

with at least one hectare of UAA in mainland Portugal and to farmers with at least 0,5 ha of UAA in the autonomous regions of Madeira and the Azores.

Article 6

Aid granted by Portugal under this Regulation shall be eligible under Article 26 of Regulation (EEC) No 797/85, on the terms laid down therein.

Article 7

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 January 1986.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71

COM(86) 125 final

(Submitted by the Commission to the Council on 4 March 1986)

(86/C 71/06)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 51 and 235 thereof,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 27 and 396 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas Council Regulations (EEC) No 1408/71 ⁽¹⁾ and (EEC) No 574/72 ⁽²⁾ are subject to the technical adaptations set out in Chapter VIII (1) and (2) of Annex I to the Act of Accession;

Whereas on 13 June 1985 the Council adopted Regulation (EEC) No 1660/85 ⁽³⁾ amending Regulations (EEC) No 1408/71 and (EEC) No 574/72, and Regulation (EEC) No 1661/85 ⁽⁴⁾, which lays down the technical adaptations to the Community rules on social security for migrant workers with regard to Greenland; whereas further technical adaptations must therefore be made to Regulations (EEC) No 1408/71 and (EEC) No 574/72;

Whereas pursuant to Article 27 of the Act of Accession, other adjustments necessitated by accession should be made to Regulations (EEC) No 1408/71 and (EEC) No

574/72, in particular in accordance with the guidelines set out in Annex II to that Act,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1408/71 is hereby amended as follows:

1. Article 95 is replaced by the following:

Article 95

Transitional provisions for self-employed persons

1. No right shall be acquired under this Regulation in respect of a period prior to 1 July 1982 or to the date of its application in the territory of the Member State concerned.
2. All insurance periods and, where appropriate, all periods of employment, of self-employment or of residence completed under the legislation of a Member State before 1 July 1982 or before the date of application of this Regulation in the territory of that Member State shall be taken into consideration for the determination of rights acquired under the provisions of this Regulation.
3. Subject to the provisions of paragraph 1, a right shall be acquired under this Regulation even though it relates to a contingency which materialized prior to 1 July 1982 or to the date of application of this Regulation in the territory of the Member State concerned.
4. Any benefit which has not been awarded or which has been suspended by reason of the nationality or place of residence of the person concerned shall, on the application of the person concerned, be

⁽¹⁾ OJ No L 149, 5. 7. 1971, p. 2.

⁽²⁾ OJ No L 74, 27. 3. 1972, p. 1.

⁽³⁾ OJ No L 160, 20. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 160, 20. 6. 1985, p. 7.

awarded or resumed with effect from 1 July 1982 or the date of application of this Regulation in the territory of the Member State concerned provided that the rights previously determined have not given rise to a lump-sum payment.

5. The rights of a person to whom a pension was awarded prior to 1 July 1982 or to the date of application of this Regulation in the territory of the Member State concerned may, on the application of the person concerned, be reviewed, taking into account the provisions of this Regulation. This provision shall also apply to the other benefits referred to in Article 78.

6. If an application referred to in paragraph 4 or 5 is submitted within two years from 1 July 1982 or from the date of application of this Regulation in the territory of the Member State concerned, the rights acquired under this Regulation shall have effect from that date, and the provisions of the legislation of any Member State concerning the forfeiture or limitation of rights may not be invoked against the persons concerned.

7. If an application referred to in paragraph 4 or 5 is submitted after the expiry of the two-year period after 1 July 1982 or following the date of application of this Regulation in the territory of the Member State concerned, rights which have not been forfeited or are not barred by limitation shall have effect from the date on which the application was submitted, except where more favourable provisions of the legislation of any Member State apply.'

2. In Annex III, Sections A and B are amended as follows:

— in point 22, Germany—Spain, 'none' is replaced by 'Article 45 (2) of the Social Security Convention of 4 December 1973.'

— in point 31, Spain—France, 'none' is replaced by 'The exchange of letters of 28 November 1985 concerning family benefits and the scale annexed thereto.'

3. In Annex VII, point 7 is replaced by the following:

'7. For the pension insurance scheme for self-employed persons: where he is self-employed in Greece and gainfully employed in any other Member State.'

