

No. 27187

**IRELAND
and
AUSTRIA**

Agreement on social security (with arrangement of 9 June 1989). Signed at Dublin on 30 September 1988

Authentic texts: English and German.

Registered by Ireland on 5 April 1990.

**IRLANDE
et
AUTRICHE**

Accord sur la sécurité sociale (avec accord d'exécution du 9 juin 1989). Signé à Dublin le 30 septembre 1988

Textes authentiques : anglais et allemand.

Enregistré par l'Irlande le 5 avril 1990.

AGREEMENT¹ BETWEEN IRELAND AND THE REPUBLIC OF AUSTRIA ON SOCIAL SECURITY

Resolved to regulate the mutual relations between the two States
in the field of social security,

Have agreed as follows:

PART I

GENERAL PROVISIONS

ARTICLE 1

(1) For the purposes of this Agreement,

1. "legislation" means the laws, regulations and statutory instruments which relate to the branches of social security specified in paragraph (1) of Article 2;
2. "national" means, in relation to Austria, an Austrian citizen and, in relation to Ireland, a citizen of Ireland;
3. "competent authority" means, in relation to Austria, the Federal Minister responsible for the application of the legislation specified in paragraph (1) of Article 2 and, in relation to Ireland, the Minister for Social Welfare;
4. "institution" means, in relation to Austria, the service or authority responsible for the application of all or part of the legislation specified in paragraph (1) of Article 2 and, in relation to Ireland, the Department of Social Welfare;
5. "competent institution" means the institution competent under the applicable legislation to deal with the matter in question;

¹ Came into force on 1 December 1989, i.e., the first day of the third month following the month of the exchange of the instruments of ratification, which took place at Vienna, in accordance with article 23 (2).

6. "cash benefit" or "pension" means a cash benefit or a pension including all components thereof provided out of public funds, all increments, readjustment sums, additional allowances as well as lump sum payments and payments made by way of refunds of contributions;
 7. "insurance period" means a contribution period or an equivalent period;
 8. "contribution period" means, in relation to Austria, a period in respect of which contributions have been paid or are treated as paid and, in relation to Ireland, a period during which contributions have been paid, treated as paid, are payable or would have been paid but for the provisions of section 10 (1) (c) of the Social Welfare (Consolidation) Act, 1981;
 9. "equivalent period" means, in relation to Austria, a period which is treated as equivalent to the contribution period and, in relation to Ireland, a period for which contributions are credited.
- (2) Any other expression used in this Agreement shall have the meaning respectively assigned to it in the applicable legislation.

Article 2

(1) This Agreement shall apply:

1. In relation to Austria, to the legislation concerning
 - (a) pension insurance, with the exception of the insurance for notaries and
 - (b) with regard to Part II only, sickness insurance and accident insurance,

2. In relation to Ireland, to the Social Welfare Acts 1981 to 1988 and the Regulations made under these Acts as they relate to:
 - (a) old age (contributory) pension,
 - (b) retirement pension,
 - (c) widows (contributory) pension,
 - (d) invalidity pension and
 - (e) orphans (contributory) allowance.
- (2) This Agreement shall also apply to any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph (1) of this article.
- (3) This agreement shall not affect any other agreement on social security which either Party has concluded with a third state or any legislation giving effect to such agreement or arising from international law, except so far as such agreement or legislation contains provisions relating to the apportionment of insurance burdens.

Article 3

This Agreement shall apply:

- (a) To persons who are or have been subject to the legislation of one or both of the Parties,
- (b) to other persons with respect to the rights they derive from the persons described in subparagraph (a).

Article 4

- (1) Unless otherwise provided in this Agreement, nationals of one Party shall, in the application of the legislation of the other Party, receive equal treatment with the nationals of the latter Party.
- (2) Benefits under the legislation of one Party shall be awarded to nationals of the other Party, ordinarily resident outside the territories of both Parties, under the same conditions

and to the same extent as they are awarded to the nationals of the first Party who ordinarily reside outside the territories of the Parties.

- (3) Paragraph (1) of this Article shall not apply to the provisions of the legislation of Austria concerning:
- (a) the participation of insured persons and employers in the administration of institutions and associations as well as adjudication in the field of social security;
 - (b) the apportionment of insurance burdens resulting from agreements with third states;
 - (c) the insurance of persons employed at a diplomatic mission or consular post of Austria in a third state or by a member of such a mission or post.
- (4) As regards the legislation of Austria, the following periods shall, subject to the other conditions specified in that legislation, be accepted as insurance periods for Irish nationals who were Austrian nationals immediately before March 13, 1938:
- (a) with regard to the First World War, periods of war service in the armed forces of the Austro-Hungarian Monarchy or in the forces of any state allied to it as well as periods of captivity as a prisoner of war (civil interné) and the return therefrom, which are similarly treated;
 - (b) with regard to the Second World War, periods of war service in the armed forces of the German Reich or in the forces of any state allied to it, periods of conscription in the forces or the labour service as well as periods of duty in the emergency services and air-raid services, and periods of captivity as a prisoner of war (civil interné) and the return therefrom, which are similarly treated.