



*European Treaty Series - No. 78A*

**SUPPLEMENTARY AGREEMENT  
FOR THE APPLICATION  
OF THE EUROPEAN CONVENTION  
ON SOCIAL SECURITY**

**Paris, 14.XII.1972**

The member States of the Council of Europe, signatory to the European Convention on Social Security and to this Supplementary Agreement,

Considering that by the terms of Article 80, paragraph 1, of the European Convention on Social Security, the application of that Convention is governed by a Supplementary Agreement,

Have agreed as follows:

## **Title I - General provisions**

### **Article 1**

For the purposes of this Supplementary Agreement:

- a the term "Convention" means the European Convention on Social Security;
- b the term "Agreement" means the Supplementary Agreement for the application of the Convention;
- c the term "Committee" means the Committee of Experts on Social Security of the Council of Europe or such other committee as the Committee of Ministers of the Council of Europe may designate to carry out the duties mentioned in Article 2 of this Agreement;
- d the term "seasonal worker" means a worker who moves to the territory of a Contracting Party other than that of his residence for the purpose of carrying out, for an undertaking or employer of that Party, work of a seasonal nature for a period not longer than eight months, and who temporarily resides in the territory of that Party for the duration of such work; work of a seasonal nature means work which is dependent on the cycle of the seasons and is automatically repeated each year; the status of a seasonal worker is proved by the production of a contract of employment endorsed by the employment service of the Contracting Party whose territory the seasonal worker enters to follow his occupation, or of a document endorsed by that service, attesting to his seasonal employment in that territory;
- e the terms defined in Article 1 of the Convention have the meanings given them in that article.

### **Article 2**

- 1 Models of the certificates, statements, declarations, claims and other documents required for the application of the Convention and of this Agreement shall be prepared by the

Committee. However, if two or more Contracting Parties agree on the use of different models, they shall inform the Committee accordingly.

- 2 The Committee may assemble information on the legislative provisions to which the Convention applies at the request of the competent authorities of any Contracting Party.
- 3 The Committee may prepare leaflets for the purpose of informing the persons concerned of their rights and of the administrative formalities with which they must comply in order to secure them.

### **Article 3**

- 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 4**

- 1 Annex 1 names the competent authority or authorities of each Contracting Party.
- 2 Annex 2 names the competent institutions of each Contracting Party.
- 3 Annex 3 names the institutions of the place of residence and the institutions of the place of temporary residence of each Contracting Party.
- 4 Annex 4 names the liaison bodies designated by the competent authorities of the Contracting Parties pursuant to Article 3, paragraph 1, of this Agreement.
- 5 Annex 5 lists the provisions referred to in Article 6, sub-paragraph b and Article 46, paragraph 2, of this Agreement.
- 6 Annex 6 lists the names and addresses of the banks referred to in Article 48, paragraph 1, of this Agreement.
- 7 Annex 7 names the institutions designated by the competent authorities of the Contracting Parties pursuant to the provisions of Article 7, paragraph 1, Article 12, paragraph 1, Article 14, paragraphs 2 and 3, Article 34, Article 57, paragraph 1, Article 63, paragraph 1, Article 72, paragraph 2, Article 73, paragraph 2, Article 76, Article 77, Article 78, paragraph 2, Article 83, paragraph 1, Article 84 and Article 87, paragraph 2, of this Agreement.

### **Article 5**

Two or more Contracting Parties may by common agreement, in so far as they are concerned, prescribe different rules for applying the Convention from those provided for in this Agreement.

**Article 6**

This Agreement replaces:

- a agreements for the application of such social security conventions as the Convention replaces;
- b provisions for the application of such provisions in the conventions on social security referred to in Article 6, paragraph 3, of the Convention as are not listed in Annex 5.

**Title II - Application of the Convention****(General provisions)****Application of Article 10 of the Convention****Article 7**

- 1 Where, having regard to Article 10 of the Convention, the person concerned satisfies the conditions for admission to optional continued insurance in respect of invalidity, old age or death (pensions) under more than one scheme, by virtue of the legislation of a Contracting Party, and has not been compulsorily insured under any of those schemes by virtue of his most recent employment, he shall qualify for admission to optional continued insurance only under the scheme which would have applied if he had followed, under the legislation of that Party, the employment subject to compulsory insurance for pension purposes which he last followed under the legislation of another Contracting Party. However, where the said employment was not subject to compulsory insurance under the legislation of the first Party, or where the nature of that employment cannot be determined, then the competent authority of that Party or such institution as it may designate shall decide the scheme under which the optional insurance may be continued.
- 2 In order to benefit from the provisions of Article 10 of the Convention, the person concerned shall submit to the institution of the Contracting Party concerned a certificate of the periods of insurance completed under the legislation of any other Contracting Party and also of any periods of residence, after the age of sixteen, under the non-contributory legislation of any other Contracting Party. This certificate shall be issued at the request of the person concerned, or the said institution, by the institution or institutions within whose purview he has completed the periods in question.

**Application of Article 13 of the Convention****Article 8**

Where a person in receipt of benefit under the legislation of one Contracting Party is also entitled to benefits 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 Article 13, paragraph 2, of the Convention would entail the 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 nevertheless, where the benefits concerned are invalidity, old age, or death (pensions) benefits paid out in conformity with the provisions of Article 29 of the Convention 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 Article 29, paragraphs 4 or 5, but not for the calculation of the theoretical amount referred to in Article 29, paragraphs 2 and 3; 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 29, paragraph 4, of the Convention;
- c for the application of the provisions of Article 13, paragraph 2, of the Convention, the competent institutions concerned shall communicate all relevant information to one another on request;
- d for the application of the provisions of Article 13, paragraph 2, of the Convention, the official rate of exchange shall be the rate prevailing on the first day of the month in which the final payment is made or, if the pension is recalculated, at the rate then prevailing.

### **Article 9**

Where a person or a member of that person's family has a claim to maternity benefit under the legislation of two or more Contracting Parties, benefits shall be provided solely under the legislation of the Party in whose territory the birth took place, or, if the birth did not take place in the territory of either of these Parties, solely under the legislation to which the person concerned was last subject.

### **Article 10**

- 1 Where death occurs in the territory of a Contracting Party, only entitlement to a death grant acquired under the legislation of that Party shall be recognised, to the exclusion of any right acquired under the legislation of another Contracting Party.
- 2 When death occurs in the territory of a Contracting Party and entitlement to death grant has been acquired solely under the legislation of two or more other Contracting Parties, or where death occurs outside the territory of either of the Contracting Parties, and entitlement to death grant has been acquired under the legislation of any Contracting Party, only the entitlement acquired under the legislation of the Contracting Party to which the person in respect of whom the death grant is payable was last subject shall be recognised, to the exclusion of any entitlement acquired under the legislation of any other Contracting Party.

**Article 11**

Where, over the same period, two or more persons are entitled to family allowances under the legislation of two or more Contracting Parties with respect to the same members of the family, the Contracting Party to whose legislation the family's main breadwinner is subject shall be deemed to be the only competent State. However, where family allowances are payable under the legislation of the Contracting Party in whose territory the children reside or are brought up, by virtue of a person's employment or occupational activity, that Party shall be deemed to be the only competent State.

**Title III – Application of Title II of the Convention****(Provisions which determine the legislation applicable)****Application of Article 15, paragraphs 1 and 2, of the Convention****Article 12**

- 1 In the cases covered by Article 15, paragraph 1, sub-paragraph a.i, and paragraph 2, sub-paragraph a, of the Convention, the institution designated by the competent authority of the Contracting Party whose legislation is applicable shall issue to the worker on his or his employer's request, if the requisite conditions are fulfilled, a certificate of such temporary employment abroad stating that he is still subject to that legislation.
- 2 The consent referred to in Article 15, paragraph 1, sub-paragraph a.ii, of the Convention shall be requested by the employer. The consent of each worker concerned shall be required if so provided in the legislation of the Contracting Party referred to in the preceding paragraph.

**Article 13**

Where, under Article 15, paragraph 1, sub-paragraph b or c, of the Convention, the legislation of a Contracting Party is applicable to an employed person whose employer is not in the territory of that Party, that legislation shall apply as if the person were employed at his place of residence in the said territory, particularly for the purpose of determining the competent institution.

**Application of Article 17 of the Convention****Article 14**

- 1 The provisions of Article 17, paragraph 1, of the Convention shall remain applicable until the date of exercise of the option provided for in paragraph 2 of that article.
- 2 An employed person who exercises his right of option shall so notify the competent institution of the Contracting Party in whose territory he is employed, as well as the institution designated by the competent authority of the Contracting Party for whose legislation he has opted, and shall at the same time notify his employer. The last mentioned institution shall, as required, notify any other institutions of the latter Contracting Party, in accordance with the instructions issued by that Party's competent authority.

- 3 The institution designated by the competent authority of the Contracting Party for whose legislation the employed person has opted shall issue him a certificate stating that he is subject to the legislation of that Party whilst he is employed in the diplomatic mission or consular post in question, or in the private service of officials of such mission or post.
- 4 Where the employed person has opted for the application of the legislation of the Contracting Party which is the accrediting State or the sending State, the provisions of that legislation shall apply as if the person were employed at the seat of government of the said Party.

