

No. 9525

**ARGENTINA
and
SPAIN**

**Social Security Agreement (with administrative agreement
and annexes). Signed at Madrid on 28 May 1966**

Authentic text: Spanish.

Registered by Argentina on 28 April 1969.

**ARGENTINE
et
ESPAGNE**

**Convention relative à la sécurité sociale (avec accord admi-
nistratif et annexes). Signée à Madrid le 28 mai 1966**

Texte authentique: espagnol.

Enregistrée par l'Argentine le 28 avril 1969.

[TRANSLATION — TRADUCTION]

SOCIAL SECURITY AGREEMENT¹ BETWEEN ARGENTINA AND SPAIN

The President of the Argentine Republic and
The Head of the Spanish State

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

Have decided to conclude a Social Security Agreement and, for this purpose, have appointed as their Plenipotentiaries :

The President of the Argentine Republic : H. E. Enrique S. Rabinovitz Hantover,
Argentine Under-Secretary for Social Security ;

The Head of the Spanish State : H. E. Mr. Fernando María Castiella, 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

1. This Agreement shall apply :

(A) In Argentina, to the legislation concerning :

- (a) invalidity, old age and death.
- (b) the compensation and other benefits payable in respect of accidents at work and occupational diseases.
- (c) compulsory maternity insurance.

(B) In Spain, to the legislation concerning :

- (a) invalidity, old age and survivors :
 - a. under the General Scheme,
 - b. under the Workers' Mutual Benefit Scheme
- (b) maternity (sickness insurance)

¹ Came into force on 1 September 1967, i.e., the first day of the second month following the exchange of the instruments of ratification which took place at Buenos Aires on 27 July 1967, in accordance with article 23, paragraph 2.

- (c) accidents at work and occupational diseases
- (d) the Special Schemes for particular categories of employed persons in so far as relates to the risks or benefits covered by the legislation specified above.

2. This Agreement shall also apply to all laws by which the legislation specified in paragraph 1 of this article may be supplemented or amended.

3. It shall not, however, apply to laws or regulations extending existing schemes to new occupational categories, or to laws or provisions instituting a branch of social security not provided for in the Agreement, if one of the Contracting States notifies the other of its objection within a period of three months from the date of their official publication.

Article 2

The legislation specified in article 1, in force in Argentina and in Spain respectively, shall apply equally to employed persons of either State, who shall have the same rights and the same obligations as the citizens of the Contracting State in whose territory they are.

Article 3

1. The principle established in article 2 shall be subject to the following exceptions :

- (a) Employed persons or persons treated as such who are in the service of a public or private enterprise having its main office in one of the two Contracting States and are sent to the territory of the other State for a limited period shall continue to be subject to the legislation of the first-mentioned State, provided that their stay in the other State does not exceed a period of twelve months. Where employment is extended for any unforeseeable reason beyond that period and exceeds twelve months, the legislation in force in the State in which the enterprise has its main office may continue to apply by way of exception, with the express consent of the competent authority of the other State.
- (b) The airborne personnel of airlines shall be subject solely to the legislation in force in the State in which the enterprise has its main office.
- (c) The crew of a vessel registered in one of the Contracting States shall be subject to the legislation in force in that State. All other persons employed by the vessel for loading and unloading, repairing and custodial duties in port shall be subject to the legislation of the State to whose jurisdiction the vessel belongs.

(d) Employed persons or persons treated as such of either of the two Contracting States who, through their work, participate in artistic activities resulting from co-operation between persons or enterprises of the two States shall be subject to the legislation of the State in which the activities are carried on, even though they stay in that territory for less than twelve months.

2. The competent authorities of the two Contracting States may, by mutual consent, establish exceptions to the rules laid down in paragraph 1 of this article and eliminate or amend, in special cases or for particular occupational groups, the exceptions enumerated therein.

Article 4

1. The career officials of diplomatic and consular missions shall be subject to the legislation of the sending State.

2. Other officials and employees in diplomatic missions and consular posts or in the personal service of any of their members shall also be subject to the legislation of the employing State, unless they opt within three months of their recruitment, with the authorization, where appropriate, of the competent authority of that State, to be subject to the legislation of the Contracting State in whose territory they are employed. Should they already be so employed on the date of the entry into force of this Agreement, the period of three months shall be reckoned from that date.

The competent authorities of both Contracting States may decide in each case whether the persons referred to in the preceding sub-paragraph may exercise their option after expiry of the period specified.

Article 5

Argentine employed persons and Spanish employed persons who may claim in one of the two Contracting States an entitlement to cash benefits in respect of invalidity, old age or death or under work accident and occupational disease insurance shall retain that entitlement, without any restriction whatsoever, on moving to the territory of their own State. If they move to a third State, they shall retain that entitlement under the same conditions as those which the State granting the benefit lays down for its own nationals resident in such third State.

TITLE II

SPECIAL PROVISIONS

Article 6

1. Insurance periods and equivalent periods completed under the legislation of each of the Contracting States by Argentine or Spanish employed persons or persons treated as such who have been subject successively or alternately to the legislation of the two Contracting States shall be aggregated.

2. If, under the legislation of the Contracting States, entitlement to a benefit is dependent on insurance periods completed in an occupation covered by a special social security scheme, only the periods completed in that occupation in each State shall be aggregated for the purpose of granting such benefits. If the State of which the employed person is a national has no special social security scheme for that occupation, only the periods completed in that occupation under the social security scheme in force in that State shall be taken into account for the purposes of granting the said benefits in the other State. Nevertheless, if the insured person has not acquired entitlement to benefits under the special scheme, the periods completed under it shall be deemed to have been completed under the general scheme.

3. In the cases provided for in paragraphs 1 and 2 of this article, each insurance authority shall determine, in accordance with its own legislation and on the basis of the aggregate insurance periods completed in both States, whether the insured person qualifies for the benefits prescribed by such legislation.

Article 7

1. The benefits which the insured persons referred to in article 6 of this Agreement or their successors may claim under the legislation of both Contracting Parties on the basis of the relevant aggregate insurance periods shall be determined in the following manner :

- (a) The insurance authorities of both Contracting States shall determine, separately, the amount of the benefits to which the person concerned would be entitled if the aggregate insurance periods had been completed under its legislation.
- (b) The amount which each insurance authority shall pay shall be proportionate to that part of the aggregate period which is completed under the legislation of its own State.