I

(Acts whose publication is obligatory)

Corrigenda to the Council Regulations on the application of social security schemes to employed persons and their families moving within the Community

Corrigendum to Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community

(Official Journal of the European Communities No L 149 of 5 July 1971, page 2; Special Edition 1971 (II), page 416)

[C 40]

1. Article 1 (b), second half:

   read: 'however, a frontier worker who is posted elsewhere in the territory of the same or another Member State by the undertaking to which he is normally attached shall retain the status of frontier worker for a period not exceeding four months, even if he is prevented during the course of such posting from returning daily or at least once a week to the place where he resides;'.

2. Article 1 (r):

   read: '(r) "periods of insurance" means periods of contribution or periods of employment as defined or recognized as periods of insurance by the legislation under which they were completed or considered as completed, and all periods treated as such, where they are regarded by the said legislation as equivalent to periods of insurance;'.

3. Article 2 (1):

   for: 'also',

   read: 'well as'.

4. Article 3 (2):

   for: 'of nomination',

   read: 'of nomination of persons concerned to those organs'.

5. Article 3 (3):

   before: 'social',

   insert: 'the provisions of';

   for: 'and conventions',

   read: 'and the provisions of conventions'.

6. Article 7 (2):

   In the beginning of subparagraphs (a), (b) and (c) insert: 'the provisions of'.

7. Article 8 (2):

    read: '2. Each Member State shall notify, in accordance with the provisions of Article 96 (1), any convention concluded with another Member State under the provisions of paragraph 1.'

8. Article 9 (1):

    for: 'legislative provisions',

    read: 'provisions of the legislation'.

9. Article 11:

    for: 'by virtue of',

    read: 'taking into account'.

10. Article 12 (1):

    before: 'Article 41',

    insert: 'the provisions of'.

11. Article 12 (2), first sentence:

    for: 'legislative provisions',

    read: 'provisions of the legislation'.

12. Article 12 (2), second sentence:

    before: 'Article',

    insert: 'the provisions of'.

13. Article 12 (3):

    for: 'legislative provisions',

    read: 'provisions of the legislation'.

14. Article 12 (4):

    before: 'Article 57 (3) (c),

    insert: 'the provisions of'.

15. Article 14 (1) (b) (i):

    for: 'agency',

    read: 'permanent representation'.

16. Article 15 (2) first indent (at the end):

    for: 'compulsory insurance schemes',

    read: 'compulsory insurance scheme'.

17. Article 16 (1):

    before: 'Article',

    insert: 'The provisions of'.

18. Article 19 (1) (a):

    before: 'the legislation',

    insert: 'the provisions of'.

19. Article 22 (1) (c):

> *for:*   '(c) who is authorised by the competent institution to go to the territory of another Member State to receive there the treatment appropriate to his condition, shall be entitled:',
>
> *read:*   '(c) who is authorized by the competent institution to go to the territory of another Member State to receive there the treatment appropriate to his condition,
>
> shall be entitled:'.

20. Article 22 (1) (i), first sentence, first half, and (ii), first and second sentences:

> *before:*   'the legislation',
>
> *insert:*   'the provisions of'.

21. Article 25 (1), introductory sentence:

> *for:*   'to whom Article 69 (1) and',
>
> *read:*   'to whom the provisions of Article 69 (1) or'.

22. Article 25 (1) (a):

> *for:*   'the legislation of the latter institution',
>
> *read:*   'the provisions of the legislation which the latter institution administers'.

23. Article 25 (1) (b), first and second sentences, and (2):

> *before:*   'the legislation',
>
> *insert:*   'the provisions of'.

24. Article 25 (4):

> *for :*   'legislative provisions',
>
> *read:*   'provisions of the legislation';
>
> *for:*   'by the institution',
>
> *read:*   'by that institution'.

25. Article 26 (1):

> *for:*   'claim',
>
> *read:*   'claim for pension';
>
> *for:*   'with the legislation',
>
> *read:*   'with the provisions of the legislation'.

26. Article 26 (3):

> *read:*   '3. Benefits in kind provided in accordance with the provisions of paragraph 1 shall be chargeable to the institution which has collected contributions in accordance with the provisions of paragraph 2; where no contributions are payable under the provisions of paragraph 2, the institution responsible for the cost of the benefits in kind after awarding the pension in accordance with the provisions of Article 28 shall refund the amount of the benefits provided to the institution of the place of residence.'

