Social security*

Frans Pennings

1 INTRODUCTION

The first statutory social security laws were adopted in the 1880s in Germany. They were not the first forms of social security – arrangements had already been made in early civilisations to protect persons with an insufficient income – but they are generally taken as the start of a legal approach towards social security. The reason for this is obvious: the new acts introduced an enforceable right to benefit when the insured contingency materialises, whereas the earlier forms of social protection were not enforceable by law.

The early German laws were introduced under Bismarck, the then Chancellor, who saw these as an instrument to reduce the social unrest which was threatening the German State at the time. For this reason these social security schemes were targeted at workers.

The laws were each dedicated to one specific contingency, for instance industrial accidents and sickness. Later German laws followed the same approach: they too covered one contingency only; at the time these were sickness, old age, disability, death of the breadwinner and unemployment.

During the Second WorldWar a new concept of social protection was developed in Great Britain, where in 1942 the Beveridge Report was published (Beveridge, 1942). This report was based on the ideal that after the Second World War society should protect all its members from poverty. Social security therefore had to be universal and comprehensive and no longer limited to specific categories of the population.

This new concept of comprehensive protection led to the introduction of the term 'social security' in government papers, official declarations and academic studies. Article 22 of the Universal Declaration of Human Rights of the United Nations states, for instance, provides that: 'Everyone, as a member of society, has the right to social security'.

However, this does not mean that this term was clearly defined. In fact, mentioning this term in official instruments made it even more difficult to reach a consensus on its content, since such a definition could become binding for International Organisations and national States.

2 THE SCOPE OF SOCIAL SECURITY

Social security is not exclusively the area of lawyers. To the contrary, economists and social scientists are active in this area as well. However, since this book is dedicated to comparative law, I will limit myself here to discuss comparative social security law.

In the past decade the scope of social security (law) has become fuzzier, since income protection is, if the conditions are met, also legally enforceable against parties other than

* See also: Insurance law.

the State. Since the role of these other parties, notably private insurance companies and of employers, is growing, this is a very important development.

It is beyond dispute that non-public social protection is also part of social security and that such new forms of social protection have to be described and analysed in studies on social security. However, this makes comparisons of national systems or schemes more complex, since these developments are not the same in all countries.

Social security can best be described on the basis of its objectives. The first objective is to provide income security. Social security thus provides for an income – in the form of benefits in cash and benefits in kind – if a person no longer works due to certain circumstances, for example, disability, old age or unemployment. Social security can also supplement incomes, including those of persons in work, if they are below the applicable social minimum. It can also provide (partial) compensation for the costs of medical care, housing and raising children.

An additional – more recently developed – objective of social security is to assist persons to find work again, i.e. to help them to reintegrate into work. This assistance is given, in particular, to persons who have lost their job or who are threatened by unemployment or disability. It may take different forms, including adaptation of the workplace to the needs of the disabled person and training of those with insufficient qualifications or in need of new qualifications. If this second aim is met successfully, the income guarantee function of social security becomes less important.

Since these objectives do not in themselves define the scope of social security, in each instrument and/or publication in which the term is used it has to be described what areas are dealt with and in which way.

3 DEVELOPMENT OF SOCIAL SECURITY PROTECTION

The German social security laws which were adopted before the Second World War and the laws adopted in other European countries following the German example (described by Köhler and Zacher, 1982) were targeted at workers. They were meant to compensate their loss of income in case of sickness, disability, old age, loss of breadwinner or unemployment. The laws were based on the insurance principle: persons were eligible for benefit only if they had been insured during a specified period before the materialisation of the risk. This insurance model, inspired by the insurance schemes set up by trade unions in the 19th century, was useful, since in several countries there was an adverse attitude towards State responsibility for social protection. Sometimes this reluctance was for principled reasons; the legislature considered that the primary responsibility for social protection lay within the community to which the person concerned belonged and the that State had no particular role in providing this protection. As a result, the position of these communities was strengthened. In other countries the reluctance of the State to interfere was more pragmatic, being based in particular on the fear that benefits would be paid to persons who did not deserve them. The insurance principle now served as a way to justify State interference, since it required participation of the insured and also as a selection instrument to separate deserving persons from others.

A consequence of this approach was that, at that time, protection of the social security laws was limited to insured persons, i.e. workers. The level of benefit, and in some cases

the duration of benefit, were linked to the previously earned wages and the duration of the insured period. These characteristics are often denoted by the term ‘equivalence principle’, which refers to the triangle of relationships between contributions, benefits and risks: benefits are awarded only if the insured risk materialises, the level of benefit depends on the amount of paid contributions, the level of contributions depends on the actuarial calculations of the insured risk, etc.

Although the terms ‘insurance principle’ and ‘equivalence relationship’ are useful to describe the characteristics of social security laws, they cannot serve as hard prescriptions for the schemes concerned, since in the national context the schemes can be elaborated in various ways.

In the course of time a second principle began to have a larger impact on social security, i.e. the solidarity principle. This principle weakens the impact of the equivalence relationship in favour of persons who have problems meeting the insurance conditions. For instance, in some countries unemployed workers above the age of 55 are entitled to a longer period of unemployment benefits than younger ones.

The solidarity principle is even more important in schemes established after the Second World War, when it was acknowledged that several categories of the population were without adequate protection, without there being good reasons for this. The concept of social security developed in the very influential Beveridge Report, which requires a general comprehensive scheme providing basic protection, called for more general schemes. In line with this, in several countries national insurance schemes were established. These cover the whole population residing in a country, regardless of whether they are working or have been working. These schemes often provide for flat-rate benefits. Thus the equivalence between contributions or taxes paid diminishes.

A third type of scheme, completing the employees’ insurance and national insurance schemes, is that of public assistance schemes. These are meant for those not or no longer entitled to benefit based on an insurance scheme or to supplement benefit payable on the basis of an insurance scheme.

Nowadays, social security is now often a patchwork of employees’ schemes, national insurance, public assistance and private provisions.

4 RECENT EXTENSIONS OF THE SCOPE OF SOCIAL SECURITY

The forms of social security provisions discussed above are elaborations of the obligation of the State to provide income security to their citizens, as acknowledged in many countries. This obligation has come under pressure in the last few decades when problems began to occur or threatened to occur for the social security system in many Western States. An important issue is the greying of the population, which may lead to much higher expenditures on pensions and health care. Another issue is the globalisation of the economy, which means that States are very aware of labour costs. High social security expenditure raises such costs.

For these reasons the social security systems of many countries are subject to continual reform. One of the approaches chosen is to increase the responsibility of employers for parts of the social protection of their employees, for instance sickness. This development means that part of labour law has now become part of social security law.

In addition, the role of the State has been reduced in order to make more room for individuals to make their own provisions, for instance by buying private insurance or joining private pension funds. Indeed, protection by statutory old age pensions and health care schemes is often supplemented by private insurance. This means that private law has also entered the area of social security. This development has to be taken into account in any comparison of social security schemes.

5 COMPARISON OF SOCIAL SECURITY SYSTEMS FOR POLICY REASONS

Comparison of national social security systems has taken place already from the adoption of the first statutory laws and, even before that, experiences with social protection systems were exchanged. For instance, for the subsidy methods of voluntary unemployment insurance schemes the subsidies of Ghent and Danish trade union funds served as examples.

The experiences with the German statutory employees' insurance schemes were closely followed by other countries (Köhler and Zacher, 1982). In later periods too and also currently there is a lively interest in comparative studies.

These studies were made for policy and not for academic purposes. Although they may lead to some interesting ideas and points of attention, they do not contribute much to the increase of academic knowledge. Here we come to a sensitive issue: social security is a highly political area and politicians are often concerned to reduce expenditure. For this purpose references to foreign examples with lower costs and/or figures which show that the 'own' system is better or more generous than foreign examples are very useful. For criticism on such use of comparisons and for requirements for academic studies, see Zacher (1977, 1978) and Pieters (1992).

