

No. 8556

**AUSTRIA
and
YUGOSLAVIA**

**Convention on social security (with Final Protocol). Signed
at Vienna, on 19 November 1965**

**Agreement for the implementation of the above-mentioned
Convention. Signed at Vienna, on 17 December 1965**

Official texts: German and Serbo-Croat.

Registered by Austria on 3 March 1967.

**AUTRICHE
et
YUGOSLAVIE**

**Accord relatif à la sécurité sociale (avec Protocole final).
Signé à Vienne, le 19 novembre 1965**

**Arrangement pour l'exécution de l'Accord susmentionné.
Signé à Vienne, le 17 décembre 1965**

Textes officiels allemand et serbo-croate.

Enregistrés par l'Autriche le 3 mars 1967.

[TRANSLATION — TRADUCTION]

No. 8556. CONVENTION¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA ON SOCIAL SECURITY. SIGNED AT VIENNA, ON 19 NOVEMBER 1965

The Republic of Austria and

The Socialist Federal Republic of Yugoslavia,

Desiring to regulate relations between the two States in the matter of social security,

Have agreed to conclude the following Convention :

PART I

GENERAL PROVISIONS

Article 1

For the purposes of this Convention :

1. "Austria" means the Republic of Austria, and "Yugoslavia" means the Socialist Federal Republic of Yugoslavia;
2. "Frontier region" means the regions, on both sides of the frontier, of the communes listed in annex I to article 1 of the Agreement concerning the regulation of minor frontier traffic between the Republic of Austria and the Socialist Federal Republic of Yugoslavia of 19 March 1953,² together with any amendments and supplements thereto;
3. "Legislation" means the laws, ordinances, regulations and other general legislative provisions relating to the matters specified in article 2 below which are in force in the territory, or any part of the territory, of one of the Contracting States;
4. "Competent public authority" means, in relation to Austria, the Federal Ministry of Finance in respect of children's allowances (*Kinderbeihilfe*) and the Federal Ministry of Social Affairs in respect of other matters and, in relation to Yugoslavia, the Federal Secretariat of Labour;

¹ In accordance with article 47 of the Agreement and article 28 of the implementing Arrangement, both acts came into force on 1 January 1967, the first day of the second month following the exchange of instruments of ratification of the Agreement, which took place at Belgrade, on 25 November 1966.

² United Nations, *Treaty Series*, Vol. 467, p. 323; Vol. 493, p. 358; Vol. 539, p. 374; Vol. 564, p. 274, and Vol. 587, p. 348.

5. "Insurance authority" means the institute or authority appropriate for the application of the legislation, or any part thereof, specified in article 2 below;
6. "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 insured;
7. "Dependant" means a dependant as defined in the applicable legislation;
8. "Employment" means an employment or occupation as defined in the applicable legislation;
9. "Insurance periods" means contribution periods and substitute periods which are treated as such under the legislation of the two Contracting States;
10. "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 Convention 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 and the survivors of persons who died during their period of compulsory military service,
 - (cc) Special insurance for war-disabled persons and persons disabled during their period of compulsory military service who are undergoing vocational training;
 - (b) Pensions insurance for manual workers, for salaried workers and for miners;
 - (c) Industrial accident insurance, excluding industrial accident insurance for self-employed persons and industrial accident insurance for war-disabled persons and persons disabled during their period of compulsory military service who are undergoing vocational training;
 - (d) Unemployment insurance;
 - (e) Children's allowances (*Kinderbeihilfe*).
2. In Yugoslavia, to the legislation concerning :
 - (a) Health insurance;
 - (b) Pensions insurance (old-age and survivors' insurance);

- (c) Invalidity insurance (*invalidskom osiguranju*), including industrial accident and occupational disease insurance;
- (d) Unemployment insurance;
- (e) Children's supplements (*dodatku na decu*).

(2) Except as otherwise provided in paragraphs (3) and (4) below, the Convention shall also apply to any legislation which consolidates, amends or supplements the legislation specified in paragraph (1) above.

(3) The Convention shall also apply to any legislation concerning a new system or new branch of social security and to any legislation which extends existing law to new classes of persons, if the Contracting States make an agreement to that effect.

(4) This Convention shall apply to legislation which amends the legislation specified in paragraph (1) above and arises out of international agreements relating to social security, only if the two Contracting States make an agreement to that effect.

Article 3

(1) The provisions of this Convention 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 Convention 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 Convention, nationals of one of the Contracting States to whom the provisions of this Convention apply shall have the same obligations and rights under the legislation specified in article 2 above as nationals of the other Contracting State.

(2) This Convention 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 or in arbitral jurisdiction.

Article 5

(1) Except as otherwise provided in this Convention, cash benefits acquired under the legislation of one of the Contracting States shall not be reduced, suspended or discontinued on the ground that the beneficiary is domiciled in the territory of the other Contracting State.

(2) Cash benefits under the social insurance scheme of one of the Contracting States shall be paid to nationals of the other Contracting State domiciled 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 domiciled in the territory of the said third State.

Article 6

(1) The provisions of this Convention 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 insurance period, save where, in accordance with the provisions of this Convention, liability for payment of benefits under the pensions insurance schemes is divided between the insurance authorities of the two Contracting States or where the benefit concerned is a death grant.

(2) Where, under the legislation of one of the Contracting States, the fact of being in receipt of a social insurance benefit or income of any other kind, or of being gainfully employed, or of participating in a social insurance scheme, has any statutory effect on the entitlement to or granting of a benefit, or on compulsory participation in the social insurance scheme, or on participation in the voluntary insurance scheme, any of the aforementioned circumstances shall have the same effect even if it occurs or occurred in the other Contracting State.

Article 7

Subject to the provisions of articles 8 and 9 below, an employed person or a person treated as such who is employed in the territory of one of the Contracting States shall be subject to the legislation of that Contracting State even if he is domiciled in the territory of the other Contracting State or his employer or the principal place of business of the enterprise which employs him is in the territory of the other Contracting State.

Article 8

The principle laid down in the preceding article shall be subject to the following exceptions :

(a) An employed person or a person treated as such who is domiciled in the territory of one of the Contracting States and is sent to the territory of the