27. Article 28 (2), introductory sentence:

> *for:*   'determined',
>
> *read:*   'as determined'.

28. Article 32:

read: 'Article 32

Special provisions concerning responsibility for the cost of benefits provided for former frontier workers, members of their families or their survivors

The cost of benefits which are provided under the provisions of Article 27 or 31 to a pensioner referred to in Article 27 who is a former frontier worker or the survivor of a frontier worker, as well as to the members of the family, shall, where the frontier worker was working as such for the three months immediately preceding the date on which the pension became payable or the date of his death, be divided equally between the institution of the pensioner's place of residence and that with which he was last insured.'

29. Article 35 (1), first sentence:

before: 'Articles',

insert: 'the provisions of'.

30. Article 35 (1), second sentence:

before: 'members',

insert: 'to'.

31. Article 36 (1):

for: 'pursuant to',

read: 'in accordance with the provisions of'.

32. Article 38 (2), first sentence (twice):

for: 'insurance periods',

read: 'periods of insurance'.

33. Article 39 (2):

before: 'the legislation',

insert: 'the provisions of'.

34. Article 39 (4):

for: 'consideration the members',

read: 'consideration those members',

35. Article 40 (2), introductory sentence:

before: 'Article 37 (1)',

insert: 'the provisions of'.

36. Article 40 (2), first indent:

for: 'insurance periods',

read: 'periods of insurance'.

37. Article 40 (3):

for: 'that concordance',

read: 'the concordance'.

38. Article 41 (1) (a):

   delete: 'be bound to';

   for: 'with the legislation',

   read: 'with the provisions of the legislation'.

39. Article 41 (b):

   before: 'Article 37 (1)',

   insert: 'the provisions of'.

40. Article 41 (c):

   delete: 'be bound to';

   before: 'subparagraph', '

   insert: 'the provisions of'.

41. Article 41 (e):

   delete: 'be bound to';

   before: 'the legislation',

   insert: 'the provisions of'.

42. Article 41 (2):

   for: 'In cases',

   read: 'In the case'.

43. Article 42 (1):

   before: 'Article',

   insert: 'the provisions of'.

44. Article 43 (2):

   before: 'Article',

   insert: 'the provisions of'.

45. Article 43 (3):

   before: 'Article 39' and 'Article 49 (1)',

   insert: 'the provisions of'.

46. Article 44 (3):

   for: 'children, or to orphans' pensions granted pursuant to',

   read: 'children or to orphans' pensions granted in accordance with the provisions of'.

47. Article 45 (2), first sentence:

   for: 'insurance periods',

   read: 'periods of insurance';

   for: 'such a scheme',

   read: 'a corresponding scheme'.

48. Article 45 (3), first sentence:

   for: 'requirements',

   read: 'conditions';

for: 'insurance periods',

read: 'periods of insurance';

before: 'this Chapter',

insert: 'implementing the provisions of'.

49. Article 46 (3), second subparagraph:

for: 'with paragraph',

read: 'with the provisions of paragraph'.

50. Article 47 (1) (a):

for: 'insurance periods',

read: 'periods of insurance' (twice).

51. Article 47 (3):

for: 'consideration the members',

read: 'consideration those members'.

52. Article 49 (2):

before: 'Article 46',

insert: 'the provisions of'.

53. Article 49 (3):

before: 'paragraph' and 'Article',

insert: 'the provisions of'.

54. Article 51 (1) and (2):

before: 'Article 46',

insert: 'the provisions of'.

55. Article 52 (a) and (b), first sentence, Article 53, Article 54 (1), first sentence, and (2):

before: 'the legislation',

insert: 'the provisions of'.

56. Article 55 (1) (b):

for: 'at the expense',

read: 'chargeable to'.

57. Article 55 (1) (i):

for: 'with the legislation',

read: 'with the provisions of the legislation'.

58. Article 58 (1):

for: 'the said',

read: 'that'.

59. Article 59 (2):

before: 'the legislation',

insert: 'the provisions of'.

60. Article 60 (1), first sentence:

    for: 'rules',

    read: 'provisions'.

