

**SUPPLEMENTARY CONVENTION AMENDING THE CONVENTION
BETWEEN THE REPUBLIC OF AUSTRIA AND THE REPUBLIC OF
THE PHILIPPINES IN THE FIELD OF SOCIAL SECURITY**

The Republic of Austria and the Republic of the Philippines

being desirous of amending and supplementing the Convention in the field of Social Security of 1 December 1980 - hereinafter referred to as the "Convention" - have agreed as follows:

ARTICLE I

1. Sub-paragraph (1)(5) of Article 1 of the Convention shall read as follows:

"5." competent authority" means
in relation to Austria the Federal Minister responsible for the
administration of
the legislation of Austria,
in relation to the Philippines the Heads of the Institutions
responsible for the
administration of the legislation of the Philippines;"

2. At the end of sub-paragraph (I)(I)(b) of Article 2 of the Convention the semicolon shall be replaced by a comma and the following sub-paragraph (c) shall be inserted:

"(c) with regard to Section II only, sickness insurance;"

3. Paragraph (2) of Article 2 of the Convention shall read as follows:

"(2) This Convention shall also apply to any legislation, which consolidates amends or supplements the legislation specified in paragraph (1) of this Article."

4. Article 3 of the Convention shall read as follows:

"This Convention shall apply to:

a) persons who are or have been subject to the legislation of one or both of the Contracting Parties;

b) other persons with respect to the rights they derive from the persons described in subparagraph (a)."

5. To Article 4 of the Convention the following paragraph (3) shall be added:

"(3) As regards Austrian legislation concerning the crediting of periods of war service and periods considered as equivalent, Philippine nationals who were Austrian nationals immediately

before 13 March 1938 shall receive equal treatment with Austrian nationals."

6. Article 6 of the Convention shall read as follows:

" Subject to the provisions of Articles 7 and 7a, an employed or self-employed person who works in the territory of one Contracting Party shall, in respect of that work, be subject only to the legislation of that Contracting Party. In the case of an employed person, this shall also apply if the employer's place of business is in the territory of the other Contracting Party."

7. Article 7 of the Convention shall read as follows:

"(1) An employed person who is subject to the legislation of one Contracting Party and who is sent to perform services in the territory of the other Contracting Party for the same employer shall, in respect of those services, remain subject only to the legislation of the former Party for the first sixty calendar months as though those services were performed in its territory.

(2) When a national of one Contracting Party is sent to perform services in the territory of the other Contracting Party for an air transport organization of the first Contracting Party, paragraph (1) shall be applied without reference to the sixty month time limit.

(3) A person employed by the government or other public employer of a Contracting Party in the territory of the other Party shall, in respect of that employment, be subject to the legislation of the latter Contracting Party only if he is a national thereof or if he ordinarily resides in its territory. In the latter case he may, however, within three months of the beginning of the employment, elect to be subject only to the legislation of the former Contracting Party if he is a national thereof."

8. After Article 7 of the Convention the following Article 7a shall be inserted:

"ARTICLE 7A

(1) At the request of an employed person and his employer or of a self-employed person, the competent authorities of the two Contracting Parties may provide, by agreement with one another, exceptions in the application of Articles 6 to 7, taking into account the nature and circumstances of the work.

(2) Where, in accordance with paragraph (1) of this Article, a person is subject to Austrian legislation, that legislation shall apply to him as if he were employed in the territory of Austria."

9. Article 10 of the Convention shall read as follows: