Declaration by Austria in accordance with Article 9 of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems for the reference year ending on 31 December 2017

I. DECLARATIONS REFERRED TO IN ARTICLE 1(L) OF REGULATION (EC) NO 883/2004 AND THE DATE FROM WHICH THE REGULATION WILL APPLY

None.

II. LEGISLATION AND SCHEMES REFERRED TO IN ARTICLE 3 OF REGULATION (EC) NO 883/2004 AND THE DATE FROM WHICH THE REGULATION WILL APPLY

Since 1 May 2010, the Basic Regulation (EC) No 883/2004 has been applied to the acts of national legislation listed, in as far as they are covered by the Basic Regulation and provided that no exceptions have been specified. The Basic Regulation has been applicable in the Member State concerned with effect from that date.

1. Sickness benefits

(i) Benefits in kind


Gewerbliches Sozialversicherungsgesetz – GSVG [Self-Employed Persons’ Social Insurance Act], BGBl. No 560/1978, as amended: examinations of young persons (§ 88), preventive medical check-ups (§ 89), other public health measures (§ 89a), medical assistance (§ 91), § 92 (medicinal products) medical aids and assistance for physical disability (§ 93), dental treatment and dental prostheses (§ 94), orthodontic treatment for children and young people (§ 94a), hospital care and home medical care (§§ 95-99), medical rehabilitation measures (§ 99a), health promotion and preventive health (§ 99b), health stabilisation measures (§ 100), disease prevention (§ 101), travel and transport costs (§ 103), rehabilitation and preventive health measures (Part Two, Section IV, Benefits in kind).

Benefits under private health insurance replacing compulsory insurance under GSVG in accordance with § 5 GSVG.
Bauern-Sozialversicherungsgesetz – BSVG [Farmers’ Social Insurance Act], BGBl. No 559/1978, as amended: examinations of young persons (§ 81), preventive medical check-ups (§ 82), other public health measures (§ 82a), medical assistance (§ 85), medicinal products (§ 86), medical aids (§ 87), contributions to treatment costs (§ 88), hospital care and home medical care (§§ 89-94), dental treatment and dental prostheses (§ 95), orthodontic treatment for children and young people (§ 95a), assistance for physical disability (§ 96), medical rehabilitation measures (§ 96a), health promotion and preventive health (§ 96b), rehabilitation and preventive health measures (Part Two, Section V, Benefits in kind).

Beamten-, Kranken- und Unfallversicherungsgesetz - B-KUVG [Civil Servants’ Sickness and Accident Insurance Act], BGBl. No 200/1967, as amended: preventive medical check-ups (§ 61a), other public health measures (§ 61b), medical assistance (§ 63), medicinal products (§ 64), medical aids (§ 65), medical rehabilitation measures (§ 65a), hospital care (§§ 66 to 68a), dental treatment and dental prostheses (§ 69), orthodontic treatment for children and young people (§ 69a), health stabilisation measures (§ 70a), extended rehabilitation measures (§ 70b), home medical care (§ 71), disease prevention (§ 72), travel and transport costs (§ 82). Other provisions governing sickness and accident insurance institutions for public servants.

Krankenanstalten- und Kuranstaltengesetz - KAKuG [Hospitals and Health Resorts Act], BGBl. No 1/1957, as amended, and laws of the Bundesländer on hospitals concerning treatment in hospitals of patients insured under the social security system.


(ii) Benefits in cash

Allgemeines Sozialversicherungsgesetz – ASVG [General Social Security Act], BGBl. No 189/1955, as amended: sickness benefit (§ 138), rehabilitation allowance (§§ 143a, 143b), rehabilitation and preventive health measures (Part Four, Section VI, Benefits in cash).


Beamten-, Kranken- und Unfallversicherungsgesetz - B-KUVG [Civil Servants’ Sickness and Accident Insurance Act], BGBl. No 200/1967, as amended: sickness benefit (§ 84), rehabilitation allowance (§ 84), back to work allowance (§ 84). Other provisions governing sickness and accident insurance institutions for public servants.

Entgeltfortzahlungsgesetz – EFZG [Continued Remuneration Act], BGBl. No 399/1974, as amended: continued remuneration (§ 2), Angestelltenleistungen [Salaried Employees Act], BGBl. No 292/1921, as amended: rights in the event of incapacity for work (§ 8), other provisions governing continued remuneration in the event of illness.

2. Maternity and equivalent paternity benefits

(i) Benefits in kind

Allgemeines Sozialversicherungsgesetz – ASVG [General Social Security Act], BGBl. No 189/1955, as amended: attendance by a doctor, midwife or qualified paediatric or maternity nurse (§ 159), medicinal products and medical aids (§ 160), care in a hospital (§ 161).

