

No. 6187

**NORWAY
and
ITALY**

**Convention on Social Security (with Final Protocol). Signed
at Rome, on 12 June 1959**

Official texts: Norwegian and Italian.

Registered by Norway on 9 May 1962.

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et
ITALIE**

**Convention en matière de sécurité sociale (avec Protocole
final). Signée à Rome, le 12 juin 1959**

Textes officiels norvégien et italien.

Enregistrée par la Norvège le 9 mai 1962.

[TRANSLATION — TRADUCTION]

No. 6187. CONVENTION¹ ON SOCIAL SECURITY BETWEEN
THE KINGDOM OF NORWAY AND THE ITALIAN RE-
PUBLIC. SIGNED AT ROME, ON 12 JUNE 1959

His Majesty the King of Norway and the President of the Italian Republic, being desirous of ensuring the benefits of the social security legislation of the two countries for Norwegian and Italian nationals, have decided to conclude a convention and have for this purpose appointed as their representatives :

His Majesty the King of Norway :

His Excellency Mr. Per Preben Prebensen, Ambassador of Norway to Italy ;
and

The President of the Italian Republic :

His Excellency Mr. Carmine De Martino, Member of Parliament,
Under-Secretary of State in the Ministry of Foreign Affairs,

Who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

PART I

GENERAL PROVISIONS

Article 1

Paragraph 1

This Convention shall apply to the legislation concerning :

1. *In Norway :*

- (a) Old-age pensions ;
- (b) Insurance for blind and crippled persons ;
- (c) Sickness insurance (including maternity insurance and funeral insurance) ;
- (d) Survivor's benefit for children ;

¹ Came into force on 1 February 1962, the first day of the second month following the exchange of the instruments of ratification which took place at Oslo on 22 December 1961, in accordance with article 27.

- (e) Children's allowances ;
- (f) Accident insurance, including insurance against occupational diseases ;
- (g) Unemployment insurance ;
- (h) Special insurance schemes for seamen, fishermen, forest workers and State employees ;
- (i) Co-ordination of pension and insurance benefits.

2. *In Italy :*

- (a) Compulsory and voluntary insurance in respect of invalidity, old age and survivors ;
- (b) Compulsory insurance against sickness ;
- (c) Compulsory and voluntary 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 ;
- (g) Compulsory insurance against involuntary unemployment, including provisions for special unemployment relief ;
- (h) Special insurance schemes for prescribed classes in so far as they relate to risks covered by the aforementioned types of legislation.

Paragraph 2

This Convention shall also apply to laws and regulations amending or supplementing the legislation referred to in paragraph 1.

It shall, however, not apply to :

- (a) Laws or regulations relating to a new branch of social security, unless the two countries conclude an agreement to that effect.
- (b) Laws or regulations extending the application of the legislation in force to new classes of beneficiaries if the Government of the country concerned notifies the Government of the other country within three months after the publication of the relevant provisions that the scope of the Convention is not to be correspondingly extended.

Article 2

Norwegian nationals in Italy and Italian nationals in Norway shall be subject, respectively, to the Italian and Norwegian legislation referred to in article 1 and, save as otherwise provided in this Convention, shall have the same rights and obliga-

tions as the nationals of the country in which they reside. The same shall apply to entitlement to benefits abroad.

Additional allowances in respect of dependent family members shall be paid irrespective of the country in which the said members reside.

Article 3

The principle laid down in article 2 concerning which legislation is applicable shall be subject to the following exceptions :

- (a) Where a person ordinarily resident in one of the two countries and in the service of an undertaking which has its headquarters in that country is sent by such undertaking to the other country, he shall continue to be subject to the legislation of the first country during the first twelve months of his stay in the other country. If employment in the latter country continues beyond twelve months, the above-mentioned legislation may continue to be applied, 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 performing duties in both countries shall be subject to the legislation of the country in which the undertaking has its headquarters. Where, however, a member of such personnel is resident in the other country, the legislation of that country shall apply.
- (c) Flight personnel employed by an air transport company operating in both countries shall be subject to the legislation of the country in which the company has its headquarters, except where a member of such personnel is a national of the other country and is resident there. Other personnel of such a company who are sent to the other country on temporary work shall, irrespective of nationality, be subject to the legislation of the country in which the company has its headquarters.
- (d) The members of the crew of a ship flying the Norwegian or Italian flag shall be subject to the legislation of the country to which the ship belongs. Where, however, such a ship lying in port in the other country has engaged workers of that country for loading, unloading or repairing or as watchmen, such workers shall be subject to the legislation of the country to which the port belongs.
- (e) Career officers and the official staff of diplomatic or consular missions shall be subject to the legislation of the sending country. The same shall apply to other personnel of diplomatic or consular missions who are sent by one country to the other. Other persons employed in either country at a diplomatic or consular mission of the other country, or in the personal service of officials or staff of such a mission, shall be subject to the legislation of the country in which they work. However, such persons and the personnel mentioned in the second

sentence above may request that the legislation of the other country be applied in respect of one or more of the types of social insurance enumerated in article 1 ; the wishes of the person concerned shall be taken into consideration as far as possible in this regard. Such request must be made within three months after the employee enters upon his duties, or, in the case of persons already employed on the date on which this Convention comes into force, within three months from that date.