#### **Title IV - The adding together of periods of insurance and of residence**

##### **Application of Articles 10, 19, 28, 49 and 51 of the Convention**

##### **Article 15**

- 1 In the cases referred to in Article 10, Article 19, Article 28, paragraphs 1 to 4, Article 49, and Article 51, paragraphs 1 to 3, of the Convention, without prejudice to the provisions of Article 28, paragraph 4, or of Article 51, paragraph 3, of the Convention, as the case may be, periods of insurance and periods of residence shall be added together in accordance with the following rules:
  - a to the periods of insurance or residence completed under the legislation of one Contracting Party shall be added the periods of insurance completed under the legislation of any other Contracting Party and also any periods of residence completed after the age of sixteen under the non-contributory scheme of any other Contracting Party, to the extent necessary to make up the total period of insurance or residence required under the legislation of the first Contracting Party for the acquisition, maintenance or recovery of entitlement to benefit, provided always these periods do not overlap. In the case of invalidity, old age, or death (pensions) benefits to be paid by the institutions of two or more Contracting Parties in accordance with the provisions of Article 29 of the Convention, each of the institutions concerned shall separately add together all the periods of insurance or residence completed by the person concerned under the legislation of all the Contracting Parties to which he has been subject;
  - b where a period of compulsory insurance completed in accordance with the legislation of one Contracting Party coincides with a period of voluntary or optional continued insurance completed under the legislation of another Contracting Party, the first only shall be taken into account, without prejudice to the provisions of the second sentence of Article 16, paragraph 2, of the Convention;
  - c where an actual period of insurance completed under the legislation of one Contracting Party coincides with a period assimilated to an actual period of insurance under the legislation of another Contracting Party, the first only shall be taken into account;

- d any period assimilated to an actual period of insurance under the legislation of two or more Contracting Parties shall be taken into account only by the institution of that Contracting Party to whose legislation the person insured was last compulsorily subject prior to the said period; where the insured person has not been compulsorily subject to the legislation of one of those Parties prior to the said period, that period shall be taken into account by the institution of that Contracting Party to whose legislation he was first compulsorily subject after the period in question;
  - e where the time at which certain periods of insurance were completed under the legislation of a Contracting Party cannot be accurately determined, such periods shall be presumed not to overlap with periods completed under the legislation of another Contracting Party and shall be taken into account as may be necessary;
  - f where, according to the legislation of one Contracting Party, certain periods of insurance are taken into account only if they have been completed within a specified time, the institution which applies this legislation shall take into account only periods completed under the legislation of another Contracting Party as have been completed within the same specified time.
- 2 Periods of insurance completed under a scheme of a Contracting Party to which the Convention does not apply, but which are taken into account by a scheme of that Party to which the Convention does apply, shall be considered as insurance periods to be taken into account for the purpose of adding together.
- 3 Where the periods of insurance completed under the legislation of one Contracting Party are expressed in units other than those used in the legislation of another Contracting Party, the conversion necessary for the purpose of adding them together shall be governed by the following rules:
- a where the person concerned has been working a six-day week:
    - i one day shall be equivalent to eight hours, and vice versa;
    - ii six days shall be equivalent to one week, and vice versa;
    - iii twenty-six days shall be equivalent to one month, and vice versa;
    - iv three months, or thirteen weeks, or seventy-eight days shall be equivalent to one quarter and vice versa;
    - v for the conversion of weeks into months, and vice versa, the weeks and months shall be converted into days;
    - vi the application of the rules set out above shall not result in a total, for periods completed during one calendar year, of more than three hundred and twelve days, or fifty-two weeks, or twelve months, or four quarters;



- b where the person concerned has been working a five-day week:
  - i one day shall be equivalent to nine hours, and vice versa;
  - ii five days shall be equivalent to one week, and vice versa;
  - iii twenty-two days shall be equivalent to one month, and vice versa;
  - iv three months, or thirteen weeks, or sixty-six days, shall be equivalent to one quarter, and vice versa;
  - v for the conversion of weeks into months, and vice versa, the weeks and months shall be converted into days;
  - vi the application of the preceding rules shall not result in a total, for periods completed during one calendar year, of more than two hundred and sixty-four days, or fifty-two weeks, or twelve months, or four quarters.
  
- 4 Where, in accordance with paragraph 1, sub-paragraph b, of this article, periods of voluntary or optional continued insurance in respect of invalidity, old age or death (pensions) completed under the legislation of a Contracting Party are not taken into account when adding periods together, the contributions relating to such periods shall be considered as conferring entitlement to increased benefits under the said legislation. Where such legislation provides for supplementary insurance, the said contributions shall be taken into account for the calculation of the benefits due under such supplementary insurance.

## **Title V - Application of Title III of the Convention**

### **(Special provisions governing the various categories of benefits)**

#### **Chapter 1 - Sickness and maternity**

##### **Application of Article 19 of the Convention**

###### **Article 16**

- 1 In order to benefit from the provisions of Article 19 of the Convention, the person concerned shall submit to the competent institution a certificate setting out the periods of insurance completed under the legislation of the Contracting Party to which he was previously last subject, and he shall supply any additional information required under the legislation applied by that institution.
  
- 2 The certificate referred to in the preceding paragraph shall be issued, at the request of the person concerned, by the institution, competent in relation to sickness, of the Contracting Party to whose legislation he was previously last subject. If the person concerned does not submit this certificate, the competent institution shall apply for it to that institution.

- 3 Where it is necessary to take into account periods of insurance previously completed under the legislation of any other Contracting Party in order to satisfy the conditions prescribed by the legislation of the competent State, the provisions of the preceding paragraphs of this article shall be applied *mutatis mutandis*.

### **Application of Article 20 of the Convention**

#### **Article 17**

- 1 In order to receive the benefits in kind provided for in Article 20 of the Convention, the person concerned shall register himself and the members of his family with the institution of his place of residence, submitting a certificate of his and his family's entitlement. This certificate shall be issued by the competent institution on the basis of information supplied, where appropriate, by the employer. If the person concerned or the members of his family fail to submit such a certificate, the institution of the place of residence shall itself apply for it to the competent institution.
- 2 The certificate referred to in the preceding paragraph shall be valid until such time as the institution of the place of residence receives notice of its cancellation.
- 3 Where the person concerned is employed as a seasonal worker, the certificate referred to in paragraph 1 of this article shall remain valid for the expected duration of the seasonal work, unless in the meantime the competent institution notifies the institution of the place of residence of its cancellation.
- 4 The institution of the place of residence shall advise the competent institution of any registration made in accordance with the provisions of paragraph 1 of this article.
- 5 For any claim for benefits in kind, the claimant shall submit the supporting documents normally required for the provision of benefits in kind under the legislation of the Contracting Party in whose territory he resides.
- 6 In the event of hospitalisation, the institution of the place of residence shall notify the competent institution, as soon as this information is available, of the date of entry, the probable duration of hospitalisation and the date of discharge.
- 7 The person concerned or the members of his family shall advise the institution of the place of residence of any change in their circumstances which might affect their entitlement to benefits in kind and, in particular, of any cessation or change of employment or occupational activity on the part of the person concerned or any change in the latter's residence or temporary residence, or in that of a member of his family. The competent institution shall likewise inform the institution of the place of residence of the person concerned of the termination of his affiliation or of his entitlement to benefit. The institution of the place of residence may at any time request the competent institution to supply any information relating to the said person's affiliation or entitlement to benefit.

**Article 18**

In the case of frontier workers or members of their families, any medicines, bandages, spectacles, minor appliances, laboratory analyses and examinations shall only be provided or carried out in the territory of the Contracting Party in which they have been prescribed and in accordance with the legislation of that Party.

**Article 19**

- 1 In order to receive the cash benefits provided for in Article 20, paragraph 1, sub-paragraph b, of the Convention, the person concerned shall apply to the institution of his place of residence within three days of becoming incapable of work, and submit a certificate to the effect that he has ceased to work or, if the legislation applied by the competent institution or by the institution of the place of residence so requires, a certificate of incapacity for work issued by the doctor attending him. He shall also submit any other documents required by the legislation of the competent State, according to the type of benefit claimed.
- 2 If doctors in the country of residence do not issue certificates of incapacity for work, the person concerned shall apply directly to the institution of the place of residence, within the time-limit set by the legislation it applies. That institution shall at once seek medical confirmation of incapacity for work and issue the certificate referred to in the preceding paragraph.
- 3 The institution of the place of residence shall immediately transmit to the competent institution the documents referred to in the preceding paragraphs of this article, indicating at the same time the probable duration of incapacity for work.
- 4 As soon as possible, the institution of the place of residence shall undertake a medical examination of the person concerned and make the necessary administrative enquiries regarding his case, and shall notify the competent institution without delay of the findings. The competent institution may, if it so desires, have the person concerned examined by a doctor of its choice at its own expense. Where this institution decides to refuse benefit on the grounds that the person concerned has failed to comply with the rules relating to the investigation of his case, it shall notify him of this decision and at the same time send a copy to the institution of the place of residence.
- 5 Termination of incapacity for work shall be notified without delay to the person concerned by the institution of the place of residence, which shall at the same time notify the competent institution. When this latter institution itself decides that the person concerned is again capable of work, it shall notify him of its decision and at the same time send a copy of the decision to the institution of the place of residence.
- 6 Where, in the same case, two different dates are set by the institution of the place of residence and by the competent institution for the termination of incapacity for work, the date set by the competent institution shall apply.
- 7 When the person concerned resumes work, he shall notify the competent institution, if so required by the legislation which that institution applies.

- 8 The competent institution shall pay cash benefits by any appropriate means, for example by international money order, and shall advise the institution of the place of residence of such payments. Where benefit is paid by the institution of the place of residence on behalf of the competent institution, the competent institution shall inform the person concerned of his entitlement in the manner prescribed by the legislation which it applies and shall also advise him of the institution charged with paying the benefits. It shall at the same time inform the institution of the place of residence of the amount of benefit payable, the dates of payment, and the maximum period for which it is payable under the legislation of the competent State. The amount of benefit payable by the institution of the place of residence shall be converted at the official rate of exchange prevailing on the first day of the month in which benefit is paid.

### **Application of Article 21 of the Convention**

#### **Article 20**

- 1 In order to receive benefits in kind for himself or for such members of his family as accompany him in his temporary employment abroad, a worker employed in the circumstances referred to in Article 15, paragraph 1, sub-paragraph a. i or paragraph 2, sub-paragraph a, of the Convention shall submit to the institution of his place of temporary residence the certificate prescribed in Article 12, paragraph 1, of this Agreement. When he has submitted this certificate, he shall be presumed to have satisfied the conditions for entitlement to benefits in kind.
- 2 In order to receive benefits in kind for himself or for the members of his family who accompany him, a worker employed in the circumstances referred to in Article 15, paragraph 1, sub-paragraph b, of the Convention, whose work brings him to the territory of a Contracting Party other than the competent State, shall submit as promptly as possible to the institution of his place of temporary residence a statement issued by the employer or his agent within the two preceding calendar months. This statement shall indicate the date on which he began work for that employer, and the name and address of the competent institution. However, if, according to the legislation of the competent State, the employer is not presumed to know the competent institution, the said worker shall indicate the name and address of that institution in writing when submitting his application to the institution of the place of temporary residence. When he has produced the above-mentioned statements he shall be presumed to have satisfied the conditions for entitlement to benefits in kind. If he is unable to apply to the institution of the place of temporary residence before commencing medical treatment, he shall nevertheless receive such treatment on presentation of the said statement, as if he were insured with that institution.
- 3 The institution of the place of temporary residence shall apply without delay to the competent institution to ascertain whether the worker referred to in paragraph 1 or 2 of this article, as the case may be, or the members of his family concerned, satisfy the conditions for entitlement to benefits in kind. The institution of the place of temporary residence shall provide the said benefits until a reply has been received from the competent institution, but for not longer than thirty days.
- 4 The competent institution shall reply to the institution of the place of temporary residence within ten days of receiving that institution's enquiry. If the reply is in the affirmative, the competent institution shall indicate the maximum period, if any, during which the bene-

fits in kind may be provided under the legislation which it applies, and the institution of the place of temporary residence shall continue to provide the said benefits.

