

**No. 10163**

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**AUSTRIA  
and  
FEDERAL REPUBLIC OF GERMANY**

**Convention concerning public assistance and juvenile welfare  
(with Final Protocol and appendices). Signed at Bonn  
on 17 January 1966**

**Agreement for the implementation of the above-mentioned  
Convention (with annexes). Signed at Vienna on 25 Oc-  
tober 1968**

*Authentic texts : German.*

*Registered by Austria on 1 January 1970.*

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**AUTRICHE  
et  
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif à l'assistance publique et à la protection de la  
jeunesse (avec Protocole final et appendices). Signé à  
Bonn le 17 janvier 1966**

**Arrangement concernant l'exécution de l'Accord susmen-  
tionné (avec annexes). Signé à Vienne le 25 octobre 1968**

*Textes authentiques : allemand.*

*Enregistrés par l'Autriche le 1<sup>er</sup> janvier 1970.*

[TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> BETWEEN THE REPUBLIC OF AUSTRIA  
AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING  
PUBLIC ASSISTANCE AND JUVENILE WELFARE

The Federal President of the Republic of Austria and the President of the Federal Republic of Germany,

Desiring to affirm the traditional principle of equal treatment for their nationals as regards public assistance and juvenile welfare, have agreed to conclude a Convention and have for that purpose appointed as their Plenipotentiaries :

The Federal President of the Republic of Austria :

Dr. Josef Schöner, Ambassador Extraordinary and Plenipotentiary of the Republic of Austria to the Federal Republic of Germany;

The President of the Federal Republic of Germany :

Dr. Karl Carstens, State Secretary of the Ministry of Foreign Affairs.

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

PART I

GENERAL PROVISIONS

*Article 1*

For the purposes of this Convention :

1. "Austria" means the Republic of Austria, and "the Federal Republic" means the Federal Republic of Germany;

2. "Territory" means, in relation to Austria, the federal territory of Austria, and, in relation to the Federal Republic, the area in which the Basic Law for the Federal Republic of Germany is in force;

<sup>1</sup> Came into force on 1 January 1970, the first day of the calendar year following the exchange of the instruments of ratification, which took place at Vienna on 16 May 1969, in accordance with article 19 (2).

3. "National" means, in relation to Austria, a national of Austria, and, in relation to the Federal Republic, a German within the meaning of the Basic Law for the Federal Republic of Germany;

4. "Public assistance" means all statutory assistance out of public funds, in cash or in kind or in the form of advisory services, relief measures or other benefits, the purpose of which is to provide for and ensure the subsistence of persons who are not required to satisfy any conditions other than that of indigence;

5. "Juvenile welfare" means all statutory measures and services for the benefit of minors, not falling within the definition of public assistance (item 4 above), which are provided, carried out or supervised by the public juvenile welfare authorities, irrespective of which authority has ordered the measures or services;

6. "Legislation" means the laws, ordinances and regulations relating to the matters specified in items 4 and 5 above which are in force in the territory, or any part of the territory, of one of the Contracting Parties;

7. "Competent authority" means, in relation to Austria, the Federal Ministry of the Interior or, in respect of provisions concerning juvenile welfare, the Federal Ministry of Social Affairs, and, in relation to the Federal Republic, the Federal Minister of the Interior or, in respect of provisions concerning juvenile welfare, the Federal Minister for Family and Youth Affairs;

8. "Public assistance authorities" means, in relation to Austria, the district and *Land* public assistance associations, and, in relation to the Federal Republic, the local and higher social assistance authorities;

9. "Public juvenile welfare authorities" means, in relation to Austria, the federal *Länder*, together with their district administrative authorities (youth offices), and the *Land* governments, and, in relation to the Federal Republic, the municipalities, associations of municipalities and *Länder* as public youth assistance authorities, together with their youth offices, *Land* youth offices and supreme *Land* youth authorities;

10. "Country of origin" means the Contracting State of which a person is a national as defined in item 3 above;

11. "Country or residence" means the Contracting State in whose territory a person to whom this Convention relates is resident.

## PART II

## PROVISION OF PUBLIC ASSISTANCE AND JUVENILE WELFARE

*Article 2*

(1) Nationals of one of the Contracting Parties who are resident in the territory of the other Contracting Party shall be provided with public assistance and juvenile welfare in the same manner, to the same extent and on the same conditions as nationals of the country of residence.

(2) The provisions of paragraph (1) of this article shall also apply to refugees within the meaning of article 1 of the Convention relating to the Status of Refugees of 28 July 1951<sup>1</sup> who are in possession of a travel document issued by the other Contracting Party in accordance with article 28 of the said Convention.

*Article 3*

Where a Contracting Party is providing public assistance to one of its nationals who is resident in the territory of the other Contracting Party, such grants shall not be taken into account in the country of residence for the purpose of determining the type and the extent of public assistance or for the purpose of the provision of social insurance benefits; the foregoing shall not apply if the effect of the grants on the financial situation of the indigent person is such that additional public assistance from the country of residence would be unjustified.

*Article 4*

No repayment of the costs of public assistance or juvenile welfare for the persons specified in article 2 shall be effected between the Contracting Parties. The foregoing shall not affect the arrangements provided for in article 10, paragraph (1).

## PART III

## TRANSFER OF CLAIMS; ADMINISTRATIVE ASSISTANCE

*Article 5*

(1) Where a public assistance or public juvenile welfare authority of one of the Contracting Parties may, under the legislation to which it is subject, demand repayment of amounts expended from the recipient of assistance or a person

<sup>1</sup> United Nations, *Treaty Series*, vol. 189, p. 137.

liable for his maintenance (the party liable for repayment of costs), and where the party liable for repayment of costs is normally resident or domiciled in the territory of the other Contracting Party, the public assistance or public juvenile welfare authority competent for the place of normal residence or domicile shall be entitled and obligated, at the request of the authority providing the assistance, to seek to enforce claims against the party liable for repayment of costs, in its own name and on behalf of the last-mentioned authority, under the legislation to which the requested authority is subject.

(2) Where a public assistance or public juvenile welfare authority of one of the Contracting Parties is entitled, under the legislation to which it is subject, to transfer to itself claims of the recipient of assistance against a third party who has pecuniary obligations towards the recipient, and where the third party is normally resident or domiciled in the territory of the other Contracting Party, the public assistance or public juvenile welfare authority competent for the place of normal residence or domicile shall be entitled and obligated, at the request of the authority providing the assistance, to seek to enforce claims against the third party, in its own name and on behalf of the last-mentioned authority, under the legislation concerning the transfer of claims to which the requested authority is subject.

(3) Where a person in receipt of assistance who has a claim to payment of arrears of war damage pension under the Equalization of Burdens Act of 14 August 1952 (*Bundesgesetzblatt* I, p. 446), as amended, has received benefits from an Austrian public assistance authority, that authority may request the local public assistance authority competent for the place where the equalization office is situated to make arrangements for repayment of the costs. The request shall have the effect of transferring the claim to war damage pension to the German public assistance authority for account of the authority providing the benefit to the extent that, under article 292 of the Equalization of Burdens Act, the claim would be transferred to the said German authority if it had provided public assistance. Where in the aforementioned case the Austrian public assistance authority provides accommodation in an institution or home, it shall pay to the recipient of assistance a cash allowance equivalent to the amount which a German public assistance authority would be required to provide under article 292 of the Equalization of Burdens Act.

(4) The third sentence of paragraph (3) of this article shall apply *mutatis mutandis* where current payments of war damage pension under article 292 of the Equalization of Burdens Act are transferred at the request of the Austrian public assistance authority in accordance with the provisions of paragraph (2) of this article.

(5) In the cases referred to in article 3, amounts recovered from the party liable for repayment of costs or from the third party shall be applied in the first instance to settlement of the repayment claims of the requesting public assistance or social insurance authority.

