

Ο Κυρωτικός του Ευρωπαϊκού Κώδικα Κοινωνικής Ασφάλειας Νόμος του 1991 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 159 του 1991

ΝΟΜΟΣ ΚΥΡΩΤΙΚΟΣ ΤΟΥ
ΕΥΡΩΠΑΪΚΟΥ ΚΩΔΙΚΑ ΚΟΙΝΩΝΙΚΗΣ ΑΣΦΑΛΕΙΑΣ

Η Βουλή των Αντιπροσώπων ψηφίζει τα ακόλουθα:

1. Ο παρών Νόμος θα αναφέρεται ως ο Κυρωτικός του Ευρωπαϊκού Κώδικα Κοινωνικής Ασφάλειας Νόμος του 1991.

Συνοπτικός
τίτλος.

2. Κατά την έννοια του παρόντος Νόμου—

Ερμηνεία

«Κώδικας» σημαίνει τον Ευρωπαϊκό Κώδικα Κοινωνικής Ασφάλειας που έγινε στο Στρασβούργο στις 16 Απριλίου 1964, την προσχώρηση της Δημοκρατίας στον οποίο το Υπουργικό Συμβούλιο ενέκρινε με την υπ' αρ. 31.863 Απόφασή του της 1ης Ιουνίου 1989, το κείμενο του οποίου στο αγγλικό πρωτότυπο εκτίθεται στο Μέρος Α του Πίνακα και η ελληνική μετάφραση εκτίθεται στο Μέρος Β του Πίνακα.

3. —(1) Με τον παρόντα Νόμο κυρώνεται ο Κώδικας.

Κύρωση.

(2) Σε περίπτωση αντίθεσης μεταξύ του στο Μέρος Α του Πίνακα πρωτότυπου κειμένου και της στο Μέρος Β ελληνικής μετάφρασης επικρατεί το στο Μέρος Α του Πίνακα πρωτότυπο κείμενο.

4. Για τους σκοπούς των άρθρων 2(1)(2) και 3 του Κώδικα, η Δημοκρατία αναγνωρίζει ότι δεσμεύεται από τις υποχρεώσεις που διαλαμβάνονται στα Μέρη III, IV, V, VI, IX και X του Κώδικα.

ΠΙΝΑΚΑΣ
(Άρθρο 2)

ΠΡΩΤΟ ΜΕΡΟΣ

EUROPEAN CODE OF SOCIAL SECURITY

PREAMBLE

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its Members for the purpose, among others, of facilitating their social progress;

Considering that one of the objects of the social programme of the Council of Europe is to encourage all Members to develop further their systems of social security;

Recognising the desirability of harmonising social charges in member countries;

Convinced that it is desirable to establish a European Code of Social Security at a higher level than the minimum standards embodied in International Labour Convention No. 102 concerning Minimum Standards of Social Security,

Have agreed on the following provisions, which have been prepared with the collaboration of the International Labour Office :

PART I

GENERAL PROVISIONS

ARTICLE 1

1. In this Code :

(a) the term "the Committee of Ministers" means the Committee of Ministers of the Council of Europe ;

(b) the term "the Committee" means the Committee of Experts on Social Security of the Council of Europe or such other Committee as the Committee of Ministers may designate to carry out the duties laid down in Article 2, paragraph 3; Article 74, paragraph 4, and Article 78, paragraph 3 ;

(c) the term "Secretary-General" means the Secretary-General of the Council of Europe ;

(d) the term "prescribed" means determined by or in virtue of national laws or regulations ;

(e) the term "residence" means ordinary residence in the territory of the Contracting Party concerned and the term "resident" means a person ordinarily resident in the territory of the Contracting Party concerned ;

(f) the term "wife" means a wife who is maintained by her husband ;

(g) the term "widow" means a woman who was maintained by her husband at the time of his death ;

(h) the term "child" means a child under school-leaving age or under 15 years of age, as may be prescribed ;

(i) the term "qualifying period" means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed .

2. In Articles 10, 34 and 49 the term "benefit" means either direct benefit in the form of care or indirect benefit consisting of a reimbursement of the expenses borne by the person concerned.

ARTICLE 2

1. Each Contracting Party shall comply with :

(a) Part I ;

(b) at least six of Parts II to X, provided that Part II shall count as two Parts and Part V as three Parts ;

(c) the relevant provisions of Parts XI and XII ; and

(d) Part XIII.

2. The terms of sub-paragraph (b) of the foregoing paragraph can be regarded as fulfilled if :

(a) at least three of Parts II to X, including at least one of Parts IV, V, VI, IX and X are complied with ; and

(b) in addition, proof is furnished that the social security legislation in force is equivalent to one of the combinations provided for in that sub-paragraph, taking into account:

(i) the fact that certain branches covered by sub-paragraph (a) of this paragraph exceed the standards of the Code in respect of their scope of protection or their level of benefits, or both ;

(ii) the fact that certain branches covered by sub-paragraph (a) of this paragraph exceed the standards of the Code by granting supplementary services of advantages listed in *Addendum 2* ; and

(iii) branches which do not attain the standards of the Code.

3. A Signatory desiring to avail itself of the provisions of paragraph 2 (b) of this Article shall make a request to this effect in the report to the Secretary-General submitted in accordance with the provisions of Article 78. The Committee, basing itself on the principle of equivalence of cost, shall lay down rules co-ordinating and defining the conditions for taking into account the provisions of paragraph 2 (b) of this Article. These provisions may only be taken into account in each case with the approval of the Committee, the decision to be taken by a two-thirds majority.

ARTICLE 3

Each Contracting Party shall specify in its instrument of ratification those Parts of Parts II to X in respect of which it accepts the obligations of this Code, and shall also state whether and to what extent it avails itself of the provisions of Article 2, paragraph 2.

ARTICLE 4

1. Each Contracting Party may subsequently notify the Secretary-General that it accepts the obligations of the Code in respect of one or more of Parts II to X not already specified in its ratification.
2. The undertakings referred to in paragraph 1 of this Article shall be deemed to be an integral part of the ratification and to have the force of ratification as from the date of notification.

ARTICLE 5

Where, for the purpose of compliance with any of the Parts II to X of this Code which are to be covered by its ratification, a Contracting Party is required to protect prescribed classes of persons constituting not less than a specified percentage of employees or residents, that Contracting Party shall satisfy itself, before undertaking to comply with any such Part, that the relevant percentage is attained.

ARTICLE 6

For the purpose of compliance with Parts II, III, IV, V, VIII (in so far as it relates to medical care), IX or X of this Code, a Contracting Party may take account of protection effected by means of insurance which, although not made compulsory by national laws or regulations for the persons to be protected,

(a) is subsidised by the public authorities or, where such insurance is complementary only, is supervised by the public authorities or administered, in accordance with prescribed standards, by joint operation of employers and workers ;

(b) covers a substantial part of the persons whose earnings do not exceed those of the skilled manual male employee, determined in accordance with Article 65 ; and

(c) complies, in conjunction with other forms of protection, where appropriate, with the relevant provisions of the Code.

PART II

MEDICAL CARE

ARTICLE 7

Each Contracting Party for which this Part of this Code is in force shall secure to the persons protected the provision of benefit in respect of a condition requiring medical care of a preventive or curative nature in accordance with the following Articles of this Part.

ARTICLE 8

The contingencies covered shall include any morbid condition, whatever its cause, and pregnancy and confinement and their consequences.

ARTICLE 9

The persons protected shall comprise :

(a) prescribed classes of employees, constituting not less than 50 per cent of all employees, and also their wives and children ; or

(b) prescribed classes of the economically active population, constituting not less than 20 per cent of all residents, and also their wives and children ; or

(c) prescribed classes of residents, constituting not less than 50 per cent of all residents.

ARTICLE 10

1. The benefit shall include at least :

(a) in case of a morbid condition,

(i) general practitioner care, including domiciliary visiting ;

(ii) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals ;

(iii) the essential pharmaceutical supplies as prescribed by medical or other qualified practitioners ; and

(iv) hospitalisation where necessary ; and

(b) in case of pregnancy and confinement and their consequences,

(i) pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives ; and

(ii) hospitalisation where necessary.

2. The beneficiary or his breadwinner may be required to share in the cost of the medical care the beneficiary receives in respect of a morbid condition; the rules concerning such cost-sharing shall be so designed as to avoid hardship.

3. The benefit provided in accordance with this Article shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.

4. The institutions or Government departments administering the benefit shall, by such means as may be deemed appropriate, encourage the persons protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.

ARTICLE 11

The benefit specified in Article 10 shall, in a contingency covered, be secured at least to a person protected who has completed, or whose breadwinner has completed, such qualifying period as may be considered necessary to preclude abuse.