European Commission

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

- Annex "C121 - Employment Injury Benefits Convention" -

Employment, Social Affairs and Inclusion

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C121 - Employment Injury Benefits Convention, 1964

SUMMARY	
Convention	**C121 - Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980]**
Subject	• C121 sets minimum standards for the calculation and provision of benefits to those who suffer employment related injuries (Articles 9-17); and for their funerals and survivors (Articles 18-20).
Member State uptake	• Twenty-four states have ratified C121, **of which nine are EU Member States:** • **Belgium** (22 Apr 1970); Cyprus (28 Jul 1966); **Cyprus** (28 Jul 1966); Finland (23 Sep 1968; *has accepted the text of the List of Occupational Diseases (Schedule I) amended by the ILC at its 66th Session (1980)*); **Germany** (01 Mar 1972); **Ireland** (09 Jun 1969); **Luxembourg** (24 Jul 1972); **Netherlands** (02 Aug 1966; *has accepted the text of the List of Occupational Diseases (Schedule I) amended by the ILC at its 66th Session (1980)*); **Slovenia** (29 May 1992); **Sweden** (17 Jun 1969). • No EU Member States have denounced C121
Relevant EU *acquis* engaged	• C121 falls under ILO social security and its subfield of employment injury benefit, corresponding to the EU chapter on social policy and its subfield of social security. • C121 engages the EU chapter on social policy and its subfield of social security, and the EU chapter on occupational safety and health. • C121 engages Articles 4(2)(b), 5(3), 18, 21, 48, 79(2)(b), 151, 153(a) and (c), 352 TFEU • C121 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 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 - Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC). - Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the health and safety of workers at work (framework Directive). - Council Directive 96/29/EURATOM laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation; - European Parliament and Council Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work; - Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work;
Summary of compatibility analysis	• C121 is **wholly compatible** with the EU *acquis* • C121 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. • C121 is more stringent than the *acquis* in all areas where it goes beyond the coordination Member State social security schemes.
Assessment of external competence	• Competence pertaining to social security is marked by a clear division between coordination and minimum requirements. The *coordination* of social security schemes is an exclusive Union (internal) competence, flowing from Regulation (EC) No 883/2004 (as last amended by Regulation 465/2012) adopted pursuant to Art 42 TEU (now Art 48 FTEU). Art 48 FTEU 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.' • Equally, 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. To this extent Member States may adopt varying standards of minimum social security, including ILO standards. • Most of the substantive provisions of the Convention pertaining to minimum social security standards and occupational safety and health engage Union and Member State shared competence. As a whole, therefore, C121 falls under **implied shared external competence.** • Article 27 of C121 engages **implied exclusive Union external competence** on the issue of equality of treatment between nationals and non-nationals with regard to Member State social security schemes. As a result, Member States' ratification of the Convention would **require a Council Decision authorising ratification** in the interests of the Union.	
Ranking criteria	• **Compatibility:** C121 is wholly compatible with the EU *acquis*. • **Value added: High** • C121 provides for a social security scheme of employment injury 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	As a whole, C121 falls under **implied shared external competence**. However, Art 27 of C121 engages implied exclusive Union external competence, entailing that Member States' ratification of the Convention would **require a Council Decision authorising ratification** in the interests of the Union.

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	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 benefits in the case of industrial accidents and occupational diseases, which is 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;
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, water and sanitary services; and transport, storage and communication;			

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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
(d) the term ***dependent*** refers to a state of dependency which is presumed to exist in prescribed cases; (e) the term ***dependent child*** covers--			
Article 3 1. Any Member which ratifies this Convention may, by a declaration accompanying its ratification, exclude from the application of the Convention-- (a) seafarers, including seafishermen, (b) public servants, protected by special schemes which provide in the aggregate benefits at least equivalent to those required by 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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. Where a declaration under paragraph 1 of this Article is in force, the Member may exclude the persons belonging to the category or categories excluded from the application of the Convention from the number of employees when calculating the percentage of employees in compliance with			

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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
paragraph 2, clause (d), of Article 4, and with Article 5.			
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 accepts the obligations of this Convention in respect of a category or categories excluded at the time of its ratification.			
Article 4 1. National legislation concerning employment injury benefits shall protect all employees, including apprentices, in the public and private sectors, including co-operatives, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. Any Member may make such exceptions as it deems necessary in respect of-- (a) persons whose employment is of a casual nature and who are employed otherwise than for 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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
purpose of the employer's trade or business;			
(b) out-workers;	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) members of the employer's family living in his house, in respect of their work for him;	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State share external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(d) other categories of employees, which shall not exceed in number 10 per cent. of all employees other than those excluded under clauses (a) to (c).	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 5 Where a declaration provided for in Article 2 is in force, the application of national legislation concerning employment injury benefits may be limited to prescribed categories of employees, which shall total in number not less than 75 per cent. of all employees in industrial	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** 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
undertakings, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries.			
Article 6 The contingencies covered shall include the following where due to an employment injury: (a) a morbid condition;			
(b) incapacity for work resulting from such a condition and involving suspension of earnings, as defined by national legislation;			
(c) total loss of earning capacity or partial loss thereof in excess of a prescribed degree, likely to be permanent, or corresponding loss of faculty; and			
(d) the loss of support suffered as the result of the death of the breadwinner by prescribed categories of beneficiaries.			
Article 7 1. Each Member shall prescribe a definition of "industrial accident", including the conditions under which a commuting accident is			

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
considered to be an industrial accident, and shall specify the terms of such definition in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation.			
2. Where commuting accidents are covered by social security schemes other than employment injury schemes, and these schemes provide in respect of commuting accidents benefits which, when taken together, are at least equivalent to those required under this Convention, it shall not be necessary to make provision for commuting accidents in the definition of "industrial accident".			
Article 8 Each Member shall-- (a) prescribe a list of diseases, comprising at least the diseases enumerated in Schedule I to this Convention, which shall be regarded as occupational diseases under			

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 conditions; or			
(b) include in its legislation a general definition of occupational diseases broad enough to cover at least the diseases enumerated in Schedule I to this Convention; or			
(c) prescribe a list of diseases in conformity with clause (a), complemented by a general definition of occupational diseases or by other provisions for establishing the occupational origin of diseases not so listed or manifesting themselves under conditions different from those prescribed.			
Article 9 1. Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of the following benefits: (a) medical care and allied benefits in respect of a morbid condition;	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) cash benefits in respect of the contingencies specified in Article 6, clauses (b), (c) and	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the		**Union and Member State share external competence** as to international commitments

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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
(d).	co-ordination of Member State social security policy provided for in the *acquis*.		engaging Articles 151 and 153(1)(a) TFEU
2. Eligibility for benefits may not be made subject to the length of employment, to the duration of insurance or to the payment of contributions: Provided that a period of exposure may be prescribed for occupational diseases.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
3. The benefits shall be granted throughout the contingency: Provided that in respect of incapacity for work the cash benefit need not be paid for the first three days--	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(a) where the legislation of a Member provides for a waiting period at the date on which this Convention comes into force, on condition that the Member includes in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation a statement that its reason for availing itself of this provision subsists; 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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) where a declaration	No relevant EU *acquis* engaged		**Union and Member State share**

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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
provided for in Article 2 is in force.	by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 10 1. Medical care and allied benefits in respect of a morbid condition shall comprise-- (a) general practitioner and specialist in-patient and out-patient care, including domiciliary visiting;	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) dental care;	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) nursing care at home or in hospital 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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(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** 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
(e) dental, pharmaceutical and other medical or surgical supplies, including prosthetic appliances kept in repair and renewed as necessary, and eyeglasses;	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(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; and	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State share external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(g) the following treatment at the place of work, wherever possible:	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(i) emergency treatment of persons sustaining a serious accident;	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(ii) follow-up treatment of those whose injury is slight and does not entail discontinuance of 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		**Union and Member State share 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
	for in the *acquis*.		
2. The benefits provided in accordance with paragraph 1 of this Article shall be afforded, using all suitable means, with a view to maintaining, restoring or, where this is not possible, improving the health of the injured person and his ability to work and to attend to his personal needs.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 11 1. Any Member which provides medical care and allied benefits by means of a general health scheme or a medical care scheme for employed persons may specify in its legislation that such care shall be made available to persons who have sustained employment injuries on the same terms as to other persons entitled thereto, on condition that the rules on the subject are so designed as to avoid hardship.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. Any Member which provides medical care and allied benefits by reimbursing	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the		**Union and Member State share external competence** as to international commitments

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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
expenses may in its legislation make special rules in respect of cases in which the extent, duration or cost of such care exceed reasonable limits, on condition that the rules on the subject are not inconsistent with the purpose stated in paragraph 2 of Article 10 and are so designed as to avoid hardship.	co-ordination of Member State social security policy provided for in the *acquis*.		engaging Articles 151 and 153(1)(a) TFEU
Article 12 Where a declaration provided for in Article 2 is in force, medical care and allied benefits shall include at least-- (a) general practitioner care, including domiciliary visiting;	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** 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;	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) the essential pharmaceutical supplies on prescription by a medical or other qualified practitioner;	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(d) hospitalisation, where	No relevant EU *acquis* engaged		**Union and Member State share**