Article 4

The supreme administrative authorities of the two countries may agree upon further exceptions to the principle laid down in article 2. They may also agree that the exceptions specified in article 3 shall not apply in particular cases.

PART II

SPECIAL PROVISIONS

CHAPTER I

BENEFITS IN RESPECT OF OLD AGE, INVALIDITY AND SURVIVORS

Article 5

An Italian national shall be entitled to benefit under the Norwegian legislation concerning old-age pensions under the same conditions and subject to the same regulations as Norwegian nationals, on condition that he or she :

- (a) Has, after attaining the age of sixteen years, resided in Norway for a total of not less than fifteen years, including at least five consecutive years immediately preceding the date on which application for benefit is made, or
- (b) Is the widow or widower of a person who was receiving an old-age pension.

Article 6

An Italian national shall be entitled to benefit under the legislation concerning aid to the blind or crippled under the same conditions and subject to the same regulations as Norwegian nationals, on condition that he has resided in Norway for a total of not less than five years and has, since he last arrived in Norway, been fit for normal work for at least one year.

If the condition which led to the blindness or disability arose before the said person last arrived in Norway, the required period of residence shall be not less

than a total of fifteen years, including at least five consecutive years immediately preceding the date on which application for benefit is made.

Article 7

Paragraph 1

A Norwegian national in Italy or an Italian national in Norway who has not begun to receive benefit under the Italian insurance in respect of invalidity, old age and survivors or under a Norwegian old-age pension, respectively, and who leaves the country shall be entitled to a refund of the premiums which he himself has paid to the insurance scheme concerned, on condition that he declares that he has no intention of returning. The foregoing provision shall apply irrespective of the period during which the premiums were paid or of the period of residence and even if the person concerned has attained the pensionable age.

If such person dies after leaving the country but before the refund has been made, the entitlement to a refund shall be transferred to the survivors who, under the legislation of the relevant country, would have been entitled to the benefit.

If the refund is made, entitlement to the corresponding benefit shall lapse unless the provisions of paragraph 2 become applicable.

Supplementary regulations for the application of the foregoing provisions shall be made by agreement between the supreme administrative authorities of the contracting countries.

Paragraph 2

If an Italian national as referred to in paragraph 1 returns to Norway, the amount refunded shall be repaid into the insurance scheme or shall be deducted from future benefits, and the period of his previous residence in Norway shall be taken into account.

If a Norwegian national as referred to in paragraph 1 returns to Italy, the amount refunded must be repaid into the insurance scheme in order that the entitlement earned up to the time when he left Italy may be reinstated.

Supplementary regulations for the application of the provisions of this paragraph shall be made by agreement between the supreme administrative authorities of the contracting countries.

Paragraph 3

An Italian national as referred to in paragraph 1 shall be entitled to pay the amount of his Norwegian insurance refund to the Italian insurance scheme in respect of invalidity, old age and survivors in order to obtain or retain pension rights under that scheme.

The Italian supreme administrative authorities shall specify the conditions under which and the extent to which the refund may be so applied and the rights which may be acquired or retained in consequence thereof.

Article 8

Paragraph 1

The period during which a person has, as provided in article 3, been subject to Italian legislation shall not be regarded as a period of residence in Norway.

Paragraph 2

The periods during which a person has been a member of the crew of a ship flying the Norwegian flag shall be regarded as periods of residence in Norway.

Article 9

For the purposes of articles 5, 6 and 8, periods of temporary absence from Norway 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 the period of residence in Norway and the reason for the absence shall be taken into account.

CHAPTER II

INSURANCE IN RESPECT OF SICKNESS, TUBERCULOSIS AND MATERNITY

Article 10

Paragraph 1

If a national of one of the two countries who was insured against sickness in Italy changes residence from Italy to Norway and is insured against sickness there, he and the members of his family resident in Norway shall be entitled to benefit, due account being taken of the period of insurance and period during which benefit was received in Italy. In this connexion a period not exceeding six months between the cessation of the Italian insurance and the beginning of the Norwegian insurance shall be disregarded.

Paragraph 2

If a national of one of the countries who was insured against sickness in Italy, with entitlement to cash sickness benefit or to the continuance of wages while sick,

changes residence from Italy to Norway and is there insured against sickness without entitlement to cash sickness benefit, he may enrol in a voluntary supplementary insurance scheme providing cash sickness benefit and may do so under the same conditions as persons who in Norway cease to participate in a sickness insurance scheme with entitlement to cash sickness benefit. An application for such supplementary insurance must be submitted within two months from the date of arrival in Norway. Entitlement to cash sickness benefit shall not, however, commence until the date of admission to the insurance.

