

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

**MAINTENANCE OF SOCIAL SECURITY
RIGHTS CONVENTION, 1982 (No. 157)**

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

Annexed to this report form will be found the text of a Recommendation whose provisions supplement those of the present Convention. The sole object of appending the text of this Recommendation to the report form is to contribute to a better understanding of the requirements laid down in the Convention and to facilitate its application.

The Government is under no obligation to supply in its report on the application of the Convention information on the measures which may have been taken to give effect to the Recommendation as such; however, if the Government considers it useful to supply such information in its report, by way of information on practical application, this may make it possible to assess more precisely the extent to which the Convention is applied and the problems which may have arisen in its application.

REPORT

for the period to, made by the Government of, in accordance with article 22 of the Constitution of the International Labour Organisation, on the measures taken to give effect to the provisions of the

MAINTENANCE OF SOCIAL SECURITY RIGHTS CONVENTION, 1982

ratification of which was registered on

- I. Please give a list of the bilateral or multilateral instruments, laws and regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said instruments, laws and regulations, etc., to the International Labour Office with this report.

Please give any available information concerning the extent to which these instruments, laws and regulations have been enacted or modified to permit, or as a result of, ratification.

- II. Please indicate in detail, for each of the following Articles of the Convention, the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures under which each Article is applied. In addition, please provide any indications specifically requested below under individual Articles.

If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations have requested additional information or have made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

PART I. GENERAL PROVISIONS

Article 1

In this Convention—

- (a) the term “Member” means any Member of the International Labour Organisation that is bound by the Convention;
- (b) the term “legislation” includes any social security rules as well as laws and regulations;
- (c) the term “competent Member” means the Member under whose legislation the person concerned can claim benefit;
- (d) the term “institution” means the body or authority directly responsible for applying all or part of the legislation of a Member;
- (e) the term “refugee” has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees of 28 July 1951 and in paragraph 2 of Article 1 of the Protocol relating to the Status of Refugees of 31 January 1967;
- (f) the term “stateless person” has the meaning assigned to it in Article 1 of the Convention relating to the Status of Stateless Persons of 28 September 1954;
- (g) the term “members of the family” means persons defined or recognised as such or as members of the household by the legislation under which benefits are awarded or provided, as appropriate, or persons determined by mutual agreement between the Members concerned; where persons are defined or recognised as members of the family or as members of the household under the relevant legislation only on the condition that they are living with the person concerned, this condition shall be deemed to be satisfied in respect of persons who obtain their main support from the person concerned;
- (h) the term “survivors” means persons defined or recognised as such by the legislation under which benefits are awarded; where persons are defined or recognised as survivors under the relevant legislation only on the condition that they were living with the deceased, this condition shall be deemed to be satisfied in respect of persons who obtained their main support from the deceased;
- (i) the term “residence” means ordinary residence;
- (j) the term “temporary residence” means a temporary stay;

- (k) the term “periods of insurance” means periods of contribution, employment, occupational activity or residence which are defined or recognised as periods of insurance by the legislation under which they were completed, and such other periods as are regarded by that legislation as equivalent to periods of insurance;
- (l) the terms “periods of employment” and “periods of occupational activity” mean periods defined or recognised as such by the legislation under which they were completed and such other periods as are regarded by that legislation as equivalent to periods of employment or periods of occupational activity respectively;
- (m) the term “periods of residence” means periods of residence defined or recognised as such by the legislation under which they were completed;
- (n) the term “non-contributory” applies to benefits the award of which does not depend on direct financial participation by the persons protected or by their employer, or on a qualifying period of occupational activity, and to any scheme which exclusively awards such benefits;
- (o) the term “benefits awarded under transitional arrangements” covers benefits awarded to persons who are over a given age on the date of entry into force of the legislation applicable, as well as benefits awarded, as a transitional measure, in consideration of events that have occurred or periods that have been completed outside the current frontiers of the territory of a Member.

Article 2

1. Subject to the provisions of paragraph 1 and of paragraph 3, subparagraph (a), of Article 4, this Convention applies to those of the following branches of social security for which a Member has legislation in force:

- (a) medical care;
- (b) sickness benefit;
- (c) maternity benefit;
- (d) invalidity benefit;
- (e) old-age benefit;
- (f) survivors' benefit;
- (g) employment injury benefit, namely benefit in respect of occupational injuries and diseases;
- (h) unemployment benefit; and
- (i) family benefit.

2. This Convention applies to rehabilitation benefits provided by legislation concerning any of the branches of social security referred to in paragraph 1 of this Article.

3. This Convention applies to all general and special social security schemes, both contributory and non-contributory, as well as to schemes consisting of obligations imposed on employers by legislation in respect of any branch of social security referred to in paragraph 1 of this Article.

4. This Convention does not apply to special schemes for civil servants, to special schemes for war victims or to social or medical assistance schemes.

Please indicate the branches of social security for which there is legislation in force as concerns the benefits mentioned in paragraphs 1 and 2.

Article 3

1. Subject to the provisions of paragraph 1 and paragraph 3, subparagraph (b), of Article 4 and of paragraph 1 of Article 9, this Convention applies to persons who are or have been subject to the legislation of one or more Members, as well as to the members of their families and to their survivors, in all cases in which the international system for the maintenance of rights established by this Convention requires that account be taken of the legislation of a Member other than the Member in whose territory the persons concerned are resident or temporarily resident.

2. This Convention does not require any Member to apply its provisions to persons who, by virtue of international instruments, are exempted from the application of the legislation of that Member.

If any exemptions from the application of the Convention have been made under paragraph 2, please specify their nature and scope, and communicate copies of the international instruments concerned.

Article 4

1. Members may give effect to their obligations under the terms of Parts II to VI of this Convention by bilateral or multilateral instruments giving effect to these obligations, under conditions to be determined by mutual agreement between the Members concerned.

2. Notwithstanding the provisions of paragraph 1 of this Article, the provisions of paragraph 4 of Article 7, of paragraphs 2 and 3 of Article 8, of paragraphs 1 and 4 of Article 9, of Article 11, of Article 12, of Article 14 and of paragraph 3 of Article 18 of this Convention shall be immediately applied by each Member as from the coming into force of this Convention for that Member.

3. The instruments referred to in paragraph 1 of this Article shall specify in particular—

- (a) the branches of social security to which they apply, having regard to the requirement of reciprocity referred to in Articles 6 and 10 of this Convention; these branches shall, where the Members concerned have legislation covering them, comprise at least invalidity benefits, old-age benefits, survivors' benefits, and pensions in respect of employment injuries, including death grants, as well as, subject to the provisions of paragraph 1 of Article 10 of this Convention, medical care, sickness benefits, maternity benefits and benefits in respect of employment injuries, other than pensions and death grants;
- (b) the categories of persons to which they are applicable; these categories shall comprise at least employees (including, as appropriate, frontier workers and seasonal workers), as well as the members of their families and their survivors, who are nationals of one of the Members concerned or who are refugees or stateless persons resident in the territory of one of these Members;
- (c) the arrangements for the reimbursement of the benefits provided and other costs borne by the institution of one Member on behalf of the institution of another Member unless it has been agreed that there shall be no reimbursement;
- (d) the rules to avoid undue plurality of contributions or other liabilities or of benefits.

A. Please indicate to which branches of social security the instruments referred to in paragraph 1 apply and which benefits these branches comprise.

B. Please indicate to which categories of persons these instruments are applicable.

C. Please indicate whether provision is made in these instruments for the reimbursement of benefits and costs and, if so, what the arrangements are.

D. Please indicate what rules to avoid undue plurality of contributions or other liabilities or of benefits are laid down by these instruments.

PART II. APPLICABLE LEGISLATION

Article 5

1. The legislation applicable in respect of the persons covered by this Convention shall be determined by mutual agreement between the Members concerned, with a view to avoiding conflicts of laws and the undesirable consequences that might ensue for those concerned either through lack of protection, or as a result of undue plurality of contributions or other liabilities or of benefits, in accordance with the following rules:

- (a) employees who are normally employed in the territory of a Member shall be subject to the legislation of that Member, even if they are resident in the territory of another Member or if the undertaking which employs them has its registered office, or their employer has his place of residence, in the territory of another Member;
- (b) self-employed persons who normally engage in their occupations in the territory of a Member shall be subject to the legislation of that Member, even if they are resident in the territory of another Member;
- (c) employees and self-employed persons sailing on board a ship flying the flag of a Member shall be subject to the legislation of that Member even if they are resident in the territory of another Member or if the undertaking which employs them has its registered office, or their employer has his place of residence, in the territory of another Member;
- (d) persons who are not part of the economically active population shall be subject to the legislation of the Member in whose territory they are resident, in so far as they are not protected in virtue of subparagraphs (a) to (c) of this paragraph.

2. Notwithstanding the provisions of subparagraphs (a) to (c) of paragraph 1 of this Article, Members concerned may agree that certain categories of persons, in particular self-employed persons, shall be subject to the legislation of the Member in whose territory they are resident.

3. Members concerned may determine by mutual agreement other exceptions to the rules set forth in paragraph 1 of this Article, in the interest of the persons concerned.

A. Please indicate the manner in which the bilateral or multilateral instruments referred to in Article 4 give effect to the rules set forth in paragraph 1.

B. Please indicate whether use has been made by these instruments of the provisions of paragraph 2.

C. If use has been made of paragraph 3, please indicate what exceptions to the rules set forth in paragraph 1 have been agreed upon.

PART III. MAINTENANCE OF RIGHTS IN COURSE OF ACQUISITION

Article 6

Subject to the provisions of paragraph 3, subparagraph (a), of Article 4 of this Convention, each Member shall endeavour to participate with every other Member concerned in schemes for the maintenance of rights in course of acquisition, as regards each branch of social security referred to in paragraph 1 of Article 2 of this Convention and for which every one of these Members has legislation in force, for the benefit of persons who have been subject successively or alternately to the legislation of the said Members.