61. Article 60 (1) (a), (b), first sentence, and (c), first sentence:

    for: 'under the legislation which it administers',

    read: 'under the provisions of the legislation which it administers'.

62. Article 60 (1) (b), second sentence:

    delete: 'determined according to the legislation which it administers and shall be';

    for: 'under the legislation of that State',

    read: 'under the provisions of the legislation of that State'.

63. Article 60 (1) (c), first sentence:

    before: 'Article',

    insert: 'the provisions of'.

64. Article 60 (1) (c), second sentence:

    for: 'The institution',

    read: 'The competent institution'.

65. Article 60 (2), introductory sentence, and (b), first sentence:

    before: 'Article',

    insert: 'the provisions of'.

66. Article 60 (2) (a):

    for: 'pursuant to',

    read: 'in accordance with the provisions of'.

67. Article 61 (1):

    for: 'illness',

    read: 'sickness'.

68. Article 62 (1):

    first sentence:

    for: 'Article 52 or 55 (1)',

    read: 'Article 52 or Article 55 (1)';

    second sentence:

    for: 'the said',

    read: 'that'.

69. Article 63 (1):

    for: 'pursuant to',

    read: 'in accordance with the provisions of'.

70. Article 66, first and second subparagraphs:

    read:

    'In the event of the death of a pensioner who was entitled to a pension under the
    legislation of one Member State, or to pensions under the legislations of two or more

Member States, when such pensioner was residing in the territory of a Member State other than the one whose institution was responsible for providing him with benefits in kind under the provisions of Article 28, the death grants payable under the legislation administered by that institution shall be provided by that institution at its own expense as though the pensioner had been residing in the territory of the Member State of that institution at the time of his death.

The provisions of the preceding paragraph shall apply by analogy to the members of the family of a pensioner.'

71. Article 67 (1):

for: 'insurance periods',

read: 'periods of insurance' (twice);

for: 'periods completed',

read: 'periods of insurance completed'.

72. Article 69 (1), introductory sentence:

for: 'conditions and within the limits hereinafter indicated',

read: 'following conditions and within the following limits'.

73. Article 69 (1) (a), first sentence:

read: 'before his departure, he must have been registered as a person seeking work and have remained available to the employment services of the competent State for at least four weeks after becoming unemployed.'

74. Article 69 (1) (b), second sentence:

for: 'concerend',

read: 'concerned'.

75. Article 69 (2), first sentence:

before: 'paragraph 1 (c)',

insert: 'the provisions of'.

76. Article 71 (1) (a) (i) and (ii) and (b) (i):

before: 'the legislation',

insert: 'the provisions of'.

77. Article 71 (1) (a) (ii):

for: 'employed the institution of the place of residence shall provide such benefits at its own expense;',

read: 'employed; these benefits shall be provided by the institution of the place of residence at its own expense;'.

78. Article 71 (1) (b) (ii), last sentence:

before: 'Article 69',

insert: 'the provisions of'.

79. Article 71 (2):

before: 'paragraph 1 (a) (i)',

insert: 'the provisions of'.

80. Article 73 (2), first half:

   for: 'such Member State',

   read: 'the Member State in whose territory those members of the family reside'.

81. Article 75 (1) (c):

   before: 'Article',

   insert: 'the provisions of'.

82. Article 75 (2) (a):

   before: 'the legislation',

   insert: 'the provisions of'.

83. Article 75 (2) (c), first sentence:

   before: 'the preceding',

   insert: 'the provisions of'.

84. Article 76, heading and text:

   before: 'Articles',

   insert: 'the provisions of'.

85. Article 77 (2) (b) (i):

   before: 'Article 79 (1) (a)',

   insert: 'the provisions of'.

86. Article 78 (2), introductory sentence:

   delete: 'or situated'.

87. Article 78 (2) (b) (i):

   before: 'Article',

   insert: 'the provisions of'.

88. Article 79 (1) (b):

   for: 'insurance periods',

   read: 'periods of insurance';

   before: 'Article',

   insert: 'the provisions of'.

89. Article 79 (3), first sentence:

   before: 'paragraph',

   insert: 'the provisions of'.

90. Article 81 (a):

   for: 'from this Regulation',

   read: 'from the provisions of this Regulation'.