Article 11

A national of one of the countries who changes residence from Norway to Italy and is there admitted to compulsory insurance in respect of sickness and maternity, or to compulsory or voluntary insurance in respect of tuberculosis, shall be entitled to have any insurance period or contribution period in Norway taken into account. In this connexion a period not exceeding six months between the cessation of the Norwegian insurance and the beginning of the Italian insurance shall be disregarded.

Article 12

An insurance period or contribution period shall be taken into account for the purposes of insurance in respect of sickness or tuberculosis as provided in articles 10 and 11 only if the sickness or tuberculosis has become evident since admission to the relevant insurance, or if no symptoms of the sickness or tuberculosis have been evident for at least one year.

CHAPTER III

CHILDREN'S ALLOWANCES

Article 13

Children's allowances shall be paid in Norway in respect of a child who is an Italian national or whose father or mother is an Italian national, under the same conditions and subject to the same regulations as apply to Norwegian nationals, on condition that the child is resident in Norway and that the child or one of the parents has been resident in Norway for not less than six consecutive months immediately preceding the date on which a claim for benefit is submitted.

CHAPTER IV

INSURANCE AGAINST INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

*Article 14**Paragraph 1*

Norwegian or Italian nationals shall not be subject to the provisions, respectively, of Italian and Norwegian legislation concerning insurance against industrial accidents and occupational diseases which limit the right to benefit solely on the ground that the person concerned is resident in the other contracting country. Pension entitlement shall be retained irrespective of the country in which the person concerned is resident.

Paragraph 2

Increased benefit or supplementary benefit in respect of industrial accidents or occupational diseases shall be payable to the persons specified in paragraph 1 irrespective of the country in which they are resident.

Paragraph 3

A national of one of the contracting countries shall be covered by insurance against industrial accidents while travelling from one country to the other if the employer is contractually required to pay the travelling expenses or ordinary wages during the time of travel and if the employment relationship is, in other respects covered by the said insurance.

*Article 15**Paragraph 1*

In determining entitlement to benefit and the degree of incapacity for work in respect of an industrial accident or occupational disease to which 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 subsequent to work entailing the risk of such disease and performed in both countries, the benefit shall be paid under the insurance of the country where such work was last performed.

Where benefit in respect of an occupational disease has been paid under the insurance of one country, any deterioration in the insured person's condition which takes place in the other country shall likewise be paid under that insurance except where the deterioration is attributable to work performed in the latter country and entailing the risk of such disease.

Paragraph 3

An undertaking having its headquarters in one contracting country 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 solely by reason of the fact that its headquarters is not in the country in which the work is performed.

CHAPTER V

UNEMPLOYMENT INSURANCE

*Article 16**Paragraph 1*

Where a Norwegian or Italian national changes residence from one contracting country to the other and, after arrival in the latter country, becomes subject to the legislation concerning compulsory unemployment insurance, the insurance periods completed and benefit received in the same branch of insurance in the former country shall be taken into account in accordance with the special conditions to be established by agreement between the supreme administrative authorities of the contracting countries.

Paragraph 2

The provisions of paragraph 1 shall not apply to benefit under Norwegian legislation in the form of grants for vocational training and retraining, of assistance in starting a new career or of unemployment insurance benefit for seamen during stays in ports outside Norway.

PART III

MISCELLANEOUS AND FINAL PROVISIONS

Article 17

The supreme administrative authorities of the two countries shall agree upon the regulations necessary to give effect to this Convention, including special regulations in respect of seamen. They shall, in particular, enter into an agreement with regard to the establishment of liaison offices in each of the countries to facilitate the application of the Convention. They shall also come to an agreement concerning arrangements for the medical and administrative supervision of persons entitled under this Convention to benefit, and concerning the payment, where authorized by the relevant legislation, of benefit in a country other than the country in which the benefit originates.

*Article 18**Paragraph 1*

The authorities and agencies of the contracting countries shall assist each other in giving effect to this Convention to the same extent as in the application of their own legislation. Such assistance shall be rendered without charge, except that a refund shall be made in the case of expenses incurred by an authority or agency in connexion with measures outside its ordinary sphere of activity.

Paragraph 2

The authorities and agencies of the two countries may correspond directly with one another and with the persons concerned. They may also, where necessary, communicate with an authority of the other country through that country's diplomatic or consular missions.

Paragraph 3

The diplomatic and consular authorities may 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 may represent such nationals without special authorization.

Article 19

The supreme administrative authorities of the two countries shall forthwith notify each other of any laws and regulations amending the legislation referred to in article 1.

