No. 914

SWITZERLAND
and
LIECHTENSTEIN

Convention concerning old-age and survivors' insurance (with protocol and administrative arrangement of 6 April 1955). Signed at Berne on 10 December 1954

Authentic text: German.

Filed and recorded at the request of Switzerland on 18 February 1983.

Termination of the above-mentioned Convention *(Note by the Secretariat)*

SUISSE
et
LIECHTENSTEIN

Convention en matière d'assurance vieillesse et survivants (avec protocole et arrangement administratif du 6 avril 1955). Signée à Berne le 10 décembre 1954

Texte authentique : allemand.

Classée et inscrite au répertoire à la demande de la Suisse le 18 février 1983.

Abrogation de la Convention susmentionnée *(Note du Secrétariat)*

[TRANSLATION—TRADUCTION]

CONVENTION[1] BETWEEN THE SWISS CONFEDERATION AND THE PRINCIPALITY OF LIECHTENSTEIN CONCERNING OLD-AGE AND SURVIVORS' INSURANCE

The Swiss Federal Council and the Government of the Principality of Liechtenstein,

Guided by the wish to guarantee, as far as possible, the benefits of the Swiss and Liechtenstein legislation on old-age and survivors' insurance to the nationals of both States,

Have agreed to conclude a convention, and for this purpose have appointed as their plenipotentiaries:

The Swiss Federal Council: Dr. Arnold Saxer, Director of the Federal Office of Social Insurance;

His Serene Highness the Reigning Prince of Liechtenstein: Mr. Alexander Frick, Head of Government of the Principality of Liechtenstein,

who, having exchanged their full powers, found in good and due form, have agreed as follows:

I. GENERAL PROVISIONS

Article 1. 1. This Convention shall apply:

(*a*) In Switzerland: to the Federal legislation concerning old-age and survivors' insurance;

(*b*) In the Principality of Liechtenstein: to the legislation concerning old-age and survivors' insurance.

2. The Convention shall also apply to any laws or regulations codifying, amending or supplementing the legislation referred to in paragraph 1 above.

Article 2. Subject to the reservations contained in this Convention and in the protocol annexed thereto, nationals of either Contracting State shall enjoy the benefits of the legislation of the other State under the same conditions as that State's own nationals.

Article 3. 1. Subject to the provisions of articles 4 and 5 below, gainfully employed persons who are nationals of either Contracting State shall be subject to the legislation referred to in article 1, paragraph 1, of the Contracting State in whose territory they are employed, even if their place of residence is in the territory of the other Contracting State.

2. Persons who are not gainfully employed shall be subject to the legislation of the Contracting State in which they have their place of residence.

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[1] Came into force on 25 May 1955 by the exchange of the instruments of ratification, which took place at Vaduz, with retroactive effect from 1 January 1954, in accordance with article 16 (2).

Article 4. The principle laid down in article 3, paragraph 1, admits of the following exceptions:

(*a*) Nationals of one State who work in the territory of the other State for an employer whose principal place of business is in the first-mentioned State, and who are remunerated by that employer, shall be subject to the legislation applicable to the employer;

(*b*) Where persons employed by an enterprise having its principal place of business in the territory of one of the Contracting States are sent to the territory of the other State, they shall remain subject, for the first 12 months of their stay in the other State, to the regulations of the Contracting State in which the enterprise has its principal place of business. Where the period of assignment in the other State exceeds that time limit, the legislation of the first-mentioned State shall exceptionally remain applicable in so far and for as long as the competent authorities of the second-mentioned State may agree;

(*c*) Members of the staff of official administrative departments (customs, passport control, post office, etc.) employed by one Contracting State in the territory of the other State shall be subject to the regulations of the first-mentioned State, irrespective of whether they are nationals of one or of the other Contracting State;

(*d*) Where industrial or agricultural enterprises in the frontier area extend from the territory of one of the Contracting States into the territory of the other Contracting State, the employees of such an enterprise shall be subject exclusively to the regulations of that Contracting State in which the enterprise has its principal place of business;

(*e*) Nationals of either Contracting State who form part of the travelling personnel of road transport enterprises and are employed, now in the territory of one of the States, now in the territory of the other State, shall be subject to the legislation of the State in whose territory the enterprise has its principal place of business;

(*f*) Heads and members of the diplomatic or consular missions of either Contracting States, including chancellery staff, shall, provided they are nationals of one of the two Contracting States, be subject to the regulations of the State of which they are nationals.

Article 5. The highest administrative authorities of the two Contracting States may, by mutual agreement, allow exceptions to the provisions of articles 3 and 4 above, in individual cases.