#### *Article 6*

(1) The public assistance and public juvenile welfare authorities of the Contracting Parties shall render administrative assistance to one another in the performance of their duties, and in particular in contacting a recipient of assistance or a person liable for his maintenance (a party liable for repayment of costs) and other parties who have pecuniary obligations towards a recipient. The administrative assistance shall be rendered in the same manner and to the same extent as if the matter were a national one.

(2) The public assistance and public juvenile welfare authorities of the Contracting Parties shall represent one another before the courts for the purpose of seeking to enforce claims of the type specified in paragraph (1) of this article and claims for maintenance in connexion with statutory or appointive official guardianship and appointive official curatorship.

(3) Legislation of a Contracting Party providing for exemption from costs, dues or charges in respect of legal transactions and administrative acts in connexion with applications for, or the provision or repayment of, public assistance benefits or juvenile welfare shall also apply in favour of nationals, public assistance authorities and public juvenile welfare authorities of the other Contracting Party. In the case of adversary proceedings before the courts, the foregoing shall apply only in favour of public assistance authorities and public juvenile welfare authorities of the other Contracting Party, and then only where they are represented in accordance with paragraph (2) of this article. The foregoing shall not affect legislation concerning the provision of poor persons' legal aid.

(4) Legislation under which administrative authorities, social welfare authorities, employers, persons liable for maintenance or other persons or authorities are obligated to furnish information shall also apply where a public assistance or public juvenile welfare authority initiates action in accordance with paragraph (1) or paragraph (2) of this article.

(5) For the purpose of applying this Convention, the courts and the public assistance and public juvenile welfare authorities of the two Contracting Parties shall, in the cases referred to in article 7, paragraph (1) (a), communicate with one another only through the competent authorities; in all other cases, they may communicate directly with one another.

## PART IV

## RETURN TO THE COUNTRY OF ORIGIN; REPATRIATION

*Article 7*

(1) Where an indigent national of one of the Contracting Parties who is normally resident in the territory of the other Contracting Party expresses the intention of returning to his country of origin, the country of residence shall bear the travel expenses and cost of transporting household effects as far as the frontier of the country of origin, provided that :

- (a) The two Contracting Parties agree that return to the country of origin is in the best interests of the indigent person, or
- (b) The country of residence, after a period of residence of not less than three months, refuses to permit further residence.

(2) Where the conditions referred to in paragraph (1) of this article exist, the country of residence shall also bear the travel expenses and cost of transporting household effects of any dependants, being indigent, who intend to accompany or rejoin the indigent person, provided that they possess the same nationality as the indigent person. The same shall apply where the country of origin of the indigent person permits entry and residence by spouses or minor children not possessing its nationality.

(3) Where the conditions referred to in paragraph (1) (b) of this article exist, the indigent person shall be allowed a period of at least two weeks to prepare for his departure, unless immediate deportation appears necessary for reasons of public tranquillity, order or security.

*Article 8*

(1) The country of residence shall not refuse to permit further residence by a national of the other Contracting Party, or repatriate him, solely on the ground of indigence, unless he has not yet completed an uninterrupted period of one year's authorized residence in its territory. Such action shall not be taken where there are humanitarian reasons to the contrary, irrespective of the length of time for which the person concerned has been present in the country of residence.

(2) The provisions of this Convention shall in no way preclude the exercise of the right of expulsion for any reason other than that referred to in the preceding paragraph.

*Article 9*

(1) Residence shall be deemed to include employment on board ships which are registered in the country of residence.

(2) For the purposes of article 8, paragraph (1), residence shall not be deemed to be interrupted in the event of absence for a period not exceeding one month.

(3) For the purpose of computing the period of residence referred to in article 8, paragraph (1), periods during which subsistence was provided in whole or in part out of public assistance funds of the country of residence shall not be taken into account.

#### PART V

### SPECIAL ARRANGEMENTS FOR FRONTIER ZONES

#### *Article 10*

(1) Where a national of a Contracting Party who is normally resident in the frontier zone of his country of origin, being indigent, is with the consent or subsequent approval of the competent public assistance authority of his country of origin admitted to a hospital, sanatorium or home for the aged in the frontier zone of the other Contracting Party, the country of origin shall, notwithstanding the provisions of article 4, be obligated to reimburse to the country of residence the public assistance costs arising out of such admission; the amount claimed in reimbursement of costs may not, however, exceed the amount of the expenditure which would be incurred in connexion with the admission of a national of the country of residence.

(2) The consent or subsequent approval referred to in paragraph (1) of this article may be refused only where admission to the hospital, sanatorium or home is necessary neither for medical nor for humanitarian reasons; it shall be deemed to have been given unless the public assistance authority of the country of origin refuses it within a period of thirty days after receipt of the application for consent or subsequent approval.

(3) That part of the territory of each Contracting Party situated along the common frontier which extends in general to a depth of ten kilometres shall be deemed to be the frontier zone. The Austrian and German municipalities situated within the said zone are listed in appendix II to this Convention. The competent authorities shall notify one another of any changes in the designation of municipalities and of any instances of amalgamation or division of municipalities; any other changes in the list within the framework of the first sentence of this paragraph shall be effected jointly by the competent authorities.

#### *Article 11*

Reimbursable public assistance benefits provided by the country of residence in accordance with article 10, paragraph (1), shall, as regards claims for repay-



ment of costs and as regards the transfer of claims against third parties, be deemed to be benefits provided by the public assistance authority of the country of origin under the legislation applicable to that authority.

PART VI

FINAL PROVISIONS

*Article 12*

(1) Nothing in this Convention shall affect the provisions of the Convention of 5 February 1927<sup>1</sup> between the Republic of Austria and the German *Reich* regarding Guardianship.

(2) The Agreement of 4 June 1932 between the Republic of Austria and the German *Reich* regarding Protection of Foster-children and Judicial Relations in Juvenile Matters shall cease to have effect upon the entry into force of this Convention.

*Article 13*

(1) The statutory legislation in force at the time of signature of the Convention is listed in appendix I hereto. Should any statutory legislation listed in appendix I cease to have effect, or should any statutory legislation which would be listed in appendix I if it had already been in force at the time of entry into force of the Convention be enacted, the Contracting Party whose legislation is affected shall notify the other Contracting Party accordingly, referring to appendix I.

(2) Legislation which amends or supplements the legislation of a Contracting Party for the purpose of giving effect to international agreements or to a regulation promulgated by a European community shall be taken into account in relations between the two Contracting Parties only if the Contracting Parties make an agreement to that effect.

*Article 14*

The competent authorities shall enter into an agreement concerning the technical questions involved in implementing this Convention, and in particular concerning the nature and manner of communication with one another.

*Article 15*

(1) Any dispute between the two Contracting Parties concerning the interpretation or application of this Convention shall, as far as possible, be amicably resolved by the competent authorities of the two Contracting Parties.

<sup>1</sup> League of Nations, *Treaty Series*, vol. LXXIII, p. 227.

(2) If any such dispute cannot be resolved in this manner, it shall, at the request of either of the Contracting Parties, be submitted to an arbitral tribunal.

(3) The arbitral tribunal shall be constituted on an *ad hoc* basis; each Contracting Party shall appoint a member, and the two members shall agree on a chairman, who shall be a national of a third State. The chairman shall be appointed by the Governments of the two Contracting Parties. The members shall be appointed within two months, and the chairman within three months, after one of the Contracting Parties has notified the other that it wishes to submit the dispute to an arbitral tribunal.

(4) If the time-limits specified in paragraph (3) of this article are not met, either Contracting Party may, failing any other arrangement, request the President of the European Court of Human Rights to make the necessary appointment. If the President is a national of one of the Contracting Parties or is unable to act for any other reason, the Vice-President shall make the appointment. If the Vice-President is also a national of one of the Contracting Parties or is also unable to act, the next most senior member of the Court who is not a national of one of the Contracting Parties shall make the appointment.