Article 20

The supreme administrative authorities of the two countries shall notify each other of the measures taken in their respective countries to give effect to this Convention.

Article 21

The exemption from stamp taxes and other charges and fees provided for in the legislation of one country in respect of documents to be produced before the authorities and agencies of that country shall also apply to documents to be produced before the competent authorities and agencies of the other country for the purposes of this Convention. No documents, certificates or other papers which must be produced for the purposes of this Convention shall require legalization by a diplomatic or consular authority.

Article 22

Complaints or appeals which have to be submitted within a specified period to a competent authority or agency of one of the two countries shall be regarded as receivable if they are submitted within the said period to the corresponding authority or agency of the other country. The latter authority or agency shall transmit such complaints or appeals to the competent authority or agency of the first country without delay.

Article 23

A communication addressed to a competent authority or agency of one of the countries in the application of this Convention shall not be rejected solely on the ground that it is written in the official language of the other country.

Article 24

Payments under this Convention 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 come to an agreement concerning the measures required to ensure, in accordance with the provisions of this Convention, the transfer of the amounts owed.

Article 25

Any dispute which may arise in the application of this Convention shall be settled by agreement between the supreme administrative authorities of the two countries.

If no settlement is 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 this Convention.

Article 26

For the purposes of this Convention, the term "supreme administrative authorities" means the Ministers having competence in respect of the legislative measures referred to in article 1.

Article 27

This Convention shall be ratified, and the instruments of ratification shall be exchanged at Oslo. The Convention 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 this Convention shall also apply to subsisting events which occurred before the Convention entered into force, irrespective of previous decisions concerning the particular case.

Paragraph 2

In the application of this Convention, account shall be taken of periods of residence, insurance periods and contribution periods that were completed prior to its entry into force.

Paragraph 3

In the cases referred to in paragraph 1, entitlement to benefit shall commence from the date on which the Convention enters into force, on condition that the claim is submitted within one year from that date. If the claim is submitted after the expiry of the said time-limit, the benefit shall commence from the first day of the month following that in which the claim is submitted.

*Article 29**Paragraph 1*

This Convention shall be concluded for a period of one year. It shall be renewed by tacit agreement from year to year, unless it is denounced by one of the countries not later than three months before the expiry of the current period of validity.

Paragraph 2

In the event of denunciation, the provisions of the Convention shall continue to apply with respect to rights which have already been acquired, notwithstanding any provision in the legislation of the two countries restricting entitlement to benefit on the ground of nationality or residence abroad.

Paragraph 3

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

IN WITNESS WHEREOF the plenipotentiaries have signed this Convention and have thereto affixed their seals.

DONE at Rome, on 12 June 1959, in four copies, two in the Norwegian and two in the Italian language, all texts being equally authentic.

For the Kingdom
of Norway :

PREBENSEN

For the Italian
Republic :

DE MARTINO

FINAL PROTOCOL TO THE CONVENTION ON SOCIAL SECURITY BETWEEN THE KINGDOM OF NORWAY AND THE ITALIAN REPUBLIC¹

In signing the Convention on Social Security between the Kingdom of Norway and the Italian Republic,¹ the plenipotentiaries of the two contracting countries have this day agreed to the following :

1. The Italian Government undertakes to make every effort to ensure that Norwegian nationals in Italy who are not subject to compulsory insurance in respect of sickness, tuberculosis and maternity may enjoy the benefit in kind provided under the said insurance schemes, in accordance with the conditions and rules agreed upon between the Norwegian diplomatic mission in Italy and the competent Italian insurance institutes.

2. The Italian Government undertakes to make every effort to ensure that Norwegian nationals domiciled in Italy obtain anti-tuberculosis benefits from local agencies in Italy under the same conditions and subject to the same regulations as Italian nationals, on condition that Italian nationals domiciled in Norway receive the same treatment as that accorded to Norwegian nationals.

3. In view of the fact that foreign seamen employed on Norwegian ships engaged in international service are covered by sickness insurance and unemployment insurance and by pension insurance for seamen only if they are domiciled in Norway, the Norwegian Government shall investigate the possibility of admitting Italian nationals employed on such ships to Norwegian sickness insurance and to Norwegian pension insurance for seamen even if they are not domiciled in Norway.

¹ See p. 390 of this volume.

4. With respect to special pension insurance schemes for seamen, the Governments of the two countries shall investigate the possibility of agreeing on provisions under which entitlement to benefit may be acquired on the basis of insurance periods in Norway and in Italy.

IN WITNESS WHEREOF the plenipotentiaries have signed this Protocol and have thereto affixed their seals.

DONE at Rome, on 12 June 1959, in four copies, two in the Norwegian and two in the Italian language, all texts being equally authentic.

For the Kingdom
of Norway :

PREBENSEN

For the Italian
Republic :

DE MARTINO