II. PROVISIONS CONCERNING BENEFITS

Article 6. 1. Nationals of either Contracting State who have paid contributions to the compulsory or voluntary insurance schemes of both States for at least one full year shall be entitled to claim from the insurance schemes of both States a part of the regular pension to be calculated in the manner set out in articles 7 and 8 below.

2. In the event of the death of an insured person who fulfils the conditions laid down in paragraph 1 above, the survivors shall be entitled to claim from

the insurance scheme of each State a part of the regular pension calculated in accordance with articles 7 and 8 below.

Article 7. In the cases covered by article 6 above, each of the two insurance schemes shall calculate the pension to be awarded by it in the following manner:

(*a*) For the purposes of the determination of the period of contribution to be used as a basis for calculating the pension in accordance with articles 29, 38 and 39 of the Swiss Federal Old-Age and Survivors' Insurance Act or articles 63, 72 and 73 of the Liechtenstein Old-Age and Survivors' Insurance Act, each State shall take into account the contribution periods completed in the obligatory or voluntary insurance scheme under the legislation of the other State as if they had been completed in its own insurance scheme;

(*b*) For the purposes of determining the average annual contribution in accordance with articles 30 to 33 of the Swiss Old-Age and Survivors' Insurance Act or articles 64 to 67 of the Liechtenstein Old-Age and Survivors' Insurance Act, each insurance scheme shall take into account the contribution years completed and contributions paid in the compulsory and voluntary insurance schemes in both States;

(*c*) Bearing in mind the provisions of, subparagraphs (*a*) and (*b*) above, each insurance scheme shall then determine the pension in accordance with the legislation applicable to it, periods of time in respect of which contributions were paid to both the Swiss and the Liechtenstein compulsory or voluntary insurance schemes being counted only once. Each insurance scheme shall award to the insured person that part of the pension thus determined which corresponds to the ratio between the contributions paid to it and the sum total of contributions paid to both insurance schemes since 1 January 1948.

Article 8. Where the sum total of the partial pensions determined by the two insurance schemes in accordance with article 7 above is less that the pension which the eligible person would be entitled to claim, without the application of articles 6 and 7 above, from the insurance scheme of his home State in accordance with the internal legislation on the basis of the contributions paid and contribution years completed there, the pension to be granted by the home State shall be supplemented by the differential.

Article 9. Nationals of either State who have their place of residence in the other State and who do not fulfil the conditions for the receipt of a regular pension in either of the two States shall be entitled to claim the transitional pension of the insurance of their home State in accordance with the laws of that State, provided they have continuously resided in the territory of that State for at least five years directly preceding the submission of the claim. The period of residence of the deceased spouse or parent shall be counted for the purpose of calculating the entitlement of survivors.

III. IMPLEMENTATION, FINAL AND TRANSITIONAL PROVISIONS

Article 10. 1. The highest administrative authorities shall:

(*a*) Agree upon the necessary implementation provisions for the application of this Convention. They may, in particular, agree that, in order to facilitate contacts between the insurance authorities of the two countries, liaison offices may be designated and that, in cases covered by article 6 above, pensions to be awarded by the insurance schemes of both States shall be paid through one office;

(*b*) Communicate to each other information regarding any measure taken in implementation of this Convention;

(*c*) Keep each other constantly informed of any changes in their legislation.

2. The highest administrative authorities of the two Contracting States may determine, by mutual agreement, under what conditions a contribution year shall be regarded as completed for the purposes of articles 6 and 7 above.

3. The highest administrative authorities within the meaning of this Convention shall be the following:

(*a*) In Switzerland: the Federal Office of Social Insurance;

(*b*) In the Principality of Liechtenstein: the Government of the Principality of Liechtenstein.

Article 11. 1. In implementing this Convention, the competent authorities and offices of the two Contracting States shall assist each other as if in the application of their own legislation.

2. The highest administrative authorities of both Contracting States shall assist each other in implementing the Swiss, or as the case may be the Liechtenstein, voluntary insurance scheme in their national territories.

Article 12. 1. Any exemption from or reduction in stamp duties and registration fees provided for under the legislation of one Contracting State in respect of certificates and documents required to be produced under such legislation shall also apply to certificates and documents required to be produced under the legislation of the other State.

2. The competent authorities and offices of the two Contracting States shall waive the diplomatic or consular legalization of certificates and documents required to be produced for the purposes of implementation of this Convention.

Article 13. Claims, declarations or appeals which are to be submitted within a certain time limit to an office competent for that purpose in either Contracting State shall be considered to have been submitted in time if they are submitted within the same time limit to a corresponding office of the other State. In such event, the office shall forward the claim, declaration or appeal without delay to the competent office of the other State.

Article 14. For Swiss and Liechtenstein nationals living in Switzerland or in a third State, the time limit for the submission of appeals to the Liechtenstein Court of Appeals and for review appeals to the Liechtenstein Supreme Court shall be 30 days.