6 ACADEMIC APPROACHES TO COMPARATIVE SOCIAL SECURITY LAW

The references mentioned in the previous sentence are among the few methodological works on comparative social security law and these works themselves admit that they are the first methodological works and that the theoretical foundations for comparative work are still at an early stage. The theoretical approach recommended in these works can be summarised as: be very careful in descriptions, terminology and conclusions in order to avoid comparing different issues which may lead to wrong or incomplete conclusions. Try not to take your own system as the point of reference when describing other systems and try not to overlook relevant rules and facts.

These remarks will not differ very much from those given for other comparative studies. The special characteristic of comparative social security law is that social security is a politically sensitive area, and there is a real danger that comparison is open to abuse. A second characteristic concerns the extremely quick changes in legislation, which makes comparison difficult.

I will first mention the studies in which national systems are compared and in the subsequent sections I will mention studies which do so in the light of international or European law.

Academic studies in which national systems (horizontal comparisons) are compared are still rather rare. These studies are primarily centred on European countries. Indeed, social security clearly has a European origin, as the description of the first laws made plain (Pieters, 1992, p. 8).

A study which compares complete national schemes in all their (historical) details is Klosse (1989). This thesis compares disability benefit laws and reintegration measures in Germany and the Netherlands, thus including the second objective of social security – promotion of reintegration into work – in the comparison. The same is true for Pennings (1990), which compares unemployment and employment schemes in Great Britain, Germany, France and the Netherlands. A third PhD thesis in this 'series' was by Westerveld, who compared old-age and survivors' schemes in Great Britain, Germany and the Netherlands (Westerveld, 1994).

More recently, Van Gerven (2008) has studied the British, Finnish and Dutch systems from the point of view of those most affected by changes in social security schemes in the past few decades. Another work, covering many countries, which seeks to set out the principles underlying social security law, is that of Becker, Pieters, Ross and Schoukens (2010).

These books were extensive works, which describe the changes in the legislation through time, while putting the legislation in context and explaining the choices made. Although the historical descriptions and analyses in these works keep their value, a problem with this type of research in social security is that descriptions of the more recent developments soon become outdated.

The PhD thesis of Pieters (1985) on constitutional social rights may to some extent be an exception to the last remark, as constitutional rights do not get outdated so soon, although here too there may be developments in the ideas and elaborations of these rights.

It was remarked *supra* that comparison of social security is a European issue, but this has become less true in recent years. Outside Europe social security is growing and academic interest in social security study is developing. This has led to interesting studies, including a comparison of Norwegian and South African social security (see Olivier and Kuhnle, 2008). Another example is a comparison of Chinese and German social security (see Becker, Zhen and Darimont, 2005).

A very useful source of up-to-date information on national systems are the volumes on Social Security Law in the *International Encyclopaedia of Laws.* Currently this includes many monographs on the systems of countries in all parts of the world (Blanpain and Colucci, looseleaf).

Some journals, including the *European Journal of Social Security*, the *Journal of Social Policy* and the *European Journal of Social Law*, are a source of horizontal and vertical comparative material.

7 SUPRANATIONAL SOURCES OF SOCIAL SECURITY LAW

In addition to horizontal comparative studies, vertical comparisons are also made. The international organisations most relevant to our topic are the United Nations, the International Labour Organisation, the Council of Europe and, last but not least, the European Union.

We mentioned already Article 22 of the Universal Declaration of Human Rights of the United Nations, which states that 'Everyone, as a member of society, has the right to social security'. In addition Article 9 of the International Convention on Economic, Social and Cultural Rights (ICESCR) lays down the right to social security. In Riedel (2007), an interesting General Comment on this article is published.

Much more elaborated and extensive are the international standards for social security drawn up by the International Labour Organization (ILO). This organisation takes a leading position in doing so. At present, almost all countries in the world are members of this organisation. The ILO was established after the First World War, with the aim of promoting social peace and preventing a new war. Social unrest was considered a serious threat, and the Russian Revolution of 1917, which took place shortly before the creation of the ILO, confirmed the founders of this organisation in their view that measures had to be taken in order to raise standards of living in the world. This view was laid down in the Preamble of the Constitution of the ILO, in the famous phrase: 'Whereas universal and lasting peace can be established only if it is based upon social justice'. This concern was reaffirmed in 1944 by the International Labour Conference in the Declaration of Philadelphia, which endorses a very broad view of social security in calling, among other measures, for the provision of 'a basic income to all in need of such protection'.