(5) The arbitral tribunal shall take its decisions by majority vote. Its decisions shall be binding. Each Contracting Party shall bear the expenses of its own member and the costs of its representation in the proceedings before the arbitral tribunal; the expenses of the chairman and the remaining costs shall be borne equally by the two Contracting Parties, unless the arbitral tribunal makes some other ruling concerning costs. On all other matters, the arbitral tribunal shall establish its own rules of procedure.

#### *Article 16*

The Final Protocol attached to this Convention shall form an integral part of the Convention.

#### *Article 17*

This Convention shall remain in force for a period of five years. Thereafter it shall continue in force from year to year unless it is denounced in writing by either of the Contracting Parties not later than three months before the expiry of any year.

#### *Article 18*

This Convention shall also apply to *Land Berlin*, provided that the Government of the Federal Republic of Germany has not delivered a contrary declaration to the Federal Government of the Republic of Austria within three months from the date of entry into force of the Convention.

*Article 19*

(1) This Convention shall be ratified; the instruments of ratification shall be exchanged at Vienna as soon as possible.

(2) The Convention shall enter into force on the first day of the calendar year next following the exchange of the instruments of ratification.

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

DONE at Bonn, on 17 January 1966, in duplicate.

For the Republic of Austria :

SCHÖNER

For the Federal Republic of Germany :

CARSTENS

FINAL PROTOCOL TO THE CONVENTION BETWEEN THE REPUBLIC OF AUSTRIA AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING PUBLIC ASSISTANCE AND JUVENILE WELFARE

A. At the time of signing the Convention concerning Public Assistance and Juvenile Welfare, the plenipotentiaries of the two Contracting Parties have agreed upon the following declarations:

1. Advantages arising out of this Convention shall not accrue to persons who enter the territory of the other Contracting Party for the purpose of claiming such advantages. The foregoing shall not affect the provisions of article 10 of the Convention.

2. For the purpose of applying the provisions of article 3 of the Convention, the Contracting Parties shall proceed as follows:

- I. Public assistance benefits which are already being furnished by the country of origin at the time of entry into force of this Convention (article 3 of the Convention) shall in no case be taken into account by the country of residence to a greater extent than in the past.
- II. The exemption of benefits from deductibility accorded by article 6, paragraphs 1 and 2, of the Austro-German Treaty concerning Finance and Clearing of 27 November 1961 shall be neither abrogated nor affected by this Convention. The benefits in question shall accrue in full to the persons specified in the aforementioned provisions.

The arrangement agreed upon in the Final Protocol to the said Treaty concerning Finance and Clearing with respect to article 6(a) shall likewise be neither abrogated nor affected by this Convention.

III. If in the circumstances described in article 3 the country of residence takes into account, in whole or in part, a public assistance benefit provided by the country of origin or, having regard to such benefit, deems the provision of public assistance unjustified, the country of residence shall notify the country of origin accordingly without delay so as to allow it a reasonable opportunity of adjusting or of discontinuing its public assistance benefit.

3. The provisions of article 4 shall not affect provisions of domestic law concerning liability for costs.

4. The German side shall notify the Austrian side of any amendment to the Equalization of Burdens Act (article 5, paragraph (3)).

5. The Contracting Parties shall give sympathetic consideration to the possibility of permitting entry and residence by the spouse and minor children of an indigent person returning to his country of origin in accordance with the terms of article 7, paragraph (1), or article 8, paragraph (1), who wish to accompany or rejoin him, even where they do not possess the same nationality.

6. Humanitarian reasons precluding repatriation in accordance with the terms of article 8, paragraph (1), shall be deemed to exist in particular where the result would be to disrupt close ties in the country of residence, especially a family unit.

B. 1. The German Plenipotentiary indicated that benefits under the German equalization of burdens scheme constituted payment of compensation to classes of persons particularly affected by the war and its consequences. The German public assistance authorities therefore accorded particularly lenient treatment to the principal compensation (*Hauptentschädigung*) granted under the equalization of burdens scheme. Such benefits amounted to only a small percentage of the actual capital loss. To lay claims to them for repayment of costs or to take them into account for the purpose of current public assistance benefits would generally, therefore, constitute a special hardship. The German Plenipotentiary accordingly requested that, in cases where such compensation was being paid to recipients of assistance in Austria, the Austrian assistance authorities should treat that element of capital with great understanding for the situation of the person concerned, in the same manner as it was treated by the German public assistance authorities.

The Austrian Plenipotentiary agreed to the foregoing; he received assurances that the public assistance authorities in Austria would, upon inquiry in individual

cases, receive information from the approving authority concerning the provisions in force in the Federal Republic for laying claim to the principal compensation.

The Austrian Plenipotentiary requested equally lenient treatment for Austrian compensation benefits under the Act of 25 June 1958 relating to physical damage sustained during the war and as the result of persecution (*Bundesgesetzblatt* No. 127/1958).

The German Plenipotentiary agreed to the foregoing; he received assurances that the public assistance authorities in the Federal Republic would, upon inquiry in individual cases, receive information from the approving authority concerning the provisions in force in Austria for laying claim to the compensation benefits.

2. The Germany Plenipotentiary declared that the rent and relief subsidies provided for in German law did not constitute public assistance for the purposes of this Convention.

The Austrian Plenipotentiary took note of the foregoing, and observed that no clarifications were necessary from the Austrian side with respect to the term "public assistance" for the purposes of this Convention.

DONE at Bonn, on 17 January 1966, in duplicate.

For the Republic of Austria:

SCHÖNER

For the Federal Republic of Germany:

CARSTENS

## APPENDIX I

### LIST OF THE STATUTORY LEGISLATION OF THE TWO CONTRACTING PARTIES RELATING TO MATTERS OF PUBLIC ASSISTANCE AND JUVENILE WELFARE

#### 1. In Austria:

In Burgenland: Act of 7 February 1950, *LGBl.* No. 8/1951, concerning the continuation in force of the public assistance laws in *Land* Burgenland, and Proclamation of the *Land* President of 9 July 1959, *LGBl.* No. 10, concerning the annulment of certain provisions of the public assistance laws by the Constitutional Court;

In Carinthia: Act of 15 March 1949, *LGBl.* No. 23, concerning the continuation in force of the public assistance laws in *Land* Carinthia, as amended by Act of 12 July 1961, *LGBl.* No. 49;

- In Lower Austria: Act of 12 May 1949, *LGBl.* No. 40, concerning the provisional regulation of public assistance, and Proclamation of the *Land* President of 13 August 1955, *LGBl.* No. 97, concerning the annulment of certain provisions of the public assistance laws by the Constitutional Court;
- In Upper Austria: Act of 18 May 1949, *LGBl.* No. 53, concerning the continuation in force of the public assistance laws in *Land* Upper Austria, and Proclamation of the *Land* President of 26 July 1956, *LGBl.* No. 24, concerning the annulment of certain provisions relating to public assistance by the Constitutional Court;
- In Salzburg: Act of 17 November 1948, *LGBl.* No. 11/1949, concerning the provisional regulation of public assistance and juvenile assistance in *Land* Salzburg, as amended by Act of 26 April 1950, *LGBl.* No. 57;
- In Styria: Act of 5 January 1949, *LGBl.* No. 7, concerning the continuation in force of the public assistance laws in *Land* Styria, and Act of 6 June 1956, *LGBl.* No. 43, concerning the annulment of provisions relating to public assistance;
- In Tyrol: Act of 11 November 1948, *LGBl.* No. 11/1949, concerning the continuation in force of the public assistance laws in *Land* Tyrol;
- In Vorarlberg: Act *LGBl.* No. 4/1949 concerning the provisional regulation of public assistance, with corrigendum. *LGBl.* No. 51/1949;
- In Vienna: Act of 23 December 1948, *LGBl.* No. 11/1949, concerning the provisional regulation of public assistance and juvenile welfare, with due regard to article 37 (1) of the Act of 17 June 1955 concerning juvenile welfare, *LGBl.* No. 14.