Please indicate with which other Members and as regards which branches of social security your country participates in schemes for the maintenance of rights in course of acquisition.

Article 7

1. The schemes for the maintenance of rights in course of acquisition referred to in Article 6 of this Convention shall provide for the adding together, to the extent necessary, of periods of insurance, employment, occupational activity or residence, as the case may be, completed under the legislation of the Members concerned for the purposes of:

- (a) participation in voluntary insurance or optional continued insurance, where appropriate;
- (b) acquisition, maintenance or recovery of rights and, as the case may be, calculation of benefits.

2. Periods completed concurrently under the legislation of two or more Members shall be reckoned only once.

3. The Members concerned shall, where necessary, determine by mutual agreement special arrangements for adding together periods which are different in nature and periods qualifying for right to benefits under special schemes.

4. Where a person has completed periods under the legislation of three or more Members which are parties to different bilateral or multilateral instruments, each Member which is concurrently bound by two or more of the instruments in question shall add these periods together, to the extent necessary, in accordance with the provisions of these instruments, for the purposes of acquisition, maintenance or recovery of rights to benefit.

A. Please indicate how the bilateral or multilateral instruments referred to in Article 4 give effect to the provisions of paragraphs 1 to 3.

B. Please indicate, where applicable, the manner in which periods are added together to meet the requirements of paragraph 4.

Article 8

1. The schemes for the maintenance of rights in course of acquisition referred to in Article 6 of this Convention shall determine the formula of awarding:

- (a) invalidity, old-age and survivors' benefits, and
- (b) pensions, in respect of occupational diseases,

as well as the apportionment, where appropriate, of the costs involved.

2. In the case referred to in paragraph 4 of Article 7 of this Convention, each Member which is concurrently bound by two or more of the instruments in question shall apply the provisions of these instruments for the purpose of calculating benefits to which there is a right under its legislation, taking into account the periods added together in accordance with the legislation of the Members concerned.

3. Where in application of the provisions of paragraph 2 of this Article a Member would have to award benefits of the same nature to the same person in pursuance of two or more bilateral or multilateral instruments, that Member shall be required to award only the benefit most favourable to the person concerned as determined on the initial award of these benefits.

4. Notwithstanding the provisions of paragraph 2 of this Article the Members concerned may, where necessary, agree on supplementary provisions for the calculation of the benefits specified in that paragraph.

A. Please describe the formula of awarding the benefits referred to in paragraph 1 and the apportionment, where appropriate, of the costs involved, as prescribed by the bilateral or multilateral instruments referred to in Article 4.

B. Please indicate, where applicable, the manner in which the calculation of benefits provided for in paragraph 2 is made.

C. If supplementary provisions have been agreed on in application of paragraph 4, please indicate their scope.

PART IV. MAINTENANCE OF ACQUIRED RIGHTS AND PROVISION OF BENEFITS ABROAD

Article 9

1. Each Member shall guarantee the provision of invalidity, old-age and survivors' cash benefits, pensions in respect of employment injuries and death grants, to which a right is acquired under its legislation, to beneficiaries who are nationals of a Member or refugees or stateless persons, irrespective of their place of residence, subject to measures for this purpose to be taken, where necessary, by agreement between the Members or with the States concerned.

2. Notwithstanding the provisions of paragraph 1 of this Article, the Members concerned which participate in the schemes for the maintenance of rights in course of acquisition referred to in Article 6 of this Convention may agree to guarantee the provision of the benefits referred to in the said paragraph to beneficiaries resident in the territory of a Member other than the competent Member, within the framework of the bilateral or multilateral agreements referred to in paragraph 1 of Article 4 of this Convention.

3. In addition, notwithstanding the provisions of paragraph 1 of this Article, in the case of non-contributory benefits, the Members concerned shall determine by mutual agreement the conditions under which the provision of these benefits shall be guaranteed to beneficiaries resident in the territory of a Member other than the competent Member.

4. The provisions of paragraphs 1, 2 and 3 of this Article need not be applied to:

- (a) special non-contributory benefits awarded as a form of assistance or in cases of need;
- (b) benefits awarded under transitional schemes.

A. Please indicate the manner in which the provision of the benefits mentioned in paragraph 1 is ensured to beneficiaries who are nationals of a Member or refugees or stateless persons irrespective of their place of residence; and whether specific measures have been agreed upon between your country and other Members or other States concerned.

B. Please indicate whether use has been made in the alternative of the provisions of paragraph 2 to guarantee these benefits to all beneficiaries, irrespective of their nationality, resident in the territory of another Member with which your country participates in a scheme for the maintenance of rights in course of acquisition.

C. In the case of non-contributory benefits, please indicate whether and under what conditions their provision is guaranteed by means of agreements concluded with other Members concerned to beneficiaries resident in the territory of a Member other than the competent Member, and append the text of any such agreements.

Article 10

1. Members concerned shall endeavour to participate in schemes for the maintenance of rights acquired under their legislation, taking into account the provisions of Part III of this Convention, as regards each of the following branches of social security for which each of these Members has legislation in force: medical care, sickness benefit, maternity benefit and benefit in respect of employment injuries, other than pensions and death grants. These schemes shall guarantee such benefits to persons resident or temporarily resident in the territory of one of these Members other than the competent Member, under conditions and within limits to be determined by mutual agreement between the Members concerned.

2. When not assured by existing legislation, the reciprocity required by paragraph 1 of this Article may be assured by measures taken by a Member to guarantee benefits corresponding to the benefits provided under the legislation of another Member, subject to the agreement of that Member.

3. Members concerned shall endeavour to participate in schemes for the maintenance of rights acquired under their legislation, taking into account the provision of Part III of this Convention, as regards each of the following branches of social security for which each of these Members has legislation in force: unemployment benefit, family benefit and, notwithstanding the provisions of paragraph 1 of Article 9 of this Convention and paragraph 1 of this Article, rehabilitation benefit. These schemes shall guarantee such benefits to persons resident in the territory of one of these Members other than the competent Member, under conditions and within limits to be determined by mutual agreement between the Members concerned.

A. Please indicate whether your country participates in schemes for the maintenance of rights acquired in order to guarantee the benefits mentioned in paragraph 1 to persons resident or temporarily resident in the territory of a Member other than the competent Member.

B. If there is no legislation in force in your country or in the country of residence or temporary residence of any beneficiaries with respect to the benefits mentioned in paragraph 1, please indicate the measures taken to ensure the provision of these benefits in accordance with paragraph 2.

C. Please indicate whether your country participates in schemes for the maintenance of rights acquired in order to guarantee the benefits mentioned in paragraph 3 to persons resident in the territory of a Member other than the competent Member.

D. Please indicate the conditions and the limits, if any, specified in the agreements concluded with the Members concerned in order to give effect to this Article.

Article 11

The rules for the adjustment of benefits provided for under the legislation of a Member shall be applicable to the benefits payable under that legislation by virtue of the provisions of this Convention.

Please indicate the measures taken to give effect to the provisions of this Article.

PART V. ADMINISTRATIVE ASSISTANCE AND ASSISTANCE TO PERSONS COVERED BY THIS CONVENTION

Article 12

1. The authorities and institutions of Members shall afford one another assistance with a view to facilitating the application of this Convention and of their respective legislation.

2. In principle, the administrative assistance given by these authorities and institutions to one another shall be free of charge. Members may agree to reimburse certain expenses.

3. The authorities, institutions and jurisdictions of one Member may not reject claims or other documents submitted to them by reason of the fact that they are written in an official language of another Member.

A. Please indicate how effect is given to the provisions of this Article.

B. In particular, please specify whether agreement has been reached with other Members for the reimbursement of certain expenses.

C. Please indicate the measures taken to enable consideration to be given to claims and documents written in an official language of another Member.

Article 13

1. Where a claimant is resident in the territory of a Member other than the competent Member, he may present his claim validly to the institution of his place of residence, which shall forward it to the institution or institutions referred to in the claim.

2. Any claim, declaration or appeal that should have been submitted, under the legislation of a Member, within a specified time to an authority, institution or jurisdiction of that Member, shall be admissible if it is submitted within that time-limit to an authority, institution or jurisdiction of another Member in the territory of which the claimant is resident. In such event, the authority, institution or jurisdiction receiving the claim, declaration or appeal shall forward it without delay to the competent authority, institution or jurisdiction of the first Member. The date on which any claim, declaration or appeal was submitted to an authority, institution or jurisdiction of the second Member shall be deemed to be the date of its submission to the authority, institution or jurisdiction competent to deal with it.

3. Benefits to be provided by a Member to a beneficiary resident or temporarily resident in the territory of another Member may be provided either directly by the institution liable for the payment, or through the intermediary of an institution designated by the latter Member at the place where the beneficiary is resident or temporarily resident, subject to the agreement of the Members concerned.

A. Please indicate how effect is given to this Article.

B. Please indicate whether benefits are provided directly or through the intermediary of an institution in the country of residence or temporary residence.

Article 14

Each Member shall promote the development of social services to assist persons covered by this Convention, particularly migrant workers, in their dealings with the authorities, institutions and jurisdictions, particularly with respect to the award and receipt of benefits to which they are entitled and the exercise of their right of appeal, as well as in order to promote their personal and family welfare.

Please indicate the measures taken to give effect to the provisions of this Article.

PART VI. MISCELLANEOUS PROVISIONS

Article 15

Except for invalidity, old-age and survivors' benefits and benefits in respect of occupational disease, the costs of which are apportioned among two or more Members, this Convention shall not confer or maintain a right to several benefits of the same nature based on the same period of compulsory insurance, employment, occupational activity or residence.

