations provide that the duration of the benefit shall vary with the length of the contribution period and/or the benefit previously received within a prescribed period, the provisions of subparagraph (a) of paragraph 1 shall be deemed to be fulfilled if the average duration of benefit is at least 13 weeks within a period of 12 months. 3. The benefit need not be paid for a waiting period of the first seven days in each case of suspension of earnings, counting days of unemployment before and after temporary employment lasting not more than a prescribed period as part of the same case of suspension of earnings. 4. In the case of seasonal workers the duration of the benefit and the waiting period may be adapted to their conditions of employment.			
PART V. OLD-AGE BENEFIT ***Article 25*** Each Member for which this Part of	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 share external competence**

C102 - Social Security (Minimum Standards) Convention, 1952

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 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.			
Article 26 1. The contingency covered shall be survival beyond a prescribed age. 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 the working ability of elderly persons in the country concerned. 3. National laws or regulations may provide that the benefit of a person otherwise entitled to it may be suspended if such person is engaged in any prescribed gainful activity or that the benefit, if contributory, may be reduced where the earnings of the beneficiary exceed a prescribed amount and, if non-contributory, 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 share external competence**
Article 27 The persons protected shall comprise--...	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 share external competence**

C102 - Social Security (Minimum Standards) Convention, 1952

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 28 The 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 share external competence**
Article 29 The benefit specified in Article 28 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 (b) where, in principle, all economically active persons are protected, to a person protected who has completed 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. 2. Where the benefit referred to in paragraph 1 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 with prescribed rules, a qualifying period of 15 years of	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 share external 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
contribution or employment; or (b) where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid. 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 XI 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 who has completed, 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 XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds ten			

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
years of contribution or employment but is less than 30 years of contribution or employment; if such qualifying period exceeds 15 years, a reduced benefit shall be payable in conformity with paragraph 2 of this Article. 5. Where the benefit referred to in paragraphs 1, 3 or 4 of this Article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be payable under prescribed conditions to a person protected who, by reason only of his advanced age when the provisions concerned in the application of this Part come into force, has not satisfied the conditions prescribed in accordance with paragraph 2 of this Article, unless a benefit in conformity with the provisions of paragraphs 1, 3 or 4 of this Article is secured to such person at an age higher than the normal age.			
Article 30 The benefits specified in Articles 28 and 29 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 share external competence**
PART VI. EMPLOYMENT INJURY	No relevant EU *acquis* engaged by this part of the Convention -		**Union and Member State share**

C102 - Social Security (Minimum Standards) Convention, 1952

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 ***Article 31*** Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of employment injury benefit .	the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**external competence**
Article 32 The contingencies covered shall include the following where due to accident or a prescribed disease resulting from employment:...	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 share external competence**
Article 33 The persons protected shall comprise--...	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 share external competence**
Article 34 1. In respect of a morbid condition, the benefit shall be medical care as specified in paragraphs 2 and 3 of this Article. 2. The medical care shall comprise— (a) general practitioner and specialist in-patient care and out-patient care, including domiciliary visiting; (b) dental care; (c) nursing care at home or in hospital or other medical institutions; (d) maintenance in hospitals, convalescent homes, sanatoria or other medical institutions;	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 share external 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
(e) dental, pharmaceutical and other medical or surgical supplies, including prosthetic appliances, kept in repair, and eyeglasses; and (f) the care furnished by members of such other professions as may at any time be legally recognised as allied to the medical profession, under the supervision of a medical or dental practitioner. 3. Where a declaration made in virtue of Article 3 is in force, the medical care shall include at least— (a) general practitioner care, including domiciliary visiting; (b) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals; (c) the essential pharmaceutical supplies as prescribed by a medical or other qualified practitioner; and (d) hospitalisation where necessary. 4. The medical care provided in accordance with the preceding paragraphs 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.			
Article 35	No relevant EU *acquis* engaged by this part of the Convention -		**Union and Member State share**

C102 - Social Security (Minimum Standards) Convention, 1952

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
1. The institutions or Government departments administering the medical care shall co-operate, wherever appropriate, with the general vocational rehabilitation services, with a view to the re-establishment of handicapped persons in suitable work. 2. National laws or regulations may authorise such institutions or departments to ensure provision for the vocational rehabilitation of handicapped persons.	the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**external competence**
Article 36 1. In respect of incapacity for work, total loss of earning capacity likely to be permanent or corresponding loss of faculty, or the death of the breadwinner, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66. 2. In case of partial loss of earning capacity likely to be permanent, or corresponding loss of faculty, the benefit, where payable, shall be a periodical payment representing a suitable proportion of that specified for total loss of earning capacity 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 share external 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
corresponding loss of faculty. 3. The periodical payment may be commuted for a lump sum— (a) where the degree of incapacity is slight; or (b) where the competent authority is satisfied that the lump sum will be properly utilised.			
Article 37 The benefit specified in Articles 34 and 36 shall, in a contingency covered, be secured at least to a person protected who was employed in the territory of the Member at the time of the accident if the injury is due to accident or at the time of contracting the disease if the injury is due to a disease and, for periodical payments in respect of death of the breadwinner, to the widow and children of such person.	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 share external competence**
Article 38 The benefit specified in Articles 34 and 36 shall be granted throughout the contingency, except that, in respect of incapacity for work, the benefit need not be paid for the first three days in each case of suspension of 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 share external competence**
PART VII. FAMILY BENEFIT	No relevant EU *acquis* engaged by this part of the Convention -		**Union and Member State share**

C102 - Social Security (Minimum Standards) Convention, 1952

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 39 Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of family benefit in accordance with the following Articles of this Part.	the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**external competence**
Article 40 The contingency covered shall be responsibility for the maintenance of children as 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 share external competence**
Article 41 The persons protected shall comprise--...	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 share external competence**
Article 42 The benefit 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 share external competence**
Article 43 The benefit specified in Article 42 shall be secured at least to a person protected who, within a prescribed period, has completed a qualifying period which may be three months of contribution or employment, or one year of residence, as may be 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 share external competence**
Article 44 The total value of the benefits granted in accordance with Article 42 to the persons protected 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 share external 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
such as to represent-- (a) 3 per cent. of the wage of an ordinary adult male labourer, as determined in accordance with the rules laid down in Article 66, multiplied by the total number of children of persons protected; or (b) 1.5 per cent. of the said wage, multiplied by the total number of children of all residents.			
Article 45 Where the benefit consists of a periodical payment, it 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 share external competence**
PART VIII. MATERNITY BENEFIT ***Article 46*** Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of maternity 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 share external competence**
Article 47 The contingencies covered shall include pregnancy and confinement and their consequences, and suspension of earnings, as defined by national laws or regulations, resulting there from.	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 share external competence**
Article 48	No relevant EU *acquis* engaged by this part of the Convention -		**Union and Member State share**

C102 - Social Security (Minimum Standards) Convention, 1952

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 persons protected shall comprise--...	the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**external competence**
Article 49 1. In respect of pregnancy and confinement and their consequences, the maternity medical benefit shall be medical care as specified in paragraphs 2 and 3 of this Article. 2. The medical care shall include at least-- (a) pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives; and (b) hospitalisation where necessary. 3. The medical care specified in paragraph 2 of this Article shall be afforded with a view to maintaining, restoring or improving the health of the woman protected and her ability to work and to attend to her personal needs. 4. The institutions or Government departments administering the maternity medical benefit shall, by such means as may be deemed appropriate, encourage the women protected to avail themselves of the general health services placed at their disposal by the public	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 share external competence**

C102 - Social Security (Minimum Standards) Convention, 1952

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 by other bodies recognised by the public authorities.			
Article 50 In respect of suspension of earnings resulting from pregnancy and from confinement and their consequences, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66. The amount of the periodical payment may vary in the course of the contingency, subject to the average rate thereof complying with these requirements.	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 share external competence**
Article 51 The benefit specified in Articles 49 and 50 shall, in a contingency covered, be secured at least to a woman in the classes protected who has completed such qualifying period as may be considered necessary to preclude abuse, and the benefit specified in Article 49 shall also be secured to the wife of a man in the classes protected where the latter has completed such qualifying period.	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 share external competence**
Article 52	No relevant EU *acquis* engaged by this part of the Convention -		**Union and Member State share**