Federal Act of 9 April 1954, *LGBl.* No. 99, which lays down principles in regard to maternity welfare, infant welfare and youth welfare and establishes directly applicable provisions in regard to juvenile welfare (Juvenile Welfare Act), and the *Land* Acts giving effect thereto:

- Burgenland: Juvenile Welfare Act of 16 November 1957, *LGBl.* No. 2/1958;
- Carinthia: Juvenile Welfare Order of 9 February 1956, *LGBl.* No. 15 (with corrigenda: *LGBl.* No. 27/1956 and *LGBl.* No. 18/1957);
- Lower Austria: Juvenile Welfare Act of 14 November 1956, *LGBl.* No. 121;
- Upper Austria: Juvenile Welfare Act of 19 July 1955, *LGBl.* No. 82;
- Salzburg: Juvenile Welfare Order of 4 July 1956, *LGBl.* No. 39;
- Styria: Juvenile Welfare Act of 16 November 1957, *LGBl.* No. 35/1958;
- Tyrol: Juvenile Welfare Act of 23 May 1955, *LGBl.* No. 28;
- Vorarlberg: Juvenile Assistance Act, *LGBl.* No. 17/1959, as amended by *Land* Act *LGBl.* No. 11/1961;
- Vienna: Juvenile Welfare Act of 17 June 1955, *LGBl.* No. 14.

2. In the Federal Republic:

(a) Federal Social Assistance Act of 30 June 1961 (*Bundesgesetzbl.* I, p. 815), as most recently amended by the Act of 31 August 1965 amending and supplementing the Federal Social Assistance Act (*Bundesgesetzbl.* I, p. 1027);

(b) Venereal Disease Control Act of 23 July 1953 (*Bundesgesetzbl.* I, p. 700);

(c) Juvenile Welfare Act of 11 August 1961 (*Bundesgesetzbl. I*, p. 1205);

(d) *Land* Acts giving effect to the Federal Social Assistance Act:

Baden-Württemberg: Act of 23 April 1963 giving effect to the Federal Social Assistance Act [Baden-Württemberg *GesBl.*, p. 33 (No. 5 of 25 April 1963)]

Bavaria: Act of 26 October 1962 giving effect to the Federal Social Assistance Act (AGBSHG) [Bavaria *GVBl.*, p. 272 (No. 19 of 21 October 1962)]

Berlin: Act of 21 May 1962 giving effect to the Federal Social Assistance Act [Berlin *GVBl.*, p. 471 (No. 21 of 24 May 1962)]

Bremen: Bremen Act of 5 June 1962 giving effect to the Federal Social Assistance Act (BrAGBSHG) [Free Hanseatic City of Bremen *GesBl.*, p. 149 (No. 27 of 15 June 1962)]

Hesse: Hesse Act of 28 May 1962 giving effect to the Federal Social Assistance Act (HAG/BSHG) [*Land Hesse GVBl.*, p. 273 (No. 15 of 30 May 1962)]

Lower Saxony: Lower Saxony Act of 29 June 1962 giving effect to the Federal Social Assistance Act [Lower Saxony *GVBl.*, p. 69 (No. 14 of 30 June 1962)]

North Rhine-Westphalia: Act of 25 June 1962 giving effect to the Federal Social Assistance Act (AG/bshg) [*Land North Rhine-Westphalia GVBl.*, p. 344 (No. 41 of 27 June 1962)]

Rhineland-Palatinate: *Land* Act of 8 March 1963 giving effect to the Federal Social Assistance Act (BSHG) of 30 June 1961 (*Bundesgesetzbl. I*, p. 815) AGBSHG [Rhineland-Palatinate *GVBl.*, p. 79 (No. 15 of 19 March 1963)]

The Saar: Act No. 776 of 6 February 1963 giving effect to the Federal Social Assistance Act of 30 June 1961 [Saar *Amtsbl.*, p. 143 (No. 16 of 29 March 1963)]

Schleswig-Holstein: Act of 6 July 1962 giving effect to the Federal Social Assistance Act (AGBSHG) [Schleswig-Holstein *GVBl.*, p. 271 (No. 29 of 23 July 1962)]

(e) *Land* Acts giving effect to the Juvenile Welfare Act:

Baden-Württemberg: Act of 9 July 1963 giving effect to the Juvenile Welfare Act [Baden-Württemberg *GesBl.*, p. 99 (No. 12 of 18 July 1963)], as amended with respect to article 31, paragraphs 1 and 2, and article 32 by Act of 5 May 1964 [*GesBl.*, p. 253 (No. 12 of 13 May 1964)]

Bavaria: Act of 23 July 1965 giving effect to the Juvenile Welfare Act, the Act for the protection of juveniles in public and the Act concerning the distribution of publications dangerous to youth—Youth Office Act (JAG) [Bavaria *GVBl.*, p. 194 (No. 11 of 30 July 1965)]

Bremen: Act giving effect to the Juvenile Welfare Act, as amended on 1 July 1962 [Free Hanseatic City of Bremen *GesBl.*, p. 165 (No. 33 of 2 July 1962)]

Hamburg: Act of 17 March 1949 giving effect to the *Reich* Juvenile Welfare Act of 9 July 1922, as amended in the Compilation of Revised *Land* Laws, No. 216 (a) of 22 June 1962 [Hamburg *GVBl. I*, p. 137] and of 10 September 1962 [*GVBl. I*, p. 166]

Lower Saxony: Act of 13 December 1962 giving effect to the Juvenile Welfare Act [Lower Saxony *GVBl.*, p. 246 (No. 32 of 18 December 1962)]

North Rhine-Westphalia: Promulgation of the amended version of the Act giving effect to the Juvenile Welfare Act, of 26 August 1965 [*Land* North Rhine-Westphalia *GVBl.*, p. 248 (No. 43 of 10 September 1965)]

Rhineland-Palatinate: *Land* Act of 8 March 1963 giving effect to the Juvenile Welfare Act [*Land* Rhineland-Palatinate *GVBl.*, p. 84 (No. 15 of 19 March 1963)]

The Saar: Saar Act of 22 April 1964 giving effect to the Juvenile Welfare Act [Saar *Amtsbl.*, p. 389 (No. 35 of 30 May 1964)]

Schleswig-Holstein: Promulgation of the amended version of the Act giving effect to the *Reich* Juvenile Welfare Act, of 7 July 1962 [Schleswig-Holstein *GVBl.*, p. 276 (No. 29 of 23 July 1962)]

(f) Supplementary provisions of *Land* law concerning competence with respect to juvenile welfare:

Bavaria: Ordinance of 11 July 1962 assigning spheres of competence of the *Land* Youth Office (Bavaria *GVBl.*, p. 104)

Bremen: ordinance of 19 June 1962 concerning spheres of competence under the Juvenile Welfare Act (Free Hanseatic City of Bremen *GesBl.*, p. 172).