91. Article 81 (b):

   for: 'courts',

   read: 'tribunals'.

92. Article 81 (b), (d) and (e):

    for: 'under this Regulation',

    read: 'under the provisions of this Regulation'.

93. Article 81 (c):

    for: 'im respect',

    read: 'in respect'.

94. Article 82 (2):

    for: 'adequate',

    read: 'an equitable'.

95. Article 83, introductory sentence:

    read: 'The Advisory Committee shall be empowered, at the request of the Commission of the European Communities, of the Administrative Commission or on its own initiative:'

96. Article 86 (seven times):

    for: 'court',

    read: 'tribunal'.

97. Article 88:

    for: 'pursuant to',

    read: 'in accordance with'.

98. Article 92 (2), first sentence:

    before: 'paragraph',

    insert: 'the provisions of'.

99. Article 93 (2), first subparagraph:

    for: 'institution responsible for benefits',

    read: 'competent institution'.

100. Article 94 (8):

    before: 'Article',

    insert: 'the provisions of'.

101. Article 96 (2):

    before: 'paragraph',

    insert: 'the provisions of'.

102. Annex II, heading:

    before: 'persons',

    insert: 'all'.

103. Annex II, General Comments (1):

    for: 'references shall',

    read: 'those references shall'.

104. Annex IV, table headed 'BELGIUM', section headed 'FRANCE', (3), third indent, column headed 'Miners' scheme: occupational invalidity':

for: 'No concordance',

read: 'Concordance'.

105. Annex IV, table headed 'BELGIUM', section headed 'LUXEMBOURG', first line:

delete: 'Workers'.

106. Annex IV, table headed 'FRANCE', section headed 'ITALY', (1) and (2):

read:

'1. General scheme:

— invalidity manual workers·
— invalidity clerical staff

2. Mariners' scheme:

unfitness for seafaring'.

107. Annex IV, table headed 'FRANCE', footnote 1:

for: 'Insofaras',

read: 'In so far as'.

108. Annex IV, table headed 'ITALY', section headed 'BELGIUM', (3):

delete: '— unfitness for seafaring'.

109. Annex IV, table headed 'LUXEMBOURG', section headed 'BELGIUM':

for: 'Workers' Invalidity',

read: 'Invalidity';

for: 'clerical workers',

read: 'clerical staff'.

110. Annex V, point A. BELGIUM (3):

for: 'old-age insurance periods',

read: 'periods of old-age insurance';

for: 'as insurance periods',

read: 'as periods of insurance'.

111. Annex V, point B. GERMANY:

paragraph 1 (b):

in the beginning insert: 'The provisions of';

for: 'outside that territory, do not give, rise',

read: 'outside that territory, do not give rise';

paragraph 2 (a), first subparagraph:

for: 'pensions' insurance scheme of another Member State',

read: 'insurance scheme of another Member State',

paragraph 2 (b):

for: 'Subparagraph (a)',

read: 'The provisions of subparagraph (a)';

paragraph 2 (c):

for: 'an additional',

read: 'a supplementary';

paragraph 2 (e):

for: '1963; for',

read: '1963: for';

paragraph 5, second sentence:

for: 'The Federal Association of Regional Sickness Funds, in its function of liaison agency',

read: 'The National Federation of Local Sickness Funds in its function as liaison body'.

112. Annex V, point C, FRANCE, paragraph 3:

first line:

for: '65—655',

read: '65—555';

second indent:

for: 'consecutive years',

read: 'years, consecutive or not'.

113. Annex V, point E. LUXEMBOURG, first and second sentences:

for: 'insurance periods',

read: 'periods of insurance'.

114. Annex V, point F. NETHERLANDS:

paragraph 2 (a):

for: 'Insurance periods',

read: 'Periods of insurance';

for: 'insurance periods',

read: 'periods of insurance';

paragraph 2 (c) and (e), 3 (a) and (b), 4 (a) and (b):

for: 'insurance periods',

read: 'periods of insurance';

paragraph 2 (e):

for: 'by analogy',

read: '*mutatis mutandis*';

paragraphs 3 (a) and 4 (a):

before: 'Article',

insert: 'the provisions of;

paragraphs 3 (b) and 4 (b):

before: 'subparagraph',

insert: 'the provisions of'.