

No. 9522

ARGENTINA
and
ITALY

**Social Security Convention (with annex). Signed at
Buenos Aires on 12 April 1961**

**Administrative Agreement for the implementation of
the Convention of 12 April 1961 on Social Security
(with annex). Signed at Buenos Aires on 4 June 1965**

Authentic texts : Spanish and Italian.

Registered by Argentina on 28 April 1969.

ARGENTINE
et
ITALIE

**Convention relative à la sécurité sociale (avec annexe).
Signée à Buenos Aires le 12 avril 1961**

**Accord administratif pour l'application de la Convention
du 12 avril 1961 relative à la sécurité sociale (avec
annexe). Signé à Buenos Aires le 4 juin 1965**

Textes authentiques : espagnol et italien.

Enregistrés par l'Argentine le 28 avril 1969.

[TRANSLATION — TRADUCTION]

SOCIAL SECURITY CONVENTION ¹ BETWEEN THE ARGENTINE REPUBLIC AND THE ITALIAN REPUBLIC

The President of the Argentine Republic and the President of the Italian Republic, desiring to regulate relations between the two countries in the matter of social security, have decided to conclude a Convention and, for that purpose, have appointed as their plenipotentiaries :

The President of the Argentine Republic :

H. E. Dr. Diógenes Taboada, Minister for Foreign Affairs and Public Worship

The President of the Italian Republic :

H. E. the Hon. Mario Martinelli, Minister of Foreign Trade
who, having exchanged their powers, found in good and due form, have agreed on the following provisions :

PART ONE

GENERAL PROVISIONS

Article 1

(1) This Convention shall apply to the legislation concerning :

1. In Italy :

- (a) compulsory invalidity, old-age and survivors' insurance ;
- (b) compulsory industrial accident and occupational disease insurance ;
- (c) the physical and economic welfare of working mothers ;
- (d) compulsory sickness insurance ;
- (e) compulsory tuberculosis insurance ;
- (f) the special schemes for particular categories of employed persons, in so far as relates to risks or benefits covered by the legislation specified in the preceding sub-paragraphs.

¹ Came into force on 1 January 1964, i.e., the first day of the second month following the date of the exchange of the instruments of ratification which took place at Rome on 7 November 1963, in accordance with article 21 (2).

2. In Argentina :

- (a) compulsory invalidity, old-age and death insurance ;
- (b) the compensation and benefits payable in respect of industrial accidents and occupational diseases ;
- (c) compulsory maternity insurance ;
- (d) the medical services (prevention, cure and rehabilitation) of the National Social Welfare Institute, including the compensation to be granted by this Institute during a period of recuperation from a non-occupational accident or disease when the respective rules begin to apply.

(2) This Convention shall also apply to all laws and other regulations issued for the purpose of integrating, amending and applying the legislation specified in paragraph 1. It shall not apply to laws and other regulations which may in future cover a new branch of social insurance or extend existing branches to new categories of persons, if the Government of one of the Contracting States notifies the Government of the other State of its objection within a period of three months from the date of official publication of such laws or regulations.

Article 2

The legislation specified in article 1, in force in Argentina and in Italy, shall apply respectively to Italian citizens in the Argentine Republic and to Argentine citizens in the Italian Republic. They shall have the same rights and obligations as citizens of the Contracting State in whose territory they are.

Article 3

(1) Article 2 shall be subject to the following exceptions :

- (a) A citizen of one of the two Contracting States who is sent by an enterprise having its main office in one of them to the territory of the other shall continue to be governed by the provisions of the first-mentioned State if his employment in the territory of the other State does not exceed 12 months. Should the duration of employment in the territory of the other State exceed 12 months, the employed person may continue to be governed by the provisions of the Contracting State in which the enterprise has its main office, provided that the supreme administrative authority of the other State gives its consent.

- (b) Aircrews of an air transport enterprise having its main office in the territory of one of the two Contracting States shall remain subject to the legislation of the State in whose territory the enterprise has its main office if they are citizens of that State, even when working in the territory of the other State. The same régime shall apply to non-flying personnel sent temporarily to the territory of the other State.
- (c) The crew of a vessel shall be subject to the legislation of the Contracting State whose flag the vessel flies. Personnel employed by the vessel in a port of one of the two Contracting States for loading and unloading, repair and custodial duties shall be subject to the legislation of the State to which the port belongs.
- (d) The personnel of enterprises or offices of one of the two Contracting States who are sent to the territory of the other State shall be subject to the legislation of the first-mentioned State.
- (e) Members of diplomatic and consular missions of the two Contracting Parties, with the exception of honorary consuls, their office staff and persons in their personal service, shall be subject to the legislation of the sending State. Those of them who are not career officials or employees and the persons in their personal service may, however, within three months from taking up their duties and with the consent of the competent authorities responsible for the diplomatic or consular mission, request that they be insured in accordance with the legislation of the Contracting State in which they are employed. Should they already be so employed on the date of the entry into force of this Convention, the period of three months shall be reckoned from that date.

(2) The supreme administrative authorities of the two Contracting States may by mutual agreement make further exceptions to the principle laid down in article 2. They may also permit by mutual agreement derogations from the provisions of paragraph (1) for special cases or groups of cases.

Article 4

(1) Citizens of Argentina and Italy who are entitled to claim cash benefits in one of the two Contracting States under invalidity, old-age or death (*superstiti*) insurance or industrial accident and occupational disease insurance shall retain that entitlement, without any restriction whatsoever, no matter where they are resident.

(2) For the purpose of dependants' increments in the social security benefits of one of the two Contracting States, and of the survivors' benefits provided under such insurance, the residence or temporary residence in the territory of the other State of the persons for whom such increments or benefits are granted shall not be deemed to be residence or temporary residence abroad.

PART TWO

SPECIAL PROVISIONS CONCERNING INVALIDITY, OLD-AGE OR DEATH (SUPERSTITI) BENEFITS

Article 5

(1) In the case of the invalidity, old age or death of a citizen of Argentina or Italy who has been covered in both Contracting States by social security against such eventualities, including the voluntary schemes established by the legislation concerning such insurance, the insurance authorities of the two Contracting States shall determine the entitlement to benefits on the basis of the legislation in force in each of the States, account being taken of the insurance periods completed in both States.

(2) If, in accordance with the legislation of one of the two Contracting States, entitlement to a benefit is dependent upon periods completed in an occupation covered by a special social security scheme, only the corresponding periods completed in the other State shall be aggregated for the purpose of paragraph (1). If, in that State, no special social security scheme exists for such an occupational category, the periods completed under the special scheme in the first-mentioned State shall be added to the periods completed in the other State under the social security covering the same occupational category. Nevertheless, if the insured person has not acquired entitlement to benefits under the special scheme, the periods completed under that scheme shall be deemed to have been completed under the general scheme.

Article 6

(1) The benefits which the insured persons referred to in article 5 of this Convention or their successors may claim under the legislation of the two Contracting States shall be determined in the following manner :

(a) The authority of each of the two Contracting States shall, in accordance with its own legislation, determine whether the insured person qualifies