## APPENDIX II

### LIST OF FRONTIER MUNICIPALITIES

#### A. AUSTRIAN FRONTIER MUNICIPALITIES

##### LAND UPPER AUSTRIA

##### *Political District of Braunau am Inn*

Altheim	Hochburg-Ach	St. Georgen am Fillmanns-
Aspach	Mauerkirchen	bach
Braunau am Inn	Mining	St. Pantaleon
Burgkirchen	Moosbach	St. Peter am Hart
Eggelsberg	Moosdorf	St. Radegund
Franking	Neukirchen an der Enknach	St. Veit im Innkreis
Geretsberg	Ostermiething	Tarsdorf
Gilgenberg am Weilhart	Polling im Innkreis	Traubach
Haigermoos	Roszbach	Ueberackern
Handenberg	Schwand im Innkreis	Weng im Innkreis



*Political District of Ried im Innkreis*

Antiesenhofen	Mörschwang	St. Georgen bei Obernberg am Inn
Aurolzmünster	Mühlheim am Inn	St. Martin im Innkreis
Eitzing	Obernberg am Inn	Utzenaich
Geinberg	Ort im Innkreis	Weilbach
Gurten	Reichersberg	Wippenham
Kirchdorf am Inn	Ried im Innkreis	
Lambrechtan	Senftenbach	

*Political District of Rohrbach*

Atzesberg	Niederkappel	Rannastift
Hörbich	Oberkappel	Rohrbach in Oberöster- reich
Hofkirchen im Mühlkreis	Oepping	Sarleinsbach
Julbach	Peilstein im Mühlviertel	Schlägl
Klaffer	Pfarrkirchen im Mühlkreis	Schwarzenberg im Mühl- kreis
Kollerschlag	Putzleinsdorf	Ulrichsberg
Lembach im Mühlkreis		
Nebelberg		

*Political District of Schärding*

Andorf	Mayrhof	St. Marienkirchen bei Schärding
Brunnenthal	Münzkirchen	St. Roman
Diersbach	Rainbach im Innkreis	Suben
Eggerding	Schardenberg	Taufkirchen an der Pram
Engelhartzell	Schärding	Vichtenstein
Esternberg	St. Aegidi	Waldkirchen am Wesen
Freinberg	St. Florian am Inn	Wernstein
Kopfung im Innkreis		

## LAND SALZBURG

The *Land* capital of Salzburg*Political District of Hallein*

Abtenau	Krispl	Scheffau an der Lammer
Adnet	Kuchl	St. Koloman
Annaberg im Lammertal	Oberalm	Vigaun
Golling an der Salzach	Puch bei Hallein	
Hallein	Russbach am Pass Gschütt	

*Political District of Salzburg*

Anif	Grödig	Obertrum
Anthering	Grossgmain	Plainfeld
Bergheim	Hallwang	Schleedorf
Berndorf bei Salzburg	Koppl	Seeham
Dorfbeuern	Lamprechtshausen	Seekirchen-Land
Elixhausen	Mattsee	Seekirchen-Markt
Elsbethen	Nussdorf am Haunsberg	St. Georgen bei Salzburg
Eugendorf	Oberndorf bei Salzburg	Wals-Siezenheim
Göming		

*Political District of St. Johann im Pongau*

Bischofshofen	Pfarrwerfen	Wagrain
Goldegg im Pongau	St. Johann im Pongau	Werfen
Hüttau	St. Veit im Pongau	Werfenweng
Mühlbach am Hochkönig	Schwarzach im Pongau	

*Political District of Zell am See*

Alm	Maishofen	Unken
Dienten am Hochkönig	Saalbach	Viehhofen
Leogang	Saalfelden am Steinernen Meer	Weissbach bei Lofer
Lofer	St. Martin bei Lofer	Zell am See

## LAND TYROL

The *Land* capital of Innsbruck

*Political District of Imst*

Imst	Mötz	Obsteig
Mieming	Nassereith	

*Political District of Innsbruck*

Absam	Petttau	Thaur
Baumkirchen	Reith bei Seefeld	Volders
Fritzens	Rum	Wattens
Gnadenswald	Scharnitz	Wildermieming
Leutasch	Seefeld in Tirol	Zirl
Mils bei Solbad Hall	Solbad Hall in Tirol	
Oberhofen in Tirol	Telfs	

*Political District of Kitzbühel*

Brixen im Thale	Kirchdorf in Tirol	St. Jakob am Pillersee
Fieberbrunn	Kitzbühel	St. Johann in Tirol
Going	Kössen	St. Ulrich am Pillersee
Hopfgarten in Nordtirol	Oberndorf in Tirol	Waidring
Itter	Reith bei Kitzbühel	Westendorf
Kirchberg in Tirol	Schwendt	

*Political District of Kufstein*

Angath	Kramsach	Retzenschöss
Brandenberg	Kufstein	Scheffau am Wilden Kaiser
Breitenbach am Inn	Kundl	Schwoich
Brixlegg	Langkampfen	Söll
Buchberg am Kaiser	Mariastein	Thiersee
Ebbs	Münster	Unterangerberg
Ellmau	Niederndorf	Walchsee
Erl	Niederndorferberg	Wörgl
Häring	Radfeld	
Kirchbichl	Rattenberg	

*Political District of Landeck*

Landeck	St. Anton am Arlberg	Zams
Pettneu		

*Political District of Reutte*

Bach	Heiterwang	Pinzwang
Biberwier	Hinterhornbach	Reutte
Bichlbach	Höfen	Schattwald
Breitenwang	Holzgau	Stanzach
Ehenbichl	Jungholz	Steeg
Ehrwald	Kaisers	Tannheim
Elbigenalp	Lechaschau	Vils
Elmen	Lermoos	Vorderhornbach
Forchach	Musau	Wängle
Grän	Nesselwängle	Weissenbach im Lechtal
Häselgehr	Pfifach	Zöblen

*Political District of Schwaz*

Achenkirch	Schwaz	Vomp
Buch bei Jenbach	Stanz	Weer
Eben	Steinberg am Rofan	Wiesing
Jenbach	Strass bei Jenbach	
Pill	Terfens	

## LAND VORARLBERG

*Political District of Bludenz*

Bludenz	Lech
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*Political District of Bregenz*

Alberschwende	Bregenz	Gaissau
Andelsbuch	Buch	Hard
Au	Doren	Hittisau
Bezau	Egg	Höchst
Bildstein	Eichenberg	Hörbranz
Bizau	Fussach	Hohenweiler

Kennelbach	Mellau	Schröcken
Krumbach	Mittelberg	Schwarzach
Langen	Möggers	Schwarzenberg
Längenegg	Reuthe	Sibratsgfäll
Lauterach	Riefensberg	Sulzberg
Lingenau	Schnepfau	Warth
Lochau	Schoppernau	Wolfurt

*Political District of Feldkirch*

Dornbirn	Lustenau
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B. GERMAN FRONTIER MUNICIPALITIES

*Landkreis Lindau (Bodensee)*

Bösenreutin	Oberreute	Simmerberg
Hergensweiler	Scheffau	Weiler im Allgäu
Lindenberg i. Allgäu	Scheidegg	Weissensberg
Niederstaufer	Sigmarszell	

*Landkreis Sonthofen*

Aach i. Allgäu	Gunzesried	Rettenberg
Akams	Hindelang	Schöllang
Altstädten	Immenstadt i. Allgäu	Sonthofen
Balderschwang	Missen-Wilhams	Stein i. Allgäu
Blaichach	Niedersonthofen	Stiefenhofen
Bolsterlang	Obermaiselstein	Thalkirchdorf
Bühl a. Alpsee	Oberstaufer	Tiefenbach b. Oberstdorf
Burgberg i. Allgäu	Oberstdorf	Unterjoch
Diepolz	Ofterschwang	Untermaisalstein
Eckarts	Ottacker	Vorderburg
Fischen i. Allgäu	Rauhenzell	Wertach

*Landkreis Kempten (Allgäu)*

Buchenberg	Mittelberg	Sulzberg
Durach	Moosbach	Waltenhofen
Kempten (Allgäu)	Petersthal	Weitnau
Martinszell	Rechtis	Wengen
Memhölz		

*Landkreis Füssen*

Buching	Hopferau	Rückholz
Eisenberg	Lechbruck	Schwangau
Enzenstetten	Nesselwang	Seeg
Eschach	Pfronten	Trauchgau
Füssen	Rieden	Weissensee
Hopfen am See	Rosshaupten	Zwieselberg

