

No. 8541

**AUSTRIA
and
SPAIN**

Agreement on social security (with Final Protocol).

Signed at Madrid, on 15 July 1964

Additional Protocol to the above-mentioned Agreement.

Signed at Vienna, on 27 November 1964

**Administrative Agreement for the implementation of
the above-mentioned Agreement. Signed at Vienna,
on 14 October 1964**

Official texts: German and Spanish.

Registered by Austria on 3 February 1967.

**AUTRICHE
et
ESPAGNE**

Accord relatif à la sécurité sociale (avec Protocole final).

Signé à Madrid, le 15 juillet 1964

Protocole additionnel à l'Accord susmentionné. Signé à

Vienne, le 27 novembre 1964

Arrangement pour l'exécution de l'Accord susmentionné.

Signé à Vienne, le 14 octobre 1964

Textes officiels allemand et espagnol.

Enregistrés par l'Autriche le 3 février 1967.

[TRANSLATION — TRADUCTION]

No. 8541. AGREEMENT¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE SPANISH STATE ON SOCIAL SECURITY. SIGNED AT MADRID, ON 15 JULY 1964

The Federal President of the Republic of Austria and

The Head of the Spanish State,

Desiring to regulate relations between the two States in the matter of social security, have decided to conclude an agreement and, for this purpose, have appointed as their plenipotentiaries :

The Federal President of the Republic of Austria :

Dr. Karl Gruber, Ambassador of Austria at Madrid ;

The Head of the Spanish State :

Mr. Fernando María Castiella y Maiz, Minister for Foreign Affairs,

who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

TITLE I

GENERAL PROVISIONS

Article 1

For the purposes of this Agreement :

1. "Austria" means the Republic of Austria, and "Spain" means the Spanish State ;
2. "Territory" means, in relation to Austria, the federal territory of Austria, and, in relation to Spain, the Spanish provinces of the Iberian Peninsula, the Balearic Islands, the Canary Islands and the Spanish territories in North Africa ;
3. "National" means, in relation to Austria, a national of Austria, and, in relation to Spain, any person who proves that he possesses Spanish nationality ;

¹ Came into force on 1 February 1966, i.e. the first day of the second month following the month in which the exchange of the instruments of ratification—which took place at Vienna on 20 December 1965—occurred, in accordance with article 44.

4. "Legislation" means the laws, ordinances and regulations relating to the matters specified in article 2 which are in force in the territory, or any part of the territory, of one of the Contracting States ;
5. "Competent authority" means, in relation to Austria, the Federal Ministry of Social Affairs, and, in relation to Spain, the Ministry of Labour ;
6. "Insurance authority" means the institute or authority appropriate for the application of the legislation, or any part thereof, specified in article 2 ;
7. "Competent insurance authority" means the insurance authority with which the person concerned is insured at the time of the claim to benefit, or with which he has title to benefit, or would have title if he were resident in the territory of the Contracting State in which he was last employed ;
8. "Dependant" means a dependant as defined in the applicable legislation ;
9. "Employment" means an employment or occupation as defined in the applicable legislation ;
10. "Insurance periods" means contribution periods and equivalent periods ;
11. "Contribution periods" means periods in respect of which contributions have actually been paid, should have been paid, or are treated as having been paid under the legislation of one of the Contracting States ;
12. "Equivalent periods" means periods which are deemed to be substitute periods or are treated as equivalent to contribution periods in accordance with the legislation of one of the Contracting States ;
13. "Cash benefit", "pension" or "annuity" means a cash benefit, pension or annuity including any increase therein and any supplementary or additional allowance payable therewith.

Article 2

(1) This Agreement shall apply :

1. In Austria, to the legislation concerning :
 - (a) Sickness insurance, excluding the following special insurance schemes :
 - (aa) Special insurance for self-employed persons,
 - (bb) Special insurance for the survivors of war victims,
 - (cc) Special insurance for war-disabled persons undergoing vocational training,

- (*dd*) Special insurance for federal employees ;
 - (*b*) Pensions insurance for manual workers, for salaried workers and for miners ;
 - (*c*) Accident insurance, excluding accident insurance for self-employed persons and accident insurance for war-disabled persons undergoing vocational training ;
 - (*d*) Unemployment insurance ;
2. In Spain, to the legislation concerning :
- (*a*) Sickness insurance ;
 - (*b*) Old age and invalidity insurance ;
 - (*c*) Industrial accident and occupational disease insurance ;
 - (*d*) Unemployment insurance ;
 - (*e*) The workers' mutual benefit scheme (*Mutualismo Laboral*), in so far as it relates to employed persons ;
 - (*f*) The national agricultural provident fund (*Mutualidad Nacional de Previsión Social Agraria*), in so far as it relates to employed persons, with respect to those benefits under this special scheme which correspond to the benefits under the insurance schemes specified in sub-paragraphs (*a*) and (*b*) above ;
 - (*g*) The domestic workers' mutual benefit scheme (*Montepío Nacional del Servicio Doméstico*) ;
 - (*h*) Family allowances.

(2) Subject to the provisions of paragraphs (3) and (4) below, the Agreement shall apply also to any legislation which consolidates, amends or supplements the legislation specified in paragraph (1) above.

(3) The Agreement shall also apply :

- (*a*) To any legislation concerning a new scheme or a new branch of social insurance, if the Contracting States make an agreement to that effect ;
- (*b*) To any legislation which extends the existing laws to new classes of persons, provided that the Government of one of the Contracting States lodges no objection with the Government of the other Contracting State within three months of the date of receipt of the communication referred to in article 32, paragraph (2) (*b*).

(4) This Agreement shall apply to legislation which amends the legislation specified in paragraph (1) above for the purpose of giving effect to an international agreement relating to social security, only if the two Contracting States make an agreement to that effect.

Article 3

(1) The provisions of this Agreement shall apply to employed persons or persons treated as such who are or have been subject to the legislation of one of the Contracting States and are nationals of one of the Contracting States, and to their dependants and survivors.

(2) The provisions of this Agreement shall not apply to members of diplomatic or consular missions of the two Contracting States, including the administrative staff, or to the personal staff of the members of such missions.

Article 4

(1) Except as otherwise provided in this Agreement, nationals of one of the Contracting States to whom the provisions of this Agreement apply shall have the same obligations and rights under the legislation referred to in article 2 as nationals of the other Contracting State.

(2) This Agreement shall be without prejudice to the legislation of either of the Contracting States concerning the participation of insured persons or of other interested classes of persons in the administration of social insurance schemes.

Article 5

(1) Cash benefits, including increments, acquired under the legislation of one of the Contracting States shall not be reduced, suspended, discontinued or withheld on the ground that the beneficiary is resident in the territory of the other Contracting State.

(2) Cash benefits under the social insurance systems of one of the Contracting States shall be paid to nationals of the other Contracting State resident in the territory of a third State on the same conditions and to the same extent as if they were nationals of the first-mentioned Contracting State resident in the territory of that third State.

Article 6

(1) The provisions of this Agreement shall not operate to confer or maintain any right to receive, under the legislation of the two Contracting States, more than one benefit of the same nature or more than one benefit relating to the same contribution period or equivalent period, save where, under the pensions insurance schemes, liability for payment of such benefits is divided between the insurance authorities of the two Contracting States.