- 5 Instead of the certificate or statement referred to respectively in paragraphs 1 and 2 of this article, the worker may submit to the institution of the place of temporary residence the certificate referred to in Article 21, paragraph 1, of this Agreement. In that case, the provisions of the preceding paragraphs of this article shall not apply.
- 6 The provisions of Article 17, paragraph 6, of this Agreement shall apply, *mutatis mutandis*.

### **Article 21**

- 1 In order to receive the benefits in kind provided for in Article 21, paragraph 1, sub-paragraph a. i, of the Convention, except in cases where the presumption in Article 20, paragraphs 1 and 2, of this Agreement is operative, the person concerned shall submit to the institution of his place of temporary residence a certificate that he is entitled to such benefits. This certificate, issued by the competent institution at the request of the person concerned before he leaves the territory of the Contracting Party in which he resides, shall indicate the maximum period, if any, during which benefits in kind may be provided under the legislation of the competent State. If the person concerned does not submit such a certificate, the institution of the place of temporary residence shall apply for it to the competent institution.
- 2 The provisions of Article 17, paragraph 6, of this Agreement shall apply, *mutatis mutandis*.

### **Article 22**

- 1 In order to receive the benefits in kind provided for in Article 21, paragraph 1, sub-paragraph b. i, of the Convention, the person concerned shall submit to the institution of his place of residence a certificate that he is authorised to continue receiving such benefits. This certificate, issued by the competent institution at the request of the person concerned, prior to his departure, shall indicate the maximum period, if any, during which such benefits may continue to be provided under the legislation of the competent State. The certificate may be issued after the departure of the person concerned, at his request, when, for reasons outside his control, it could not have been prepared earlier.
- 2 The provisions of Article 17, paragraph 6, of this Agreement shall apply, *mutatis mutandis*.
- 3 The provisions of the preceding paragraphs of this article shall apply, *mutatis mutandis*, in the case covered by Article 21, paragraph 1, sub-paragraph c.i of the Convention.

### **Article 23**

The provisions of Article 21 or of Article 22 of this Agreement as the case may be shall apply, *mutatis mutandis*, in relation to the provision of benefits in kind to the members of the family referred to in Article 21, paragraph 3, of the Convention.

**Article 24**

- 1 In order to receive the cash benefits provided for in Article 21, paragraph 1, sub-paragraph a. ii of the Convention, the person concerned shall apply to the institution of his place of temporary residence within three days of becoming incapable of work, and submit a certificate of incapacity for work issued by the doctor attending him, if so required by the legislation applied by the competent institution or by the institution of the place of temporary residence. He shall also indicate his address in the country of temporary residence as well as the name and address of the competent institution.
- 2 If doctors in the country of temporary residence do not issue certificates of incapacity for work, the provisions of Article 19, paragraph 2, of this Agreement shall apply, *mutatis mutandis*.
- 3 The institution of the place of temporary residence shall without delay transmit to the competent institution the documents referred to in the preceding paragraphs of this article, indicating in particular the probable duration of incapacity for work.
- 4 Persons other than the workers referred to in Article 15, paragraph 1, sub-paragraph a. i, and paragraph 2, sub-paragraph a, of the Convention, whose state of health is found by medical examination to be such as not to prevent them from returning to the territory of the Contracting Party where they reside, shall immediately be notified to this effect by the institution of the place of temporary residence, which shall also send a copy of the notification to the competent institution.
- 5 In addition, the provisions of Article 19, paragraphs 4 to 8, of this Agreement shall apply, *mutatis mutandis*.

**Application of Article 22, paragraph 4, of the Convention****Article 25**

- 1 In order to benefit from the provisions of Article 22, paragraph 4, of the Convention, the person concerned shall submit to the competent institution a certificate regarding the members of his family residing in the territory of a Contracting Party other than the competent State. This certificate shall be issued by the institution of the place of residence of the said members of the family.
- 2 The certificate referred to in the preceding paragraph shall be valid for a period of twelve months from the date of issue and shall be renewable. When renewed, its validity shall begin to run from the date of its renewal. The person concerned shall immediately notify the competent institution of any change to be made in the certificate. Such change shall have effect from the date on which the contingency occurred.
- 3 Instead of the certificate referred to in paragraph 1 of this article, the competent institution may require the person concerned to submit recent civil status papers for the members of his family who are residing in the territory of a Contracting Party other than the competent State, if such papers are normally issued by the authorities of that Contracting Party.

**Application of Article 23 of the Convention****Article 26**

The provisions of Article 17 of this Agreement shall apply, *mutatis mutandis*, in relation to the provision of benefits in kind for unemployed persons and the members of their family residing in the territory of a Contracting Party other than the competent State.

**Application of Article 24 of the Convention****Article 27**

- 1 In order to receive the benefits in kind provided for in Article 24, paragraph 2, of the Convention in the territory of the Contracting Party in which he resides, a person receiving a pension, and the members of his family, shall register with the institution of the place of residence, submitting a certificate stating his entitlement to benefits in kind for himself and for the members of his family according to the legislation, or one of the legislations, under which the pension is payable.
- 2 The certificate referred to in the preceding paragraph shall be issued, at the request of the person concerned, by the institution, or by one of the institutions, by which the pension is payable or, where appropriate, by the institution competent to decide on entitlement to benefits in kind, provided that the recipient of the pension satisfies the conditions for entitlement to such benefits. If the person concerned fails to submit such a certificate, the institution of the place of residence shall apply for it to the institution or institutions by which the pension is payable or, where appropriate, to any other institution empowered to issue such a certificate. Pending receipt of the certificate the institution of the place of residence may register the person concerned and the members of his family provisionally upon presentation of supporting documents which are acceptable to it. Such registration can only be invoked against the institution responsible for the provision of benefits in kind if this latter institution has issued the said certificate.
- 3 The institution of the place of residence shall notify the institution which has issued the certificate referred to in paragraph 1 of this article of any registration made in accordance with the provisions of that paragraph.
- 4 Any application for benefits in kind shall entitle the institution of the place of residence to require the person concerned to furnish proof of his continued entitlement to a pension in the form of a receipt, or the counterfoil of a money order, relating to the latest pension payment.
- 5 The person concerned or the members of his family shall inform the institution of the place of residence of any change in their circumstances which might affect their entitlement to benefits in kind, and in particular of any suspension or suppression of the pension, and of any change of residence. The institutions concerned shall likewise notify the institution of the place of residence of any changes of which they become aware.



**Article 28**

- 1 In order to receive the benefits in kind provided for in Article 24, paragraph 4, of the Convention in the territory of the Contracting Party in which they reside, the members of the family of a recipient of a pension shall register with the institution of their place of residence, submitting the supporting documents normally required by the legislation which that institution applies for the granting of such benefits to members of the family of a recipient of a pension, together with a certificate similar to that referred to in Article 27, paragraph 1, of this Agreement. The said institution shall notify the institution of the recipient's place of residence of any registration made in accordance with this paragraph.
- 2 When applying for benefits in kind, the members of the family shall submit to the institution of their place of residence a certificate that the recipient of the pension is entitled to benefits in kind for himself and for the members of his family; this certificate, issued by the institution of the recipient's place of residence, shall remain valid as long as the institution of the place of residence of the members of the family has not received notice of its cancellation.
- 3 The institution of the place of residence of the recipient of a pension shall notify to the institution of the place of residence of the members of the family the suspension or suppression of the pension and any change in the place of residence of such recipient. The institution of the place of residence of the members of the family may at any time request the institution of the place of residence of the recipient of a pension to supply any information relating to the latter's entitlement to benefit.
- 4 The members of the family shall inform the institution of their place of residence of any change in their circumstances which might affect their entitlement to benefits in kind, and in particular of any change of residence.

**Article 29**

- 1 In order to receive the benefits in kind provided for in Article 24, paragraph 6, of the Convention, the recipient of a pension shall submit to the institution of his place of temporary residence a certificate that he is entitled to such benefits. This certificate, issued by the institution of his place of residence before he leaves the territory of the Contracting Party in which he resides, shall indicate the maximum period, if any, during which benefits in kind may be provided under the legislation of this Contracting Party. If he does not submit such a certificate, the institution of the place of temporary residence shall apply for it to the institution of the place of residence.
- 2 The provisions of Article 17, paragraph 6, of this Agreement shall apply, *mutatis mutandis*. In this case, the institution of the recipient's place of residence shall be regarded as the competent institution.
- 3 The previous paragraphs of this article shall apply, *mutatis mutandis*, in relation to the provision of benefits in kind for the members of the family referred to in Article 24, paragraph 6, of the Convention.
- 4 If the formalities referred to in the preceding paragraphs could not be complied with during temporary residence of the person concerned in the territory of a Contracting

Party other than the competent State, the provisions of Article 30 shall apply, *mutatis mutandis*.

**Application of Articles 21 and 24 of the Convention****Article 30**

If the formalities referred to in Article 20, paragraphs 1, 2 and 5 and in Articles 21 and 22 of this Agreement have not been complied with during the temporary residence in the territory of a Contracting Party other than the competent State, the relevant medical expenses shall be refunded, at the request of the person concerned, by the competent institution, in accordance with the scale of reimbursement applied by the institution of the place of temporary residence. The institution of the place of temporary residence shall provide the competent institution, on request, with any necessary information concerning the scale of reimbursement.

**Application of Article 25, paragraph 3, of the Convention****Article 31**

For the purpose of applying the provisions of Article 25, paragraph 3, of the Convention, the institution of a Contracting Party from which benefits are due may apply to the institution of another Contracting Party for information concerning the period for which the latter has been providing such benefits for the same case of sickness or maternity.