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
necessary; and	by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(e) wherever possible, emergency treatment at the place of work of persons sustaining an industrial accident.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 13 The cash benefit in respect of temporary or initial incapacity for work shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 19 or with the requirements of Article 20.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 14 1. Cash benefits in respect of loss of earning capacity likely to be permanent or corresponding loss of faculty shall be payable in all cases in which such loss, in excess of a prescribed degree, remains at the expiration of the period during which benefits are payable in accordance with	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** 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
Article 13.			
2. In case of total loss of earning capacity likely to be permanent or corresponding loss of faculty, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 19 or with the requirements of Article 20.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
3. In case of substantial partial loss of earning capacity likely to be permanent which is in excess of a prescribed degree, or corresponding loss of faculty, the benefit shall be a periodical payment representing a suitable proportion of that provided for in paragraph 2 of this Article.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State share external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
4. In case of partial loss of earning capacity likely to be permanent which is not substantial but which is in excess of the prescribed degree referred to in paragraph 1 of this Article, or corresponding loss of faculty, the cash benefit may take 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** 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
form of a lump-sum payment.			
5. The degrees of loss of earning capacity or corresponding loss of faculty referred to in paragraphs 1 and 3 of this Article shall be prescribed in such manner as to avoid hardship.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 15 1. In exceptional circumstances, and with the agreement of the injured person, all or part of the periodical payment provided for in paragraphs 2 and 3 of Article 14 may be converted into a lump sum corresponding to the actuarial equivalent thereof when the competent authority has reason to believe that such lump sum will be utilised in a manner which is particularly advantageous for the injured 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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. Where a declaration provided for in Article 2 is in force and the Member concerned considers that it lacks the necessary administrative facilities for	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

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periodical payments, the periodical payment provided for in paragraphs 2 and 3 of Article 14 may be converted into a lump sum corresponding to the actuarial equivalent thereof, as computed on the basis of available data.			
Article 16 Increments in periodical payments or other supplementary or special benefits, as prescribed, shall be provided for disabled persons requiring the constant help or attendance of another 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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 17 The conditions in which periodical payments due in respect of loss of earning capacity or corresponding loss of faculty shall be reassessed, suspended or cancelled by reference to a change in the degree of loss shall 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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 18 1. The cash benefit in respect of death of the breadwinner	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the		**Union and Member State share external competence** as to international commitments

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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
shall be a periodical payment to a widow as prescribed, a disabled and dependent widower, dependent children of the deceased and other persons as may be prescribed; this payment shall be calculated in such a manner as to comply either with the requirements of Article 19 or with the requirement of Article 20: Provided that it shall not be necessary to make provision for a benefit to a disabled and dependent widower where the cash benefits to other survivors are appreciably in excess of those required by this Convention and where social security schemes other than employment injury schemes provide to such widower benefits which are appreciably in excess of those in respect of invalidity required under the Social Security (Minimum Standards) Convention, 1952.	co-ordination of Member State social security policy provided for in the *acquis*.		engaging Articles 151 and 153(1)(a) TFEU
2. In addition, a funeral benefit shall be provided at a prescribed rate which shall not be less than the normal cost of	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** as to international commitments engaging Articles 151 and 153(1)(a)

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
a funeral: Provided that where cash benefits to survivors are appreciably in excess of those required by this Convention the right to funeral benefit may be made subject to prescribed conditions.	social security policy provided for in the *acquis*.		TFEU
3. Where a declaration provided for in Article 2 is in force and the Member concerned considers that it lacks the necessary administrative facilities for periodical payments, the periodical payment provided for in paragraph 1 of this Article may be converted into a lump sum corresponding to the actuarial equivalent thereof, as computed on the basis of available data.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 19 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	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
beneficiary indicated in Schedule II to this Convention, 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 classes to which they belonged.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1	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** 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 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.	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** 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.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
6. For the purpose of this Article, a skilled manual male employee shall be-- (a) a fitter or turner in the manufacture of machinery other than electrical machinery; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State share external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided		**Union and Member State share 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
	for in the *acquis*.		
(c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per cent. of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State share 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.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
7. The person deemed typical of skilled labour for the purpose of clause (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	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU

Convention Provisions	EU *acquis* engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
purpose, 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 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.	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** 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 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	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** 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
Article is not applied, the median rate shall be taken.			
10. No periodical payment shall be less than a prescribed minimum 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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 20 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 Schedule II to this Convention, 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.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. The wage of the ordinary adult male labourer, the	No relevant EU *acquis* engaged by this part of the Convention -		**Union and Member State share external competence** as to

