

No. 27306

**PORTUGAL
and
AUSTRIA**

**Convention in the field of social security (with final protocol).
Signed at Vienna on 18 April 1985**

Authentic texts: Portuguese and German.

Registered by Portugal on 25 May 1990.

**PORTUGAL
et
AUTRICHE**

**Convention en matière de sécurité sociale (avec protocole
final). Signée à Vienne le 18 avril 1985**

Textes authentiques : portugais et allemand.

Enregistrée par le Portugal le 25 mai 1990.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE PORTUGUESE REPUBLIC AND
THE REPUBLIC OF AUSTRIA IN THE FIELD OF SOCIAL
SECURITY

The Portuguese Republic and the Republic of Austria,

Desiring to promote and expand relations between the two Contracting States
in the field of social security,

Have agreed to conclude the following Convention, taking into consideration
the principles of the European Convention on Social Security signed at Paris on
14 December 1972:²

TITLE I. GENERAL PROVISIONS

Article 1

(1) For the purposes of this Convention:

1. “Austria” means the Republic of Austria; “Portugal” means the Portuguese Republic.

2. The “European Convention on Social Security” means the European Convention on Social Security signed at Paris on 14 December 1972 in the version which is in force between the two Contracting States.

3. “Legislation” means the laws, regulations and statutory provisions relating to the branches of social security specified in article 2, paragraph 1.

4. “Competent authority” means, in the case of Austria, the Federal Ministers responsible for the application of the legislation referred to in article 2, paragraph 1, of this Convention; in the case of Portugal, the Ministers or other authorities responsible for the application of the legislation referred to in article 2, paragraph 1, of this Convention.

5. “Institution” means the agency or the authority responsible for the application of the legislation, or any part thereof, specified in article 2, paragraph 1.

6. “Competent institution” means the institution with which the person concerned is insured at the time of application for benefits or from which he has an entitlement to benefits or would have an entitlement to benefits if he were resident in the territory of the Contracting Party in which he had most recently been insured.

7. “Dependant” means a dependant as defined in the legislation of the Contracting State in which the institution liable for the benefits has its main office.

¹ Came into force on 1 May 1987, i.e., the first day of the third month following the month of the exchange of the instruments of ratification or approval, which took place at Lisbon on 24 February 1987, in accordance with article 22 (2).

² United Nations, *Treaty Series*, vol. 1710, No. I-29575.

8. “Family allowances” means, in the case of Austria, the family allowance; in the case of Portugal, the family allowance, the supplementary allowance for handicapped children and the monthly assistance paid for life.

(2) Other terms used in this Convention shall have the meanings assigned to them in the European Convention on Social Security or in the applicable domestic legislation.

Article 2

(1) This Convention shall apply:

1. In Austria, to the legislation concerning:

(a) Sickness and maternity benefits;

(b) Unemployment assistance;

(c) Family allowances;

2. And in Portugal, to the legislation concerning:

(a) Sickness and maternity benefits;

(b) Unemployment benefits;

(c) Family allowances, supplementary allowances for handicapped children and the monthly assistance paid for life.

(2) This Convention shall also apply to any legislation which codifies, amends or supplements the legislation specified in paragraph 1.

(3) Legislation arising from agreements with third States or from supranational law shall not be taken into consideration in the application of this Convention.

Article 3

This Convention shall apply to persons covered by article 4 of the European Convention on Social Security.

TITLE II. PROVISIONS TO DETERMINE WHICH LEGISLATION IS APPLICABLE

Article 4

For the purposes of determining which legislation is applicable, articles 14 to 18 of the European Convention on Social Security shall apply.

TITLE III. SPECIAL PROVISIONS

Chapter 1. SICKNESS AND MATERNITY BENEFITS

Article 5

For the purposes of adding together periods of insurance or residence, article 19 of the European Convention on Social Security shall apply.

Article 6

(1) A person who is entitled to benefits in kind under the legislation of one of the Contracting Parties shall receive benefits in kind, at the expense of the competent institution, during his stay in the territory of the other Contracting Party under the legislation applicable to that institution; where the stay is of a temporary nature, the foregoing shall apply only if his condition is such that the benefits must be provided immediately.

(2) In the case specified in paragraph 1, the provision of prostheses, large appliances and other major benefits in kind shall be subject to the authorization of the competent institution, unless provision of the benefit cannot be postponed without seriously endangering the life or health of the person concerned.

(3) In the case specified in paragraph (1), cash benefits shall be paid by the competent institution in accordance with the legislation applicable to that institution.

(4) The foregoing paragraphs shall be applicable *mutatis mutandis* to the dependants of persons covered by paragraph (1).

Article 7

Cash benefits for sickness and maternity, granted under the legislation of a Contracting State to a person covered by article 4 of the European Convention on Social Security, shall also be payable where the person entitled to such benefits is temporarily or habitually resident in the territory of the other Contracting State.

Article 8

(1) In the case of persons in receipt of pensions from the pension insurance schemes of the Contracting States, the applicable legislation shall be that governing the sickness insurance of pensioners of the Contracting State in whose territory they habitually reside.

Where a pension is provided solely under the legislation of the other Contracting State, it shall be deemed to be a pension from the first-mentioned Contracting State.

(2) Paragraph 1 shall apply *mutatis mutandis* to persons applying for a pension.

Article 9

In the cases specified in article 6 and article 8, paragraph 1, second sentence, benefits shall be provided:

In Austria, by the Regional Sickness Fund competent for the place of stay of the person concerned;

In Portugal, by the State Health Service.

Article 10

(1) The competent institution shall reimburse to the institution of the place of stay the amounts expended under articles 6 and 8, paragraph 1, second sentence, with the exception of administrative costs.