**Chapter 2 - Invalidity, old age and death (pensions)****Application of Articles 27 to 37 of the Convention****Submission and examination of benefit claims****Article 32**

- 1 In order to receive the benefits provided for in Articles 28 to 34 of the Convention, the claimant shall submit a claim to the institution of his place of residence in the manner prescribed by the legislation which that institution applies. If the claimant or the deceased person has not been subject to that legislation, the institution of the place of residence shall transmit the claim to the institution of the Contracting Party to whose legislation the claimant or the deceased person was last subject, indicating the date on which the claim was submitted. That date shall then be considered as the date of submission of the claim to the last-mentioned institution.
- 2 If the claimant resides in the territory of a Contracting Party to whose legislation he or the deceased person has not been subject, he may submit his claim to the institution of the Contracting Party to whose legislation he or the deceased person was last subject

**Article 33**

The submission of the claims referred to in Article 32 of this Agreement shall be subject to the following rules:

- a the claim shall be accompanied by the requisite supporting documents and shall be submitted on the forms prescribed

- 
- i either by the legislation of the Contracting Party in whose territory the claimant resides, in the case referred to in Article 32, paragraph 1;
  - ii or by the legislation of the Contracting Party to which the claimant or the deceased person was last subject, in the case referred to in Article 32, paragraph 2;
- b the accuracy of the information furnished by the claimant shall be substantiated by official documents attached to the claim form, or corroborated by the authorities of the Contracting Party in whose territory he resides;
  - c the claimant shall indicate, as far as possible, either the invalidity, old age, or death (pensions) insurance institution or institutions of each of the Contracting Parties to whose legislation he or the deceased has or had been subject, or the employer or employers by whom he or the deceased has or had been employed in the territory of any Contracting Party, and submit any certificates of employment that may be in his possession.

#### **Article 34**

In order to benefit from the provisions of Article 30, paragraph 3, of the Convention, the claimant shall submit a certificate regarding the members of his family who are residing in the territory of a Contracting Party other than that where the institution which pays the benefit is situated. This certificate shall be issued either by the institution, competent in relation to sickness, of the place of residence of the members of the family or by any other institution designated by the competent authority of the Contracting Party in whose territory the said members of the family reside. The provisions of Article 25, paragraphs 2 and 3, of this Agreement shall apply, *mutatis mutandis*.

#### **Article 35**

In determining the degree of invalidity, the institution of a Contracting Party shall take account of all the medical and administrative information assembled by the institutions of any other Contracting Party. However, each institution shall retain the right to have the claimant examined by a doctor of its choice at its own expense.

#### **Article 36**

- 1 Claims shall be examined by the institution to which they have been submitted or to which they have been transmitted, as the case may be, as provided for in Article 32 of this Agreement. This institution shall be known as "the examining institution".
- 2 The examining institution shall immediately advise all the institutions concerned so that the claims may be examined by them simultaneously and without delay.

#### **Article 37**

- 1 In examining claims, the examining institution shall use a form setting out details of, and the total of, the periods of insurance or residence completed by the person concerned or by the deceased person under the legislation of all the Contracting Parties concerned.

- 2 The transmission of this form to the institution of any other Contracting Party shall take the place of the transmission of supporting documents.

**Article 38**

- 1 The examining institution shall enter, on the form referred to in Article 37, paragraph 1, of this Agreement, the periods of insurance or residence completed under its own legislation, and shall return a copy of the form to the invalidity, old age or death (pensions) insurance institution of each Contracting Party to whose legislation the person concerned or the deceased person has or had been subject, attaching any employment certificates produced by the claimant.
- 2 If only one other institution is involved, that institution shall complete the form sent to it in accordance with the provisions of the preceding paragraphs, indicating the periods of insurance or residence completed under the legislation it applies. It shall then determine entitlement under that legislation, having regard to the provisions of Article 28 of the Convention, and shall state on the form the theoretical and the actual amounts of the benefit, calculated in accordance with the provisions of paragraphs 2, 3, 4 or 5 of Article 29 of the Convention as well as, where appropriate, the amount of any benefit which could be claimed, without applying the provisions of Articles 28 to 33 of the Convention, solely for the periods completed under the legislation it applies. The form, which should also contain information concerning appeals procedure including time-limits, shall then be returned to the examining institution.
- 3 If there are two or more other institutions involved, each institution shall complete the form submitted to it in accordance with the provisions of paragraph 1 of this article, indicating the periods of insurance or residence completed under the legislation it applies, and return the form to the examining institution. That institution shall send the completed form to the other institutions involved, each of which shall determine entitlement under the legislation it applies in accordance with the provisions of Article 28 of the Convention and indicate on the form the theoretical and actual amounts of any benefit calculated in accordance with the provisions of paragraphs 2, 3, 4 or 5 of Article 29 of the Convention as well as, where appropriate, the amount of any benefit which could be claimed, without applying the provisions of Articles 28 to 33 of the Convention, solely for the periods completed under the legislation it applies. The form, which should also contain information concerning appeals procedure, including time-limits, shall then be returned to the examining institution.
- 4 When the examining institution has received all the information referred to in paragraphs 2 or 3 of this article, it shall determine entitlement under the legislation it applies, having regard to the provisions of Article 28 of the Convention, and shall calculate the theoretical and actual amounts of the benefit, in accordance with the provisions of paragraphs 2, 3, 4 or 5 of Article 29 of the Convention as well as, where appropriate, the amount of any benefit which could be claimed without applying the provisions of Articles 28 to 33 of the Convention, solely for the periods completed under the legislation it applies.
- 5 Should the examining institution, upon receiving the information referred to in paragraphs 2 or 3 of this article, find it is necessary to apply the provisions of Article 31, paragraphs 2 or 3, Article 32, paragraphs 2, 4 or 5, Article 34, paragraph 1, of the Convention, it shall so inform the other institutions concerned.

**Article 39**

- 1 If the examining institution finds that the claimant is entitled to benefit under the legislation it applies, without reference to the periods of insurance or residence completed under the legislation of the other Contracting Parties to which the person concerned or the deceased person was subject, it shall make an immediate payment of this benefit on a provisional basis.
- 2 Each institution which, in accordance with the provisions of Article 29, paragraph 5, of the Convention, may calculate directly the benefit or partial benefit due to the claimant, shall pay him such benefit immediately. If an institution other than the examining institution pays benefit directly to the claimant, it shall immediately inform the examining institution accordingly and retain any arrears due having regard to the application of the provisions of paragraph 7 of this article, in favour of any institution which may have paid in excess of the amount due.
- 3 Where the examining institution pays benefit under paragraph 1 of this article, it shall deduct from the amount of such benefit the amount of benefit paid by any other institution in accordance with the preceding paragraph, as soon as it knows the amount in question.
- 4 If, while a claim is being examined, an institution other than the examining institution finds that the claimant is entitled to benefit in accordance with the legislation it applies without needing to take account of periods of insurance or residence completed under the legislation of the other Contracting Parties to which the person concerned or the deceased person was subject, it shall at once advise the examining institution, which shall immediately make a provisional payment of such benefit on behalf of the first institution, without prejudice, however, to the provisions of paragraphs 2 and 3 of this article.
- 5 Where the examining institution is required to pay benefit under paragraphs 1 and 4 of this article, it shall pay only the highest rate of benefit, without prejudice, however, to the provisions of paragraphs 2 and 3 of this article.
- 6 Where the examining institution does not pay benefit under paragraphs 1, 2 or 4 of this article, and in cases where there might be delay, it shall make the person concerned a recoverable advance determined in accordance with the provisions of Article 29, paragraphs 1 to 4, of the Convention.
- 7 When the final settlement of the benefit claim is in process, the examining institution and the other institutions concerned shall adjust their accounts as regards the amount of any provisional benefit paid or the advances made in accordance with the provisions of paragraphs 1, 3, 4, 5 and 6 of this article. Sums overpaid by the said institutions may be deducted from the amount of benefits they are required to pay to the person concerned.

**Article 40**

- 1 In the case referred to in Article 34, paragraph 2, of the Convention, the examining institution shall calculate the final amount of the supplement which each institution concerned has to pay and advise them accordingly.

- 2 For the purpose of applying the provisions of Article 34 of the Convention, amounts expressed in different national currencies shall be converted at the official rate of exchange prevailing on the first day of the month in which the final payment of the benefit due is made.

#### **Article 41**

For the purpose of applying the provisions of Article 33, paragraphs 2 and 3, of the Convention, the provisions of Articles 38 and 40 of this Agreement shall apply, *mutatis mutandis*.

#### **Article 42**

- 1 Each of the institutions concerned shall advise the claimant of the decision regarding his claim for benefit as soon as that decision can be taken as final after consultation with the examining institution. Each institution shall at the same time advise the examining institution. Every decision shall indicate that it relates only to part of the total benefit that may be due, and shall also contain information concerning appeals procedure, including time-limits, prescribed by the legislation concerned.
- 2 After the benefit claim has been finally settled, the examining institution shall send the claimant a copy of all decisions taken by the institutions concerned.

#### **Article 43**

In order to expedite the settlement of benefit claims, the following rules shall be observed:

- a where a person, formerly subject to the legislation of one or more Contracting Parties, is subject to the legislation of another Contracting Party, the competent institution of the latter Party shall apply to the liaison body of the other Contracting Party or Parties for all relevant information, particularly regarding the institutions to which the person concerned was affiliated, and for his registration numbers if any;
- b at the request of the person concerned or of the institution to which he is affiliated, the institutions concerned shall begin, to the extent possible, to reconstitute his case-history as from one year prior to the date on which he will reach pensionable age.

### **Administrative and medical supervision**

#### **Article 44**

- 1 If a recipient of:
  - a an invalidity benefit;
  - b an old-age benefit awarded on grounds of incapacity for work;
  - c an old-age benefit awarded to an unemployed person;



- d an old-age benefit awarded on retirement from gainful employment,
- e a survivors' benefit awarded on grounds of invalidity or incapacity for work,
- f a benefit awarded subject to a means test,

temporarily resides, or resides, in the territory of a Contracting Party other than the competent State, administrative and medical supervision shall be exercised at the request of the competent institution by the institution of the place of temporary residence or residence, in accordance with the rules laid down by the legislation which the latter institution applies. However, the competent institution may have the recipient examined by a doctor of its choice at its own expense.

- 2 If the supervision referred to in the preceding paragraph reveals that a person receiving benefit is employed or has means in excess of the prescribed limit, the institution of the place of temporary residence or residence shall report to the competent institution which requested the supervision. The report shall contain the information requested and shall state in particular the nature of the employment, the amount of the earnings or other income received by the beneficiary during the last full quarter and the normal remuneration paid in the same area to a worker in the occupational category to which the person concerned belonged in the occupation he followed before he became an invalid, over a reference period to be specified by the competent institution. Where applicable, a medical opinion as to the state of health of the person concerned shall also be given.