Article 2

Regulation (EEC) No 574/72 is hereby amended as follows:

1. Article 118 is replaced by the following:

Article 118

Transitional provisions relating to pensions for employed persons

1. Where the contingency arises before 1 October 1972 or the date of application of this Regulation in the territory of the Member State concerned and the claim for pension has not yet been awarded before that date, such claim shall give rise to a double award, in as much as benefits must be granted, pursuant to such contingency, for a period prior to that date:

- (a) for the period prior to 1 October 1972 or to the date of application of this Regulation in the territory of the Member State concerned, in accordance with the provisions of Regulation No 3 or of agreements in force between the Member States concerned;
- (b) for the period commencing on 1 October 1972 or on the date of its application in the territory of the Member State concerned, in accordance with the provisions of this Regulation.

If, however, the amount calculated pursuant to the provisions referred to under (a) is greater than that calculated pursuant to the provisions referred to under (b), the person concerned shall continue to be entitled to the amount calculated pursuant to the provisions referred to under (a).

2. A claim for invalidity, old age or survivors' benefits submitted to an institution of a Member State from 1 October 1972 or from the date of application of this Regulation in the territory of the Member State concerned shall automatically necessitate the reassessment of the benefits which have been awarded for the same contingency prior to that date by the institution or institutions of one or more of the other Member States, in accordance with the provisions of the Regulation.'

2. Article 119 is replaced by the following:

Article 119

Transitional provisions relating to pensions for self-employed persons

1. Where the contingency arises before 1 July 1982 or the date of application of this Regulation in the territory of the Member State concerned and the claim for pension has not yet been awarded before that date, such claim shall give rise to a double award, in as much as benefits must be granted, pursuant to such contingency, for a period prior to that date:

- (a) for the period prior to 1 July 1982 or to the date of application of this Regulation in the territory of the Member State concerned, in accordance with the provisions of this Regulation or of agreements in force between the Member States concerned before that date;

- (b) for the period commencing on 1 July 1982 or on the date of application of this Regulation in the territory of the Member State concerned, in accordance with the provisions of this Regulation.

If, however, the amount calculated pursuant to the provisions referred to under (a) is greater than that calculated pursuant to the provisions referred to under (b), the person concerned shall continue to be entitled to the amount calculated pursuant to the provisions referred to under (a).

2. A claim for invalidity, old age or survivors' benefits submitted to the institution of a Member State from 1 July 1982 or from the date of application of this Regulation in the territory of the Member State concerned shall automatically necessitate the reassessment of the benefits that have already been awarded for the same contingency prior to that date

by the institution or institutions of one or more of the other Member States, in accordance with the provisions of the Regulation; such reassessment may not give rise to any reduction in the amount of benefit awarded.'

3. In Annex 1, section B, Denmark, point 4 is deleted.

Article 3

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 January 1986.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Proposal for a Council Decision authorizing the extension, for the period 2 May to 2 November 1986, of the sea fisheries agreement between the Government of the Kingdom of Spain and the Government of the People's Republic of Angola

COM(86) 98 final

(Submitted by the Commission to the Council on 11 March 1986)

(86/C 71/07)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 167 (3) thereof,

Having regard to the proposal from the Commission,

Whereas on 2 November 1984 the Government of the Kingdom of Spain signed a sea fisheries agreement with the Government of the People's Republic of Angola for a period of one year; whereas that agreement continues to apply for further periods of six months unless notice of its denunciation has been given at least three months before the end of each such period;

Whereas Article 167 (2) of the Act of Accession lays down that the provisions of fisheries agreements concluded by the Kingdom of Spain with third countries before accession to the European Economic Community shall not be affected during the period when the provisions of such agreements are provisionally maintained;

Whereas the Kingdom of Spain, before its accession to the European Economic Community, renewed the agreement with the People's Republic of Angola for the period to 2 May 1986;

Whereas under Article 167 (3) of the Act of Accession the Council is to adopt, before the expiry of the fisheries agreements concluded by the Kingdom of Spain with third countries, provisions appropriate for the continuation of fishing activities resulting therefrom, including the possibility of prolongation;

Whereas, pending conclusion of a fisheries agreement between the European Economic Communities and the Government of the People's Republic of Angola, it is in the interests of the Community to authorize the Kingdom of Spain to renew for a further six months the sea fisheries agreement with the People's Republic of Angola, in order to avoid fishing by the Community vessels concerned being interrupted,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Spain is authorized to extend, for the period 2 May to 2 November 1986, the fisheries agreement concluded on 2 November 1984 with the People's Republic of Angola.

Article 2

This Decision is addressed to the Kingdom of Spain.