*Landkreis Garmisch-Partenkirchen*

Garmisch-Partenkirchen	Krün	Wallgau
Grainau	Mittenwald	Wamberg

*Landkreis Bad Tölz*

Lenggries

*Landkreis Miesbach*

Bayrischzell Kreuth

*Landkreis Rosenheim*

Brannenburg	Kiefersfelden	Oberaudorf
Degerndorf a. Inn	Niederaudorf	Sachrang
Flintsbach	Nussdorf a. Inn	

*Landkreis Traunstein*

Bergen	Marquartstein	Siegsdorf
Eisenärzt	Oberwössen	Staudach-Egerndach
Grabenstätt	Reit im Winkl	Traunstein
Grassau	Rottau	Übersee
Hammer	Ruhpolding	Unterwössen
Holzhausen	Schlechting	Vogling
Inzell		

*Landkreis Berchtesgaden*

Anger	Karlstein	Ramsau b. Berchtesgaden
Au	Königssee	Salzberg
Aufham	Landschellenberg	Scheffau
Bad Reichenhall	Maria Gern	Schneizlreuth
Bayerisch Gmain	Marktschellenberg	Schönau
Berchtesgaden	Marzoll	Weissbach a. d. Alpenstrasse
Bischofswiesen	Piding	
Högl		

*Landkreis Laufen*

Ainring	Laufen	Strass
Asten	Leobendorf	Surheim
Freidling	Neukirchen (am Teisen-	Taching a. See
Freilassing	berg)	Teisendorf
Freutsmoos	Nirnharting	Tengling
Fridolfing	Oberteisendorf	Tettenhausen
Gaden	Otting	Tittmoning
Heining	Palling	Törring
Holzhausen b. Teisendorf	Petting	Triebenbach
Kapell	Pietling	Tyrlaching
Kay	Ringham	Waging a. See
Kirchanschöring	Rossdorf	Weildorf
Kirchheim	Rückstetten	Wonneberg
Lampoding	Saaldorf	

*Landkreis Altötting*

Altötting	Halsbach	Raitenhaslach
Alzgern	Kirchweidach	Reischach
Arbing	Markt	Schützing
Burghausen	Marktberg	Stammham
Burgkirchen a. d. Alz	Mehring	Teising
Dorfen	Neukirchen a. d. Alz	Töging a. Inn
Eggen	Neuötting	Tüssling
Emmerting	Nonnberg	Untenburgkirchen
Endlkirchen	Oberburgkirchen	Unterkastl
Erlbach	Oberkastl	Unterpleiskirchen
Feichten	Oberpleiskirchen	Wald a. d. Alz
Forstkastl	Oberzeitlarn	Wald b. Winhöring
Garching a. d. Alz	Perach	Winhöring
Guffham	Piesing	
Haiming	Raitenhart	

*Landkreis Mühldorf a. Inn*

Forsting	Unterneukirchen
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*Landkreis Pfarrkirchen*

Asenham	Münchham	Stubenberg
Eggstetten	Neukirchen b. Pfarrkirchen	Tann
Ering	Obertürken, Post Zeilarn	Taubenbach
Erlach	über Tann	Triftern
Gangerbauer	Pfarrkirchen	Ulbering
Gumpersdorf	Postmünster	Untergrasensee
Julbach	Randling	Voglarn
Kirchberg a. Inn	Reichenberg	Walburgskirchen
Kirchdorf a. Inn	Reut, Post Tann	Wiesing
Lengsham	Schildthurn	Wittibreut
Loderham	Simbach a. Inn	Zimmern

*Landkreis Griesbach i. Rottal*

Aigen a. Inn	Karpfham	Pocking
Asbach	Kirchham	Poigham
Bayerbach	Kösslarn	Rotthalmünster
Egglfing	Kühnham	Ruhstorf
Hartkirchen	Malching	Safferstetten
Hubreith	Mittich	Thanham
Hütting	Oberschwärzenbach	Weihmörting
Indling	Pattenham	Würding

*Landkreis Eggenfelden*

Eggenfelden	Hebertsfelden	Linden
Gern I	Hickerstall	Lohbruck
Gern II	Hirschhorn	Martinskirchen
Hammersbach	Langeneck	Rogglfing

*Landkreis Passau*

Bad Höhenstadt	Hacklberg	Neuhaus a. Inn
Eglsee	Hals	Neukirchen a. Inn
Eholting	Heining	Passau
Engertsham	Kellberg	Sulzbach a. Inn
Grubweg	Neuburg a. Inn	Witzmannsberg

*Landkreis Wegscheid*

Breitenberg	Gottsdorf	Oberzell
Ederlsdorf	Hauzenberg	Sonnen
Eidenberg	Kasberg	Thalberg
Gegenbach	Lämmersdorf	Wegscheid
Gollnerberg	Messnerschlag	Wildenranna

*Landkreis Wolfstein*

Gsenget	Lackenhäuser	Neureichenau
Klafferstrass		

AGREEMENT<sup>1</sup> FOR THE IMPLEMENTATION OF THE CONVENTION OF 17 JANUARY 1966<sup>2</sup> BETWEEN THE REPUBLIC OF AUSTRIA AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING PUBLIC ASSISTANCE AND JUVENILE WELFARE

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Pursuant to article 14 of the Convention of 17 January 1966<sup>2</sup> between the Republic of Austria and the Federal Republic of Germany concerning Public Assistance and Juvenile Welfare (hereinafter referred to as "the Convention"), the competent authorities of the Contracting Parties, namely:

For Austria, the Federal Ministry of the Interior and the Federal Ministry of Social Affairs;

For the Federal Republic, the Federal Minister of the Interior and the Federal Minister for Family and Youth Affairs;

have agreed as follows concerning the technical questions involved in implementing the Convention, and in particular concerning the nature and manner of communication with one another:

PART I

GENERAL PROVISIONS

(Article 1 of the Convention)

*Article 1*

(1) For the purposes of this Agreement, the expressions referred to in article 1 of the Convention have the meanings assigned to them in the Convention. Public assistance includes provision of the essential means of subsistence by public juvenile welfare authorities in the Federal Republic to minors who are accommodated with a family other than their parents or in a home or other institution and who are in receipt of assistance for their upbringing.

(2) The public juvenile welfare authorities are, in Austria, the *Länder*, and, in the Federal Republic, the municipalities, the associations of municipalities and the *Länder*. The organs of the public juvenile welfare authorities are, in Austria,

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<sup>1</sup> Came into force on 1 January 1970, the date of entry into force of the Convention, in accordance with article 27.

<sup>2</sup> See p. 360 of this volume.



the offices of District Presidents (youth offices), in incorporated towns the town councils (youth offices), and the *Land* governments, and, in the Federal Republic, the youth offices, the *Land* youth offices and the supreme *Land* youth authorities.

### *Article 2*

(1) The presumption of Austrian nationality shall be established by court orders showing that nationality has been acquired or confirmed or that retention of nationality has been approved, by certificates of nationality, by passports or by identity cards issued by the Republic of Austria.

(2) The presumption of German nationality or of the status of a German not possessing German nationality shall be established by documentary evidence of nationality (certificates of domicile or certificates of nationality), by certificates evidencing possession of the status of a German, by passports or by identity cards issued by the Federal Republic of Germany or provisional identity cards issued by *Land* Berlin.

(3) The presumption of Austrian nationality or of German nationality may also be established by other means.

## PART II

### PROVISION OF PUBLIC ASSISTANCE AND JUVENILE WELFARE

(Articles 2 and 3 of the Convention and section A (2) of the Final Protocol)

### *Article 3*

For the purpose of the provision of public assistance in accordance with article 2 of the Convention, the authorities of the two Contracting Parties shall proceed on the following basis, namely, that the condition of indigence (article 1 (4) of the Convention) need not in every case consist in a total or partial lack of the means essential to the subsistence of the person seeking assistance but may also result from special circumstances of life or from the fact that such means as are available do not exceed the level below which they are, by law, to be disregarded in whole or in part.

### *Article 4*

(1) The notification provided for in section A (2) (III) of the Final Protocol to the Convention shall be addressed without delay by the public assistance or public juvenile welfare authority of the country of residence to the public assistance or public juvenile welfare authority of the country of origin which is

providing a benefit of the kind referred to in article 3 of the Convention. The notification shall indicate the date from which public assistance is being granted and the amount up to which a public assistance benefit provided by the country of origin is not deemed to constitute a ground for reducing the public assistance benefit provided by the country of residence.

(2) In applying the provisions of section A (2) (III) of the Final Protocol to the Convention, the public assistance or public juvenile welfare authority of the country of residence and the public assistance or public juvenile welfare authority of the country of origin shall ensure that the measures taken by them complement one another as effectively as possible.

(3) The provisions of paragraph (1) of this article shall apply *mutatis mutandis* to social insurance authorities in Austria.

### PART III

## TRANSFER OF CLAIMS; ADMINISTRATIVE ASSISTANCE

(Articles 5 and 6 of the Convention)

### *Article 5*

The public assistance or public juvenile welfare authority submitting a request in accordance with article 5 of the Convention shall expressly indicate that the request is so submitted.

### *Article 6*

(1) The public assistance or public juvenile welfare authority of one of the Contracting Parties shall address requests under the terms of article 5, paragraph (1) or paragraph (2), of the Convention to the local public assistance or public juvenile welfare authority of the other Contracting Party in whose area the party liable for repayment of costs or the third party is normally resident or domiciled. The requesting authority shall conform to the model (annex 1).

(2) If under the legislation applicable to it the requested authority is not competent within its area for a benefit of the same type, it shall deliver the request to the competent authority, under advice to the requesting authority.

(3) If the recipient of assistance is simultaneously in receipt of public assistance benefits provided by the country of origin, the request shall be addressed to the public assistance or public juvenile welfare authority of the country of origin which is providing the benefits.

(4) The request shall of itself empower the requested public assistance or public juvenile welfare authority to seek to enforce claims in accordance with article 5 or article 6 of the Convention; no power of attorney shall be necessary.

#### *Article 7*

(1) The authority to which a request is addressed in accordance with article 5, paragraph (1) or paragraph (2), of the Convention shall without delay investigate whether the legislation to which it is subject permits it to seek to enforce the claim on behalf of the requesting authority. Transferable claims shall be transferred to the requesting authority by the requested authority, under advice in writing.

(2) If the investigation shows that the request cannot be complied with or can be complied with only in part, the requested authority shall notify the requesting authority accordingly, indicating the legal situation. If the requested authority considers that legal or administrative assistance would be ineffectual, it shall promptly inform the requesting authority to that effect so as to allow it a reasonable opportunity of withdrawing its request.

(2) The requested authority shall furnish information concerning the right of appeal in accordance with the law to which it is subject.

#### *Article 8*

(1) The Austrian public assistance authority shall address claims under the terms of article 5, paragraphs (3) and (4), of the Convention:

1. To the public assistance authority in whose area the recipient of assistance was last permanently (normally) resident after sustaining the damage and before leaving the Federal Republic;
2. If the recipient of assistance was at no time permanently (normally) resident in the Federal Republic after sustaining the damage:
  - (a) In the case of physical war damage, to the public assistance authority in whose area the physical war damage occurred;
  - (b) In all other cases, to the Chief Clerk (Social Affairs Office) of the City of Cologne.

(2) If the Austrian public assistance authority is uncertain which public assistance authority in the Federal Republic is competent in a specific case according to the location of the equalization office, it may address its request for settlement to the Federal Equalization Office at Bad Homburg von der Höhe, which shall without delay determine the competent authority and forward the request to it, under simultaneous advice to the requesting authority.

*Article 9*

(1) In the case of requests under the terms of article 5, paragraph (3) or paragraph (4), of the Convention, the competent public assistance authority in Austria shall conform to the model (annex 2). It may state that its request is to be complied with only if the amount payable is greater than the amount of the cash allowance which it is required to provide (article 292 of the Equalization of Burdens Act, as amended).

(2) The public assistance authorities of the two Contracting Parties may, with the consent of the competent equalization office, agree in individual cases that the current payments referred to in article 5, paragraph (4), of the Convention shall be remitted directly to the requesting authority.

*Article 10*

The competent authorities of the Federal Republic shall notify the competent authorities of Austria without delay of any further amendments to article 292 of the Equalization of Burdens Act.

*Article 11*

The public assistance or public juvenile welfare authority which succeeds in enforcing claims against parties liable for repayment of costs or third parties in one of the cases referred to in article 3 of the Convention shall inform the public assistance or public juvenile welfare authority of the other Contracting Party accordingly, unless in accordance with article 5, paragraph (5), of the Convention the first-mentioned authority has a preferential claim to satisfaction of its own demands and it is established that the amounts recovered from the parties liable for repayment of costs or from the third parties will not exceed the amount of the said demands.

*Article 12*

Administrative assistance in accordance with article 6, paragraph (1), of the Convention shall include the furnishing of information concerning the applicable law.

*Article 13*

(1) For the purpose of applying the provisions of article 6, paragraph (2), of the Convention, the requesting public assistance or public juvenile welfare authority shall at all stages of the judicial proceedings inform the requested authority without delay of any facts at its disposal which are relevant to the conduct of the case. The requested public assistance or public juvenile welfare authority shall advise the requesting authority without delay of all major develop-

ments in the course of the judicial proceedings. It shall be obligated to follow the instructions of the requesting authority.

(2) The requested public assistance or public juvenile welfare authority shall be entitled and obligated to lodge appeals or apply for other judicial remedies within the prescribed time-limit, if the requesting public assistance or public juvenile welfare authority has not yet issued instructions. The requested public assistance or public juvenile welfare authority shall, in this event also, advise the requesting authority without delay of the action it has taken. Charges and expenses shall, in this event also, be borne by the requesting public assistance or public juvenile welfare authority.

#### *Article 14*

For the purposes of article 6, paragraph (4), of the Convention, the term "legislation" includes provisions authorizing action to compel the disclosure of information.

#### *Article 15*

(1) If, the facts of a case having been determined, the public assistance or public juvenile welfare authority seeking administrative assistance is unable, despite careful investigation, to judge which public assistance or public juvenile welfare authority is competent for the place and case in question, it may address the request for administrative assistance to the competent authority of the other Contracting Party. The last-mentioned authority shall forward the request to the competent public assistance or public juvenile welfare authority without delay, under simultaneous advice to the requesting authority.

(2) The provisions of paragraph (1) of this article shall not apply to cases in which competence as to place cannot be determined because a person's place of residence is unknown.

### PART IV

## RETURN TO THE COUNTRY OF ORIGIN; REPATRIATION

(Articles 7, 8 and 9 of the Convention)

#### *Article 16*

(1) For the purpose of implementing the provisions of part IV of the Convention, the authorities of the Contracting Parties shall apply the provisions of section A, paragraphs 1 and 2, section B, paragraphs 1 to 3, and section C,

paragraph 1 and paragraph 3, first sub-paragraph, of the Agreement of 19 July 1961<sup>1</sup> between the Austrian Federal Government and the Government of the Federal Republic of Germany concerning the acceptance of persons at the frontier.

(2) For the purpose of implementing the provisions of the Convention, the provisions of section A, paragraph 2, and section B, paragraph 2, of the Agreement of 19 July 1961 referred to in paragraph (1) of this article shall also apply to minors, provided that they are in need of attention.