#### **Article 45**

If, after suspension of the benefit he had been receiving, a person requalifies for benefit while residing in the territory of a Contracting Party other than the competent State, the institutions concerned shall exchange all the information necessary to enable payment of benefit to be resumed.

### **Payment of benefits**

#### **Article 46**

- 1 Where the competent institution of a Contracting Party does not pay benefit directly to a beneficiary residing in the territory of another Contracting Party, such benefit shall be paid at the competent institution's request by the liaison body of the latter Party or by the institution of the place of residence, in accordance with the procedure laid down in Articles 47 to 51 of this Agreement. Where the competent institution pays benefit directly to such beneficiaries it shall so notify the institution of the place of residence.
- 2 The provisions of earlier agreements relating to the payment of benefit, which are applicable on the day preceding the entry into force of this Agreement, shall continue to apply provided that they are listed in Annex 5

**Article 47**

The institution responsible for paying benefit shall forward to the liaison body of the Contracting Party in whose territory the beneficiary resides, or to the institution of the place of residence - hereinafter called the "paying agency" - a statement in duplicate setting out the benefit due; this statement must reach the said agency at least twenty days before the date on which the benefit is payable.

**Article 48**

- 1 Ten days before the date on which the benefit is payable, the institution responsible for payment shall remit, in the currency of the Contracting Party in whose territory it is situated, the amount of the benefit due as shown on the statement referred to in Article 47 above. Payment shall be made through the national bank or through another bank of that Contracting Party to the account opened in the name of the national bank or in the name of another bank of the Contracting Party in the territory in which the paying agency is situated, to the latter's order. Such payment shall discharge liability. The institution responsible for payment shall at the same time notify the paying agency of the payment.
- 2 The bank to which the amount has been transferred shall credit the paying agency with the equivalent amount in the currency of the Contracting Party in whose territory that agency is situated.
- 3 The names and addresses of the banks referred to in paragraph 1 of this article shall be listed in Annex 6.

**Article 49**

- 1 The benefit due, as shown in the statement referred to in Article 47 of this Agreement, shall be paid to the beneficiary by the paying agency on behalf of the competent institution in accordance with the procedure prescribed by the legislation which the paying agency applies.
- 2 The sum payable to the beneficiary shall be converted into the currency of the Contracting Party in whose territory he resides, at the rate of exchange at which, in accordance with the provisions of Article 48 of this Agreement, it was credited to the paying agency.
- 3 If the paying agency, or any other agency it may designate, becomes aware of any matter justifying the suspension or suppression of benefit, it shall immediately cease payment. This shall also be done when the beneficiary transfers his residence to the territory of a Contracting Party other than that in which the paying agency is situated.
- 4 The paying agency shall advise the institution responsible for payment of any reason for non-payment and inform it of the date of any event justifying such action.

**Article 50**

- 1 The payments referred to in Article 49, paragraph 1, of this Agreement shall be examined at the end of each payment period in order to determine the amounts actually paid to the beneficiaries or their legal or appointed representatives and the amounts outstanding.

- 2 The total amount of the actual payments, expressed in figures and in words in the currency of the Contracting Party in whose territory the institution responsible for payment is situated, shall be stated as agreeing with the payments effected by the paying agency and this statement shall be counter-signed by the latter's representative.
- 3 The paying agency shall vouch for the fact that the payments shown are in order.
- 4 Any difference between the amounts paid by the responsible institution, as expressed in the currency of the Contracting Party on whose territory it is situated, and the value, expressed in the same currency, of payments vouched for by the paying agency, shall be entered against subsequent sums due to be paid by the said responsible institution.

#### **Article 51**

Costs incurred in paying benefit, such as postal and banking charges, may be recovered from the beneficiary by the paying agency in accordance with the legislation which it applies.

#### **Article 52**

When the recipient of benefit payable under the legislation of one or more Contracting Parties transfers his residence from the territory of one Contracting Party to that of another Contracting Party, he shall notify the competent institution or institutions responsible for the payment of such benefit and also, where appropriate, the paying agency.

### **Chapter 3 - Occupational injuries and diseases**

#### **General provisions**

#### **Application of Article 38 of the Convention**

#### **Article 53**

- 1 In order to receive the benefits in kind provided for in Article 38, paragraph 1, sub-paragraph a, of the Convention, the worker shall submit to the institution of his place of residence a certificate that he is entitled to such benefits. This certificate shall be issued by the competent institution on the basis of information supplied, where appropriate, by the employer. In addition, where the legislation of the competent State so provides, the worker shall submit to the institution of his place of residence an acknowledgement of the notification of his occupational injury or disease. If he fails to submit these documents, the institution of the place of residence shall apply for them to the competent institution and, meanwhile, shall provide the benefits in kind available in case of sickness if the worker concerned is entitled to such benefits.
- 2 The certificate referred to in the preceding paragraph shall be valid until such time as the institution of the place of residence receives notice of its cancellation.
- 3 In the case of seasonal workers, the certificate referred to in paragraph 1 of this article shall remain valid for the expected duration of the seasonal work, unless in the meantime the competent institution notifies the institution of the place of residence of its cancellation.

- 4 For any claim for benefits in kind, the worker shall submit the supporting documents normally required for the provision of benefits in kind under the legislation of the Contracting Party in whose territory he resides.
- 5 In the event of hospitalisation, the institution of the place of residence shall notify the competent institution, as soon as this information is available, of the date of entry, the probable duration of hospitalisation and the date of discharge.
- 6 The worker shall advise the institution of his place of residence of any change in his circumstances which might affect his entitlement to benefits in kind, in particular of any cessation or change of employment or occupational activity, or any change in his residence or temporary residence. The competent institution shall likewise inform the institution of the place of residence when a worker's entitlement to benefit ceases. The institution of the place of residence may at any time request the competent institution to supply any information relating to the worker's entitlement to benefit.
- 7 In the case of frontier workers, any medicines, bandages, spectacles, minor appliances, laboratory analyses and examinations shall only be provided or carried out in the territory of the Contracting Party in which they have been prescribed, and in accordance with the provisions of the legislation of that Party.

#### **Article 54**

- 1 In order to receive the cash benefits other than pensions provided for in Article 38, paragraph 1, sub-paragraph b, of the Convention, the worker shall apply to the institution of his place of residence within three days of becoming incapable of work, and submit a certificate to the effect that he has ceased to work or, if the legislation applied by the competent institution or by the institution of the place of residence so requires, a certificate of incapacity for work issued by the doctor attending him. He shall also submit any other documents required by the legislation of the competent State, according to the type of benefit claimed.
- 2 If doctors in the country of residence do not issue certificates of incapacity for work, the worker shall apply directly to the institution of the place of residence, within the time-limit set by the legislation it applies. That institution shall at once seek medical confirmation of incapacity for work and issue the certificate referred to in the preceding paragraph.
- 3 The institution of the place of residence shall immediately transmit to the competent institution the documents referred to in the preceding paragraphs of this article, indicating at the same time the probable duration of incapacity for work.
- 4 As soon as possible, the institution of the place of residence shall undertake a medical examination of the worker and make the necessary administrative enquiries regarding his case, as if the said worker were insured by it, and shall notify the competent institution without delay of the findings. The competent institution may, if it so desires, have the worker concerned examined by a doctor of its choice at its own expense. Where this institution decides to refuse benefit on the grounds that the worker has failed to comply with the rules relating to the investigation of his case, it shall notify him of this decision, and at the same time send a copy of the decision to the institution of the place of residence.

- 5 Termination of incapacity for work shall be notified without delay to the worker by the institution of the place of residence, which shall at the same time notify the competent institution. When this latter institution itself decides that the worker is again capable of work, it shall notify him of its decision and at the same time send a copy of the decision to the institution of the place of residence.
- 6 Where, in the same case, two different dates are set by the institution of the place of residence and by the competent institution for the termination of incapacity for work, the date set by the competent institution shall apply.
- 7 When the worker resumes work, he shall notify the competent institution, if so required by the legislation which that institution applies.
- 8 The competent institution shall pay cash benefits by any appropriate means, for example by international money order, and shall advise the institution of the place of residence of such payments. Where benefit is paid by the institution of the place of residence on behalf of the competent institution, the competent institution shall inform the worker of his entitlement in the manner prescribed by the legislation which it applies, and shall also advise him of the institution charged with paying the benefits. It shall at the same time inform the institution of the place of residence of the amount of benefit payable, the dates of payment and the maximum period for which it is payable under the legislation of the competent State. The amount of benefit payable by the institution of the place of residence shall be converted at the official rate of exchange prevailing on the first day of the month in which benefit is paid.

## **Application of Article 40 of the Convention**

### **Article 55**

- 1 In order to receive benefits in kind, the worker referred to in Article 15, paragraph 1, sub-paragraph a. i, or paragraph 2, sub-paragraph a, of the Convention shall submit to the institution of his place of temporary residence the certificate prescribed in Article 12, paragraph 1, of this Agreement. When he has submitted this certificate, he shall be presumed to have satisfied the conditions for entitlement to benefits in kind.
- 2 In order to receive benefits in kind, the worker referred to in Article 15, paragraph 1, sub-paragraph b. i of the Convention, employed in the territory of a Contracting Party other than the competent State, shall submit as promptly as possible to the institution of the place of temporary residence a statement issued by the employer or his agent within the two preceding calendar months. This statement shall indicate the date on which he began to work for that employer, and the name and address of the competent institution. When he has produced the above-mentioned statement he shall be presumed to have satisfied the conditions for entitlement to benefits in kind. If he is unable to apply to the institution of the place of temporary residence before commencing medical treatment, he shall nevertheless receive such treatment on presentation of the said statement, as if he were insured with that institution.

- 3 The institution of the place of temporary residence shall apply without delay to the competent institution to ascertain whether the worker referred to in paragraph 1 or 2 of this article, as the case may be, satisfies the conditions for entitlement to benefits in kind. The institution of the place of temporary residence shall provide the said benefits until a reply has been received from the competent institution, but for not longer than thirty days.
- 4 The competent institution shall reply to the institution of the place of temporary residence within ten days of receiving that institution's enquiry. If the reply is in the affirmative, the competent institution shall indicate the maximum period, if any, during which the benefits in kind may be provided under the legislation which it applies, and the institution of the place of temporary residence shall continue to provide the said benefits.
- 5 Instead of the certificate or statement referred to respectively in paragraphs 1 and 2 of this article, the worker may submit to the institution of the place of temporary residence the certificate referred to in Article 56, paragraph 1, of this Agreement. In that case, the provisions of the preceding paragraphs of this article shall not apply.
- 6 The provisions of Article 53, paragraph 5, of this Agreement shall apply, *mutatis mutandis*.