In order to realise the objectives mentioned in the Constitution, the ILO developed a large codex of standards in the form of conventions and recommendations. These standards give minimum rules on the content of national legislation, including the persons covered, the content and level of benefits, conditions for entitlement to benefit and administration.

Adoption of the standards went hand in hand with the establishment of social security systems in many countries of the world and had an important impact on these systems at the regional level, particularly in Europe and South America. The standards reflect the common objectives and principles on which a social security system has to be based.

Publications

Studies of the functioning of the Conventions and the ILO are von Maydell and Nußberger (1999) and Nußberger (2003). A study in which the impact of ILO Conventions on national systems is compared is Pennings (2006). General overviews on the ILO and its impact on national systems are Tamburi (1981) and Pennings (2007). In 2011 T. Dijkhoff's PhD dissertation on the impact of conventions in Czech Republic and Estonia appeared (Dijkhoff, 2011); and in 2013 Korda's thesis on the impact of the conventions on Greece will appear. The ILO itself has also a wide range of publications on topics of social security (see its website).

8 THE COUNCIL OF EUROPE

The Council of Europe was founded after the Second World War. This organisation also developed social security standards, which were laid down, primarily, in the European Code of Social Security, adopted in 1964. Another instrument from the Council of Europe is the European Social Charter (ESC), introducing social and economic rights. The ESC guarantees the following fundamental rights: the right to work, the right to adjust conditions of work, to safe and healthy working conditions, the right to a fair remuneration, the right to freedom of association, the right to bargain collectively (including the right to strike), the right of children and young people to protection, the right of workers to protection, the right of migrant workers and their families to protection and assistance, the right of physically or mentally disabled people to rehabilitation, vocational training and resettlement, the right of the family to social, legal and economic protection, the right of mothers and children to social and economic protection, the right to vocational guidance, the right to vocational training, the right to proper health facilities, the right to social welfare services, the right to social and medical assistance, and last but not least the right to social security.

Publications

In recent years the social security conventions of the Council of Europe have received considerably more academic attention than in the preceding years. Świątkowski (2007), Cousins (2008) and Mikkola (2010 are examples of extensive studies of the standards of the Council of Europe.

9 EUROPEAN UNION LAW

EU law is becoming more and more relevant to national law systems and this is to some extent also true for social security. The legislative powers of the Council in the area of social security are limited. They exist to make rules necessary for the coordination of social security in order to promote the free movement of workers (Article 48 Treaty on the Functioning of the EU (TFEU)). The main area of hard law concerns the coordination rules relevant to migrant workers. These rules have to prevent migrant workers from being insured in two countries at the same time or in no country at all and from having double obligations to pay contributions due to a positive conflict of laws. Although ILO conventions and bilateral agreements between countries envisage finding a solution to these problems, by far the most extensive and powerful coordination rules are found in Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems.

In addition there are binding rules in the prohibition of discrimination.

More directly concerning social policy is Article 153(1) TFEU, which provides that, with a view to achieving the objectives of Article 151, the Union shall support and complement the activities of the Member States in a couple of fields. One of them concerns the integration of persons excluded from the labour market, social security and social protection of workers, the combating of social exclusion and the modernisation of social protection systems without prejudice to the rules on migrant workers. This means that at

present the Union has the powers to take also initiatives on social security beyond the protection of migrants. However, Article 153(2)(a) also provides that the Council must not take any measure which brings about harmonisation of the laws and regulations of the Member States. Consequently, though the scope of operation of the Council is extended, there are still no powers for harmonisation initiatives. Instead they may adopt, in the fields referred to in paragraph 1(a) to (i) – i.e. *not* in the area of (j) the combating of social exclusion and (k) the modernisation of social protection systems – by means of directives, minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States.