Article 16

1. The benefits provided and other costs borne by an institution of a Member on behalf of an institution of another Member shall be reimbursed in accordance with the modalities determined by mutual agreement among these Members, unless they have agreed that there shall be no reimbursement.

2. Transfers of sums resulting from the application of this Convention shall be effected, if need be, in accordance with the agreements in force between the Members concerned at the date of transfer. In the absence of such agreements, the necessary arrangements shall be agreed between them.

A. Please indicate how and in accordance with what modalities effect is given to paragraph 1.

B. Please indicate how the transfers of sums referred to in paragraph 2 are effected.

Article 17

1. Members may derogate from the provisions of this Convention by special arrangements within the framework of the bilateral or multilateral instruments concluded amongst two or more of them, on condition that they do not affect the rights and obligations of other Members and settle the maintenance of rights on terms which, in the aggregate, are at least as favourable as those of this Convention.

2. A Member shall be deemed to satisfy the provisions of paragraph 1 of Article 9 and of Article 11 of this Convention:

- (a) if it guarantees at the date of its ratification the provision of the relevant benefits in a substantial amount prescribed under its legislation, to all beneficiaries regardless of their nationality and irrespective of their place of residence; and
- (b) if it gives effect to the provisions of paragraph 1 of Article 9 and of Article 11 of this Convention within the framework of the bilateral or multilateral instruments referred to in paragraph 1 of Article 4 of this Convention.

3. Each Member which has taken advantage of the provisions of paragraph 2 of this Article shall indicate in its reports in the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation:

- (a) that its reasons for doing so subsist; or
- (b) that it renounces its right to avail itself of the provisions of the above-mentioned paragraph of this Article as from a stated date.

A. If derogations have been made by special arrangements in accordance with paragraph 1, please append the text of these arrangements.

B. If use has been made of the possibility of derogation provided for in paragraph 2, please indicate whether the reasons for such derogation subsist or, if not, as from what date it has been decided to renounce it.

PART VII. TRANSITIONAL AND FINAL PROVISIONS

Article 18

1. This Convention does not confer any right to benefit in respect of a period prior to its coming into force for the Members concerned.

2. For the application of the provisions of this Convention, all periods of insurance, employment, occupational activity or residence completed under the legislation of a Member before the date on which a scheme for the maintenance of rights in course of acquisition referred to in Article 6 of this Convention enters into force for the Member concerned shall be taken into account for the purpose of determining whether rights arise under that scheme as from the date of its entry into force, subject to specific provisions to be agreed upon, if necessary, between the Members concerned.

3. Any benefit referred to in paragraph 1 of Article 9 of this Convention, which has not been awarded or which has been suspended on account of the residence of the claimant in the territory of a State other than the

competent Member, shall be awarded or resumed, at the request of the person concerned, as from the date on which this Convention enters into force for the latter Member or from the date of its entry into force for the Member of which he is a national, whichever is the later, unless the person concerned has previously obtained a lump-sum settlement in place of this benefit. The provisions of the legislation of the competent Member concerning the extinction of rights shall not be invoked against the person concerned if he submits his request within two years following this date or the date of the coming into effect of the measures provided for in paragraph 1 of Article 9, as the case may be.

4. Members concerned shall determine by mutual agreement the extent to which a scheme for the maintenance of rights in course of acquisition referred to in Article 6 of this Convention applies to a contingency arising before the entry into force of that scheme for these Members.

A. Please indicate the manner in which the scheme for the maintenance of rights in course of acquisition in which your country participates gives effect to paragraphs 2 and 4.

B. Please indicate the measures taken to give effect to paragraph 3.

Article 19

1. The denunciation of this Convention by a Member shall not affect the Member's obligations with respect to contingencies arising before the date on which denunciation has taken effect.

2. Rights in course of acquisition which are maintained by virtue of this Convention shall not lapse by reason of its denunciation by a Member; their further maintenance during the period subsequent to the date on which this Convention ceased to be in force shall be determined by the bilateral or multilateral social security instruments concluded by the Member, or, in the absence of such instruments, by the legislation of the said Member.

III. Please state to what authorities and institutions the application of the above-mentioned international instruments, laws and regulations, etc., is entrusted.

IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

V. Please provide general indications as to the manner in which the Convention is applied in your country, including, for example, extracts from reports of the authorities or institutions responsible for administering the social security schemes or the inspection services and, if available statistics permit, information on the number, even approximate, of foreigners in the national territory and their nationality, occupation, etc., as well as on the nature, number and amount of the benefits provided abroad.

VI. Please indicate the representative organisations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.¹ If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organisations concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the legislation or other measures implementing the Convention. If so, please communicate the text of these observations, together with any comments that you consider useful.

¹ Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

ANNEX

MAINTENANCE OF SOCIAL SECURITY RIGHTS RECOMMENDATION, 1983 (No. 167)

1. In this Recommendation—

- (a) the term “Member” means any State Member of the International Labour Organisation;
- (b) the term “legislation” includes any social security rules as well as laws and regulations;
- (c) the term “refugee” has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees of 28 July 1951 and in paragraph 2 of Article 1 of the Protocol relating to the Status of Refugees of 31 January 1967, without geographical limitation;
- (d) the term “stateless person” has the meaning assigned to it in Article 1 of the Convention relating to the Status of Stateless Persons of 28 September 1954;
- (e) the term “members of the family” means persons defined or recognised as such or as members of the household by the legislation under which benefits are awarded or provided, as appropriate, or persons determined by mutual agreement between the Members concerned; where persons are defined or recognised as members of the family or as members of the household under the relevant legislation only on the condition that they are living with the person concerned, this condition shall be deemed to be satisfied in respect of persons who obtain their main support from the person concerned;
- (f) the term “survivors” means persons defined or recognised as such by the legislation under which benefits are awarded; where persons are defined or recognised as survivors under the relevant legislation only on the condition that they were living with the deceased, this condition shall be deemed to be satisfied in respect of persons who obtained their main support from the deceased;
- (g) the term “residence” means ordinary residence.

2. Members bound by a bilateral or multilateral social security instrument should endeavour by mutual agreement to extend to the nationals of any other Member, as well as to refugees and stateless persons resident in the territory of any Member, the benefit of the provisions of that instrument relating to—

- (a) the determination of the applicable legislation;
- (b) the maintenance of rights in course of acquisition;
- (c) the maintenance of acquired rights and provision of benefits abroad.

3. Members should conclude among themselves and with the States concerned appropriate administrative or financial arrangements to remove possible obstacles to the provision of invalidity, old-age and survivors’ benefits, pensions in respect of employment injuries and death grants, to which a right is acquired under their legislation, to beneficiaries who are nationals of a Member or refugees or stateless persons resident abroad.

4. Where one of the Members bound by a bilateral or multilateral social security instrument has no legislation in force in respect of unemployment benefit or family benefit, the Members so bound should endeavour to conclude between themselves appropriate arrangements to compensate equitably the loss or the absence of rights resulting therefrom for persons who transfer their residence from the territory of a Member which has legislation in force in respect of the benefits concerned to the territory of a Member which has no such legislation, or for the members of the family of persons entitled to family benefit under the legislation of the first Member when these members of the family are resident in the territory of the second Member.

5. Where, in application of the Equality of Treatment (Social Security) Convention, 1962, the Maintenance of Social Security Rights Convention, 1982, or any bilateral or multilateral social security instrument, cash benefits have to be paid to beneficiaries residing in the territory of a State other than the one in whose territory the institution liable for the payment is located, this institution should, whenever possible, pay the beneficiary direct, particularly in the case of invalidity, old-age and survivors’ benefits and also pensions in respect of employment injuries. The transfer of these benefits and pensions should be made with the minimum delay, so that beneficiaries may have them at their disposal as quickly as possible. In the case of indirect payment, the institution acting as intermediary in the country of residence of the beneficiary should do its utmost to see that the latter shall receive promptly the benefits due.

6. Members concerned should endeavour to conclude bilateral and multilateral social security instruments covering the nine branches of social security mentioned in paragraph 1 of Article 2 of the Maintenance of Rights in Social Security Convention, 1982; to develop the co-ordination of bilateral or multilateral social security instruments by which they are respectively bound; and to conclude an international agreement to this effect, with the assistance of the International Labour Office, where appropriate.

7. For the application of the provisions of Articles 6 to 8 of the Equality of Treatment (Social Security) Convention, 1962, and of paragraph 1 of Article 4 of the Maintenance of Social Security Rights Convention, 1982, Members bound by these Conventions should take account, as appropriate, of the model provisions and the model agreement annexed to this Recommendation, designed for the conclusion of bilateral or multilateral social security instruments and for their co-ordination.

8. Members concerned, even if they are not yet bound by at least one of the Conventions referred to in Paragraph 7 of this Recommendation, should endeavour to participate in the international system provided for by the Maintenance of Social Security Rights Convention, 1982, taking account, as appropriate, of the model provisions and the model agreement annexed to this Recommendation.

ANNEX I

Model Provisions for the Conclusion of Bilateral or Multilateral Social Security Instruments

I. DEFINITIONS

Article 1

For the purpose of these model provisions—

- (a) the term “legislation” includes any social security rules as well as laws and regulations;
- (b) the term “competent State” means a Contracting Party under whose legislation the person concerned can claim benefit;
- (c) the term “competent authority” means the minister, ministers or other corresponding authority responsible for the social security schemes in all or any part of the territory of each Contracting Party;
- (d) the term “institution” means any body or authority directly responsible for applying all or part of the legislation of a Contracting Party;
- (e) the term “competent institution” means—
 - (i) in relation to a social insurance scheme, either the institution with which the person concerned is insured when he claims benefit, or an institution from which he is entitled to receive benefit or would be entitled to receive benefit if he were resident in the territory of the Contracting Party where that institution is situated, or the institution designated by the competent authority of the Contracting Party concerned;
 - (ii) in relation to a scheme other than a social insurance scheme, or in relation to a family benefits scheme, the institution designated by the competent authority of the Contracting Party concerned;
 - (iii) in relation to a scheme consisting of obligations imposed on employers, either the employer or his insurer or, in default thereof, the body or authority designated by the competent authority of the Contracting Party concerned;
- (f) the term “provident fund” means a compulsory savings institution;
- (g) the term “members of the family” means persons defined or recognised as such or as members of the household by the legislation under which benefits are awarded or provided, as appropriate, or persons determined by mutual agreement between the Contracting Parties concerned; where persons are defined or recognised as members of the family or as members of the household under the relevant legislation only on the condition that they are living with the person concerned, this condition shall be deemed to be satisfied in respect of persons who obtain their main support from the person concerned;
- (h) the term “survivors” means persons defined or recognised as such by the legislation under which benefits are awarded; where persons are defined or recognised as survivors under the relevant legislation only on the condition that they were living with the deceased, this condition shall be deemed to be satisfied in respect of persons who obtained their main support from the deceased;
- (i) the term “residence” means ordinary residence;
- (j) the term “temporary residence” means a temporary stay;
- (k) the term “institution of the place of residence” means the institution empowered, under the Contracting Party’s legislation applied by it, to provide the benefits in question at the place of residence or, where no such institution exists, the institution designated by the competent authority of the Contracting Party concerned;
- (l) the term “institution of the place of temporary residence” means the institution empowered, under the Contracting Party’s legislation applied by it, to provide the benefits in question at the place of temporary residence of the person concerned or, where no such institution exists, the institution designated by the competent authority of the Contracting Party concerned;

- (m) the term “periods of insurance” means periods of contribution, employment, occupational activity or residence which are defined or recognised as periods of insurance by the legislation under which they were completed, and such other periods as are regarded by that legislation as equivalent to periods of insurance;
- (n) the terms “period of employment” and “periods of occupational activity” mean periods defined or recognised as such by the legislation under which they were completed and such other periods as are regarded by that legislation as equivalent to periods of employment or periods of occupational activity respectively;
- (o) the term “periods of residence” means periods of residence defined or recognised as such by the legislation under which they were completed;
- (p) the term “benefits” means all benefits in kind and in cash provided in respect of the contingency concerned, including death grants, and—
 - (i) as benefits in kind, benefits aimed at the prevention of any contingency covered by social security, physical rehabilitation and vocational rehabilitation;
 - (ii) as benefits in cash, all components thereof provided out of public funds, and all increases, revaluation allowances of supplementary allowances, and any benefits awarded for the purpose of maintaining or improving earning capacity, lump-sum benefits which may be paid in lieu of pensions and, where applicable, any payments made by way of refund of contributions;
- (q) (i) the term “family benefits” means any benefits in kind or in cash, including family allowances, granted to offset family maintenance costs, with the exception of increases in, or supplements to, pensions provided for the members of the family of the recipients of such pensions;
- (ii) the term “family allowances” means periodical cash benefits granted according to the number and age of children;
- (r) the term “death grant” means any lump sum payable in the event of death, other than the lump-sum benefits mentioned in subparagraph (p) (ii) of this article;
- (s) the term “non-contributory” applies to benefits the award of which does not depend on direct financial participation by the persons protected or by their employer, or on a qualifying period of occupational activity, and to any scheme which exclusively awards such benefits.

II. APPLICABLE LEGISLATION

Article 2

1. Notwithstanding the general rule relating to the application of the legislation of the Contracting Party in the territory of which the employed persons are employed,¹ the legislation applicable to employed persons referred to in this paragraph is determined in accordance with the following provisions:

- (a) (i) employed persons who are employed in the territory of a Contracting Party by an undertaking which is their regular employer and who are sent by that undertaking to work for it in the territory of another Contracting Party shall remain subject to the legislation of the first Party, provided that the expected duration of the work does not exceed the time-limit determined by mutual agreement between the Contracting Parties concerned and that they are not sent to replace other employed persons who have completed their period of secondment abroad;
- (ii) if the work to be carried out continues because of unforeseeable circumstances for a period longer than originally foreseen and exceeding the determined time-limit, the legislation of the first Party shall remain applicable until the work is completed, subject to the consent of the competent authority of the second Party or of the body designated by it;

¹ See paragraph 1 (a) of Article 5 of the Maintenance of Social Security Rights Convention, 1982.

- (b) (i) employed persons who are employed in international transport in the territory of two or more Contracting Parties as travelling personnel in the service of an undertaking which has its registered office in the territory of a Contracting Party and which, on behalf of others or on its own account, transports passengers or goods by rail, road, air or inland waterway, shall be subject to the legislation of the latter Party;
- (ii) however, if they are employed by a branch or permanent agency which the said undertaking has in the territory of a Contracting Party other than the Party in whose territory it has its registered office, they shall be subject to the legislation of the Contracting Party in whose territory the branch or permanent agency is situated;
- (iii) if they are employed mainly in the territory of the Contracting Party where they are resident, they shall be subject to the legislation of that Party, even if the undertaking which employs them has neither its registered office nor a branch or permanent agency in that territory;
- (c) (i) employed persons other than those in international transport who normally follow their occupation in the territory of two or more Contracting Parties shall be subject to the legislation of the Contracting Party in whose territory they reside if their occupation is carried on partly in that territory or if they are employed by several undertakings or by several employers having their registered offices or their places of residence in the territory of different Contracting Parties;
- (ii) in other cases they shall be subject to the legislation of the Contracting Party in whose territory the undertaking which employs them has its registered office or their employer has his place of residence;
- (d) employed persons who are employed in the territory of a Contracting Party by an undertaking which has its registered office in the territory of another Contracting Party and whose premises lie astride the common frontier of the Contracting Parties concerned shall be subject to the legislation of the Contracting Party in whose territory the undertaking has its registered office.
2. Notwithstanding the general rule relating to the application of the legislation of the Contracting Party in the territory of which self-employed persons engage in an occupation,¹ the legislation applicable to the self-employed persons referred to in this paragraph is determined in accordance with the following provisions:
- (a) self-employed persons who reside in the territory of one Contracting Party and engage in their occupation in the territory of another Contracting Party shall be subject to the legislation of the first Party:
- (i) if the second Party has no legislation applicable to them, or
- (ii) if, under the legislation of each of the Parties concerned, self-employed persons are subject to that legislation solely by reason of the fact that they are resident in the territory of those Parties;
- (b) self-employed persons who normally engage in their occupation in the territory of two or more Contracting Parties shall be subject to the legislation of the Contracting Party in whose territory they are resident, if they work partly in that territory or if, under that legislation, they are subject to it solely by reason of the fact that they are resident in the territory of that Party;
- (c) where the self-employed persons referred to in the preceding subparagraph do not work partly in the territory of the Contracting Party where they are resident, or where, under the legislation of that Party, they are not subject to that legislation solely by reason of their residence, or where that Party has no legislation applicable to them, they shall be subject to the legislation mutually agreed upon by the Contracting Parties concerned or by their competent authorities.
3. Where by virtue of the preceding paragraphs of this article, a worker is subject to the legislation of a Contracting Party in whose territory he is neither employed nor engaged in

an occupation nor resident, that legislation shall be applicable to him as if he were employed or engaged in an occupation or resident in the territory of that Party, as the case may be.

4. The competent authorities of the Contracting Parties may, by mutual agreement, make other provisions than those of the preceding paragraphs of this Article, in the interest of the persons concerned.

III. MAINTENANCE OF RIGHTS IN COURSE OF ACQUISITION

A. ADDING TOGETHER PERIODS

1. Medical Care, Sickness Benefit, Maternity Benefit and Family Benefit

Article 3

Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of the right to benefit conditional upon the completion of periods of insurance, employment, occupational activity or residence, the institution which applies that legislation shall, for the purpose of adding periods together and to the extent necessary, take account of periods of insurance, employment, occupational activity and residence completed under the corresponding legislation of any other Contracting Party, in so far as they are not overlapping, as if they were periods completed under the legislation of the first Party.

2. Unemployment Benefit

Article 4

1. Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of the right to benefit conditional upon the completion of periods of insurance, employment, occupational activity or residence, the institution which applies that legislation shall, for the purpose of adding periods together and to the extent necessary, take account of periods of insurance, employment, occupational activity and residence completed under the corresponding legislation of any other Contracting Party, in so far as they are not overlapping, as if they were periods completed under the legislation of the first Party.

2. However, the institution of a Contracting Party whose legislation requires the completion of periods of insurance for the establishment of the right to benefit may make the adding together of periods of employment or occupational activity completed under the corresponding legislation of another Contracting Party subject to the condition that these periods would have been considered as periods of insurance if they had been completed under the legislation of the first Party.

3. The provisions of the preceding paragraphs of this article shall apply, *mutatis mutandis*, where the legislation of a Contracting Party provides that the length of the period during which benefit may be awarded depends on the length of the periods completed.

3. Invalidity, Old-age and Survivors' Benefit

Article 5

1. Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of the right to benefit conditional upon the completion of periods of insurance, employment, occupational activity or residence, the institution which applies that legislation shall, for the purpose of adding periods together, take account of periods of insurance, employment, occupational activity and residence completed under the corresponding legislation of any other Contracting Party, in so far as they are not overlapping, as if they were periods completed under the legislation of the first Party.

2. Where the legislation of a Contracting Party makes the provision of benefit conditional on the person concerned or, in the case of survivors' benefit, the deceased, having been subject to that legislation at the time at which the contingency arose, that condition shall be deemed to be fulfilled if the person concerned or the deceased, as the case may be, was subject at that time to the legislation of another Contracting

¹ See paragraph 1 (b) of Article 5 of the Maintenance of Social Security Rights Convention, 1982.

Party or, failing that, if the person concerned or the survivor can claim corresponding benefits under the legislation of another Contracting Party.

3. Where the legislation of a Contracting Party provides that the period of payment of a pension may be taken into consideration for the acquisition, maintenance or recovery of the right to benefit, the competent institution of that Party shall for this purpose take account of any period during which a pension was paid under the legislation of any other Contracting Party.

4. Common Provisions

Article 6

Where the legislation of a Contracting Party makes the provision of certain benefits conditional upon the completion of periods in an occupation covered by a special scheme or in a specified occupation or employment, only periods completed under a corresponding scheme or, in the absence of such a scheme, in the same occupation or in the same employment, as the case may be, under the legislation of other Contracting Parties, shall be taken into account for the award of such benefits. If, notwithstanding periods completed in this way, the person concerned does not satisfy the conditions for entitlement to the said benefits, the periods concerned shall be taken into account for the award of benefits under the general scheme or, in the absence of such a scheme, the scheme applicable to wage earners or to salaried employees, as appropriate.

B. DETERMINATION OF INVALIDITY, OLD-AGE AND SURVIVORS' BENEFIT

Article 7

The determination of invalidity, old-age and survivors' benefit shall be carried out in conformity with either the method of apportionment or the method of integration, according to the choice made by mutual agreement between the Contracting Parties concerned.

ALTERNATIVE 1—METHOD OF APPORTIONMENT

1. Common Provisions

Article 8

1. Where a person has been subject successively or alternately to the legislation of two or more Contracting Parties, the institution of each of these Parties shall determine, in accordance with the legislation which it applies, whether such person, or his survivors, satisfies the conditions for right to benefit having regard, where appropriate, to the provisions of Article 5.

2. Where the person concerned satisfies these conditions, the competent institution of any Contracting Party whose legislation provides that the amount of benefits or certain parts thereof shall be in proportion to the periods completed may calculate those benefits or parts thereof directly, solely on the basis of the periods completed under the legislation which it applies, notwithstanding the provisions of the following paragraphs of this Article.

3. If the person concerned satisfies the conditions referred to in paragraph 1 of this Article the competent institution of any of the other Contracting Parties shall calculate the theoretical amount of the benefits he could claim if all the periods completed under the legislation of all the Contracting Parties concerned and taken into account for establishing entitlement, in accordance with the provisions of Article 5, had been completed exclusively under the legislation which that institution applies.

4. However,

- (a) in the case of benefits the amount of which does not depend on the length of periods completed, that amount shall be taken to be the theoretical amount referred to in the preceding paragraph;
- (b) in the case of non-contributory benefits the amount of which does not depend on the length of periods completed, the theoretical amount referred to in the preceding para-

graph may be calculated on the basis of and up to the amount of the full benefit:

- (i) in the case of invalidity or death, in proportion to the ratio of the total periods completed, before the contingency arose, by the person concerned or the deceased under the legislation of all Contracting Parties concerned and taken into account in accordance with the provisions of Article 5, to two-thirds the number of years which elapsed between the date on which the persons concerned or the deceased reached the age of 15—or a higher age fixed by mutual agreement between the Contracting Parties concerned—and the date on which the incapacity for work followed by invalidity or the death, as the case may be, occurred, disregarding any years subsequent to pensionable age;
- (ii) in the case of old age, in proportion to the ratio of the total periods completed by the person concerned under the legislation of all the Contracting Parties concerned and taken into account in accordance with the provisions of Article 5, to 30 years, disregarding any years subsequent to pensionable age.

5. The institution referred to in paragraph 3 of this Article shall then calculate the actual amount of the benefit payable by it to the person concerned on the basis of the theoretical amount calculated in accordance with the provisions of paragraph 3 or of paragraph 4 of this Article, as appropriate, and in proportion to the ratio of the periods completed before the contingency arose under the legislation which it applies, to the total of the periods completed before the contingency arose under the legislation of all the Contracting Parties concerned.

6. If the total of the periods completed under the legislation of all the Contracting Parties concerned before the contingency arose exceeds the maximum period required by the legislation of one of these Parties for the receipt of full benefits, the institution of that Party shall, when applying the provisions of paragraphs 3 and 5 of this Article, take into account this maximum period instead of the total of the periods completed, without, however, being obliged to award higher benefits than the full benefits provided for the legislation which it applies.

Article 9

1. Notwithstanding the provisions of Article 8, where the total duration of the periods completed under the legislation of a Contracting Party is less than one year and where, taking into account only those periods, no right to benefit exists under that legislation, the institution of the Party concerned shall not be bound to award benefit in respect of the said periods.

2. The periods referred to in the preceding paragraph shall be taken into account by the institution of each of the other Contracting Parties concerned for the purpose of applying the provisions of Article 8, except those of paragraph 5 thereof.

3. However, where the application of the provisions of paragraph 1 of this Article would have the effect of relieving all the institutions concerned of the obligation to award benefit, benefit shall be awarded.

(*Alternative A*) exclusively under the legislation of the last Contracting Party whose conditions are fulfilled by the person concerned, regard being had to the provisions of Article 5, as if all the periods referred to in paragraph 1 of this Article had been completed under the legislation of that Party.

(*Alternative B*) in accordance with the provisions of Article 8.

Article 10

1. If the person concerned does not, at a given date, satisfy the conditions required by the legislation of all the Contracting Parties concerned, regard being had to the provisions of Article 5, but satisfies the conditions of the legislation of only one or more of them, the following provisions shall apply:

- (a) the amount of the benefit payable shall be calculated in accordance with the provisions of paragraph 2 or of paragraphs 3 to 6 of Article 8, as appropriate, by each of the competent institutions applying legislation the conditions of which are fulfilled;
- (b) however:
 - (i) if the person concerned satisfies the conditions of the legislation of at least two Contracting Parties, without any need to include periods completed under any legis-

lation the conditions of which are not fulfilled, such periods shall not be taken into account for the purpose of applying the provisions of paragraphs 3 to 6 of Article 8;

- (ii) if the person concerned satisfies the conditions of the legislation of one Contracting Party only, without any need to invoke the provisions of Article 5, the amount of the benefit payable shall be calculated exclusively in accordance with the provisions of the legislation the conditions of which are fulfilled, taking account of periods completed under that legislation only.

2. Benefits awarded under the legislation of one or more Contracting Parties concerned in the case covered by the preceding paragraph shall be recalculated automatically, in accordance with the provisions of paragraph 2 or of paragraphs 3 to 6 of Article 8, when the conditions prescribed by the other legislation or legislations concerned are satisfied, regard being had, where appropriate, to the provisions of Article 5.

3. Benefits awarded under the legislation of two or more Contracting Parties shall be recalculated, in accordance with the provisions of paragraph 1 of this Article, at the request of the beneficiary, when the conditions prescribed by the legislation of one or more of these Contracting Parties cease to be fulfilled.

Article 11

1. Where the amount of the benefits a person would be entitled to claim under the legislation of a Contracting Party, without regard to the provisions of Articles 5 and 8 to 10, is greater than the total benefits payable in accordance with those provisions, the competent institution of that Party shall pay a supplement equal to the difference between the two amounts. That institution shall bear the whole cost of the supplement.

(Alternative A) 2. Where the application of the provisions of the preceding paragraph would have the effect of entitling the persons concerned to supplements from the institutions of two or more Contracting Parties, he shall receive only whichever is the largest. The cost of this supplement shall be apportioned among the competent institutions of the Contracting Parties concerned according to the ratio between the amount of the supplement which each of them would have to pay if it alone had been concerned and the amount of the combined supplement which all the said institutions would have to pay.

(Alternative B) 2. Where the application of the provisions of the preceding paragraph would have the effect of entitling the person concerned to supplements from the institutions of two or more Contracting Parties, he shall receive these supplements only within the limit of the highest theoretical amount calculated by these institutions in accordance with the provisions of paragraphs 3 or 4 of Article 8. If the total amount of the benefit and supplements exceeds the highest theoretical amount, each institution of the Contracting Parties concerned may reduce the amount of the supplement which it would have to pay, by a fraction of the excess determined according to the ratio between the amount of the latter supplement and the amount of the combined supplement which all the said institutions would have to pay.

3. The supplements referred to in the preceding paragraphs of this Article shall be regarded as a component of the benefit provided by the institution liable for payment. Their amount shall be determined once and for all, except where the provisions of paragraph 2 or paragraph 3 of Article 10 are applicable.

2. Special Provisions concerning Invalidity and Survivors' Benefits

Article 12

1. In the event of an aggravation of any invalidity for which a person is receiving benefit under the legislation of one Contracting Party only, the following provisions shall apply:

- (a) if the person concerned has not been subject to the legislation of any other Contracting Party since he began to receive benefit, the competent institution of the first Party shall be bound to take the aggravation into account, when awarding benefit, in accordance with the provisions of the legislation which it applies;

- (b) if the person concerned has been subject to the legislation of one or more other Contracting Parties since he began to receive benefit, the aggravation shall be taken into account when awarding benefit in accordance with the provisions of Articles 5 and 8 to 11;
- (c) in the case referred to in the preceding subparagraph, the date on which the aggravation was demonstrated shall be regarded as the date on which the contingency arose;
- (d) if in the case referred to in subparagraph (b) of this paragraph the person concerned is not entitled to benefit from the institution of another Contracting Party, the competent institution of the first Party shall be bound to take the aggravation into account, when awarding benefit, in accordance with the provisions of the legislation which it applies.

2. In the event of aggravation of any invalidity for which the person is receiving benefit under the legislation of two or more Contracting Parties, the aggravation shall be taken into account, when awarding benefit, in accordance with the provisions of Articles 5 and 8 to 11. The provisions of subparagraph (c) of the preceding paragraph shall apply *mutatis mutandis*.

Article 13

1. Invalidity or survivors' benefit shall, where appropriate, be converted into old-age benefit, on conditions prescribed by the legislation under which they have been awarded and in accordance with the provisions of Articles 5 and 8 to 11.

2. Where, in the case referred to in Article 10, a recipient of invalidity or survivors' benefit payable under the legislation of one or more Contracting Parties becomes entitled to old-age benefit, any institution liable for the payment of invalidity or survivors' benefit shall continue to pay the recipient the benefit to which he is entitled under the legislation which it applies until such time as the provisions of the preceding paragraph become applicable in respect of that institution.

ALTERNATIVE II—METHOD OF INTEGRATION

Formula A—Integration Linked with Residence

Article 14

1. Where a person has been subject successively or alternately to the legislation of two or more Contracting Parties, he or his survivors shall be entitled only to the benefits determined in accordance with the legislation of the Contracting Party in the territory of which they reside, provided that they satisfy the conditions prescribed by that legislation or by the Contracting Parties concerned, having regard, where appropriate, to the provisions of Article 5.

2. The cost of the benefits determined in accordance with the provisions of the preceding paragraph shall be:

- (a) borne entirely by the institution of the Contracting Party in the territory of which the person concerned resides; however, the application of this provision may be made conditional upon the person concerned having been resident in that territory at the date of the submission of his benefit claim or, in respect of survivors' benefit, upon the deceased having been resident in that territory at the date of his death for a minimum period fixed by mutual agreement between the Contracting Parties concerned; or
- (b) apportioned among the institutions of all the Contracting Parties concerned according to the ratio between the duration of the periods completed under the legislation which each of those institutions applies, before the contingency arose, and the total duration of the periods completed under the legislation of all the Contracting Parties concerned before the contingency arose; or
- (c) borne by the institution of the Contracting Party in the territory of which the person concerned resides, but compensated by the institutions of the other Contracting Parties concerned according to a lump-sum arrangement agreed upon between all these Parties on the basis of the participation of the person concerned in the scheme of each of the Contracting Parties which is not liable to pay benefit.

3. If the person concerned does not satisfy the conditions of the legislation of the Contracting Party referred to in paragraph 1 of this Article or if that legislation does not provide for the

award of invalidity, old-age or survivors' benefit, he shall receive the most favourable benefit to which he is entitled under the legislation of any other Contracting Party, regard being had, where appropriate, to the provisions of Article 5.

Formula B—Integration Linked with the Occurrence of Invalidity or Death¹

Article 15

1. Where a person has been subject successively or alternately to the legislation of two or more Contracting Parties, he or his survivors shall be entitled to benefit in accordance with the provisions of the following paragraphs of this Article.

2. The institution of the Contracting Party whose legislation was applicable when the incapacity for work followed by invalidity or death occurred shall determine, in accordance with the provisions of that legislation, whether the person concerned satisfies the conditions for right to benefit, regard being had, where appropriate, to the provisions of Article 5.

3. The person concerned who satisfies these conditions shall obtain the benefit from the said institution only, in accordance with the provisions of the legislation which it applies.

4. If the person concerned does not satisfy the conditions of the legislation of the Contracting Party referred to in paragraph 2 of this Article, or if that legislation does not provide for invalidity or survivors' benefit, he shall receive the most favourable benefit to which he is entitled under the legislation of any other Contracting Party, having regard, where applicable, to the provisions of Article 5.

Article 16

The provisions of Article 12, paragraph 1, shall apply *mutatis mutandis*.

C. DETERMINATION OF BENEFITS IN RESPECT OF OCCUPATIONAL DISEASES

Article 17

1. If a worker contracts an occupational disease after having been engaged in an occupation likely to cause that disease under the legislation of two or more Contracting Parties, the benefit to which he or his survivors may be entitled shall be awarded exclusively under the legislation of the last of the said Parties the conditions of which they fulfil, regard being had, where applicable, to the provisions of paragraphs 2 to 4 of this Article.

2. Where the legislation of a Contracting Party makes the right to benefit for occupational diseases conditional upon the disease in question being first diagnosed in its territory, that condition shall be deemed to have been fulfilled if this disease was first diagnosed in the territory of another Contracting Party.

3. Where the legislation of a Contracting Party explicitly or implicitly makes the right to benefit for occupational diseases conditional upon the disease in question being diagnosed within a specified period after the termination of the last occupation liable to cause such a disease, the competent institution of that Party, when ascertaining the time at which the occupation in question was engaged in shall, to the extent necessary, take account of any occupation of the same kind engaged in under the legislation of any other Contracting Party, as if it had been engaged in under the legislation of the first Party.

4. Where the legislation of a Contracting Party explicitly or implicitly makes entitlement to benefit for occupational diseases conditional upon an occupation liable to cause the disease in question having been pursued for a specific period, the competent institution of that Party shall, to the extent necessary, take account, for the purpose of adding periods together, of periods during which such an occupation was followed in the territory of any other Contracting Party.

5. In those cases where the provisions of paragraph 3 or paragraph 4 of this Article are applied,

¹ This formula may be limited to cases where the person considered has completed periods exclusively under legislation under which the amount of benefits is independent of the duration of periods completed.

(Alternative I) the cost of benefits

(Alternative II) the cost of pensions

in respect of occupational diseases may be apportioned among the Contracting Parties concerned,

(Alternative A) in proportion to the ratio between the duration of exposure to the risk under the legislation of each of those Parties and the total duration of exposure to the risk under the legislation of the said Parties.

(Alternative B) in proportion to the ratio between the duration of the periods completed under the legislation of each of those Parties and the total duration of the periods completed under the legislation of the said Parties.

(Alternative C) equally between those Parties under whose legislation the duration of exposure to risk has reached a percentage, fixed by mutual agreement between the Parties concerned, of the total duration of exposure to the risk under the legislation of the said Parties.

Article 18

Where a worker having contracted an occupational disease has received or is receiving compensation from the institution of a Contracting Party, and in the event of an aggravation of his condition claims benefits from the institution of another Contracting Party, the following provisions shall apply:

(a) where the worker has not engaged, under the legislation of the second Party, in an occupation liable to cause or aggravate the disease in question, the competent institution of the first Party shall bear the cost of the benefit, taking the aggravation into account, in accordance with the provisions of the legislation which that institution applies;

(b) where the worker has engaged in such an occupation under the legislation of the second Party, the competent institution of the first Party shall bear the cost of the benefit, leaving the aggravation out of account, in accordance with the provisions of the legislation which it applies; the competent institution of the second Party shall award to the worker a supplementary benefit the amount of which shall be equal to the difference between the amount of the benefit due after the aggravation and the amount of the benefit that would, in accordance with the provisions of the legislation which that institution applies, have been due before the aggravation if the disease in question had been contracted under the legislation of that Party.

IV. MAINTENANCE OF ACQUIRED RIGHTS AND PROVISION OF BENEFITS ABROAD

1. Medical Care, Sickness Benefit, Maternity Benefit and Benefits Other than Pensions in respect of Occupational Injuries and Diseases

Article 19

1. Persons who reside in the territory of a Contracting Party other than the competent State and who satisfy the conditions for right to benefit prescribed by the legislation of the latter State, regard being had, where appropriate, to the provisions of Article 3, shall receive in the territory of the Contracting Party in which they reside—

(a) benefits in kind, provided at the expense of the competent institution by the institution of the place of residence in accordance with the provisions of the legislation which the latter institution applies, as if these persons were affiliated to it;

(b) cash benefits, paid by the competent institution in accordance with the provisions of the legislation which it applies, as if these persons were resident in the territory of the competent State. However, by agreement between the competent institution and the institution of the place of residence, cash benefits may also be paid through the latter institution, on behalf of the competent institution.

2. The provisions of the preceding paragraph shall apply, *mutatis mutandis*, in respect of medical care, sickness and maternity benefits, to members of the family who are resident in the territory of a Contracting Party other than the competent State.

3. Benefits may also be provided to frontier workers and to members of their family by the competent institution in the territory of the competent State, in accordance with the provisions of the legislation of that State, as if they were resident in its territory.

Article 20

(Alternative I)

1. Persons who satisfy the conditions for right to benefit under the legislation of the competent State, regard being had where appropriate, to the provisions of Article 3, and—

- (a) whose condition necessitates the immediate provision of benefits during temporary residence in the territory of a Contracting Party other than the competent State; or
- (b) who, having become entitled to benefits payable by the competent institution, are authorised by that institution to return to the territory of a Contracting Party where they reside, other than the competent State, or to transfer their residence to the territory of a Contracting Party other than the competent State; or
- (c) who are authorised by the competent institution to go to the territory of a Contracting Party other than the competent State in order to receive the treatment required by their condition, shall receive—
 - (i) benefits in kind, provided at the expense of the competent institution by the institution of the place of residence or temporary residence in accordance with the provisions of the legislation applied by the latter institution, as if these persons were affiliated to it, for a period no longer than that which may be prescribed by the legislation of the competent State;
 - (ii) cash benefits, paid by the competent institution in accordance with the provisions of the legislation which it applies, as if these persons were in the territory of the competent State. However, by agreement between the competent institution and the institution of the place of residence or temporary residence, cash benefits may be paid through the latter institution, on behalf of the competent institution.

2. (a) The authorisation referred to in subparagraph (b) of the preceding paragraph may be refused only if the move might prejudice the health or the course of medical treatment of the person concerned.

(b) The authorisation referred to in subparagraph (c) of the preceding paragraph shall not be refused when the requisite treatment cannot be given in the territory of the Contracting Party in which the person concerned resides.

3. The provisions of the preceding paragraphs of this Article shall apply, *mutatis mutandis*, to members of the family in respect of medical care, sickness and maternity benefits.

(Alternative II)

1. Persons who satisfy the conditions for right to benefit under the legislation of the competent State, regard being had, where appropriate, to the provisions of Article 3, and—

- (a) whose condition necessitates the immediate provision of benefits during temporary residence in the territory of a Contracting Party other than the competent State; or
- (b) who, having become entitled to benefits payable by the competent institution, return to the territory of a Contracting Party where they reside, other than the competent State, or transfer their residence to the territory of a Contracting Party other than the competent State; or
- (c) who go to the territory of a Contracting Party other than the competent State in order to receive the treatment required by their condition, shall receive—
 - (i) benefits in kind, provided by the institution of the place of residence or temporary residence in accordance with the provisions of the legislation applied by that institution, as if these persons were affiliated to it;
 - (ii) cash benefits, paid by the competent institution in accordance with the provisions of the legislation which it applies, as if these persons were in the territory of the competent State. However, by agreement between the competent institution and the institution of the place of residence or temporary residence, cash benefits may

be paid through the latter institution, on behalf of the competent institution.

2. The provisions of the preceding paragraph shall apply, *mutatis mutandis*, to members of the family in respect of medical care, sickness and maternity benefits.

2. Unemployment Benefit

Article 21

1. Unemployed workers who satisfy the conditions for right to benefit prescribed by the legislation of one Contracting Party in respect of the completion of periods of insurance, employment, occupational activity or residence, regard being had, where appropriate, to the provisions of Article 4, and who transfer their residence to the territory of another Contracting Party, shall be deemed to have also satisfied the conditions for right to benefit prescribed by the legislation of the second Party, provided that they place themselves at the disposal of the employment services in the territory of that Party and file a claim with the institution of their new place of residence within 30 days of their transfer of residence, or such longer period as may be fixed by mutual agreement between the Contracting Parties. The benefit shall be paid by the institution of the place of residence, in accordance with the provisions of the legislation which that institution applies, the cost being borne by the competent institution of the first Party.

(Alternative I) for a period not exceeding any period which may be prescribed by the legislation of that Party.

(Alternative II) for a period not exceeding the shortest of the periods fixed by the legislation of each of the two Contracting Parties concerned.

(Alternative III) for a period not exceeding that prescribed by mutual agreement between the Contracting Parties.

2. Without prejudice to the provisions of the preceding paragraph, an unemployed person who, during his last employment, was resident in the territory of a Contracting Party other than the competent State shall receive benefit in accordance with the following provisions:

- (a) (i) a frontier worker who is partially or incidentally unemployed in the undertaking which employs him shall receive benefit in accordance with the provisions of the legislation of the competent State, as if he were resident in the territory of that State, regard being had, where appropriate, to the provisions of Article 4; such benefit shall be paid by the competent institution;
- (ii) a frontier worker who is wholly unemployed shall receive benefit in accordance with the provisions of the legislation of the Contracting Party in whose territory he resides, as if he had been subject to that legislation during his last employment, regard being had, where appropriate, to the provisions of Article 4; such benefit shall be paid by the institution of the place of residence at its own cost;
- (b) (i) a worker, other than a frontier worker, who becomes partially, incidentally or wholly unemployed and remains available to his employer or to the employment services in the territory of the competent State, shall receive benefit in accordance with the provisions of the legislation of the competent State, as if he were resident in the territory of that State, regard being had, where appropriate, to the provisions of Article 4; such benefit shall be paid by the competent institution;
- (ii) a worker, other than a frontier worker, who becomes wholly unemployed and makes himself available to the employment services in the territory of the Contracting Party where he resides, or returns to that territory, shall receive benefit in accordance with the provisions of the legislation of that Party, as if he had been subject to that legislation during his last employment, regard being had, where appropriate, to the provisions of Article 4; such benefit shall be paid by the institution of the place of residence at its own cost;
- (iii) however, if the worker referred to in subparagraph (b) (ii) of this paragraph has become entitled to benefit from the competent institution of the Contracting Party to whose legislation he was last subject, he shall receive benefit in accordance with the provisions of the preceding paragraph, as if he had transferred his

residence to the territory of the Contracting Party referred to in subparagraph (b) (ii) of this paragraph, for a period not exceeding the period laid down in the preceding paragraph.

3. As long as an unemployed person is entitled to benefit by virtue of subparagraph (a) (i) or subparagraph (b) (i) of the preceding paragraph, he shall not be entitled to benefit under the legislation of the Contracting Party in the territory of which he resides.

3. Family Benefit

ALTERNATIVE I—FAMILY ALLOWANCES

Article 22

1. Persons who are subject to the legislation of a Contracting Party, regard being had, where appropriate, to the provisions of Article 3, shall receive, in respect of the members of their family who are resident in the territory of another Contracting Party, the family allowances provided under the legislation of the first Party, as if these members of the family were resident in the territory of that Party.

2. The family allowances shall be paid in accordance with the provisions of the legislation of the Contracting Party to which the beneficiary is subject, even if the person or body corporate to whom these allowances are payable is resident or is located in the territory of another Contracting Party. In that case, by agreement between the competent institution and the institution of the place of residence of the members of the family, the family allowances may also be paid through the latter institution, on behalf of the competent institution.

ALTERNATIVE II—FAMILY BENEFIT

Article 23

(Alternative A)

1. Persons who are subject to the legislation of a Contracting Party shall receive, regard being had, where appropriate, to the provisions of Article 3, in respect of the members of their family who reside in the territory of another Contracting Party, the family benefit provided under the legislation of the latter party, as if the said persons were subject to its legislation.

2. The family benefit shall be paid to the members of the family by the institution of their place of residence, in accordance with the provisions of the legislation which that institution applies, at the expense of the competent institution, in an amount not exceeding the amount of the benefit due by the latter institution.

(Alternative B)

Where the members of the family of a person who works or resides in the territory of a Contracting Party reside in the territory of another Contracting Party, family benefits shall be paid to them by and at the expense of the institution of their place of residence.

4. Non-contributory Invalidity, Old-age and Survivors' Benefit

Article 24

(Alternative I) Where the provisions of Article 8 are not applicable, and where the beneficiary of non-contributory invalidity, old-age or survivors' benefit, the amount of which does not depend on the length of the periods of residence completed, is resident in the territory of a Contracting Party other than the one under whose legislation he is entitled to benefit, the benefit may be calculated in accordance with the following provisions:

(a) in the case of invalidity or death, in proportion to the ratio of the number of years of residence completed by the person concerned or the deceased under the said legislation between the date on which he reached the age of 15—or a higher age fixed by mutual agreement between the Contracting Parties concerned—and the date of incapacity for work followed by invalidity or of death, to two-thirds of the number of years separating those two dates, disregarding any years subsequent to pensionable age;

(b) in the case of old age, in proportion to the ratio of the number of years of residence completed by the person concerned under the said legislation between the date on which he reached the age of 15—or a higher age fixed by mutual agreement between the Contracting Parties concerned—and the date on which he reached the pensionable age, to 30 years.

(Alternative II) Where the provisions of Article 8 are not applicable, and where the legislation of a Contracting Party provides for both contributory and non-contributory invalidity, old-age or survivors' benefits, the non-contributory invalidity, old-age or survivors' benefits whose amount does not depend on the length of the periods of residence are paid to the beneficiary who is resident in the territory of another Contracting Party in the same proportion that the contributory benefits to which that beneficiary is entitled bear to the total amount of the contributory benefits to which he would be entitled if he had completed the total duration of the periods required for entitlement.

V. REGULATION OF UNDUE PLURALITY

Article 25

Provisions in the legislation of a Contracting Party for the reduction, suspension or suppression of benefits where there is undue plurality with other benefits or other income, or because the person otherwise entitled is in employment or in an occupational activity, shall apply also to a beneficiary even in respect of benefits acquired under the legislation of another Contracting Party or of income obtained or employment or occupational activity undertaken in the territory of another Contracting Party. However, in applying this rule no account shall be taken of benefits of the same nature awarded in respect of invalidity, old-age, survivors or occupational disease by the institutions of two or more Contracting Parties in accordance with the provisions of Article 8 or of Article 18, subparagraph (b).

Article 26

Where a person in receipt of benefit under the legislation of one Contracting Party is also entitled to benefit under the legislation of one or more of the other Contracting Parties, the following rules shall apply:

(a) where the application of the provisions of the legislation of two or more Contracting Parties would entail the concomitant reduction, suspension or suppression of such benefits, none of them may be reduced, suspended or suppressed to an extent greater than the amount which would be obtained by dividing the sum affected by the reduction, suspension or suppression in accordance with the legislation under which benefit is due by the number of benefits subject to reduction, suspension or suppression to which the beneficiary is entitled;

(b) notwithstanding the foregoing, where the benefits concerned are invalidity, old-age or survivors' benefits paid in conformity with the provisions of Article 8 by the institution of a Contracting Party, that institution shall take account of the benefits, income or remuneration entailing the reduction, suspension or suppression of the benefits due from it solely for the purposes of the reduction, suspension or suppression of the amount referred to in paragraph 2 or paragraph 5 of Article 8, but not for the calculation of the theoretical amount referred to in paragraphs 3 and 4 of the said Article 8; however, account shall be taken of such benefits, income or remuneration only to the extent of that fraction of their amount corresponding to the ratio of the periods completed, as prescribed in Article 8, paragraph 5.

Article 27

Where a person has a claim to medical care or sickness benefit under the legislation of two or more Contracting Parties, such benefit may be provided solely under the legislation of the Party in the territory of which he resides or, if he does not reside in the territory of one of those Parties, solely under the legislation of the Party to which this person or the person through whom entitlement to the said benefits arises was last subject.

Article 28

Where a person has a claim to maternity benefit under the legislation of two or more Contracting Parties, such benefit may be provided solely under the legislation of the Party in the territory of which the birth took place or, if the birth did not take place in the territory of one of those Parties, solely under the legislation of the Party to which this person or the person through whom entitlement to the said benefits arises was last subject.

Article 29

1. Where death occurs in the territory of a Contracting Party, the right to a death grant acquired under the legislation of that Party may be alone recognised, to the exclusion of any right acquired under the legislation of any other Contracting Party.