Gewerbliches Sozialversicherungsgesetz – GSVG [Self-Employed Persons’ Social Insurance Act], BGBl. No 560/1978, as amended: attendance by a doctor, midwife or qualified paediatric or maternity nurse, medicinal products and medical aids (§ 102), maternity benefit (business support) (§ 102a), travel and transport costs (§ 103).

Benefits under private health insurance replacing compulsory insurance under GSVG in accordance with § 5 GSVG.

Bauern-Sozialversicherungsgesetz – BSVG [Farmers’ Social Insurance Act], BGBl. No 559/1978, as amended: attendance by a doctor, midwife or qualified paediatric or maternity nurse, medicinal products and medical aids, care in a hospital, transport costs to or from hospital (§ 97), maternity benefit (farm support) (§ 98).


Beamten-, Kranken- und Unfallversicherungsgesetz - B-KUVG [Civil Servants’ Sickness and Accident Insurance Act], BGBl. No 200/1967, as amended: attendance by a doctor, midwife or qualified paediatric or maternity nurse, medicinal products and medical aids (§ 76), care in a hospital (§ 78), travel and transport costs (§ 82). Other provisions governing sickness and accident insurance institutions for public servants.

Krankenanstalten- und Kuranstaltengesetz - KAKuG [Hospitals and Health Resorts Act], BGBl. No 1/1957, as amended, and laws of the Bundesländer on hospitals concerning care in hospitals for pregnant women insured under the social security system.

(ii) Benefits in cash


Entgeltfortzahlungsgesetz – EFZG [Continued Remuneration Act], BGBl. No 399/1974, as amended: continued remuneration (§ 2), Angestelltengesetz [Salaried Employees Act], BGBl. No 292/1921, as amended: rights in the event of incapacity for work (§ 8), other provisions governing continued remuneration during maternity leave.


Bundesgesetz über die Gewährung eines Bonus für Väter während der Familienzeit (Familienzeitbonusgesetz – FamZeitbG) [Family Leave (Paternity Bonus) Act], BGBl. I No 53/2016: bonus for fathers during family leave (§ 1).

3. Invalidity benefits

(i) Benefits in kind

None.

(ii) Benefits in cash


4. Old-age benefits

(i) Benefits in kind

None.

(ii) Benefits in cash


Allgemeines Sozialversicherungsgesetz – ASVG [General Social Security Act], BGBl. No 189/1955, as amended: old-age pension (§ 253), child supplement (§§ 262, 286), incentive bonus for older miners continuing to work (§ 275), miner’s old-age pension (§ 276), miner’s long-service bonus (§ 281).


5. Survivors’ benefits

(i) Benefits in kind

None.

(ii) Benefits in cash


Bundesgesetz über die Sozialversicherung freiberuflich selbständig Erwerbstätiger – FSVG [Act on social security for self-employed persons in the liberal professions], BGBl. No 624/1978, as amended: special survivors’ benefit (§ 20e).


Bundesbahn-Pensionsgesetz – BB-PG [Federal Railway Pensions Act], BGBl. I No 86/2001, as amended: widow’s/widower’s pension (§ 13), temporary pension for pregnant widows not entitled to widow’s pension (§ 15), orphan’s pension (§ 16), former spouse’s pension (§ 18), commutation lump sum for a surviving spouse on remarriage (§ 20), lump sum in commutation of a survivor’s pension (§ 21), lump sum benefit for surviving spouses and orphans not entitled to a pension (§ 22), child supplement (§ 23), extra emoluments supplement (§ 25).

Bundestheaterpensionsgesetz – BThPG [Federal Theatres Pensions Act], BGBl. No 159/1958, as amended: widow’s/widower’s pension (§ 17a), orphan’s pension (§ 17b), extra emoluments
supplement (§ 6a), child supplement (§ 17c), commutation lump sum for a surviving spouse on remarriage (§ 17 in conjunction with § 21 PG 1965).


6. **Benefits in respect of accidents at work and occupational diseases**

(i) Benefits in kind

**Allgemeines Sozialversicherungsgesetz** – ASVG [General Social Security Act], BGBI. No 189/1955, as amended: treatment in the event of accident (§§ 189), cost reimbursement in lieu of treatment (§ 194a), occupational rehabilitation measures (§ 198), social rehabilitation measures (§ 201), prostheses, orthopaedic and other aids (§ 202).

**Bauern-Sozialversicherungsgesetz** – BSVG [Farmers’ Social Insurance Act], BGBI. No 559/1978, as amended: treatment in the event of accident (§ 148p), reimbursement of treatment in the event of accident (§ 148t), partial reimbursement for replacement workers (§ 148u), occupational rehabilitation measures (§ 148y), social rehabilitation measures (§ 149a), prostheses, orthopaedic and other aids (§ 149c).