#### **Article 56**

- 1 In order to receive the benefits in kind provided for in Article 40, paragraph 1, sub-paragraph a. i, of the Convention, except in cases where the presumption in Article 55, paragraphs 1 and 2, of this Agreement is operative, the worker shall submit to the institution of his place of temporary residence a certificate that he is entitled to such benefits. This certificate, issued by the competent institution at the worker's request before he leaves the territory of the Contracting Party in which he resides, shall indicate the maximum period, if any, during which benefits in kind may be provided under the legislation of the competent State. If the worker does not submit such a certificate, the institution of the place of temporary residence shall apply for it to the competent institution.
- 2 The provisions of Article 53, paragraph 5, of this Agreement shall apply, *mutatis mutandis*.

#### **Article 57**

- 1 In order to receive the benefits in kind provided for in Article 40, paragraph 1, sub-paragraph b, of the Convention, the worker shall submit to the institution of his place of residence a certificate that he is authorised to continue receiving such benefits. This certificate, issued by the competent institution, shall indicate the maximum period, if any, during which such benefits may continue to be provided under the legislation of the competent State. The competent institution shall send a copy of the certificate to the body designated by the competent authority of the Contracting Party to whose territory the worker concerned has returned or transferred his residence. The certificate may be issued after the worker's departure, at his request, when, for reasons outside his control, it could not have been prepared earlier.
- 2 The provisions of Article 53, paragraph 5, of this Agreement shall apply, *mutatis mutandis*.
- 3 The provisions of the preceding paragraphs of this article shall apply, *mutatis mutandis*, in the case covered by Article 40, paragraph 1, sub-paragraph c. i of the Convention.

**Article 58**

- 1 In order to receive cash benefits other than pensions provided for in Article 40, paragraph 1, sub-paragraph a. ii, of the Convention, the worker shall apply to the institution of his place of temporary residence within three days of becoming incapable of work, and submit a certificate of incapacity for work issued by the doctor attending him, if so required by the legislation applied by the competent institution or by the institution of the place of temporary residence. He shall also indicate his address in the country of temporary residence and the name and address of the competent institution.
- 2 If doctors in the country of temporary residence do not issue certificates of incapacity for work, the provisions of Article 54, paragraph 2, of this Agreement shall apply, *mutatis mutandis*.
- 3 The institution of the place of temporary residence shall without delay transmit to the competent institution the documents referred to in the preceding paragraphs of this article indicating in particular the probable duration of incapacity for work.
- 4 Workers other than those referred to in Article 15, paragraph 1, sub-paragraph a.i, or paragraph 2, sub-paragraph a, of the Convention, whose state of health is found by medical examination to be such as not to prevent them from returning to the territory of the Contracting Party where they reside shall immediately be notified to this effect by the institution of the place of temporary residence, which shall also send a copy of the notification to the competent institution.
- 5 In addition, the provisions of Article 54, paragraphs 4 to 8, of this Agreement shall apply, *mutatis mutandis*.

**Application of Articles 38 to 40 of the Convention****Article 59**

- 1 If an occupational injury or disease should occur in the territory of a Contracting Party other than the competent State, it should be declared in accordance with the provisions of the legislation of the competent State, without prejudice to any existing legal provisions in the territory of the Contracting Party where the injury or disease occurred, the application of which is mandatory in the case. This declaration shall be sent to the competent institution and, if necessary, a copy to the institution of the place of residence.
- 2 The institution of the Contracting Party in whose territory the occupational injury or disease occurred shall send in duplicate to the competent institution the medical certificates issued in that territory and, at the request of the latter institution, all relevant information.

- 3 The certificate indicating that the victim of the injury or disease has fully recovered or that his condition has stabilised must where appropriate give a detailed description of his condition and contain information on the final consequences of the occupational injury or disease. Any costs incurred shall be met by the institution of the place of residence or by the institution of the place of temporary residence, as the case may be, at the rate applied by that institution and at the expense of the competent institution.
- 4 The competent institution shall notify the institution of the place of residence or the institution of the place of temporary residence, as the case may be, of the date of recovery of the worker or of the stabilisation of his condition and also, if relevant, of any decision regarding an award of a pension.

#### **Article 60**

- 1 If, in a case covered by Article 38, paragraph 1, or Article 40, paragraph 1, of the Convention, the institution concerned questions whether the legislation relating to occupational injuries or diseases is applicable, it shall immediately inform the institution of the place of residence or the institution of the place of temporary residence which has provided benefits in kind. These benefits shall be regarded as benefits relating to sickness and shall continue to be so provided if the worker concerned is entitled to such benefits.
- 2 When a final decision on the question has been reached, the institution concerned shall immediately notify the institution of the place of residence or the institution of the place of temporary residence which has provided the benefit in kind. If an occupational injury or disease is not involved, that institution shall continue to provide the benefits in kind as in the case of sickness, if the worker concerned is entitled to such benefits. On the other hand, if it is an occupational accident or disease, any benefits the worker has received as if for sickness shall be regarded as benefits relating to an occupational injury or disease.

#### **Application of Article 43, paragraph 4, of the Convention**

##### **Article 61**

- 1 To enable the degree of incapacity to be assessed, for the purposes of Article 43, paragraph 4, of the Convention, the worker shall provide the competent institution of the Contracting Party to whose legislation he was subject when the occupational injury or disease occurred with full information concerning any previous occupational injuries or diseases he suffered while subject to the legislation of any other Contracting Party, whatever the degree of incapacity caused by such previous occupational injuries or diseases.
- 2 The competent institution may apply to any other institution previously competent for whatever information it considers necessary.

#### **Application of Article 44, paragraph 2, of the Convention**

##### **Article 62**

For the application of the provisions of Article 44, paragraph 2, of the Convention, the institution of any Contracting Party required to provide benefits may, as necessary, ask the institution of any other Contracting Party for information regarding the length of time



for which the latter institution has already provided benefit for the same occupational injury or disease.

### **Application of Article 45, paragraph 3, of the Convention**

#### **Article 63**

In order to benefit from the provisions of Article 45, paragraph 3, of the Convention, the claimant shall submit to the competent institution a certificate regarding members of his family residing in the territory of a Contracting Party other than the competent State. This certificate shall be issued either by the institution of the place of residence of these members of the family which is competent in relation to sickness or by any other institution designated by the competent authority of the Contracting Party in whose territory these members of the family reside. In addition, the provisions of Article 25, paragraphs 2 and 3, of this Agreement shall apply, *mutatis mutandis*.

### **Application of Article 46 of the Convention**

#### **Article 64**

- 1 In the case covered by Article 46, paragraph 1, of the Convention, the declaration notifying an occupational disease shall be sent either to the institution, competent in respect of occupational disease, of the Contracting Party under whose legislation the worker was last engaged in an occupation liable to cause the disease under consideration, or to the institution of the place of residence, which shall transmit the declaration to the first-mentioned institution.
- 2 If the institution receiving the declaration considers that an occupation liable to cause the disease in question was last followed under the legislation of another Contracting Party, it shall transmit the declaration and the accompanying documents to the corresponding institution of that Party and inform at the same time the person concerned.
- 3 If the institution of the Contracting Party under whose legislation the worker was last engaged in an occupation liable to cause the disease in question finds that he or his survivors fail to satisfy the conditions of that legislation, taking into account the provisions of Article 46, paragraphs 2, 3 and 4, of the Convention, the institution in question:
  - a shall immediately send to the institution of the Contracting Party under whose legislation the worker was previously engaged in an occupation liable to cause the disease in question the declaration and all accompanying documents, including the findings and reports of medical examinations carried out by the former institution, together with a copy of the decision referred to in the following sub-paragraph;
  - b shall, at the same time, inform the person concerned of its decision, stating the grounds on which benefit is refused, the procedure and time-limits for appeal, and the date on which the records of the case were transmitted to the institution referred to in the preceding sub-paragraph.

- 4 If necessary the case shall be referred back, following the same procedure, to the corresponding institution of the Contracting Party under whose legislation the worker was first engaged in an occupation liable to cause the disease in question.

#### **Article 65**

- 1 If an appeal is made against rejection of a claim by the institution of one of the Contracting Parties under whose legislation the worker was engaged in an occupation liable to cause the disease under consideration, that institution shall inform the institution to which the declaration, if any, was transmitted, in accordance with the procedure prescribed in Article 64, paragraph 3, of this Agreement, and subsequently inform it of the final decision taken.
- 2 Where entitlement to benefit is established under the legislation applied by the institution to which the declaration was transmitted in accordance with the procedure prescribed in Article 64, paragraph 3, of this Agreement, account being taken of the provisions of Article 46, paragraphs 2, 3 and 4, of the Convention, that institution shall make advance payments to the person concerned, the amounts being determined in consultation with the institution against whose decision the appeal was lodged. If, following the appeal, the latter institution is obliged to provide benefits, it shall refund to the former institution the advance payments made, deducting an equivalent amount from the benefit payable to the person concerned.

#### **Application of Article 47 of the Convention**

##### **Article 66**

In the case referred to in Article 47 of the Convention, the worker shall provide the institution of the Contracting Party from which he claims benefit with full information on any benefits previously received by him in respect of the occupational disease in question and on any occupations he has followed since the award of these benefits. That institution may request such information as it considers necessary from any other previously competent institution.

#### **Submission and examination of claims for pensions**

##### **Article 67**

- 1 If a pension or allowance to supplement a pension awarded under the legislation of one Contracting Party is claimed by a worker or his survivors residing in the territory of another Contracting Party, the claim shall be submitted either to the competent institution or to the institution of the place of residence which shall then transmit it to the competent institution. The claim must comply with the following rules:
  - a it must be accompanied by the requisite supporting documents and shall be submitted on the forms prescribed by the legislation of the competent State;
  - b the accuracy of the information supplied by the claimant must be substantiated by official documents attached to the claim form or corroborated by the competent authorities of the Contracting Party in whose territory he resides.

- 2 The competent institution shall convey its decision directly to the claimant or through the liaison body of the competent State; it shall send a copy of the decision to the liaison body of the Contracting Party in whose territory the claimant resides.

