



of the insurance against accidents
at work and occupational diseases

Declaration of the EUROPEAN FORUM of the insurance against accidents at work and occupational diseases concerning the principle of subsidiarity as laid down in Article 137 of the EC treaty

01 December 2007

In a preliminary ruling process (case 350/07) the European Court of Justice is presently confronted with the question whether a regime of statutory insurance against accidents at work and occupational diseases which is organized like the German scheme is compliant with fundamental principles of the EC Treaty.

Prompted by this process the EUROPEAN FORUM

- * calls attention to the fact that the European Court of Justice – in the *Cisal* case (218/00) concerning the Italian statutory accident insurance - already ruled on the relationship between competition rules and a national regime of statutory insurance against accidents at work and occupational diseases,

- * underlines the findings of the European Court of Justice (in the *Cisal* case) that covering risks of accidents at work and occupational diseases is an element of social protection which Member States afford to all or part of their population,

- * points out that according to permanent ruling of the European Court of Justice (in particular in the *Cisal* case) Community law does not affect the sovereignty of Member States to organise their social security systems.

It remains the sole responsibility of each Member State to determine the conditions concerning the right or duty to be insured with a social security scheme.

The members of the European Forum call attention to the fact that social security schemes - in particular schemes of statutory accident insurance - have always been characterized by a diversity of structure and organization. They support and welcome the decision of the European institutions not to harmonize the systems of social security.

The EUROPEAN FORUM refers explicitly to the principle of subsidiarity as laid down in Article 137 of the EC Treaty as basic principle for social security in Europe

The EUROPEAN FORUM represents 20 institutions responsible for statutory accident insurance in 17 countries in Europe. Their common goal is to promote and safeguard the principles of social accident insurance and to serve as focal point for statutory accident insurance matters in Europe and abroad.

Member Organizations

Austria
Allgemeine Unfallversicherungsanstalt (AUVA)

Belgium
Fonds des Accidents du Travail (FAT)
Fonds des Maladies professionnelles (FMP)

Denmark
Beskaeftigelsesministeriet Arbejdsskadestyrelsen (National Board of Industrial Injuries)

Finland
Tapaturmavakuutuslaitosten Liitto (Federation of Accident Insurance Institutions/FAII)

France
Caisse Nationale de l'Assurance Maladie des Travailleurs Salariés (CNAMTS)

Germany
Deutsche Gesetzliche Unfallversicherung (DGUV) Bundesverband der landwirtschaftlichen Berufsgenossenschaften (BLB)

Greece
Institution for Social Insurance (IKA)

Italy
INAIL (Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro) IPSEMA

Luxembourg
Association d'Assurance contre les Accidents

Norway
Norwegian Labour and Welfare Organisation (NAV)

Poland
Kasy Rolniczego Ubezpieczenia Społecznego (KRUS)

Portugal
Centro Nacional de Protecção contra os Riscos Profissionais (CNPRD)

Romani
Casa Nationala de Pensii si Alte Drepturi de Asigurari Sociale (CNPAS)

Russia
Social Insurance Fund of the Russian Federation

Spain
Asociacion de Mutuas de Accidentes de Trabajo (AMAT)

Sweden
Försäkringskassan

Switzerland
Suva (Schweizerische Unfallversicherungsanstalt)