

**No. 4259**

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**ITALY  
and  
SWEDEN**

**Convention (with Final Protocol) on social security. Signed  
at Rome, on 25 May 1955**

*Official texts : Italian and Swedish.*

*Registered by Italy on 25 March 1958.*

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**ITALIE  
et  
SUÈDE**

**Convention (avec Protocole final) en matière de sécurité so-  
ciale. Signée à Rome, le 25 mai 1955**

*Textes officiels italien et suédois.*

*Enregistrée par l'Italie le 25 mars 1958.*

[TRANSLATION — TRADUCTION]

No. 4259. CONVENTION<sup>1</sup> ON SOCIAL SECURITY BETWEEN  
THE ITALIAN REPUBLIC AND THE KINGDOM OF  
SWEDEN. SIGNED AT ROME, ON 25 MAY 1955

The President of the Italian Republic and His Majesty the King of Sweden, desirous of securing the benefits of the social security legislation of both countries for Italian and Swedish citizens, have resolved to conclude a convention and have for this purpose appointed as their representatives :

The President of the Italian Republic :

The Hon. Francesco Maria Dominè, Under-Secretary in the Italian Ministry of Foreign Affairs ;

His Majesty the King of Sweden :

Baron Johan Beck-Friis, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Sweden at Rome,

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

P A R T I

GENERAL PROVISIONS

*Article 1*

*Paragraph 1*

The present Convention shall apply to the legislation providing for :

(1) *In Italy* :

(a) Compulsory insurance in respect of invalidity, old-age and survivors ;

(b) Compulsory insurance against sickness ;

(c) Compulsory insurance against tuberculosis ;

(d) The physical and economic welfare of working mothers in respect of insurance benefits ;

(e) Family allowances ;

(f) Compulsory insurance against industrial accidents and occupational diseases ;

<sup>1</sup> Came into force on 1 August 1957, in accordance with article 27, the instruments of ratification having been exchanged at Stockholm on 18 June 1957.

(g) Compulsory insurance against involuntary unemployment, including provisions for special unemployment relief ;

(h) Optional insurance schemes in respect of invalidity, old-age and tuberculosis ;

(i) Special insurance schemes for prescribed classes in so far as they relate to risks covered by the types of legislation enumerated in the previous sub-paragraphs ;

(2) *In Sweden :*

(a) People's pensions (old-age, invalidity and survivors' pensions) ;

(b) Benefits payable to widows and widowers with dependent children ;

(c) General insurance against sickness ;

(d) Maternity benefits ;

(e) Assistance to mothers ;

(f) General children's allowances ;

(g) Special allowances for the children of widows, invalids and others ;

(h) Insurance against industrial accidents ;

(i) Benefits under recognized unemployment schemes ;

(j) Unemployment relief provided wholly or partially by the State.

*Paragraph 2*

The present Convention shall also apply to any legislative measures or regulations which may amend or supplement the legislative measures listed under 1 above.

It shall, however, not apply to :

(a) Any legislative measure or regulation relating to a new branch of social security, unless the two countries conclude an agreement to that effect ;

(b) Any legislative measures or regulations extending the existing branches to new classes of beneficiaries, provided that the Government of the country, concerned notifies the Government of the other country of its opposition within three months following the official publication of the said measures.

*Article 2*

Italian nationals in Sweden and Swedish nationals in Italy shall be subject to the legislative measures listed in article 1 and applicable in Sweden and Italy respectively and shall have the same obligations and the same rights under these measures as the nationals of the country in which they reside, except as otherwise provided in the present Convention. This shall also apply to entitlement to benefits abroad.