### **Administrative and medical supervision**

#### **Article 68**

If the recipient of a pension temporarily resides or resides in the territory of a Contracting Party other than the competent State, administrative and medical supervision and also such medical examinations as are necessary for the revision of pensions shall be carried out at the request of the competent institution by the institution of the place of temporary residence or residence in accordance with the rules laid down in the legislation which the latter institution applies. However, the competent institution may have the recipient examined by a doctor of its choice at its own expense.

### **Payment of pensions**

#### **Article 69**

Pensions payable by the institution of a Contracting Party to claimants residing in the territory of another Contracting Party shall be paid in accordance with the provisions of Articles 46 to 51 of this Agreement.

### **Chapter 4 - Death (grants)**

#### **Application of Articles 49 and 50 of the Convention**

#### **Article 70**

Where a person residing in the territory of one Contracting Party claims a death grant under the legislation of another Contracting Party, he shall submit his claim either to the competent institution, or to the institution of the place of residence, together with the supporting documents required under the legislation applied by the competent institution. The accuracy of the information supplied by the claimant shall be substantiated by official documents attached to the claim form or corroborated by the competent authorities of the Contracting Party in whose territory he resides.

#### **Article 71**

- 1 In order to benefit from the provisions of Article 49 of the Convention, the person concerned shall submit to the competent institution a certificate setting out the periods of insurance or of residence completed by the person in respect of whom the death grant is payable under the legislation of the Contracting Party to which he was last subject.
- 2 The certificate referred to in the preceding paragraph shall be issued, at the request of the person concerned, by the institution competent in relation to sickness or old age, as the case may be, of the Contracting Party to whose legislation the person in respect of whom the death grant is payable was last subject. If the person concerned does not submit this certificate, the competent institution shall apply to the latter institution for it.

- 3 Where it is necessary to take into account periods of insurance or of residence completed previously under the legislation of any other Contracting Party in order to satisfy the conditions prescribed by the legislation of the competent State, the provisions of the preceding paragraphs of this article shall apply, *mutatis mutandis*.

## Chapter 5 - Unemployment

### Application of Article 51 of the Convention

#### Article 72

- 1 In order to benefit from the provisions of Article 51, paragraph 1 or 2, of the Convention, the person concerned shall submit to the competent institution a certificate setting out the periods of insurance, employment or other occupational activity, completed under the legislation of the Contracting Party to which he was previously last subject, and he shall supply any additional information required under the legislation applied by that institution.
- 2 The certificate referred to in the preceding paragraph shall be issued, at the request of the person concerned, either by the institution, competent in relation to unemployment, of the Contracting Party to whose legislation he was previously last subject, or by another institution designated by the competent authority of that Party. If the person concerned does not submit such a certificate, the competent institution shall apply for it to one of these institutions, unless the institution competent in relation to sickness can send a copy of the certificate provided for in Article 16, paragraph 1, of this Agreement.
- 3 Where it is necessary to take into account periods of insurance, employment or other occupational activity previously completed under the legislation of any other Contracting Party in order to satisfy the conditions prescribed by the legislation of the competent State, the provisions of the preceding paragraphs of this article shall apply, *mutatis mutandis*.

### Application of Article 52 of the Convention

#### Article 73

- 1 In order to benefit from the provisions of Article 52 of the Convention, the person concerned shall submit to the institution of his new place of residence a certificate that he satisfies the conditions prescribed by the legislation of the competent State for entitlement to benefits in respect of the completion of periods of insurance, employment, occupational activity or residence, and he shall supply any additional information required by the legislation applied by that institution.
- 2 The certificate referred to in the preceding paragraph shall be issued by the competent institution, at the request of the person concerned, before he changes his place of residence. That institution shall send a copy of it to the institution designated by the competent authority of the Contracting Party to whose territory the person concerned is transferring his residence. If the person concerned does not submit this certificate or if the institution of the new place of residence has not received a copy, that institution shall apply for it to the competent institution.

**Application of Article 53 of the Convention****Article 74**

- 1 In the cases covered by Article 53, paragraph 1, sub-paragraphs a. ii and b. ii, of the Convention, the institution of the place of residence shall be regarded as the competent institution for applying the provisions of Article 72 of this Agreement.
- 2 In the case covered by Article 53, paragraph 1, sub-paragraph b. iii, of the Convention, the provisions of Article 73 of this Agreement shall apply, *mutatis mutandis*.
- 3 For the application of the provisions of Article 53, paragraph 2, of the Convention, the institution of the place of residence shall apply to the competent institution for all necessary information regarding the rights of the person concerned in relation to that institution.

**Application of Article 54 of the Convention****Article 75**

For the application of the provisions of Article 54 of the Convention, the competent institution shall, where appropriate, indicate in the certificate mentioned in Article 73, paragraph 1, of this Agreement the length of time for which it has paid benefit since entitlement to such benefit was last established.

**Application of Article 55 of the Convention****Article 76**

For the purpose of calculating benefits to be paid by an institution referred to in Article 55, paragraph 1, of the Convention in cases where the person concerned was not last employed for at least four weeks in the territory of the Contracting Party in which that institution is situated, he shall submit to it a statement of the nature of his last employment for at least four weeks in the territory of another Contracting Party, and indicate in what branch of the economy he was employed. If the worker does not submit such a statement, the institution in question shall apply for it either to the institution competent in relation to unemployment of that Party, or to any other institution designated by the competent authority of that Party.

**Article 77**

In order to benefit from the provisions of Article 55, paragraph 2, of the Convention, the person concerned shall submit to the competent institution a certificate regarding the members of his family residing in the territory of a Contracting Party other than the competent State. That certificate shall be issued either by the institution of the place of residence of such members of the family, which is competent in relation to sickness, or by any other institution designated by the competent authority of the Contracting Party in whose territory those members of the family reside. In addition, the provisions of paragraphs 2 and 3 of Article 25 of this Agreement shall apply, *mutatis mutandis*.

## Chapter 6 - Family benefits

### Application of Article 57 of the Convention

#### Article 78

- 1 In order to benefit from the provisions of Article 57 of the Convention, the person concerned shall submit to the competent institution a certificate setting out the periods of employment, other occupational activity or residence completed under the legislation of the Contracting Party to which he was previously last subject, and he shall supply any additional information required under the legislation applied by that institution.
- 2 The certificate referred to in the preceding paragraph shall be issued, at the request of the person concerned, either by the institution competent in relation to family benefits of the Contracting Party to whose legislation he was previously last subject or by any other institution designated by the competent authority of that party. If the person concerned does not submit such a certificate, the competent institution shall apply for it to one of these institutions, unless the institution competent in relation to sickness can send a copy of the certificate provided for in Article 16, paragraph 1, of this Agreement.
- 3 Where it is necessary to take into account periods of employment, other occupational activity or residence previously completed under the legislation of any other Contracting Party in order to satisfy the conditions prescribed by the legislation of the competent State, the provisions of the preceding paragraphs of this article shall apply, *mutatis mutandis*.

### Application of Articles 59 and 60 of the Convention

#### Article 79

- 1 In order to benefit from the provisions of Article 59 of the Convention, the person concerned shall apply to the competent institution, if necessary through his employer.
- 2 When Article 59, paragraph 3, of the Convention is to be applied, the competent institution, in order to make the comparison provided for in paragraph 4 of that article, shall obtain information through the competent authority to which it is responsible regarding the amount of family allowances payable under the legislation of the Contracting Party in which the children reside or are being brought up. That authority shall apply at the end of each quarter to the competent authority of the Contracting Party in question for such information. This information shall be based on the legislation applicable on the 15th day of the last month of the last quarter under consideration, and shall constitute the valid basis for payment of family allowances relating to the following quarter.
- 3 In support of his claim, the person concerned shall submit a certificate as to his family status issued by the competent registration authorities in the territory of the Contracting Party in which the children reside or are being brought up, if such certificate is normally issued by the above-mentioned authorities; and if not, by the institution designated by the competent authority of that Contracting Party. This certificate shall be renewed annually.

- 4 The person concerned shall also, where appropriate and at the request of the competent institution, supply information identifying the person to whom family allowances are to be paid in the territory of the Contracting Party where the children reside or are being brought up.
- 5 The person concerned shall inform the competent institution, if necessary through his employer, of any change in the circumstances of his children which might affect their entitlement to family allowances, and in particular of any change of residence and any alteration in the number of children in respect of whom family allowances are payable.
- 6 The provisions of paragraphs 1, 3 and 5 of this article shall apply in the case referred to in Article 59, paragraph 5, of the Convention.

#### **Article 80**

- 1 If the person concerned has been employed or has engaged in other occupational activity or has been resident during any calendar month or quarter in the territory of two Contracting Parties, the family allowances he may claim under the legislation of each of these Parties shall correspond to the number of daily allowances payable under the respective legislations concerned. If one or other of these legislations provides for the payment of monthly or quarterly allowances, one twenty-sixth part of the total monthly allowance or one seventy-eighth part of the total quarterly allowance shall be paid for each day of employment, other occupational activity or residence completed in the territory of the Contracting Party concerned and for each day assimilated thereto by the legislation of that Party.
- 2 If the institution of one Contracting Party has paid family allowances for a month or part of a month, and they should have been paid by the institution of another Contracting Party, the incorrect payments of allowances shall be adjusted between the two institutions.

#### **Application of Article 61 of the Convention**

#### **Article 81**

- 1 In order to receive family benefit in the territory of the Contracting Party in which they reside, the members of the family referred to in Article 61, paragraph 1, of the Convention shall register with the institution of their place of residence, submitting the supporting documents normally required for the award of family benefit under the legislation applied by that institution and also a certificate stating that the person concerned satisfies the conditions for entitlement to benefit. This certificate shall include the following information:
  - a if the legislation of the competent State does not make entitlement to benefit conditional upon any employment or other occupational activity, the certificate shall simply state that the person concerned is subject to the legislation of that State;
  - b if the legislation of the competent State makes entitlement to benefit conditional upon the completion of a specified period of employment or other occupational activity, the certificate shall state that this condition has been satisfied;

- c if the legislation of the competent State provides that the duration of entitlement to benefit shall correspond to the duration of periods of employment or other occupational activity, the certificate shall state the duration of employment or other occupational activity completed during the period under consideration.

This certificate shall be issued by the competent institution, at the request of the person concerned, as soon as he satisfies the prescribed conditions. If the members of the family do not submit this certificate, the institution of their place of residence shall apply for it to the competent institution.