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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
benefit and any family allowances shall be calculated on the same time basis.	the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*..		international commitments engaging Articles 151 and 153(1)(a) TFEU
3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State share external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
4. For the purpose of this Article, the ordinary adult male labourer shall be-- (a) a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*..		**Union and Member State share external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
5. The person deemed typical of unskilled labour for the purpose of clause (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest	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** 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
number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.			
6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State share external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
7. The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal	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** as to international commitments engaging Articles 151 and 153(1)(a)

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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
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.	social security policy provided for in the *acquis*..		TFEU
8. No periodical payment shall be less than a prescribed minimum 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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 21 1. The rates of cash benefits currently payable pursuant to paragraphs 2 and 3 of Article 14 and paragraph 1 of Article 18 shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State share external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. Each Member shall include the findings of such reviews in its reports upon the application of this Convention	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** as to international commitments engaging Articles 151 and 153(1)(a)

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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
submitted under Article 22 of the Constitution of the International Labour Organisation, and shall specify any action taken.	social security policy provided for in the *acquis*.		TFEU
Article 22 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 prescribed-- (a) as long as the person concerned is absent from the territory of the Member;	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(b) as long as the person concerned is maintained at public expense or at the expense of a social security institution or service;	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(c) where the person concerned has made a fraudulent claim;	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State share external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(d) where the employment injury has been caused by a criminal offence committed by the person concerned;	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State		**Union and Member State share external competence** as to international commitments engaging Articles 151 and 153(1)(a)

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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
	social security policy provided for in the *acquis*.		TFEU
(e) where the employment injury has been caused by voluntary intoxication or by the serious and wilful misconduct of the person concerned;	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State share 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 and allied benefits 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; and	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State share external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
(g) as long as the surviving spouse is living with another person as spouse.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
2. In the cases and within the limits prescribed, part of the cash benefit otherwise due shall be paid to the dependants of the person concerned.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State share 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
Article 23 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.	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** 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 complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
3. Where a claim is settled by a special tribunal established to deal with employment injury benefit questions or with social security questions in general and on which the persons protected are represented, no right of appeal shall be required.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*.		**Union and Member State share external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 24 1. Where the administration is not entrusted to an institution	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the		**Union and Member State share external competence** as to international commitments

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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
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 legislation may likewise decide as to the participation of representatives of employers and of the public authorities.	co-ordination of Member State social security policy provided for in the *acquis*.		engaging Articles 151 and 153(1)(a) TFEU
2. The Member shall accept general responsibility for the proper administration of the institutions or services concerned in the application of this Convention.	No relevant EU *acquis* engaged by this part of the Convention - the provision goes beyond the co-ordination of Member State social security policy provided for in the *acquis*..		**Union and Member State share external competence** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 25 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.	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** as to international commitments engaging Articles 151 and 153(1)(a) TFEU
Article 26 1. Each Member shall, under prescribed conditions--	Article 151 TFEU Article 153(1)(a) TFEU	**Compatible objectives.**	**Union and Member State shared competence as to the EU occupational health and safety**

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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
(a) take measures to prevent industrial accidents and occupational diseases;	Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC). Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the health and safety of workers at work (framework Directive). Council Directive 96/29/EURATOM laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation; European Parliament and Council Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work; Council Directive 98/24/EC on the protection of the health and safety of workers from the risks		**Directives:** The Directives provide for minimum requirements.

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
	related to chemical agents at work;		
(b) provide rehabilitation services which are designed to prepare a disabled person wherever possible for the resumption of his previous activity, or, if this is not possible, the most suitable alternative gainful activity, having regard to his aptitudes and capacity; and		**Convention more stringent than the *acquis*.**	
(c) take measures to further the placement of disabled persons in suitable employment.		**Convention more stringent than the *acquis*.**	
2. Each Member shall as far as possible furnish in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation information concerning the frequency and severity of industrial accidents.			
Article 27 Each Member shall within its territory assure to non-nationals equality of treatment with its own nationals as regards employment injury	**Treaty Provisions:** Article 5 TFEU 3. The Union may take initiatives to ensure coordination of Member States' social policies.	**Convention broader than the Regulations, but compatible regulation**: The Regulations do not apply to wholly internal situations within a single Member State. Third country nationals	**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

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
benefits.	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 prove necessary to attain this objective and the Treaties have not provided the necessary powers, the European Parliament and the Council,	are required to move between Member States for Regulation 883/2004 to apply to them.	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 justice falls under shared Union and Member State 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
	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 secure for employed and self-employed		**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
	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. European Parliament and Council Regulation (EC) No 987/2009 laying down the procedure for implementing		

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 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 Directive 2011/98/EU on		

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 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		

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
	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 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		

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
	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, 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.		
Final Provisions Articles 28-39			

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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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