*Article 3*

The provisions of article 2 concerning the applicable legislative measures shall be subject to the following exceptions :

(a) Where persons normally resident in one of the two countries and in the service of an undertaking which has its headquarters in that country are sent by such undertaking to the other country, they shall continue to be subject to the legislation of the first country during the first twelve months of their stay in the other country. If employment in the latter country continues beyond twelve months, the legislation of the country of ordinary residence may continue to be applied to such persons, subject to the agreement of the supreme administrative authority of the other country ;

(b) Travelling personnel employed by a railway or road transport undertaking and operating in both countries shall be subject to the legislation of the country in which the undertaking has its headquarters ; where, however, such persons reside in the other country, they shall be subject to the legislation of that country ;

(c) Travelling personnel employed in air transport undertakings operating in both countries shall be subject to the legislation of the country where the undertaking has its headquarters ; where, however, such employees reside in and are nationals of the other country, they shall be subject to the legislation of that country. The legislation of the country where the undertaking has its headquarters shall also apply to other employees of such undertakings irrespective of citizenship, who are sent to the other country on temporary work ;

(d) The members of the crew of a ship flying the flag of one of the two countries shall be subject to the legislation of the country to which the ship belongs, but persons engaged for the work of loading, unloading or repairing a ship flying the flag of one of the two countries, or as watchmen while the ship is lying in port in the other country, shall be subject to the legislation of the country to which the port belongs.

(e) Officials and employees of diplomatic or consular missions, other than honorary consuls and their dependants, as well as persons in the personal service of the said officials or employees, shall be subject to the legislation of the country represented by the mission, if they are citizens of that country.

*Article 4*

The supreme administrative authorities of the two countries may by mutual agreement make further exceptions to the principle laid down in article 2, or they may, by mutual agreement, decide that the exceptions laid down in article 3 shall not apply in particular cases.

## P A R T   I I

## SPECIAL PROVISIONS

## CHAPTER I

## BENEFITS IN RESPECT OF OLD AGE, INVALIDITY AND SURVIVORS

*Article 5*

Italian citizens domiciled in Sweden and registered in the Swedish civil register shall be entitled to the old age pension under the same conditions, at the same rates and with the same additional benefits as Swedish citizens, provided that :

(a) After reaching the age of eighteen, they have been domiciled in Sweden and registered in the Swedish civil register for not less than fifteen years in all, and for at least five consecutive years before the date on which application for a pension is made, or

(b) On reaching the age of sixty-seven, their right to an invalidity pension or temporary invalidity allowance or to a widow's pension or to benefits for widows or widowers with dependent children has been and still is recognized.

*Article 6*

Italian citizens domiciled in Sweden and registered in the Swedish civil register shall be entitled to an invalidity pension or a temporary invalidity allowance under the same conditions, at the same rates and with the same additional benefits as Swedish citizens, provided that they have been domiciled in Sweden and registered in the Swedish civil register for not less than five years in all and that since they last arrived in Sweden they have been fit for normal work for at least one year.

*Article 7*

In the event of the death of an Italian citizen, the surviving spouse domiciled in Sweden and registered in the Swedish civil register shall be entitled to a widow's pension, or to the benefits for widows or widowers with dependent children, under the same conditions, at the same rates and with the same additional benefits as Swedish citizens, provided that :

(a) Since reaching the age of eighteen, the deceased was domiciled in Sweden and registered in the Swedish civil register for a total of not less than fifteen years, and for at least five consecutive years immediately before death occurred, and that at the time of death the surviving spouse was domiciled in Sweden and registered in the Swedish civil register, or that

(b) The surviving spouse has been domiciled in Sweden and registered in the Swedish civil register for a total of not less than fifteen years and for at least five consecutive years immediately preceding the date on which application for benefit is made.

#### *Article 8*

##### *Paragraph 1*

Italian citizens not qualifying for any of the benefits referred to in articles 5 to 7, or their surviving relatives, shall, on leaving Sweden with no intention of returning, be entitled to a refund of the contributions they have made to the people's pensions administration, on production of the official receipts therefor.

Italian citizens who have obtained such refund may not subsequently claim the benefits referred to in articles 5 to 7 until they again fulfil the conditions laid down therein.

##### *Paragraph 2*

The Italian supreme administrative authority shall lay down regulations determining the conditions under which and the extent to which Italian citizens who have obtained a refund of their contributions as provided for under 1 above, may use such refund for Italian compulsory insurance in respect of invalidity, old age and survivors or for optional insurance in respect of invalidity and old age, in order to acquire or retain their right to a pension or to safeguard the amount of the pension.

#### *Article 9*

Swedish citizens not qualifying for Italian insurance benefits in respect of invalidity, old age and survivors, or their surviving relatives, shall, on leaving Italy with no intention of returning, be entitled to a refund of their insurance contributions; once they have obtained such refund, they may not subsequently claim insurance benefits until they again fulfil the conditions laid down in the insurance scheme.

#### *Article 10*

In the application of articles 5 to 7, periods of temporary absence from Sweden shall be disregarded. Absence shall be regarded as temporary where it does not exceed four months or, if it exceeds four months, is justified by special circumstances. In such cases, the length of residence in Sweden and the reason for the absence shall be taken into account.

## CHAPTER II

## INSURANCE IN RESPECT OF SICKNESS, TUBERCULOSIS AND MATERNITY

*Article 11*

In claiming benefits under the compulsory or optional Italian insurance schemes in respect of sickness, tuberculosis and maternity, Swedish or Italian citizens who after changing residence from Sweden to Italy have been insured under such schemes, shall be entitled to have periods of insurance in Sweden taken into account.

Swedish or Italian citizens changing residence from Sweden to Italy who participated in the compulsory Italian insurance against tuberculosis, whether before the change of residence or not, shall be at liberty to continue the said insurance on a voluntary basis, and any periods of sickness insurance in Sweden shall be taken into account.

*Article 12*

In the cases referred to in article 11, benefits in respect of sickness or tuberculosis shall be payable only where the sickness or tuberculosis came about subsequent to enrolment or admission as described in that article.

## CHAPTER III

## CHILDREN'S ALLOWANCES

*Article 13*

Children who are Italian citizens or whose mother or father is an Italian citizen, shall be entitled to the following benefits in Sweden, under the same conditions and at the same rates as those laid down for Swedish citizens :

(a) The general children's allowance, provided that the child is domiciled in Sweden and is brought up by a person domiciled in Sweden and registered in the Swedish civil register ;

(b) The special allowances for the children of widows, invalids and others, provided that the child has been domiciled in Sweden and has been registered in the Swedish civil register for not less than five consecutive years immediately before the date on which the benefit is claimed, or that the father or stepfather or mother is entitled to the people's pension or to the benefits for widows or widowers with dependent children. For the purposes of such entitlement no account shall be taken of temporary absence from Sweden as provided in article 10.

## CHAPTER IV

## INSURANCE AGAINST INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

*Article 14**Paragraph 1*

Benefits under the insurance against industrial accidents and occupational diseases, including increased and supplementary benefits, shall be payable without curtailment to citizens of both countries, irrespective of any provisions which may be made restricting the rights of aliens.

*Paragraph 2*

Industrial accident and occupational disease legislation in either of the two countries which limits the right to benefit on the grounds that the person concerned is domiciled in another country shall not apply to Italian and Swedish citizens.

*Paragraph 3*

Increased and supplementary benefits in respect of industrial accidents and occupational diseases shall be payable to the persons specified under 2 above even while they are domiciled in the other country.

*Article 15**Paragraph 1*

In determining the obligation to pay benefits and the degree of incapacity for work resulting from industrial accident or occupational disease where the legislation of one of the two countries is applicable, account shall also be taken of previous industrial accidents and occupational diseases to which the legislation of the other country is applicable.

*Paragraph 2*

Where an occupational disease occurs as a sequel to work entailing the special risk of such disease and performed in both countries, benefits shall be paid by the insurance authority of the country where such work was last performed.

Where compensation in respect of an occupational disease has been paid by the insurance authority of one of the two countries, that authority shall remain liable for payment of any subsequent benefits even if the insured person's condition deteriorates in the other country, except where such deterioration results from work performed in that country and entailing the special risk of the disease concerned.



*Paragraph 3*

An undertaking having its headquarters in one of the two countries and engaging in the other country in work subject to insurance against industrial accidents and occupational diseases shall not be required to pay larger contributions to such insurance by reason of the fact that its headquarters is not in the country in which the work is performed.

## CHAPTER V

## UNEMPLOYMENT BENEFITS

*Article 16**Paragraph 1*

In claiming benefits under the compulsory unemployment insurance in Italy, Swedish or Italian citizens changing residence from Sweden to Italy and subsequently performing work subject to such insurance shall have periods of unemployment insurance in Sweden taken into account.

*Paragraph 2*

In claiming benefits under Swedish unemployment insurance, Italian or Swedish citizens changing residence from Italy to Sweden shall have periods of unemployment insurance in Italy taken into account, subject to approval by the Swedish insurance authority concerned and to the provisions laid down by that authority in agreement with the competent Italian insurance institute.

*Paragraph 3*

Italian citizens who have been regularly employed in Swedish production for at least one year shall be entitled to the benefits provided for in article 1, paragraph 1, (2), (j).

## PART III

## MISCELLANEOUS PROVISIONS

*Article 17*

The supreme administrative authorities of the two countries shall lay down, by mutual agreement, the necessary regulations to give effect to the present Convention. They shall, in particular, enter into agreements with regard to the establishment of liaison offices by both parties for the application of the Convention, and to the arrangements for the medical and administrative supervision

of persons entitled to benefits under the Convention, and also to the payment of benefits in the territory of the Contracting country which is not the country of the body by which the benefits are payable, as provided for by the relevant legislation.

#### *Article 18*

##### *Paragraph 1*

The authorities and agencies of the two countries shall assist each other in giving effect to this Convention as if the matter were one affecting the application of their own legislation. No refund of expenses shall be made in respect of such collaboration, with the exception of expenses which an authority or agency incurs outside its own technical and administrative organization.

##### *Paragraph 2*

The authorities and agencies of the two countries may correspond directly with one another and with any person concerned. They may also, where it is necessary to institute proceedings in the other country, apply to the diplomatic or consular authorities of that country.

##### *Paragraph 3*

The diplomatic and consular authorities in either country shall be entitled to apply direct to the authorities or agencies of the other country for the purpose of obtaining any information required for the protection of their nationals' interests, and to represent them without specific permission.

#### *Article 19*

The supreme administrative authorities of each country shall give early notice to the other country of any legislative and statutory provisions amending the legislative measures listed in article 1.

#### *Article 20*

The supreme administrative authorities of each country shall notify the authorities of the other concerning the regulations issued in the home country to give effect to the present Convention.

#### *Article 21*

The benefit of exemption from legal dues, charges and fees provided for in the legislation of either of the two countries in respect of the documents to be produced at the request of the authorities or agencies of that country in the application of the present Convention shall also apply to the documents to be so

produced before the authorities or competent agencies of the other country. Any documents, certificates and other papers produced in connexion with the application of the present Convention shall be exempt from the requirement of legalization by diplomatic or consular authorities.

*Article 22*

Claims and appeals which have to be submitted within a specified period to an authority or agency of either of the two countries shall be regarded as receivable if they are submitted within the same period to the corresponding authority or agency of the other country. In that event, the authority or agency in question shall transmit such claims or appeals to the authority or agency of the first country without delay.

*Article 23*

Communications addressed to the competent agencies, authorities and departments of either of the two countries in the application of the present Convention shall not be rejected on the grounds that they are written in the official language of the other country.

*Article 24*

Payments due under the present Convention and made in the currency of the debtor country shall be regarded as discharging the debt.

If in either of the two countries regulations are issued restricting the exchange of currency, the Governments of the two countries shall immediately consult together with a view to taking measures to ensure in accordance with the provisions of the present Convention, the transfer of the amounts owed on either side.

*Article 25*

The supreme administrative authorities of the two countries shall consult together for the settlement of any dispute which may arise in the application of the present Convention.

If a settlement cannot be reached in this way, the dispute shall be settled by arbitration arranged by agreement between the supreme administrative authorities of the two countries. The arbitration tribunal shall settle the dispute in accordance with the basic principles and the spirit of the present Convention.

*Article 26*

For the purposes of the present Convention, the following shall be regarded as the supreme administrative authorities :

(1) *Italy*: the Ministers having competence in respect of the legislative measures listed in article 1, paragraph 1 (1) ;

(2) *Sweden*: the King or the administrative authority duly designated by him.

#### *Article 27*

The present Convention shall be ratified and the instruments of ratification shall be exchanged at Stockholm.

It shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged.

#### *Article 28*

##### *Paragraph 1*

The provisions of the present Convention also apply to events which occurred before it entered into force, irrespective of previous decisions concerning the particular cases.

##### *Paragraph 2*

In the application of the present Convention account shall be taken of periods of insurance or residence completed prior to its entry into force.