So far no use has been made of these powers in the area of social security. Instead EU law relevant to social security has taken the form of 'soft law', currently the Open Method of Coordination (OMC) (Berghman and Okma, 2002, pp. 331 ff.). This instrument is meant to influence the policies of the Member States in a 'soft' way. The Open Method of Coordination must not be confused with the type of coordination of social security schemes in favour of migrants.

In short, the OMC is an instrument meant to meet certain objectives defined by the Council of Ministers. It requires Member States to submit reports on the national state of affairs in the policy area concerned, and on the basis of discussions within the Council on these reports, Member States are given guidelines which require them to take measures to reach set objectives. Subsequently the Member States have to produce national action plans in which they make clear how they aim to realise the objective of combating social exclusion. These reports are used to identify exams of best practice, which are disseminated amongst Member States, and to help the European Commission formulate guidance for the improvement of employment policies. Moreover, the Open Method of Coordination studies made within the EU framework are examples of such approaches. The OMC is applied in, among other areas, social inclusion and pensions.

Publications

The comparative horizontal studies mentioned in the previous sections were meant to analyse problems and inconsistencies in national systems and to describe 'good practices' which may be useful in recommending improvements of a system. The comparative studies discussed below are made in the light of international or European questions.

An example of a comparative study in view of EU harmonisation issues is the description of the systems of the then 15 EU Member States in Pieters (1990). Such studies are useful in order to identify the problems and opportunities which might occur after the introduction of new EU rules and/or in the case of proposals for convergence. They can also be used for educational purposes. However, such a study covering all Member States – made on the basis of a questionnaire sent to experts in all Member States – can certainly not meet the requirements for comparative social security as outlined by Pieters (1992).

There are also several more profound studies which make comparisons of national systems with a view to making proposals to solve particular EU problems, and it seems that these mixed vertical and horizontal studies are now more often undertaken than horizontal studies. Although also in this type of comparison there is a risk that the departing point is too much based on the researcher's own system – for instance, when a

Western researcher compares an African scheme with an ILO Convention – this risk is much smaller when schemes of EU Member States are studied in the light of a particular EU rule.

This 'light' version of comparative law – light in the sense that the full history, economic context and neighbouring areas of law need not be studied since the specific research topic often does not require it – is therefore becoming more often used. One advantage is that it is easier to formulate the research topic, since the research is done in the light of European law. Another advantage is that such a study will, because of its relevance for policy reasons and the interpretation of law, attract the attention of many readers.

An example of this type of study is the PhD thesis by Schoukens on self-employed schemes in EU Member States that try to come up with better coordination rules for self-employed in cross-border situations. At the same time this book provides comparisons of national protection schemes for the self-employed (an English language version is Schoukens, 2001).

In order to make recommendations on coordinating non-statutory pension schemes within the EU in order to promote free movement of workers, the PhD thesis of Wienk (Wienk, 1999) compared British, German and Dutch schemes, as did Whiteford (1996). Vonk did so with respect to minimum subsistence benefits (Vonk, 1991); meanwhile van der Mei (2002), who compared the free movement of persons without a sufficient income within the EU and USA, is an interesting follow-up study.

Another area where comparative work was done concerns the position of third country nationals in EU law, which led to a PhD thesis (Jorens, 1997) and collections of papers (Jorens and Schulte, 1999; von Maydell and Schulte, 1995).

Preparation for the accession of Middle and Eastern European States has led to many studies. These concern the characteristics of such schemes and their transformation to a market economy (see von Maydell and Hohnerlein, 1994) and the adjustment of the systems to EU law as well as studies on the effects of EU law (Jorens and Schulte, 1999).

Work which has focused on the coordination of social security for migrants includes Pennings (2010), Eichenhofer (2010) and the reports by the national experts of the Member States on the application of the coordination Regulation in the Member States within the framework of the tress network (www.tress-network.org). These reports are very useful for increasing knowledge of the working of the Regulation in practice.

There are also studies which do not make a comparison as such, but which describe scenarios for a better coordination of social security systems, while taking account of the effects on national systems (see Vansteenkiste, 1991).

The Open Method of Coordination on social inclusion has led to many publications, examples being Mayes, Berghman and Salais (2001); Aposapori and Millar (2003); and Armstrong (2010).

10 CONCLUSIONS

Comparative studies of national social security schemes are of great importance both for the development of knowledge about the foundations and development of social protection and to reflect on an individual system. They are also useful for policy

recommendations and social security comparative research is, given its political context, often done for this purpose. The danger which lies in doing such work is widely recognised, but the theoretical requirements for adequate comparisons are not very sharply defined.

Comparative studies are now often done within the light of international or EU law. As was explained *supra*, these studies have advantages as their topic is often more specifically governed by a question which is common to such schemes. However, there is still also a need for horizontal studies for the original reasons: acquiring more knowledge and developing theoretical notions.

BIBLIOGRAPHY

Armstrong, K. (2010), *Governing Social Inclusion. Europeanization through Policy Coordination*, Oxford.

Aposapori, E. and J. Millar (2003), *The Dynamics of Social Exclusion in Europe*, Cheltenham, UK and Northampton, MA, USA.

Becker, U., Z. Zeng, and B. Darimont (ed.) (2005), *Grundfragen und Organisation der Sozialversicherung in China und Deutschland*, Baden-Baden.

Becker, U, D. Pieters, F. Ross and P. Schoukens (ed.) (2010), *Security: A General Principle of Social Security Law in Europe*, Groningen.

Berghman, J. and K. Okma (2002), 'The Method of Open Co-ordination: Open Procedures or Closed Circuit? Social Policy Making between Science and Politics', *European Journal of Social Security*, 4(4), 331–41.

Beveridge, W. (1942), *Social Security and Allied Services*, Cmnd 6404, London: HMSO.

Blanpain, R. and M. Colucci (eds) (looseleaf), *International Encyclopaedia of Laws*, in which W. Vaneeckhoutte (ed.), *Social Security Law*, Alphen aan den Rijn.

Cousins, M. (2008), *The European Convention on Human Rights and Social Security Law*, Antwerp.

Dijkhoff, T. (2011), *International Social Security Standards in the European Union. The Cases of the Czech Republic and Estonia*, Antwerp.

Eichenhofer, E. (2010), *Sozialrecht der Europäischen Union*, Berlin.

Gerven, M. van (2008), 'The Broad Tracks of Path Dependent Benefit Reforms. A Longitudinal Study of Social Benefit Reforms in Three European Countries, 1980–2006', Studies in Social Security and Health 100, Helsinki: Social Insurance Institution Finland.

Jorens, Y. (1997), *De rechtspositie van niet-EU-onderdanen in het Europese Socialezekerheidsrecht*, Bruges.

Jorens, Y. and B. Schulte (ed.) (1998), *European Social Security Law and Third Country Nationals*, Brussels.

Jorens, Y. and B. Schulte (ed.) (1999), *Coordination of Social Security Schemes in Connection with the Accession of Central and Eastern European States - 'The Riga Conference'*, Brussels.

Klosse, S. (1989), *Menselijke schade: vergoeden of herstellen? De werking van (re)integratiebepalingen voor gehandicapten in de Bondsrepubliek Duitsland en Nederland*. Maklu, Antwerp/Apeldoorn.

Köhler, P. and H. Zacher (1982), *The Evolution of Social Insurance 1881. Studies of Germany, France, Great-Britain, Austria and Switzerland*, London.

Mayes, D.G. , J. Berghman and R. Salais (2001), *Social Exclusion and European Policy*, Cheltenham, UK and Northampton, MA, USA.

Mikkola, M. (2010), *Social Human Rights of Europe*, Porvoo.

Nußberger, A. (2002), *Die Wirkungsweise internationaler und supranationaler Normen im Bereich des Arbeits- und Sozialrechts*, Munich.

Nußberger, A. (2003), 'Das Sozialrecht der internationalen Organisationen', in B. von Maydell and F. Ruland (eds), *Sozialrechtshandbuch* (*SRH*), 3rd edn, Baden-Baden, pp. 1677 ff.