C102 - Social Security (Minimum Standards) Convention, 1952

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 benefit specified in Articles 49 and 50 shall be granted throughout the contingency, except that the periodical payment may be limited to 12 weeks, unless a longer period of abstention from work is required or authorised by national laws or regulations, in which event it may not be limited to a period less than such longer period.	the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**external competence**
PART IX. INVALIDITY BENEFIT ***Article 53*** 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 share external competence**
Article 54 The contingency covered shall include inability to engage in any gainful activity, to an extent prescribed, which inability is likely to be permanent or persists after the exhaustion of sickness 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 share external competence**
Article 55 The persons protected shall comprise--...	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 share external competence**
Article 56 The benefit shall be a periodical	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State		**Union and Member State share external 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
payment calculated as follows:...	social security policy provided for in the *acquis*.		
Article 57 The benefit specified in Article 56 shall, in a contingency covered, be secured at least--... 2. Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least--... 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 XI 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 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 XI may be effected where the qualifying period for the pension corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of	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 share external 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
contribution or employment; a reduced pension shall be payable in conformity with paragraph 2 of this Article.			
Article 58 The benefit specified in Articles 56 and 57 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 share external competence**
PART X. SURVIVORS' BENEFIT ***Article 59*** 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.	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 share external competence**
Article 60 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; in the case of a widow, the right to benefit may be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support. 2. National laws or regulations may provide that the benefit of a person	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 share external 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
otherwise entitled to it may be suspended if such person is engaged in any prescribed gainful activity or that the benefit, if contributory, may be reduced where the earnings of the beneficiary exceed a prescribed amount, and, if non-contributory, may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.			
Article 61 The persons protected shall comprise--...	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 share external competence**
Article 62 The 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 share external competence**
Article 63 1. The benefit specified in Article 62 shall, in a contingency covered, be secured at least--... 2. Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least--... 3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements	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 share external 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
of Part XI 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 whose breadwinner 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 XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced benefit shall be payable in conformity with paragraph 2 of this Article. 5. In order that a childless widow presumed to be incapable of self-support may be entitled to a survivor's benefit, a minimum duration of the marriage may be required.			
Article 64 The benefit specified in Articles 62 and 63 shall be granted throughout	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 share external 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
the contingency.			
PART XI. **STANDARDS TO BE COMPLIED WITH BY PERIODICAL PAYMENTS** ***Article 65*** 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. 2. The previous earnings of the 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	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 share external 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
classes to which they belonged. 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. 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 same time basis. 5. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary. 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 (b) a person deemed typical of skilled labour selected in accordance			

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 the provisions of the following paragraph; or (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 (d) a person whose earnings are equal to 125 per cent. of the average earnings of all the persons protected. 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			

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
August 1948, and reproduced in the Annex to this Convention, or such classification as at any time 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. 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 laws or regulations, 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. 10. The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.			

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 66 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 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. 3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary. 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			

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
machinery; or (b) a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph. 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, and reproduced in the Annex to this Convention, or such classification as at any time amended, shall be used. 6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each			

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
region in accordance with paragraphs 4 and 5 of this Article. 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 laws or regulations, 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. 8. The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living. ***Article 67*** 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			

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; (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; (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 66; (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 amount of benefits which would be obtained by applying the provisions of Article 66 and the provisions of: (i) Article 15 (b) for Part III; (ii) Article 27 (b) for Part V; (iii) Article 55 (b) for Part IX; (iv) Article 61 (b) for Part X.			

C102 - Social Security (Minimum Standards) Convention, 1952

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
PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS ***Article 68*** 1. Non-national residents shall have the same rights as national residents: Provided that special rules concerning non-nationals and nationals born outside the territory of the Member may be prescribed in respect of benefits or portions of benefits which are payable wholly or mainly out of public funds and in respect of transitional schemes.	**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 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	**Convention more stringent than the Regulations, but compatible regulation**: The Regulations do not apply to wholly internal situations within a single Member State. Third country nationals are required to move between Member States for Regulation 883/2004 to apply to them. 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 Regulations are 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 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

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
	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. 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		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
	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 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:		

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) 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 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		

C102 - Social Security (Minimum Standards) Convention, 1952

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
	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 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		

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
	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) 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		

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
	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). 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		

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
	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 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		

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
	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, 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.		
2. Under contributory social security schemes which protect employees, the persons protected who are nationals of another Member which has accepted the obligations of the relevant Part of the Convention shall have, under that Part, the same rights as nationals of the Member concerned: Provided that the application of this paragraph may be made subject to the existence of a bilateral or multilateral agreement providing for reciprocity.	See above.		
PART XIII. COMMON PROVISIONS ***Article 69*** A benefit to which a person protected would otherwise be	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 share external competence**

C102 - Social Security (Minimum Standards) Convention, 1952

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
entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed-- ...	security policy provided for in the *acquis*.		
Article 70 1. Every claimant shall have a right of appeal in case of refusal of the 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 share external competence**
Article 71 1. The cost of the benefits provided in compliance with this Convention and the cost of the administration of such benefits shall be borne collectively...	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 share external competence**
Article 72 1. 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, or be associated therewith in a consultative capacity, under prescribed conditions; national laws or regulations may likewise decide as to the participation of representatives			

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 employers and of the public authorities.			
2. The Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of the Convention.			
PART XIV. MISCELLANEOUS PROVISIONS			
Articles 73 – 76: implementation and effect of ratification This Convention shall not be regarded as revising any existing Convention.			
Article 77 1. This Convention does not apply to seamen or seafishermen; provision for the protection of seamen and seafishermen has been made by the International Labour Conference in the Social Security (Seafarers) Convention, 1946, and the Seafarers' Pensions Convention, 1946.			
2. A Member may exclude seamen and seafishermen from the number of employees, of the economically active population or of residents, when calculating the percentage of employees or residents protected in compliance with any of Parts II to X			

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
covered by its ratification.			
PART XV. FINAL PROVISIONS ***Articles 78-87***			

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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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