- 2 In the case mentioned in sub-paragraphs a and b of the preceding paragraph, the certificate referred to shall remain valid until the institution of the place of residence is notified of its cancellation. In the case mentioned in sub-paragraph c, however, the certificate shall remain valid for three months from the date of issue only, and shall be renewed *ex officio* every three months by the competent institution.
- 3 If the person concerned is a seasonal worker, the certificate referred to in paragraph 1 of this article shall remain valid during the whole expected duration of the seasonal work, unless the competent institution notifies its cancellation in the meantime to the institution of the place of residence.
- 4 If the legislation of the Contracting Party in whose territory the members of the family reside provides for monthly or quarterly payment of benefit, and the legislation of the competent State provides that the duration of entitlement to benefit shall correspond to the duration of periods of employment or other occupational activity completed in that State, benefit shall be provided for a period corresponding to the ratio of that period to the total length of time prescribed by the legislation of the country of residence of the members of the family.
- 5 If the legislation of the Contracting Party in whose territory the members of the family reside provides for the payment of benefit for a number of days corresponding to the number of days of employment or other occupational activity completed, and the legislation of the competent State provides that entitlement shall be for a period of a month or a quarter, benefit shall be paid monthly or quarterly.
- 6 In the cases covered by paragraphs 4 and 5 of this article, if periods of employment or other occupational activity completed under the legislation of the competent State are expressed in units other than those used in calculating benefit under the legislation of the Contracting Party in whose territory the members of the family reside, they shall be converted as provided in Article 15, paragraph 3, of this Agreement.
- 7 The competent institution shall immediately inform the institution of the place of residence of members of the family of the date on which the person concerned ceases to be entitled to benefit or transfers his residence from the territory of one Contracting Party to that of another. The institution of the place of residence of the members of the family may at any time ask the competent institution for all necessary information regarding entitlement to benefit of the person concerned.
- 8 The members of the family shall inform the institution of their place of residence of any change in their circumstances which might affect their entitlement to benefit, and in particular of any change of residence.



**Article 82**

If members of a family transfer their residence from the territory of one Contracting Party to that of another during the course of a calendar month or quarter, the family benefit paid to them under the legislation of each of those Parties shall correspond to the number of daily benefits payable under the legislations concerned. If either of these legislations provides for the payment of benefit, monthly or quarterly, benefit shall be paid proportionately to the duration of residence in the territory of the Party in question during the month or quarter concerned.

**Application of Article 62 of the Convention****Article 83**

- 1 In order to receive family benefit in the territory of the Contracting Party in which they reside, the members of the family referred to in Article 62 of the Convention shall submit to the institution of their place of residence a certificate stating that the person concerned receives unemployment benefit under the legislation of another Contracting Party, and would be entitled to family benefits if he lived with the members of his family in the territory of the competent State. This certificate shall be issued either by the institution competent in relation to unemployment in the latter State or by any other institution designated by the competent authority of that State. If the members of the family do not submit this certificate, the institution of their place of residence shall apply for it to the competent institution.
- 2 The provisions of Articles 81 and 82 of this Agreement shall apply, *mutatis mutandis*.

**Title VI – Miscellaneous provisions****Article 84**

The institution of the place of residence of a person who has received benefits that were not payable to him, or the institution designated by the competent authority of the Contracting Party in whose territory that person resides, shall co-operate with the institution of any other Contracting Party which has paid such benefits, should the latter institution seek recovery from the person in question.

**Article 85**

- 1 If, during the assessment or the revision of invalidity, old-age, or death (pensions) benefits under the provisions of Chapter 2 of Title III of the Convention, the institution of a Contracting Party has paid to a beneficiary a sum in excess of his entitlement, it may request the institution of any other Contracting Party responsible for the payment of corresponding benefits to that person to deduct the amount overpaid from any arrears payable to him. The latter institution shall transfer the amount so withheld to the creditor institution. If recovery cannot be made in this way, the provisions of the following paragraph shall apply.

- 2 If the institution of a Contracting Party has paid to a beneficiary a sum in excess of his entitlement, that institution may, under the conditions and to the extent permissible under the legislation it applies, request the institution of any other Contracting Party responsible for payment of benefits to that person to deduct the amount overpaid from the payments it is making to him. The latter institution shall withhold that amount to the extent to which such a deduction is permissible under the legislation it applies, as if the overpayment had been made by it, and transfer the amount so withheld to the creditor institution.
- 3 If the institution of a Contracting Party has made an advance payment of benefits for a period during which the beneficiary was entitled to corresponding benefits under the legislation of another Contracting Party, it may request the institution of the other Contracting Party to deduct the amount of the advance from the payments due to him for the same period. The latter institution shall withhold the amount and transfer it to the creditor institution.

#### **Article 86**

If a person has received social assistance payments in the territory of a Contracting Party during a period when he was entitled to receive benefit under the legislation of another Contracting Party, the authority which provided the social assistance may, if it is entitled to recover such assistance payments from benefits due to the person concerned, request the institution of any other Contracting Party responsible for paying benefits to him, to withhold the amount of the social assistance granted during that period from the benefit payable to him. The latter institution shall withhold that amount and transfer it to the creditor authority.

#### **Article 87**

- 1 If entitlement to benefits is not recognised by the institution stated to be the competent one, the cost of the benefits in kind provided by the institution of the place of temporary residence under the presumption in Article 20, paragraph 2, or Article 55, paragraph 2, of this Agreement shall be refunded by the first mentioned institution.
- 2 If the person concerned is not entitled to benefits in kind, expenditure incurred by the institution of the place of residence or temporary residence in respect of benefits in kind provided under Article 60, paragraph 1, of this Agreement shall be refunded by the institution designated by the competent authority of the Contracting Party concerned.
- 3 If an institution has refunded benefits incorrectly paid, in accordance with the provisions of paragraphs 1 or 2 of this article, it shall remain the creditor of the recipient for the amount of the benefit incorrectly paid.

**Article 88**

In the event of a dispute between the institutions or competent authorities of two or more Contracting Parties concerning either the legislation applicable under Title II of the Convention or the institution which is to provide benefit, the person who would have been able to claim benefit in the absence of such a dispute shall provisionally receive the benefit prescribed by the legislation which the institution of the place of residence applies or, where the person concerned does not reside in the territory of one of the Contracting Parties concerned, by the legislation of the Contracting Party to which he was previously last subject. After settlement of the dispute, the cost of the benefits paid provisionally shall be borne by the institution declared as liable to pay the benefits.

**Article 89**

If, in order to apply its national legislation, or the Convention, in specific cases, the competent institution of a Contracting Party considers it necessary to conduct an enquiry in the territory of another Contracting Party, it may appoint an investigator for that purpose, subject to the agreement of the competent authorities of the two Parties concerned. The competent authority of the Contracting Party in whose territory the enquiry is to take place shall give every assistance to the investigator and appoint a person to assist him in consulting the records and all other documents relevant to the case.

**Article 90**

If the legislation of a Contracting Party regards as members of the family or household of the person concerned only such persons as live with him, the institution which applies that legislation may require evidence that the members of the family who do not fulfil that condition are mainly dependent on the person concerned, by means of documents showing that he contributes substantially to their maintenance.

**Article 91**

Any agreements concluded under Article 26, paragraph 1, Article 32, paragraph 3 or 6, Article 41, Article 42, paragraph 3, Article 46, paragraph 5, Article 56, paragraph 1, Article 58, paragraph 1, Article 67, paragraph 2, Article 69, paragraph 3, or Article 70, paragraph 2 or 3, of the Convention, or under Article 5 of this Agreement, shall be communicated to the Secretary General of the Council of Europe within three months of the date of their entry into force.

**Article 92**

- 1 The annexes referred to in Article 4 of this Agreement shall be an integral part thereof.
- 2 Any amendment of the annexes to this Agreement shall be notified by the Contracting Party or Parties concerned to the Secretary General of the Council of Europe.
- 3 In the case of an amendment of Annex 5 to this Agreement, the procedure prescribed in Article 73, paragraphs 2 and 3, of the Convention shall apply, *mutatis mutandis*.

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**Title VII - Transitional and final provisions****Article 93**

The submission of a claim for invalidity, old-age or survivors' benefits to the institution of a Contracting Party after the entry into force of the Convention shall automatically entail the revision, in accordance with the provisions of the Convention, of benefits awarded for the same contingency by the institution or institutions of one or more other Contracting Parties before its entry into force.

**Article 94**

- 1 This Agreement shall be open to signature by the member States of the Council of Europe which have signed the Convention and which may become Parties to it either by:
  - a signature without reservation in respect of ratification or acceptance; or
  - b signature with reservation in respect of ratification or acceptance, followed by ratification or acceptance.
- 2 Any State which signs this Agreement without reservation in respect of ratification or acceptance or which ratifies or accepts it must, at the same time, ratify or accept the Convention.
- 3 Instruments of ratification or acceptance shall be deposited with the Secretary General of the Council of Europe.

**Article 95**

- 1 This Agreement shall enter into force on the same date as the Convention.
- 2 As regards any member States which shall subsequently sign the Agreement without reservation in respect of ratification or acceptance, or which shall ratify or accept it, the Agreement shall enter into force three months after the date of such signature or after the date of deposit of the instrument of ratification or acceptance.

**Article 96**

- 1 Any State not a member of the Council of Europe which shall accede to the Convention upon invitation by the Committee of Ministers of the Council of Europe in accordance with Article 77 thereof must, at the same time, accede to this Agreement.
- 2 Accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect three months after the date of its deposit.

**Article 97**

- 1 This Agreement shall have the same duration as the Convention.
- 2 No Contracting Party may denounce this Agreement without denouncing, at the same time, the Convention under the conditions provided for in Article 78 thereof.
- 3 Such denunciation shall take effect six months after the date of receipt by the Secretary General of the Council of Europe of its notification.

**Article 98**

The Secretary General of the Council of Europe shall, within one month, notify the Contracting Parties, signatory States and the Director General of the International Labour Office of:

- a any signature without reservation in respect of ratification or acceptance;
- b any signature with reservation in respect of ratification or acceptance;
- c the deposit of any instrument of ratification, acceptance or accession;
- d any date of entry into force of this Agreement in accordance with Articles 95 and 96;
- e any notification of denunciation received in pursuance of the provisions of Article 97 and the date on which denunciation takes effect;
- f any communication or notification received in pursuance of the provisions of Article 91 and Article 92, paragraph 2, of this Agreement.

In witness whereof, the undersigned, being duly authorised thereto, have signed this Supplementary Agreement.

Done at Paris, this 14th day of December 1972, in English and in French, both texts being equally authoritative, in a single copy, which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatory and acceding States.

## **ANNEXES**

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