2. Where death occurs in the territory of a Contracting Party and the right to a death grant has been acquired solely under the legislation of two or more other Contracting Parties, the right acquired under the legislation of the Contracting Party to which the deceased was last subject may be alone recognised, to the exclusion of any right acquired under the legislation of any other Contracting Party.

3. Where death occurs outside the territory of the Contracting Parties and the right to death grant has been acquired under the legislation of two or more Contracting Parties, the right acquired under the legislation of the Contracting Party to which the deceased was last subject may be alone recognised, to the exclusion of any right acquired under the legislation of any other Contracting Party.

Article 30

(*Alternative I*) Where, over the same period, family allowances are payable for the same members of the family under the provisions of Article 22 and under the legislation of the Contracting Party in the territory of which those members of the family reside, the right to family allowances payable under the legislation of the latter shall be suspended. However, in the case where a member of the family is engaged in an occupation in the territory of the said Party, that right shall be maintained, whereas the right to family allowances payable under the provisions of Article 22 shall be suspended.

(*Alternative II*) Where, over the same period, family allowances are payable for the same members of the family under the provisions of Article 22 and under the legislation of the Contracting Party in the territory of which those members of the family reside, the right to family allowances payable under the provisions of Article 22 shall be suspended.

VI. MISCELLANEOUS PROVISIONS

Article 31

Medical examinations prescribed by the legislation of one Contracting Party may be carried out, at the request of the institution which applies this legislation, in the territory of another Contracting Party, by the institution of the place of residence or temporary residence. In such event, they shall be deemed to have been carried out in the territory of the first Party.

Article 32

1. For the calculation of the amount of contributions due to the institution of a Contracting Party, account shall be taken, where appropriate, of any income received in the territory of any other Contracting Party.

2. The recovery of contributions due to the institution of one Contracting Party may be effected in the territory of another Contracting Party in accordance with the administrative procedures and subject to the guarantees and privileges applicable to the recovery of contributions due to a corresponding institution of the latter Party.

Article 33

Any exemption from, or reduction of, taxes, stamp duty, legal dues or registration fees provided for in the legislation of one Contracting Party in connection with certificates or documents required to be produced for the purposes of the legislation of that Party shall be extended to similar certificates and

documents required to be produced for the purposes of the legislation of another Contracting Party or of these model provisions.

Article 34

1. The competent authorities of the Contracting Parties may designate liaison bodies empowered to communicate directly with one another and, provided they are authorised to do so by the competent authorities of that Party, with the institutions of any Contracting Party.

2. Any institution of a Contracting Party, and likewise any person residing or temporarily residing in the territory of a Contracting Party, may approach the institution of another Contracting Party either directly or through the liaison bodies.

Article 35

1. Any dispute which arises between two or more Contracting Parties concerning the interpretation or application of these model provisions shall be settled by means of direct negotiation between the competent authorities of the Contracting Parties concerned.

2. If the dispute cannot be so settled within a period of six months from the beginning of negotiations, it shall be submitted to a commission of arbitration; the composition and the procedure of this commission shall be determined by mutual agreement among the Contracting Parties concerned.

3. The decisions of the commission of arbitration shall be binding and final.

VII. PROVISIONS CONCERNING THE MAINTENANCE OF RIGHTS IN THE RELATIONS BETWEEN OR WITH PROVIDENT FUNDS

ALTERNATIVE I

Article 36

1. Where a person ceases to be subject to the legislation of a Contracting Party under which he has been registered with a provident fund, before the occurrence of a risk entitling him to obtain the payment of the amount credited to his account, he may, upon request, either withdraw the total amount or have it transferred to the institution to which he is affiliated in the territory of the Contracting Party to whose legislation he is now subject.

2. If this institution is itself a provident fund, the amount transferred shall be credited to the account opened by this institution in the name of the person concerned.

3. If the institution referred to in paragraph 1 of this Article is competent in respect of pensions, the amount transferred shall be paid to the institution concerned in order to enable the person concerned to buy back periods for the purpose of acquiring or improving his rights to benefits under the legislation applied by this institution. The method of buying back periods shall be determined either in accordance with the provisions of that legislation or by mutual agreement between the Contracting Parties concerned.

Article 37

Where a person ceases to be subject to the legislation of a Contracting Party under which he had been affiliated to a pensions scheme in order to move to the territory of another Contracting Party under whose legislation he is registered with a provident fund, before having acquired the right to a pension under the legislation of the first Party,

(*Alternative A*) the pension rights in course of acquisition of this person for himself and his survivors are maintained until the conditions required for the receipt of the pension are satisfied. Failing this, the amount of the contributions paid by this person or on his behalf shall be transferred to the provident fund under conditions fixed by mutual agreement between the Contracting Parties concerned.

(*Alternative B*) the amount of the contributions paid by this person or on his behalf shall be transferred to the provident fund under the conditions fixed by mutual agreement between the Contracting Parties concerned.

ALTERNATIVE II

Article 38

1. Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of the right to pension conditional upon the completion of periods of insurance, employment, occupational activity or residence, the institution which applies that legislation shall, for the purpose of adding periods together, take account of periods during which a person was registered with a provident fund and required to make contributions to that fund.

2. Where the person concerned satisfies the conditions for payment of a pension taking account of paragraph 1 of this Article, the amount of the pension shall be determined in accordance with Articles 8 to 13.

3. Where the legislation of a Contracting Party makes the payment of amounts credited to a person's account under a provident fund conditional upon the completion of periods of contributions, the institution which applies that legislation shall, for the purpose of adding periods together, take account of periods of insurance, employment, occupational activity and residence completed under the legislation of a Contracting Party under which he was affiliated to a pensions scheme.

ANNEX II

Model Agreement for the Co-ordination of Bilateral or Multilateral Social Security Instruments

Article 1

For the purpose of this agreement—

- (a) the term “Contracting Party” means any State Member of the International Labour Organisation that is bound by the agreement;
- (b) the term “legislation” includes any social security rules as well as laws and regulations;
- (c) the term “refugee” has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees of 28 July 1951 and in paragraph 2 of Article 1 of the Protocol relating to the Status of Refugees of 31 January 1967, without geographical limitation;
- (d) the term “stateless person” has the meaning assigned to it in Article 1 of the Convention relating to the Status of Stateless Persons of 28 September 1954;
- (e) the term “instrument” means any bilateral or multilateral instrument concerning the maintenance of rights in course of acquisition in social security that is binding or will be binding on two or more Contracting Parties;
- (f) the term “institution” means any body or authority directly responsible for applying all or part of the legislation of a Contracting Party;
- (g) the term “periods of insurance” means periods of contribution, employment, occupational activity or residence which are defined or recognised as periods of insurance by the legislation under which they were completed, and such other periods as are regarded by that legislation as equivalent to periods of insurance;
- (h) the terms “periods of employment” and “periods of occupational activity” mean periods defined or recognised as such by the legislation under which they were completed, and such other periods as are regarded by that legislation as equivalent to periods of employment or periods of occupational activity, respectively;
- (i) the term “periods of residence” means periods of residence defined or recognised as such by the legislation under which they were completed;

(j) the term “benefits” means all benefits in kind and in cash provided in respect of the contingency concerned, including death grants and—

- (i) as benefits in kind, benefits aimed at the prevention of any contingency covered by social security, physical rehabilitation and vocational rehabilitation;
- (ii) as benefits in cash, all components thereof provided out of public funds, and all increases, revaluation allowances or supplementary allowances, and any benefits awarded for the purpose of maintaining or improving earning capacity, lump-sum benefits which may be paid in lieu of pensions and, where applicable, any payments made by way of refund of contributions.

Article 2

In the field governed by this agreement, coverage by the provisions of each instrument binding on two or more Contracting Parties shall be extended to the nationals of any other Contracting Party, as well as to the refugees and stateless persons resident in the territory of any Contracting Party.

Article 3

This agreement shall be applicable to all persons covered by the provisions of two or more instruments.

Article 4

1. The provisions of an instrument binding on two or more Contracting Parties, concerning the adding together of periods of insurance, employment, occupational activity or residence for the acquisition, maintenance or recovery of the right to benefit shall be applicable to corresponding periods completed under the legislation of any other Contracting Party bound with the said Parties by an instrument which also comprises provisions concerning the adding together of such periods, provided that the periods to be added together are not overlapping.

2. If, under the provisions of paragraph 1 of this Article, the institution of a Contracting Party should apply the provisions of two or more instruments which contain different modalities for the adding together of periods, this institution shall apply exclusively the provisions which are most favourable for the person concerned.

3. In the case of benefits which, under all relevant instruments, are awarded in conformity with the legislation of only one Contracting Party, the adding together referred to in paragraph 1 of this Article is carried out only to the extent necessary for the acquisition, maintenance or recovery of the right to the most favourable benefits provided for under this legislation.

Article 5

1. If the provisions of Article 4 are applicable, invalidity, old-age and survivors' benefits are determined in conformity with the provisions of paragraphs 1 and 2 of Article 4.

2. If all the relevant instruments have recourse to the method of apportionment, the institution of each Contracting Party shall apply the provisions of the instruments by which this Party is bound, regard being had to the adding together of periods carried out according to the provisions of Article 4, paragraphs 1 and 2; however, it shall only award the highest amount of the benefits determined under these instruments.

3. If all the relevant instruments have recourse to the method of integration, the institution of the Contracting Party which should award the benefits shall take into account for this purpose the provisions of Article 4.

4. If the relevant instruments have recourse respectively to the method of apportionment and the method of integration, the institution of each Contracting Party shall apply the provisions of the instruments by which this Party is bound, regard being had to the adding together of periods carried out according to the provisions of Article 4; however, only the benefits resulting from the application of the most favourable method shall be awarded to the person concerned.