#### *Article 17*

(1) Where an indigent person has expressed the intention of returning to his country of origin, and where article 7, paragraph (1) (b), of the Convention is not applicable, the competent public assistance or public juvenile welfare authority of the country of residence shall advise the consular post of the country of origin accordingly without delay, with a view to verifying the conditions laid down in article 7, paragraph (1) (a), of the Convention. The consular post shall be allowed a reasonable opportunity of making appropriate investigations. Failure to advise the consular post shall be permissible only where the absence of any genuine desire to return to the country of origin is established beyond doubt.

(2) The indigent person may revoke his expression of intention as referred to in article 7, paragraph (1), of the Convention at any time prior to his return to the country of origin.

#### *Article 18*

The authority of the country of residence shall, before carrying out an intended repatriation permissible under the terms of article 8, paragraph (1), of the Convention, allow the consular post of the country of origin the opportunity of stating its views within a period of one month.

#### *Article 19*

For the purpose of determining the period of absence referred to in article 9, paragraph (2), of the Convention, all absences within a period of one year shall be aggregated.

#### *Article 20*

Benefits in cash or in kind which are provided out of public assistance funds of the country of residence and which, by their nature, cannot be related to a specific period of time shall not be deemed to be public assistance benefits for the purposes of article 9, paragraph (3), of the Convention, even if they are provided in order to ensure subsistence.

<sup>1</sup> United Nations, *Treaty Series*, vol. 414, p. 211.

## PART V

## SPECIAL ARRANGEMENTS FOR FRONTIER ZONES

(Articles 10 and 11 of the Convention)

*Article 21*

(1) If a public assistance authority learns of the admission to a hospital, sanatorium or home for the aged within its area of an indigent national of the other Contracting Party who was at the time of his admission normally resident in the frontier zone of that Contracting Party (article 10, paragraph (3), of the Convention), the said authority shall without delay address the application for reimbursement of costs to the public assistance authority in whose area the indigent person was normally resident at the time of his admission.

(2) The authorities of the two Contracting Parties shall apply the provisions of article 10, paragraphs (1) and (2), of the Convention to all institutions which are by their nature and according to their purposes hospitals, sanatoria or homes for the aged; they shall not exclude any institution for the sole reason that it bears some other name.

(3) Costs shall be reimbursed as soon as possible, and at the latest within a period of one year.

## PART VI

## FINAL PROVISIONS

(Articles 12 to 18 of the Convention)

*Article 22*

The competent authorities shall notify one another of the conclusion of international agreements or the entry into effect of supranational rules, if the application of the Convention may be materially affected by the agreements or rules in question.

*Article 23*

Complaints regarding the behaviour of public assistance or public juvenile welfare authorities shall be communicated only between the competent authorities.

*Article 24*

For the purpose of ensuring as far as possible the harmonious application and interpretation of the Convention and of this Agreement, and in particular

of avoiding or resolving disputes between the two Contracting Parties, meetings between representatives of the competent authorities, assisted by experts, shall be held whenever necessary, or at least once every two years.

*Article 25*

This Agreement may be terminated, upon six months' notice of denunciation, at the end of any calendar year; it shall also cease to have effect if the Convention becomes invalid.

*Article 26*

This Agreement shall also apply to *Land* Berlin, provided that the Federal Minister of the Interior and the Federal Minister for Family and Youth Affairs of the Federal Republic have not delivered a contrary declaration to the Federal Ministry of the Interior and the Federal Ministry of Social Affairs of Austria within three months from the date of entry into force of this Agreement.

*Article 27*

This Agreement shall enter into force on the same date as the Convention.

DONE at Vienna, on 25 October 1968, in duplicate.

For the Federal Ministry of the Interior  
of the Republic of Austria:

F. SORONICS

and for the Federal Ministry of Social Affairs  
of the Republic of Austria:

Grete REHOR

For the Federal Minister of the Interior  
and for the Federal Minister for Family and Youth Affairs  
of the Federal Republic of Germany:

LÖNS



ANNEX 1

(Ad article 6)

....., ..... 19....  
(Name of the requesting public  
assistance/ juvenile welfare  
authority)

No. ....  
(Reference number)

To:

.....  
(Name of the requested public  
assistance/juvenile welfare  
authority)

at.....

- Re: (a) Request for attempted enforcement of claims for repayment of costs under article 5, paragraph (1), of the Convention of 17 January 1966 between the Republic of Austria and the Federal Republic of Germany concerning Public Assistance and Juvenile Welfare
- (b) Request for attempted enforcement of claims against third parties under article 5, paragraph (2), of the Convention of 17 January 1966 between the Republic of Austria and the Federal Republic of Germany concerning Public Assistance and Juvenile Welfare

Amount: .....

.....  
(Full name of the recipient of assistance, together with maiden name in the case of a married woman)

born on ....., at .....

nationality .....

resident at .....

(if accommodation provided in an institution or home) .....

.....  
(Name and adress of institution/home)

has been/is being provided with the following welfare benefits:

<i>From</i>	<i>To</i>	<i>Type of benefit, comments</i>	<i>Amount, monthly</i>
-------------	-----------	--------------------------------------	------------------------

Total amount \_\_\_\_\_

Statement concerning the factual and legal situation:

Request (full particulars)

Please remit the amount to account . . . . .

ANNEX 2

(Ad article 9)

....., ..... 19.....  
 (Name of the requesting public  
 assistance authority)

No. ....  
 (Reference number)

To: *In duplicate*

.....  
 (Name of the requested public  
 assistance authority)

at .....

to be forwarded to the competent equalization office

*Re: (a)* Request to make arrangements for repayment of costs (payment of arrears as per article 292, paragraph 3, of the Equalization of Burdens Act) under article 5, paragraph (3), of the Convention of 17 January 1966 between the Republic of Austria and the Federal Republic of Germany concerning Public Assistance and Juvenile Welfare

(b) Request for transfer of claim to war damage pension (current payments as per article 292, paragraph 4, of the Equalization of Burdens Act) under article 5, paragraph (4), of the Convention of 17 January 1966 between the Republic of Austria and the Federal Republic of Germany concerning Public Assistance and Juvenile Welfare

Amount: .....

.....  
(Full name of the recipient of assistance, together with maiden name in the case of a married woman)

born on ....., at .....

nationality .....

resident at .....

(if accommodation provided in an institution or home) .....

.....  
(Name and address of institution/home)

has been/ is being provided with the following welfare benefits:

<i>From</i>	<i>To</i>	<i>Type of benefit, comments</i>	<i>Amount, monthly</i>
-------------	-----------	--------------------------------------	----------------------------

Total amount \_\_\_\_\_

Non-recurring grants (e.g., for clothing) to recipients of assistance who have not been provided with accommodation in an institution or home are not included in the statement.

The above-named person has declared (documentary evidence as follows: .....)  
.....)  
that he/she sustained damage within the meaning of the law relating to equalization of burdens; his/her last place of permanent (normal) residence in the Federal Republic (including *Land* Berlin) was: .....

\* that he/she sustained physical war damage at .....

\* that he/she sustained other damage, as follows: .....

He/she accordingly has a presumptive claim to war damage pension under the Equalization of Burdens Act.

Request is hereby made for:

- (a) arrangements for repayment of costs under article 5, paragraph (3), of the aforementioned Convention through remittance of the amount of the payment in arrears and
- (b) transfer of current war damage pension payments under article 5, paragraph (4), of the aforementioned Convention, read in conjunction with article 5, paragraph (2), thereof.

This request is to be complied with only if the amount of war damage pension payable for the months indicated above (the current payment for each month) included in the amount of the payment in arrears exceeds the amount of the cash allowance to be provided under article 292, paragraph 4, of the Equalization of Burdens Act.

Please obtain the consent of the competent equalization office for remittance of current war damage pension payments directly to account ..... in the case of a person provided with accommodation in an institution or home, and quote the reference number of this request on all remittances.

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\* To be completed only if the above-named person was at no time permanently (normally) a resident in the Federal Republic (including *Land* Berlin) after sustaining the damage.