Olivier, O and S. Kuhnle (2008), *Norms and Institution Design*, Stellenbosch.

Pennings, F. (1990), *Benefits of Doubt. A Comparative Study of the Legal Aspects of Employment and Unemployment Schemes in Great-Britain, Germany, France and the Netherlands*, Deventer.

Pennings, F. (ed.) (2006), *Between Hard and Soft Law. The Impact of International Social Security Standards on National Social Security Systems*, The Hague.

Pennings, F. (ed.) (2007), *International Social Security Standards*, Antwerp.

Pennings, F. (2010), *European Social Security Law*, 5th edn, Antwerp.

Pieters, D. (1985), *Sociale grondrechten op prestaties in de grondwetten van de landen van de Europese Gemeenschap*, Antwerp.

Pieters, D. (1990), *Introduction into the Social Security Law of the Member States of the European Community*, Brussels etc.

Pieters, D. (1992), *Sociale-zekerheidsrechtsvergelijking ten dienste van Europa*, Deventer.

Riedel, E. (2007), *Social Security as a Human Right: Drafting a General Comment on Article 9 ICESCR – Some Challenges*, Berlin, Heidelberg and New York.

Schoukens, P. (2001), 'A Comparative Presentation of the National Social Security System for the Self-employed: Outstanding Issues of Co-ordination', in Ministry of Labour and Social Security and European Commission, *The Free Movement of the Self-employed within the European Union and the Co-ordination of National Social Security Systems*, Athens, p. 195.

Schuler, R. (1988), *Das Internationale Sozialrecht der Bundesrepublik Deutschland. Grundlagen und systematische Zusammenschau des für die Bundesrepublik Deutschland geltenden Internationalen Sozialrechts*, Baden-Baden.

Schulte, B. and H. Zacher (1991), *Wechslwirkungen zwischen dem Europaïschen Sozialrecht und dem Sozialrecht der Bundesrepublik Deutschland*, Berlin.

Świątkowski, A. (2007), *Charter of Social Rights of Council of Europe*, Alphen aan den Rijn.

Tamburi, G. (1981), *L'Organisation Internationale du Travail et l'évolution des assurances sociales dans le monde*, Geneva.

van der Mei, A.P. (2002), *Free Movement of Persons within the European Community. Cross-border Access to Public Benefits*, Oxford.

Vansteenkiste, S. (1991), 'The Idea of the Thirteenth State System: Towards a Competition between a Federal Social Insurance System and the National Social Security Systems', Caixa Andorrana de seguretat social, *Colloqui international sobre seguretat social*, Andorra.

Vonk, G. (1991), *De coordinatie vanbestaansminimumuitkeringen in de Europese Gemeenschap*, Deventer.

von Maydell, B. and E.M. Hohnerlein (eds) (1994), *The Transformation of Social Security Systems in Central and Eastern Europe*, Leuven.

von Maydell, B. and A. Nußberger (eds) (1999), *Social Protection by Way of International Law*, Berlin.

von Maydell, B. and B. Schulte (1995), *Treatment of Third-Country Nationals in the EU and EEA Member States in Terms of Social Security*, Leuven.

Westerveld, M. (1994), *Keuzes van gisteren...een blauwdruk voor morgen? Honderd jaar socialeverzekeringspensioenen in de Bondsrepubliek Duitsland, GrootBrittannië en Nederland*, Deventer.

Whiteford, E.A. (1996), *Adapting to Change: Occupational Pension Schemes, Women and Migrant Workers*, The Hague.

Wienk, M. (1999), *Europese coördinatie van aanvullende pensioenen*, Deventer.

Zacher, H.F. (ed.) (1977), *Methodische Probleme des Sozilrechtsvergleichs. Coloquium der Projektgruppe fuer Interntionales und Vergleichendes Sozialrecht der Max-Planck-Gesellschaft*, Berlin.

Zacher, H. (ed.) (1978), *Sozialrechtsvergleich im Bezugsrahmen internationalen und supranationalen Rechts*, Berlin.