**Beamten-, Kranken- und Unfallversicherungsgesetz** - B-KUVG [Civil Servants’ Sickness and Accident Insurance Act], BGBI. No 200/1967, as amended: treatment in the event of accident (§ 96), social rehabilitation measures (§ 99c), prostheses, orthopaedic and other aids (§ 100). Other provisions governing accident cover for public servants.

**Krankenanstalten- und Kuranstaltengesetz** - KAKuG [Hospitals and Health Resorts Act], BGBI. No 1/1957, as amended, and laws of the Bundesländer on hospitals concerning treatment in hospitals of patients insured under the social security system.

(ii) Benefits in cash

**Allgemeines Sozialversicherungsgesetz** – ASVG [General Social Security Act], BGBI. No 189/1955, as amended: family allowance and daily allowance (§ 195), special support (§ 196), transitional benefit (§ 199), disability pension (§ 203), supplementary pension for serious disability (§ 205a), child supplement (§ 207), transitional pension and transitional payment (§ 211), disability allowance (§
212), widow’s/widower’s allowance (§ 213), disability compensation (§ 213a), survivors’ pensions (§§ 215-219).

Bauern-Sozialversicherungsgesetz – BSVG [Farmers’ Social Insurance Act], BGBl. No 559/1978, as amended: special support (§ 148v), transitional benefit (§ 148z), occupational pension (§ 149d), supplementary pension for serious disability (§ 149f), disability allowance (§ 149g), transitional pension (§ 149h), provisional occupational pension (§ 149k), disability compensation (§ 149m), survivors’ pensions (§§ 149o-149t).

Bundesgesetz über die Sozialversicherung freiberuflich selbständig Erwerbstätiger – FSVG [Act on social security for self-employed persons in the liberal professions], BGBl. No 624/1978, as amended.


Entgeltfortzahlungsgesetz – EFZG [Continued Remuneration Act], BGBl. No 399/1974, as amended: continued remuneration (§ 2), Angestelltengesetz [Salaried Employees Act], BGBl. No 292/1921, as amended: rights in the event of incapacity for work (§ 8). Other provisions governing continued remuneration in the event of accident at work or occupational disease.


7. Death grants

Benefits in cash


Bauern-Sozialversicherungsgesetz – BSVG [Farmers’ Social Insurance Act], BGBl. No 559/1978, as amended: allowance for funeral expenses (§ 74), assistance in respect of particular financial burdens arising as a result of bereavement (§ 149n).

Beamten-, Kranken- und Unfallversicherungsgesetz - B-KUVG [Civil Servants’ Sickness and Accident Insurance Act], BGBl. No 200/1967, as amended: allowance for funeral expenses (§ 51), partial reimbursement of funeral expenses (§ 111). Other provisions governing sickness and accident insurance institutions for public servants.


8. **Unemployment benefits**

(i) Benefits in kind

None.

(ii) Benefits in cash


9. **Pre-retirement benefits**

Benefits in cash


**Sonderunterstützungsgesetz** – SUG [Special Support Act], BGBl. No 642/1973, as amended.

**Bauarbeiter-Urlaubs- und Abfertigungsgesetz** - BUAG [Construction Workers’ Leave and Severance Pay Act], BGBl. No 414/1972, as amended, within the scope of the Regulation since 1 January 2014: bridging allowance (§ 13l), bridging severance benefits (§ 13m).

10. **Family benefits**

(i) Benefits in kind

None.

(ii) Benefits in cash


11. **Special non-contributory cash benefits**

a) Special non-contributory cash benefits intended to provide a minimum subsistence income pursuant to Article 70(2)(a)(i) of Regulation (EC) No 883/2004

Benefits in cash


**Bauern-Sozialversicherungsgesetz** – BSVG [Farmers’ Social Insurance Act], BGBl. No 559/1978, as amended: top-up pension (§ 140).

Special non-contributory cash benefits intended to provide specific protection for people with disabilities that is closely linked to their social environment, in accordance with Article 70(2)(a)(ii) of Regulation (EC) No 883/2004.
Benefits in cash

None.

III. CONVENTIONS ENTERED INTO AS REFERRED TO IN ARTICLE 8(2) OF REGULATION (EC) NO 883/2004 AND THE DATE FROM WHICH THE REGULATION WILL APPLY

None.

IV. MINIMUM BENEFITS REFERRED TO IN ARTICLE 58 OF REGULATION (EC) NO 883/2004 AND THE DATE FROM WHICH THE REGULATION WILL APPLY

None.

V. POSSIBILITY FOR ANY CATEGORY OF SELF-EMPLOYED PERSONS TO BE COVERED BY AN UNEMPLOYMENT BENEFITS SYSTEM (ARTICLE 65A(1) OF REGULATION (EC) NO 883/2004), AND LEGISLATIVE REFERENCE WHERE APPLICABLE

Austrian legislation provides the possibility for self-employed persons to be covered by the unemployment benefits system.

Legislative reference: