

PART (4)
WORK ACCIDENT INSURANCE

Chapter (1)
Financing

Article (46):⁽¹⁾

Work accident insurance shall be financed through the following :

1- Monthly contributions for which the employer is held responsible according to the following ratios :-

a) 1% of the wages of the insured persons at the administration system of the state, public authorities and general organizations.

b) 2% of the wages of the insured persons at the economic units affiliated to the quarters referred to in the previous item, and at other economic units of the public sector.

The quarters referred to in the previous two items, shall be bound to pay the wage indemnity and transport expenses stipulated upon in this part.

c) 3% of the wages with regard to the rest of the insured persons referred to in article (2) and paragraph one of article (3).

The ratios of contributions prescribed in the two items (a) and (b) shall be reduced by 50%, and the ratios prescribed in item (c) by one third in respect of the employers who provide medical care and treatment for their injured persons according to the last paragraph's provision of article (48). The value of this reduction shall be deducted from the amounts which the concerned authority is bound to pay pursuant to item (1) of article (83).

The ratio of contribution prescribed in item (c) shall be reduced by one third, in case the minister of insurance authorizes the employer to bear the value of wage indemnity and transport expenses.

(1) Article 46 is amended by law No. 25/1977 and shall be applicable, as from 1/9/1975 .

2- Yield of investing the aforesaid contributions.

Employers shall be exempted from paying the contributions for the insured persons referred to in paragraph(2) of article(3), if they are not receiving wages.

**Chapter (2)
Medical Treatment and Care**

Article (47):

The expression "Medical Treatment and care" means the following :-

1. Medical services rendered by general practitioner.
2. Medical services at the level of specialists including dentist specialists.
3. Domestic medical care when necessary.
4. Hospitalization or treatment at sanitariums, or specialized centers.
5. Surgical operations and other medical treatments as necessary.
6. Radiography and other necessary laboratory analysis, medical check-up and such like medical requirements
7. Providing necessary medicines in all cases referred to above.
8. Providing rehabilitation services: including artificial limbs, and compensating devices according to terms and positions determined by a ministerial decree from the minister of health in agreement with the minister of insurance⁽¹⁾.

Article (48) :

The health insurance general authority shall undertake treatment and medical care for the injured person in accordance with the provisions of part (VI) .

The injured person is allowed for medical treatment in a class higher than that set for him by insurance,

⁽¹⁾ The minister of health had issued the decree No. (141) for the year 1976, on 18/5/1976.

provided he bears the difference in costs, or the employer bears it if there is an agreement to that effect.

The employer is allowed to provide treatment and medical care to the injured person when the health insurance general authority authorizes that in accordance with the terms and positions by which a decree shall be issued by the minister of health in agreement with the minister of insurance ^(1&2).

Chapter (3)

Financial Entitlements

Article (49):

If the insured person's injury prevented him from performing his duties, the quarter concerned with payment of indemnity wage during the period of the absence from work because of such injury, shall pay him indemnity for his wage which is equal to his wage in respect of which contribution was paid. This indemnity shall be paid to the injured person on the dates wages are payable to monthly paid workers, and weekly in respect of others.

Such indemnity shall continue to be payable to the injured person throughout the period during which he is incapable of performing his work, until permanent disability is established , or death occurs .

Each case of relapse or reaction(*) arising therefrom, shall be considered as an injury.

The employer shall bear the wage of day of injury irrespective of the time of its occurrence: and the daily indemnity shall be assessed on the basis of the monthly wage for which the contribution is paid, divided by thirty.

(1) Decree No. 393 for the year 1977 was issued by the minister of health, and published in the official gazette, issue No. 202 on 29/8/1977.

(2) Article No.48paragraph3 is substituted by the law No.25 for the year 77

* Complication.

Article (50) :

On the occurrence of an injury, the employer is held responsible for conveying the injured person to the place of treatment. The quarter concerned with payment of wage indemnity shall bear the cost of transporting the injured person, by ordinary means of transport, from his residence place to the place of treatment if it lies outside the city where he lives, and paying travelling expenses by special means of transport within or outside the city if the medical treating officer decides that the injured person's health condition does not allow for his transportation by ordinary means of transport .

In organization transportation and its expenses, the rules issued by a decree from the minister of insurance on the proposal of the board of directors shall be followed ⁽¹⁾ .

Article (51) :

If work injury resulted in complete disability or death, the pension shall be assessed at the rate of 80% of the wage stipulated upon in article (19) provided it shall not exceed the maximum limit stipulated upon in the last paragraph of article (20), and shall not be less than the minimum limit stipulated upon in paragraph (2) of article (24).

This pension shall be increased at the rate of 5% each five years till the insured person virtually attains the age of 60 or reckoned as having attained it, if the disability or death was the cause of terminating the service of the insured person; and each amount of increase shall be considered as a part of the pension when determining the amount of the following increase⁽²⁾.

(1) Decree No. 296 for the year 1976, issued by the minister of insurance, and published in the official gazette - edition No. 274 on 29.11.1976 .

(2) The second paragraph, of article 51, is amended by law No. 25/1977, then by virtue of law 61/1981, and shall be applicable as from 1/7/1981.

Article (52) :

If the degree of partial permanent disability resulting from the injury is assessed as equal to or larger than 35%, the insured person shall be entitled to a pension equivalent to the portion of disability out of the pension stipulated upon in article (51).

If such disability leads to the termination of the insured person's service by establishing the non-existence of another job for him with the employer according to the rules stipulated upon in item (3) of article (18), his pension shall be increased according to the provision of the last paragraph of the previous article⁽¹⁾.

Article (53) :

With due regard to the provision of item (3) of article (18), if the injury results in a permanent partial disability of less than 35%, the injured person shall be entitled to indemnity to be assessed in proportion to that disability multiplied by the value of total disablement pension stipulated upon in the first paragraph of article (51) for four years; and this indemnity shall be payable in one lump sum. ⁽²⁾

Article (54) :

In case of complete disability or death for those who are not receiving wages of the categories stipulated upon in the second paragraph of article (3) pension shall be ten pounds monthly.⁽³⁾

For such pension, the provision of second paragraph of article (51) shall be applicable.

(1) Article 52/2 is amended by the law No. 25 for the year 1977, and to be applicable as of 1. 9. 1975 .

(2) Article 53 is amended by the Law No. 25 for the year 1977, and to be applicable as of 1. 9. 1975.

(3) Article 54/1 is amended by the Law No. 61 for the year 1981, and is applicable as of 1/7/1981.

Article (55) :

The ratio of permanent disability is estimated according to the following rules :-

1- If the disability is indicated in the schedule No. (2) appended to this law, due regard shall be given to the percentages of the total disability ratio prescribed therein.

2- If the disability is not included in the said schedule, the percentage shall then be estimated in proportion to the disability occurred to the worker in his earning capacity, provided such disability is to be indicated in the medical certificate.

3- If the resulting disability has a special effect on the injured person's earning capacity from his original occupation, the type of work performed by the injured person shall be indicated in details, together with its effect in such cases on the increase of the disability ratio over the stated ratios for each case in schedule no. (2) attached with this law.

The minister of insurance may increase the ratio indicated in the said schedule, or added new cases, at the proposal of the board of directors, and the decision shall fix the date it comes into force.

Article (56):

If the injured person has sustained a previous injury, the following rules should be regarded in determining his indemnity ⁽¹⁾:

1- **If the aggregate ratio of disability from the present injury and previous injury is less than 35% the injured person shall be indemnified for his latest injury on the basis of the disability ratio resulting from it alone, and wage referred to in article (19) at the date of establishing the latest disability.**

2- **If the aggregate ratio of disability resulting from the present injury and the previous injuries is equal to 35% or more, he shall be indemnified as follows:**

(1) Article 56/1 amended by the Law No. 25 for the year 1977, and is applicable as from 1/9/1975.

a) If the insured person has been indemnified for his previous injury by a lump sum indemnity, his pension shall be assessed on the basis of disability ratio resulting from his all injuries, and the wage referred to in article (19) at the date of establishing the disability resulting from the recent injury.

b) If the injured person is entitled to a disablement pension, his pension shall be assessed on the basis of disability ratio resulting from all his injuries, and the wage referred to in article (19) at the date of establishing the disability resulting from the recent injury, provided such pension shall not be less than his pension to which he is entitled in respect of the previous injury.

Article (57):

Remuneration of wage and injury indemnity shall not be payable in the following cases:

A) If the insured person intentionally caused injury to himself.

B) If the injury is due to serious and willful misconduct on the part of injured person such as:

1- Each act committed by the injured person under the influence of alcohol or drugs.

2- Each manifest infringement of the precaution instructions posted up in apparent places in work location.

All this, unless the injury results in the insured person's death or the occurrence of permanent disability with a ratio exceeding 25% of the full disability.

It is not allowed to adhere to one of the two cases (A) and (B) except if such is established by the investigation carried out in this regard according to the provision of the two articles (63 and 64) of this law.

Article (58):

Each of the injured person, the treating quarter, and the competent authority shall have the right to apply for medical re-examination once each six months during the first year of the date of establishing disability, once every year during the following three years; and the treating quarter must re-valuate disability ratio each time. Re-valuation is not allowed after the elapse of four

years from the date of establishing disability.

Article (59):

In case of modifying disability ratio on medical re-examination according to the provision of article (58) the following rules should be observed:-

A) If the insured person is a pensioner the disablement pension shall be modified as of the first of the month following the establishment of the last disability ratio, or to be suspended according to what the medical re-examination reveals, and pursuant to what befalls on disability ratio of increase or decrease. If the ratio of disability became less than 35% payment of pension shall be stopped finally, and the injured person shall be granted a lump sum indemnity, pursuant to the provisions of article (53).

B) If the injured person had previously been indemnified for the disability ratio established at first by a lump sum indemnity, the following shall be observed:-

1- If the degree of disability assessed on medical re-examination is more than that formerly assessed, and less than 35%, the injured person shall be entitled to an indemnity calculated on the basis of the last ratio, and the wage at establishing the disability in the first time, or which the indemnity already paid to him shall be deducted. The decrease of disability ratio than that previously assessed shall not produce any effect.

2- If the degree of disability assessed on the medical re-examination is equal to 35% or more, the injured person shall be entitled to a disablement pension calculated according to the provisions of Article (52) on the basis of the wage at establishing disability on the first time; and this pension shall be paid to him as of the first of the month following the date of the establishment of the last disability degree, out of which shall be deducted the difference between the indemnity previously paid to him and the amount of pension, assuming he is entitled thereto on the basis of the degree of disability assessed at the first time within the limits referred to in Article(144)⁽¹⁾.

Article (60) :

Payment of disability pension shall be suspended as of the first of the month following the date fixed for medical re-examination, if the pensioner does not apply for the re-examination as required by the treating quarter or the competent authority, on the date notified to him by them.

Suspension of the pension shall continue until the pensioner applies for medical re-examination. If medical re-examination reveals that the degree of disability is less than the ratio previously assessed, the new ratio shall be considered the basis for the settlement as of the date that was fixed for medical re-examination.

The competent authority may disregard the failure of the insured person to attend medical re-examination if he produces acceptable justifications.

The due pension during the suspension period shall be subject to the result of the medical re-examination.

Chapter (4)
Medical Arbitration

Article (61):

The insured person may submit an application for reconsidering the decision of the treating quarter within one week from the date of notifying him with the termination of treatment, or of the date of his return to work, or of his non ailment of vocational disease and within one month from the date he is notified of the non-establishment of disability, or the assessment of its ratio.

(1) Article (59)-B is amended by the Law No. 25 for the year 1977, and to be applicable as of 1/9/1975.

The application will be submitted to the competent authority attached with medical certificates supporting his point of view, and to pay one hundred piastres as an arbitration fee⁽¹⁾.

Article (62):

The competent authority should refer the application to an arbitration committee for whose formation and organization of its task a decree will be issued by the Minister of Insurance in agreement with the Minister of Manpower ⁽²⁾.

The competent authority should notify the injured person of the medical arbitration decision by a registered letter with receipt of acknowledgement within three days at most of its receiving the notification. The decision shall be binding to the two disputing parties, and the competent authority shall implement all commitments resulting therefrom.

Chapter (5) General Provisions

Article (63):

The employer or the work supervisor shall notify the police of any accident occurring to any of his workers which incapacitates him from work within 48 hours from the date of his absence from work. Such notification shall comprise the name and address of the injured person, a brief description of the accident, its

⁽¹⁾ The two Articles (61/2 and 62) are substituted by virtue of the Law No. (25) for the year 1977, and to be applicable as of 1.9.1975.

⁽²⁾ Decree No. (70) for the year 1976 issued by the Minister of Insurance, then abolished and substituted by decree No. 215 for the year 1977 - published in the Official Gazette issue No.239 on 17.10.1977.

circumstances, the injured organ, and the place to which the injured person was taken for treatment.

The administrative inquiry carried out by the competent authority of the employer is enough in case the accident occurs within the bounds of the work place, with regard to the insured workers engaged in the quarters referred to in Item (a) of Article (2).

Article (64):

The authority making the investigation shall draw an inquiry in duplicate for each notification. The inquiry shall include a detailed description of the accident circumstances, and the statements of witnesses if any, it shall clarify in particular whether the accident was the result of a deliberate act or serious willful misconduct on the part of the injured person, according to the provisions of Article (57). The inquiry shall also include the statement of the employer or his representatives, and those of the injured person as soon as his condition so permits. Such authority shall forward a copy of the inquiry to the competent authority which may request the completion of inquiry if it deems so necessary.

Article (65):

The employer should provide necessary first aid to the injured person even though the injury does not prevent him from performing his work.

The employer, who employs any of the insured persons referred to in item (b) and (c) of the article (2), or the supervisor of work should notify the competent authority on the form prepared for this purpose of every work accident occurring among his workers promptly on its occurrence, and to hand a copy of such notification to the injured person or his attendant on conveying him to the place of treatment.

Article (66) :

The concerned quarter shall be held responsible for all entitlements prescribed according to the provisions of this chapter, even though the injury involves the

responsibility of a person other than the employer, without prejudice to any right the insured person may have toward such responsible person.

Article (67) :

The concerned quarter shall be held responsible for all the entitlements guaranteed pursuant to this part for a period of one calendar year from the date of service termination of the insured person, if symptoms of a vocational disease appeared on him during such period irrespective of his being unemployed or was engaged in a job which does not give rise to such disease.

Article (68) :

Neither the insured person nor his beneficiaries may insist on dispute against the competent authority in respect of claiming for indemnities which are due as a result of the injury pursuant to any other law.

Also, they have no right to do so against the employer, unless the injury resulted from a default on the part of the employer.

Article (69)

The insured person shall not enjoy the benefits prescribed by the provisions of medical care, treatment and wage indemnity, throughout his secondment, or delegation period abroad.

Article (70) :

The Minister of Insurance is entitled to issue a decree at the proposal of the board of directors, modifying Schedule No.(1) appended to this law, by adding new cases to it. Such modification shall apply to cases that happened prior to issuance of the decree, and no pecuniary differences shall be payable in respect of the period preceding the modification.

Article (71)⁽¹⁾ :

The insured person, the pensioner, or their beneficiaries shall combine the pensions prescribed under Work (2) Accident Insurance, and the wage, or other entitlements stipulated upon, in this law according to the following:

1) The insured person shall combine the injury pension, and his wage without limits.

2) The insured person shall combine without limits the injury pension, and unemployment indemnity where the conditions for entitlement of such unemployment indemnity and the injury pension are fulfilled.

3) ⁽³⁾The insured person, or the pensioner or beneficiaries shall hold together, the injury pension and the pension provided for in the Insurance of Senility, disability, and decease, without exceeding pension settlement wage, or the bigger wage on which basis any of the two pensions is settled, computed pursuant to the provisions of this law, according to cases; and without exceeding the maximum limit, provided for, in article (20) with respect to the total of the two pensions on the basic wage. Regarding pension on the variable wage, it is imperative that the total of both pensions shall not exceed the relative maximum limit of pension on maximum variable subscription wage, and that without prejudice to the provision of paragraph five of Article (40).

4) ⁽⁴⁾The pensioner shall hold together pursuant to the Armed Forces Insurance and Pensions Laws - his basic and additional pension, according to such laws, and the injury pension on the basic wage, and variable wage referred to in the previous item, with what shall not exceed the maximum limit, for holding together pension on basic and variable wages pursuant to the provisions of the present Law.

(1) Article No. (71) is substituted by the Law No. (25) for the year 1977, then by the aforementioned Law No. (47) for the year 1984 and then amended as per Law No. 107/1987.

(2)+(3) Items substituted as per Law No. 107/1987.

(4) Items substituted as per Law No. 107/1987.

PART (5)
DISEASE INSURANCE

Chapter (1)
Financing and Scope of Application

Article (72)⁽¹⁾ :

The Disease Insurance shall be financed through the following:

(1) Monthly contributions which include:

A. The employer's share assessed as follows:

1- 3% of wages of insured persons -in the State Administrative System, Public Authorities, General Organizations, and Economic Units affiliated to any of such quarters, and other economic units in public sector - for treatment and medical care. Such quarters shall be held responsible for paying wage indemnity, and transport expenses stipulated upon in this part.

2- 4% of the wages of the insured persons stipulated upon in the two items.

B- The insured person's share assessed as follows:

- 3% for treatment and medical care.

-1% for payment of wage indemnity, and transport expenses.

The Minister of Insurance may exempt the employer from paying this contribution in return of his obligation to pay the said entitlements (*).

C- The Insured persons' share assessed as follows:

1- 1% of the wages in respect of the personnel.

2- 1% of the pensions in respect of the pensioners who ask to enjoy the benefits of treatment and medical care prescribed under this part.

The employer may introduce treatment and medical care to the sick person according to the provisions of this part by a permission of the Health Insurance Public Authority in accordance with the conditions and situations included in the decree stipulated upon, in the Article (48) in return of reducing contributions ratio allocated for

(1) Article (72) is amended by the Law No. (25) for the year 1977, referred to before.

(*) Rights.

treatment and medical care to 1% of insured persons wages, and in this case, the contributions stipulated upon in Item(2)-a of Article(83) shall be with such amount.

(2) The yield of investing the said contributions.

Article (73):

The provisions of this part , shall apply gradually to workers engaged by employers to be determined by a decree issued by the Minister of Health, without prejudice to entitlements of the insured persons who enjoyed Health Insurance benefits pursuant to the provisions of Law No. (63) for the year 1964, or Law No. 75 for the year 1964, referred to.

Article (74):

The provisions of treatment and medical care stipulated upon in this part shall apply to pensioners who may request to take advantage thereof at the date of submitting the application for obtaining payment of the pension ⁽¹⁾.

Pensioners whose service terminated up, till first of July, 1981, have the right to express wish to take advantage of the provisions of sick insurance during one year starting from the date referred to; and this provision shall apply to those who fulfill the requirements in respect of one of the cases of pension entitlement for insured persons, during six months of the date referred to ⁽²⁾.

In all cases, the pensioner who applied for taking advantage of the mentioned provisions is not allowed to omit his application ⁽³⁾.

Article (75):

At the proposal of the Minister of Insurance, and after agreement with the Minister of Health, the Prime Minister may issue a decree enforcing the provisions of

(1),(2) and (3): Article (74) is amended by Law (25) for 1977, then by the Law (48) for 1981, then by the Law (47) for 1984 referred to before.

this insurance on the spouse of the insured person, or the pensioner, and his children whom he supports, and this decree shall indicate the conditions and situations for taking advantage of this insurance, and shall determine the ratio of contribution ⁽¹⁾.

Article (76):

It is provided for the sick, taking advantage of this insurance that the patient shall have contributed to it for a period of three consecutive months, or six interrupted months, provided that the last two months should be consecutive. The periods during which he took advantage of treatment rendered by the employer at his expense, shall be included in calculating such period.

The condition stipulated upon, in the last paragraph shall not apply in respect of the insured persons working in the state administrative system, public authorities, and general organizations, and their affiliated economic units, as well as other public sector economic units, also it shall not apply to the pensioners ⁽²⁾.

Article (77):

The enforcement of the provisions of this insurance shall be suspended during the following periods ⁽³⁾:

1) The period during which the insured person is engaged in work with a quarter not subject to this insurance.

2) Periods of compulsory military service, retention, and summons for the Armed Forces.

3) Periods of special leaves, secondment, and study and educational leaves which the insured person spends abroad.

(1) Article (75) is substituted by the law No. (93) for 1980.

(2) The second paragraph of Article (76) is substituted by the law No. (25) for 1977.

(3) Article (77) is substituted by the aforementioned law No. (25) for 1977.

Chapter (2)

The Pecuniary Entitlements of the Patient

Article (78):

If the disease of the insured person prevented him from performing his work, the quarter concerned with wage indemnity payment shall undertake paying to him during his illness period an indemnity equals to 75% of his daily wage in respect of which contributions were paid, for a period of ninety days after which such indemnity shall be raised to 85% of the said wage, provided that in all cases, the indemnity shall not be less than the minimum limit of wage stated by law.

Payment of such indemnity shall continue for the duration of his illness, or until his total disability is established, or the occurrence of death provided it does not exceed 180 days in one calendar years.

With exception of the foregoing provisions, the patient suffering from tuberculosis, leprosy, mental disease, or any chronic disease shall be granted an indemnity equals to his full wage through the duration of his illness until he recovers, or until his state of health is steady, in a manner that enables him to resume his work, or until disability is established as total and complete disability.

The chronic diseases referred to in the preceding paragraph shall be determined by a decree issued by the Minister of Health in agreement with the Minister of Manpower.

The quarter responsible for paying wage indemnity may decide to stop the payment of this indemnity for the period during which the insured person violates treatment instructions.

The state administrative machinery units, the public authorities, and public sector units should carry out this stipulation, without the need for issuing the decree of the Minister of Health , referred to in Article (73).⁽¹⁾

(1) The last para is amended as per law No. 107/1987

Article (79):

The insured female in state of pregnancy and confinement shall be entitled to have wage indemnity equals to 75% of the wage referred to in the first paragraph of Article (78) payable by the quarter in charge of paying wage indemnity, through the duration of pregnancy and confinement leave prescribed in Labor Law, or Civil Servants Schemes of the State, or Public Sector, according to cases, provided her period of contribution to the insurance is not less than ten months.

Article (80):

The quarter in charge of paying wage indemnity, shall bear the expenses of conveying the patient by ordinary means of transport from his place of residence to the place of treatment, if it lies outside the boundaries of the city where he lives, & by special means of transport if the treating doctor decided that the patient's state of health does not allow for using ordinary means of transport.

A decree shall be issued by the Minister of Insurance at the proposal of the board of directors in respect of the regulations to be followed in organizing the conveyance of patients and the costs involved ⁽¹⁾.

**Chapter (3)
General Rules**

Article (81) :

The provisions of this insurance shall not prejudice the rights of the injured or sick person which he may have pursuant to laws, regulations, special schemes, joint contracts, or agreements, or others, in respect of

(1) Decree No. 296 for 1976 issued by the Minister of Insurance (the Official Gazette No. 174 dated 29.11.1976).

wage indemnity, and levels of service, with regard to the surplus entitlements than those prescribed in this insurance.

Article (82) ⁽¹⁾:

The Minister of Health in agreement with the Minister of Insurance shall issue the decrees enforcing the provisions of the present part, except where special stipulation provided otherwise.

(1) Decree No. 138 for the year 1976 was issued by the Minister of Health, and published in the Official Gazette issue No. 183 on 14/6/1976.

PART (6)
ON ESTABLISHING OF A FUND FOR TREATMENT OF
DISEASES AND WORK INJURIES, ITS FINANCING,
MANAGEMENT AND COMPETENCES

Article (83) ⁽¹⁾:

A fund for the treatment of diseases, and work injuries shall be established. Its money (*) is composed of the following sources:-

(1) Contributions paid by the competent authority, out of work injuries insurance account, in the following percentages:

a) 1/2% of the wages of the insured persons working for the state administrative system, public authorities, general organizations.

b) 1% of the wages of the remaining insured persons subject to the said insurance.

(2) Contributions payable by the competent authority out of the (sickness) medical insurance account at the rate of:

a) 4% of the wages of the insured persons.

b) 1% of the pensions of pensioners.

(3) Charges payable by the patient not exceeding Two Hundred Milliemes, whose value, cases of its entitlements, and bases for exemption therefrom- shall be determined by a decree issued by the Minister of Health in agreement with the Minister of Insurance ⁽²⁾.

(4) Proceeds of investing the Fund's moneys.

(5) Other finances resulting from the Fund's activity.

(6) Subsidies, donations, and grants which the board of directors decides to accept.

In case of realizing surplus moneys of the Fund, such surplus shall be carried forward to a special account, the disposal thereof shall not be effected except by approval of the Board of Directors of the

(1) Article (83) is amended by the Law No. (25/ 77) referred to before.

* Fund

(2) Decree No. 292 for 1977 was issued by the Minister of Health, and published in the Official Gazette, Issue No. 102 on 29.8.1977

Health Insurance General Authority, and for the following purposes:

1) Improving the level of treatment and medical care for the insured persons.

2) Expansion in applying the health insurance scheme provided for in the present Law.

3) Financing constructional and investment programs, as well as programs of training and reach connected with the authority's activities.

Article (84) :

The management of the fund shall be run by a public authority named the Health Insurance Public Authority. It shall have a legal person, under command of the Minister of Health. It shall have a special budget included in the General Budget of the state. A Republican Decree shall be issued for forming its board of directors, determining its competencies upon the suggestion of the Minister of Health, in agreement with the Minister of Insurance.

Provisions of Articles (135), (137) and (150) shall be applicable in respect of the said organization.

Article (85) :

The Health Insurance General Authority shall undertake treatment of the injured person of patient, and provide medical care for him until his recovery or his total disability is established. The competent authority shall have the right to keep the injured person or the patient under observation wherever his treatment is going on.

Medical treatment and care shall have the meaning stipulated upon in Article (47), also, it shall mean the medical care and treatment rendered to the insured women during pregnancy and confinement.

Article (86) :

With due regard to the provision of paragraph (3) of Article (48) the treatment of the injured person, or the patient, and his medical care shall be through the

treating bodies determined for them by the Health Insurance General Authority. This authority is not allowed to render this treatment, or to provide medical care at clinics, specific sanatoriums, public hospitals, or specialized centers except under special agreements concluded.

For this purpose. In such agreements, the minimum standards of medical service, and costs shall be determined. In such a case, the standard of medical service should not be less than the minimum standard specified by a decree issued by the Minister of Health in agreement with the Minister of Insurance ⁽¹⁾.

Article (87) ⁽²⁾ :

The Health Insurance General Authority shall undertake medical examination on the workers liable to be attacked by one of the professional diseases indicated in Schedule No.(1) appended to this law, against the collection of check-up fees of 500 Milliemmes for each insured person liable to be attacked by one of the aforesaid diseases , to be charged to the employer.

The Minister of Insurance shall issue in agreement with the Minister of Health a decree determining the conditions and positions for making periodical check-up⁽³⁾.

The Health Insurance General Authority shall notify the Ministry of Manpower of cases of professional diseases which appear among the workers, and death cases resulting therefrom .

(1) Decree No. (140) for 1976 was issued by the Minister of Health and published in the Official Gazette-No. 115 on 18.5.1976.

(2) Article (87) is amended by the Law No. (25) for 1977, and is applicable as of 1.5.1975.

(3) Decree No. 218 for 1977, was issued by the Minister of Insurance, and published in the Official Gazette-No. 239, on 17.10.1977.

Article (88) :

The treating body shall be held responsible for notifying the injured person of the patient of the termination of treatment, and of what may have occurred to him of disability, and its percentage. The patient has the right to apply for a review of the report of treatment termination, or the resulting disability, in accordance with the medical arbitration provisions stipulated upon in Chapter (4).

The treating body shall also be bound to give the notification referred to in the previous paragraph, to each of the employer, and the competent authority, indicating days of absence for treatment if any. All these shall be in accordance with the conditions and positions to be determined by a decree issued by the Minister of Health in agreement with the Minister of Insurance ⁽¹⁾.

The treating body decision for extending the sick leave shall be binding to the employer.

Article (89) :

Disability cases as prescribed under the present Law shall be established by a certificate of the Health Insurance General Authority, details of which shall be defined by a decree of the Minister of Insurance at the proposal of the board of directors ⁽²⁾.

The Health Insurance General Authority shall have the right to entrust the medical counsels for establishing disability cases referred to ⁽³⁾.

(1) Decree No. (139) for 1976 issued by the Minister of Health, published in the Official Gazette No. 138 issued on 14.6.1976.

(2) Decree No. 210 for 1976, issued by the Minister of Insurance, published in the Official Gazette No. 277 on 7.12.1976.

(3) Paragraph added by virtue of Law No. (93) for 1980, and is applicable as of 4.5.1980.

PART (7)
UNEMPLOYMENT INSURANCE

Chapter (1)
Finance and Scope of Application

Article (90) :

The unemployment insurance shall be financed through the following:-

- 1- The monthly contributions to be paid by the employer at the rate of 7% of the wages of the insured persons.
- 2- The yield of investment of these contributions.

Article (91) :

The provisions of this chapter apply to the insured persons subject to the provisions of this law, except the following categories:-

- 1) Workers of the administrative machinery of the state, and public authorities.
- 2) Members of the employer's family at individual establishments up to the second degree, as well as the partners who perform work in return of wage at their own companies.
- 3) The workers attaining 60 years of age.
Conditions and positions of the categories referred to herein shall be regulated by a Republican Decree, in order that they may enjoy the benefits of this insurance, provided that such decree shall define the method of calculating the wages in their respect.
- 4) The workers who are employed in casual or temporary works, and specially workers who are engaged in contracting works, and seasonal workers, and stevedoring workers ⁽¹⁾.

(1) Item (4) of Article (91) is amended by the Law No. (47) for 1984.

Chapter (2)

Indemnities

Article (92) :

Entitlement of unemployment indemnity shall be conditioned by fulfillment of the following requirements:-

1) That the insured person should not have resigned from service.

2) That the service of the insured person should not have been terminated by a final court order in a crime or offence case connected with honor, honesty, or public morals, with due regard to the provisions of Article (95)⁽¹⁾.

3) The insured person should have contributed to the unemployment insurance for a period of at least six months, from which the three months preceding every unemployment should be consecutive.

4) That the insured person should be able and willing to work.

5) That the insured person should have recorded his name in the register of unemployed workers, which is kept by the concerned manpower office.

6) That he pays regular visits to the Manpower office in which his name is registered on dates to be determined by a decree of the Minister of Manpower.

Article (93) :

The unemployment indemnity shall be due as of the eighth day of service termination, or work contract, according to the case.

The indemnity shall continue to be paid to the insured person until the day preceding the date of his being engaged in an employment, or for a period of 16 weeks whichever is earlier. This period shall be extended to 28 weeks if the contribution period to this insurance exceeds 24 months.

The indemnity shall also be paid during the period of vocational training determined by the Manpower office

(1) Item (2) of Article (92) was amended by Law No. (25) for 1977 and applied from 1.9.1975.

Article (94) :

The unemployment indemnity shall be valued at the rate of 60% of the last wage of the insured person.

Article (95) :

With exception to the provision of Article (94), the unemployment indemnity shall be due at the rate of 30 percent of the last wage on the basis of which contributions were paid, if the insured person's service is terminated for any of the following reasons:-

- 1) If he assumes a false personality, or his submission of forged certificates or papers.
- 2) If the insured person is appointed under probation.
- 3) If he commits a mistake resulting in an enormous loss to the employer, provided the employer shall notify it to the competent authorities within 24 hours from the time the mistake comes to his knowledge
- 4) If he fails to observe the instructions which ought to be followed for the safety of workers, or that of the establishment, provided such instruction shall be in writing and posted in a visible place.
- 5) If he is absent without reason for a period more than that stipulated upon by laws and regulations on employment, or work, according to the case.
- 6) If he fails to perform essential work commitments.
- 7) If he divulges the secrets of work.
- 8) If he is found during working hours to be in a state of drunkenness or under drug influence.
- 9) If he attacks the employer or the chief in charge, and also if he grievously attacks one of his bosses at the work during or by reason of work.

Article (96) :

The right of payment of an unemployment indemnity shall be forfeited in the following cases:

- 1) If the insured person refuses to be engaged in an employment, which the competent manpower office considers as appropriate for him. A work shall be considered as appropriate where the following conditions are fulfilled:
 - a. if his wage is equal to 75% at least of the wage on the basis of which the unemployment indemnity is payable.

b. If the work is consistent with the qualifications of the insured person, his experience, and his professional and physical capacities.

c. If the work he is nominated to, lies within the circle of the governorate where he has been working at the time he was put out of work

2) If it is established that the insured person works for his own account.

3) If it is established that the insured person is working for the account of a third party in return of a wage equivalent to or exceeding the value of indemnity.

4) If the insured person becomes entitled to a pension equal to or exceeding the value of the unemployment indemnity, without prejudice to the provision of item(2) of Article (71) (1).

5) If the insured person emigrates, or leaves the country finally.

6) If the insured person attain the age of 60.

Article (97) :

Payment of unemployment indemnity shall be suspended in the following cases:-

1) If the insured person fails to pay regular visits to the manpower office where his name is registered as unemployed, within the fixed dates without justifiable reasons.

2) If the insured person refused the training which is determined by the concerned manpower office.

The right for payment of the indemnity in the above two cases, shall be restored upon the removal of the reasons suspending its payment, for the remaining period of entitlement period to the unemployment indemnity.

3) If the insured person is called for recruitment, his right to be paid an indemnity shall be restored upon the termination of the recruitment period, such period shall not be calculated within the period of due indemnity.

4) If the insured person worked for the account of a third party in return of a wage which is less than the value of unemployment indemnity.

(1) Item (4) of Article (96) was amended by the Law No (25) for 1977, and applied from 1.9.1975.

5) If the unemployed insured person is entitled to a pension less than the value of unemployment indemnity.

In the two cases stipulated upon in the two items (4) and (5) the insured person shall be paid the equivalent of the difference between the due unemployment indemnity and the wage or pension, for the rest of the period of the entitlement period.

Article (98) :

Where a dispute arises on causes of the termination of service the unemployment indemnity shall payable at the rate of 30% of the last wage, for the period of two weeks during which the competent labor relation office shall declare its opinion on the dispute according to such procedures which shall be determined by a decree issued by the Minister of Insurance in agreement with the Minister of Manpower ⁽¹⁾.

The indemnity shall be payable in the light of the result to be reached by the said office on the basis of documents, when the rest of conditions stipulated upon in this Chapter are fulfilled.

(1) The Decree No. (311) for 1976 was issued by the Minister of Insurance, and published in the Official Gazette No. 277 on 27.12.1976.

Part (8)
SOCIAL PATRONAGE INSURANCE FOR PENSIONERS

Article (99) :

The finance of this insurance shall be constituted by the following:-

- 1- Amounts allocated annually by the public treasury to social patronage houses.
- 2- The allocated annual amounts for the said insurance in the budgets of the two competent authorities.
- 3- Donations, and wills accepted by the competent authority's board of directors.
- 4- Net proceeds of festivals, fairs, and galas, and lotteries which are organized in favor of such houses.
- 5- Contributions payable by those enjoying benefits of the provision of item (4) of Article (102).
- 6- Other proceeds accruing from activity of social patronage houses.

Article (100) :

Each of the two competent authorities shall be held responsible for taking the necessary executive steps, within five years from the date this law comes into force, to start establishing houses for taking care of the pensioners the benefits of provisions of the present law, whether directly, or in co-operation with the Ministry of Social Insurance, for rendering social and living patronage to pensioners referred to, under circumstances of reasonable facilities, specially in the case of those having no families.

The social patronage shall include the following:

- 1- Full board accommodation including dwelling, meals, and drinks.
- 2- providing of cultural libraries, and clubs equipped with some appropriate entertainment facilities for the beneficiaries.
- 3- Providing experts and supervisors needed for the management of such houses, who should fulfill specific characteristics consistent with the beneficiaries conditions.
- 4- Provision of entertainment arrangement such as

picnics and witnessing stage performances, staying at summer, and winter resorts, and visits to public parks.

Experiences, and capabilities of social patronage beneficiaries may be resorted to, for performing tasks consistent with the state of each, in return of token remuneration payable to them, provided that the works entrusted to them are connected with the nature of their original works which they were performing before termination of their service.

Article (101) :

It shall be observed in founding social patronage houses that they shall be divided into classes to keep with the types of beneficiaries, as well as their health conditions, and the living, family, and cultural standards they used to live in before termination of their service.

Article (102) :(1)

The Minister of Insurance shall determine by a decree, the conditions and situations necessary for implementing the provisions of this Chapter, particularly the following:

1- The way in which the beneficiaries accept patronage in the Social Patronage Houses.

2- Formation of Board of Directors of the Social Patronage Houses and determining their competencies, provided beneficiaries should be represented in the boards by one third at least.

3- Laying down the internal regulations for the Social Patronage Houses without being restricted to financial and employment rules, applicable by the administrative machinery of the state, public authorities, general organizations or economic units affiliated to any one of them.

4- Determining the amount of subscription payable by each beneficiary.

(1) Decree No. (44) for 1977 was issued by the Minister of Insurance on 19.2.1977, regarding the formation of the Permanent Committee for Social Patronage to Pensioners.

5- Determining the standards of service necessary for social patronage.

6- Exchange of visits and residence at Social Patronage Houses between Egyptian foreigners in other countries.

Article (103) : (1)

The President of the Republic may issue a decree, at the proposal of the Minister of Insurance, and after agreement with the concerned Ministers- granting the pensioners treatment pursuant to the provisions of this Law, special facilities to be specified in such decree, and in particular the following:

1- Relative reduction in railway communication tariff, as well as public transportation owned by the state within the cities.

2- A reduction in entry fees to clubs, museums, exhibitions, movie houses, and theatres owned by the state.

3- A reduction in the residence charges at the treating places belonging to the State Administrative Machinery.

4- A reduction in charges for journeys organized by the state administrative machinery, public authorities, or general organizations, and the economic units affiliated to any of them within the Arab Republic of Egypt, or abroad.

In all cases, a reduction shall not exceed 75% of the official value.

Article (103) : - bis-(2)

The total permanent disability pensioner shall be entitled to a disability aid estimated at 20% monthly of the value of his due pension, in case the Health Insurance General Authority decides that he is in need of the permanent assistance of another person to perform his daily activities .

Payment of this aid shall be suspended , in case of his joining a work, or the removal of the situation, in accordance with the decision of the aforementioned authority, or his death (3).

(1) Decree No.(77) for 1981 was issued by the president of the Republic on 27. 1.1981 stating some facilities for the pensioners.

(2) The Article (103) repeated was added by the Law No. (93) for 1980, and applied from 4.5.1980.

(3) Decree No. 159 for 1980, was issued by the Minister of Insurance, and published in the official Gazette- Issue No. 211 on 14.9.1980 regarding bases and procedures for payment of disability aid.

PART (9)
BENEFICIARIES AND CONDITIONS OF
THEIR ENTITLEMENTS

Article (104):(1)

If an insured person or a pensioner dies, his beneficiaries shall have the right to receive a pension, according to the shares and provisions as laid down in Schedule (3) attached, as of the first of the month in which the death occurs.

Beneficiaries entitled to pension are: the divorcee, the husband, the sons, and daughters, the parents, the brothers and sisters, who at the death of the insured or the pensioner shall fulfill the requirements of entitlement as stipulated upon in the following Articles:-

Article (105) :(2)

For the entitlement of the widow or divorcee, it is a condition that the marriage should be notarized or established under a final court judgement, delivered in a case brought during the survival of the husband, and the Minister of Insurance shall under decree issued by him determine other documents in proof marriage, in some of the cases in which it is difficult to prove it through the foregoing means.

It is also a pre-condition, for the widow that the marriage or the authentication of marriage shall have taken place before the insured person or the pensioner attains the age of sixty. Shall be excepted therefrom the following cases:-

1- The case of the widow whom the insured person or the pensioner has divorced before he attained the age of sixty, then married her after that age.

(1) Article (104) was amended by the aforementioned Law No. (25) for 1977.

(2) Article (105) was amended by the Law No. (25) for 1977, then by the aforementioned Law No. (47/ 84).

2- A marriage case in which the age of the wife is 40 at least at the time of marriage, provided the insured person or pensioner should have no other wife, or divorcee qualified for a pension, and whom he had divorced despite her wish after he attained the age of sixty, and who is still alive.

3- Marriage cases which took place before the present law comes into force

- It is conditioned for the divorcee that ⁽¹⁾ :-

- 1) She should have been divorced despite her wish.
- 2) Her marriage to the insured person or the pensioner should have continued for a period of not less than 20 years.
- 3) She should not have got married to another husband.
- 4) She should not be receiving any kind of income equivalent to or exceeding the amount of her pension entitlement .

If the income is less than her pension entitlement, a pension shall be assessed to her equivalent to the difference between the pension, and her income.

However, if the amount of each of the income and the pension is less than L.E 30 the pension shall be assessed to her not exceeding the amount of the income and the pension together. In all cases, the rest will devolve to the widow if she is alive, and if not, the rest shall devolve to the children.

Article (106):⁽²⁾

It is conditioned, for the husband to be entitled to a pension that:-

- 1) The marriage contract should be authenticated.
- 2) He should be disabled from earning his living according to the information submitted in the application for pension payment, provided this will be supported by a decision of the Health Insurance General Authority.

(1) An innovated paragraph by the Law No.(25) for 1977, and applied from 1.5.1977 according to the provision of Article(15) of the aforementioned Law, and the provision of : Article (14) should be observed.

(2) Article (106) is amended by the Law No. (25) for 1977, and applied from 1.9.1975.

3) The marriage contract should have been concluded before the insured wife or the pensioner- wife attained the age of sixty.

Article (107) :(1)

It is conditioned for the sons to be entitled to pension, that the son should be under 21 years of age.

The following cases shall be excepted from this condition:-

- 1- A son disabled from earning.
- 2- A student in an educational stage not beyond that of a bachelor, and licentiate academic degree, or an equivalent degree, provided he is still under the age of 26, and full- time student.
- 3- That who obtained a final qualification not beyond the stage referred to in the previous item, and without having yet joined a job, or engaged in a profession, provided he is still under the age of 26 with regard to holders of the bachelor and licentiate academic degrees, and under the age of 24 with respect to holders of lower qualifications.

Article (108):(2)

It is conditioned for the daughter to be entitled to a pension that she should not be married.

Article (109) :

For the brothers and sisters to be entitled to pension, it is provided that- besides the conditions for sons and daughters to be qualified for pensions- the legator's support of such brothers and sisters should be established by an administrative certificate.

(1) Article (107) was amended by the Law No. (25) for 1977, and applied from 1.9.1975.

(2) Article (108) was amended by the Law No. (25) for 1977, and applied from 1.9.1975.

Article (110): ⁽¹⁾

Should one of the beneficiaries fulfill the requirements of his entitlement to more than one pension from the fund, or from the two funds, or from one or both of them, as well as from the public treasury, such beneficiary shall not be entitled except to one pension, and the priority of this entitlement shall be in accordance with the following order:

- 1) The pension due for himself.
- 2) The pension due in respect of the husband or the wife
- 3) The pension due in respect of the parents.
- 4) The pension due in respect of the children.
- 5) The pension due in respect of brothers and sisters.

Should the pensions due in respect of the insured persons, pensioners be of one category, the pension falling due is that which was first entitled.

If the pension due in accordance with the foregoing be less than the other pension, the difference shall be paid to him out of the latter pension.

Article (111) :

The beneficiary's pension shall be suspended in the following cases:-

- 1) Entering any employment yielding a net income equal to, or exceeding the amount of pension. If such income is less than the amount of the pension due, the difference shall be paid to him. A net income shall mean the total income obtained by the worker, less his share in the social insurance contributions and taxes at the date of his joining the work, then in January every years ⁽²⁾.

(1) Article (110) was amended by the law No. 47 for 1984, the amendment includes distance from the idea of the entitlement of the larger pension, and arranging entitlement priority in accordance with what is indicated in the article in order to maintain the rights of the rest of beneficiaries. All this, without prejudice to the entitlement of the increase in the other pension.

(2) Item (1) of Article (111) was amended by the Law No. (47) for 1984, and the amendment includes simplifying the procedures of following up income increase.

2) Practicing a commercial or non-commercial profession regulated by laws or regulations, for a period exceeding five consecutive years. His right to the payment of pension shall be restored in case of cessation to practice this profession, as of the first of the month following the date he ceases to practice such a profession .

Article (112) :

The way of exception to the provision banning the combination of the jobs, as prescribed in Articles (110 and 111), the beneficiary shall combine his income from job or profession and pensions, within the following limits:-

1) The beneficiary shall combine the income and pension within the limits of fifty pounds per month, without prejudice to the right to combine the pension and the income to the extent exceeding the said limit in respect of the cases of entitlement prior to 1.9.1975, provided the beneficiary was entitled to such right (1).

2) The beneficiary shall combine pensions within the limits of fifty pounds per month, and the pension shall be completed to this amount in the order referred to in Article (110).

3) Sons shall combine the two pensions to which they are entitled from their parents, without limits.

4) A widow shall combine the pension she is entitled to from her husband, and her own pension in her quality as benefiting by the provisions of the present law. She shall also combine her pension from her husband with her income from her job or occupation, without limits.

5) With due regard to the provisions of Article (71), a beneficiary shall combine the pensions accruing to him from one person, without limits.

(1) The two items (1) and (2) of Article (112) were first amended by the Law No. 25 for 1977, then by the Law No. 47 for 1984 , the amendment includes increasing the limits of combination of pension and income from thirty pounds per month to fifty pounds per month.

Article (113) :

The pension of beneficiary shall be discontinued in the following cases (1).

1) The decease of the beneficiary.

2) The marriage of a widow, divorcee, daughter or sister. The daughter or sister shall in this case be given a grant equivalent to the pension due for her, for a period of one year with a minimum of fifty pounds, and this grant shall be paid only one time (2).

3) The attainment by the son or the brother, of the age of 21. The following cases shall be excepted:-

a- The disabled person, until the condition of disablement no longer exists.

b- The student, until he joins a work, or is engaged in a profession, or at the date of his attaining the age of 26 whichever is earlier. The payment of pension for the student who attains the age of 26 shall continue during the academic year, until the end of that year.

c- The holder of a final qualification degree until he joins a job or his performing a profession, or at the date of his attaining the age of 26, with regard to those holding bachelor or licentiate academic degree, and the age of 24 for holders of lower final qualifications whichever of the two dates is earlier.

4) The fulfillment of the conditions of entitlement to another pension, with paying due regard to the provisions of the two articles (110) and (112) .(3)

Article (114) :

If the daughter or the sister is divorced or becomes a widow, or the son, or the brother is disabled from earning his living after the death of the insured person or the pensioner, each of them shall be granted the pension

(1) Article (113) was amended by the Law No. 25 for 1977, and applied from 1.9.1975, then the Law No. 47 for 1984.

(2) The two items (2 and 3) were amended by the Law 47 for 1984, and the amendment includes: Increasing the minimum limit of marriage allowance of the daughter and sister to 50 pounds instead of 25 pounds.

(3) Item amended by the Law No. 47 for 1984, this is in the light of the amendments that took place to the two items (article) No.(110) and(112).

to which he or she is entitled, assuming their entitlement to the pension as at the date of the legator's death, without prejudice to the rights of the rest of beneficiaries

A widow entitlement for pension shall be restored to her if she is divorced or becomes a widow without being entitled for a pension from her last husband.

If the pension for which the entitlement shall be restored, has been devolved partly or wholly to the rest of beneficiaries, their pension shall be reduced by the value devolved to each of them of such pension.

The son or the brother who was not qualified for a pension at the date of the legator's death, and who joined an educational stage not beyond that of obtaining the bachelor or licentiate academic degree, and was under the age of 26, shall be granted what he was entitled of a pension, assuming its being due at the said date . The pension of the rest of the beneficiaries shall be reassessed on that basis.

After his pension is stopped, it shall devolve to those whose shares have been reduced with the value of such pension.

Each of the sons, daughters, parents, sisters and brothers who were deprived of pensions under the Insurance and Pensions Law, or Social Insurance Law, shall be paid what they were entitled of pension, assuming they were entitled to it at the date of the legator's decease, without prejudice to the rights of the rest of beneficiaries, if they fulfill in respect thereof the conditions of pension entitlement stipulated upon in the present law . (1)

Article (115) :

In case the pension of the beneficiary is suspended or discontinued, the pension for the month during which the case for stopping or discontinuing the pension took place shall be paid on the basis of a full month.

(1) The new entitlements shall be paid according to this paragraph as of 1.5.1977 pursuant to Article(19) of the aforementioned LawNo.25for1977.

In case the pension of some beneficiaries devolve to other beneficiaries, the pension shall be reassessed as of the first of the month following the date such entitlement falls due.

If the beneficiary died before payment of the pension for the month during which he died, his pension shall be stopped as of the first of the month during which the decease takes place, and in this case pension is devolved, and such devolution shall take place as of that date.

As an exception of the first paragraph of this Article, a pension shall continue to be paid, in cases of the beneficiary's disability, for the month determined for his medical examination, also for the month following it.

Article (116) :

If the pension, the son or the brother is entitled to, has not devolved to the rest of beneficiaries after it was stopped, it shall then be repaid to him in case his wage is stopped during his compulsory military service, so long as he has not attained the age of 26.

Article (116)- bis- : (1)

The provisions of this chapter shall be applicable on the beneficiaries of those who are treated pursuant to special pensions laws, and that shall be for those in whose concern no special stipulation was mentioned.

(1) Article 116 Bis is added as per law No 107/1987.