##### *Paragraph 3*

In the cases referred to under paragraph 1 above, entitlement to a benefit shall begin on the day on which the Convention entered into force, provided the claim is submitted within twelve months of that date ; the period shall be three months in the case of Swedish people's pensions. If the claim is submitted after the expiry of this time-limit, the benefit shall be effective from the first day of the month succeeding the month of submission.

##### *Paragraph 4*

The provisions under paragraph 1 above shall not be applicable to benefits under the Swedish insurance against industrial accidents.

#### *Article 29*

##### *Paragraph 1*

The present Convention shall be concluded for the period of one year. It shall be tacitly renewed from year to year, unless it is denounced by one of the Contracting Countries at least three months before the end of any such yearly period.

*Paragraph 2*

In the event of denunciation, the provisions of the present Convention shall continue to apply with respect to claims which have already been acquired notwithstanding any restrictive provisions in the legislation of the two countries in respect of the nationality or residence abroad of the claimant.

*Paragraph 3*

In the case of rights in process of acquisition and arising out of periods of insurance or residence completed before the date of expiry of the present Convention, the provisions of the Convention and of related agreements shall remain applicable on conditions which shall be laid down by supplementary agreements.

IN WITNESS WHEREOF the undersigned have signed the present Convention and affixed thereto their seals.

DONE at Rome, on 25 May 1955, in two copies, in the Italian and Swedish languages, both texts being equally authentic.

For the Italian Republic :

DOMINEDÒ

For the Kingdom of Sweden :

Johan BECK-FRIIS

FINAL PROTOCOL TO THE CONVENTION ON SOCIAL SECURITY BETWEEN THE ITALIAN REPUBLIC AND THE KINGDOM OF SWEDEN<sup>1</sup>

In signing the Convention on Social Security between the Italian Republic and the Kingdom of Sweden this day,<sup>1</sup> the plenipotentiaries of the two Contracting Countries have signified their agreement on the following :

1. The persons specified in article 3 (e) of the Convention, except those sent by the country to which the mission belongs, may claim the application of the legislation of the country in which they are employed with respect to one or more of the branches of social security listed in article 1. Decisions regarding such applications shall take the wishes of the person concerned into account wherever possible.

2. The Swedish Government undertakes to make every effort to ensure that Italian citizens in Sweden are granted the municipal housing allowances in connexion with people's pensions.

3. The Italian Government undertakes to make every effort to ensure that Swedish citizens in Italy who are not subject to compulsory insurance in respect

<sup>1</sup> See p. 260 of this volume.

of sickness, tuberculosis and maternity, may enjoy the benefits in kind provided under the said insurance schemes, in accordance with the conditions and procedures agreed between the Swedish diplomatic mission in Italy and the competent Italian insurance institutes.

4. The provision in article 12 of the Convention refers to cases where a claimant, to acquire entitlement to benefits in one of the two countries, must invoke his right to have periods of insurance completed in the other country taken into account. Where a person already participating in Italian insurance against tuberculosis claims benefits under that insurance scheme after a period of membership in the Swedish insurance scheme against sickness and the conditions laid down by Italian legislation are fulfilled without taking into account periods of insurance in Sweden, benefits shall be payable to him, even if he has not applied for permission to join the Italian insurance scheme on a voluntary basis or if the symptoms of the disease appeared before he was admitted to that scheme.

5. The Italian Government undertakes to make every effort to ensure that Swedish citizens domiciled in Italy obtain anti-tuberculosis benefits from local agencies in Italy at the same rates and under the same conditions as Italian citizens, provided that Italian citizens domiciled in Sweden receive the same treatment as that accorded to Swedish citizens.

6. In the case of Sweden, an occupational disease, for the purpose of the Convention, shall mean an industrial accident as defined in section 6 (b) and (c) of the Industrial Accidents Insurance Act of 14 May 1954.

IN WITNESS WHEREOF the undersigned have signed the present Protocol and affixed thereto their seals.

DONE at Rome on 25 May 1955, in two copies, in the Italian and Swedish languages, both texts being equally authentic.

For the Italian Republic :

DOMINEDÒ

For the Kingdom of Sweden :

Johan BECK-FRIIS