

No. 13691

**SWEDEN, DENMARK,
FINLAND and NORWAY**

**Agreement on co-ordination of pension entitlement under
State pension schemes (with annex). Signed at Stockholm
on 18 December 1973**

Authentic texts: Danish, Finnish, Norwegian and Swedish.

Registered by Sweden on 17 December 1974.

**SUÈDE, DANEMARK,
FINLANDE et NORVÈGE**

**Accord relatif à l'harmonisation des droits à pension prévus
par les régimes de pensions de l'Etat (avec annexe).
Signé à Stockholm le 18 décembre 1973**

Textes authentiques : danois, finnois, norvégien et suédois.

Enregistré par la Suède le 17 décembre 1974.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN SWEDEN, DENMARK, FINLAND AND NORWAY ON CO-ORDINATION OF PENSION ENTITLEMENT UNDER STATE PENSION SCHEMES

The Governments of Sweden, Denmark, Finland and Norway, sharing the concern that transfer from employment with State pension entitlement in one Nordic country to similar employment in another Nordic country should not be hindered by consideration relating to pensions, have agreed on the following provisions:

Article 1. This Agreement shall apply to pension entitlement in respect of employment covered by a State pension scheme in one of the above-mentioned Nordic countries.

The term "State pension scheme" shall refer to the pension schemes indicated in the annex to this Agreement.

Article 2. Where a person who has been employed as specified in article 1 obtains similar employment in another of the above-mentioned Nordic countries, it shall be considered, with regard to provisions concerning the period of employment required for pension entitlement and similar time requirements, that the pension scheme covering the later employment also covered the first-mentioned employment.

Article 3. In the case of direct transfer from employment as specified in article 1 to similar employment in another of the above-mentioned Nordic countries, the following shall apply:

Provisions of the pension scheme covering the new employment which relate to the restriction of pension entitlement by reason of sickness, infirmity, disability or injury shall not cause a special new certification of the employee's state of health to be required.

When pension entitlement was restricted under the provisions of the pension scheme covering the employee before his transfer, a deterioration in his health occurring after an examination made before the transfer shall be disregarded in any examination made after the transfer.

Article 4. When a personal family pension becomes payable immediately upon the termination of employment or upon the death of the employee or the pensioner, the following shall apply: The period of employment which has counted towards the pension in previous employment covered by this Agreement shall be calculated as if the employment had been covered by the pension scheme under which the pension is to be paid.

Article 5. It shall be a precondition for calculation pursuant to article 4 that the period of employment which is or could be taken into consideration in calculating the pension in accordance with the provisions of the most recently applied pension scheme

¹ Came into force on 1 February 1974, i.e. on the first day of the second calendar month following the date of signature, in accordance with article 11.

comprises at least 10 consecutive years to the time of retirement. In the case of old-age pensions, only the actual period of employment shall be taken into consideration.

Calculation of the pensionable period of employment may be made even if the 10-year employment requirement has not been met. Such calculation shall be made only after a review of the individual case. The said review may be made while the transfer from one country to another is still in progress.

Article 6. Payment of pensions awarded pursuant to article 4 shall be effected out of the same funds as are generally available for pensions under the pension scheme by which the employee was most recently covered.

Where pension benefits are also being paid by another of the above-mentioned Nordic countries and they are based on a period of employment which has been calculated pursuant to article 4, the pension referred to in the first paragraph shall be reduced by the amount of the pension benefits referred to in this paragraph.

Where the provisions of a pension scheme in one of the above-mentioned Nordic countries establish as a condition for the calculation of pensions that a non-recurring payment should be repaid, calculation under article 4 shall take place only if the repayment is made not later than the time when the pension benefits begin to be paid.

Article 7. In the application of provisions concerning co-ordination with benefits paid under social insurance schemes and the like, other Nordic benefits having substantially the same purpose shall be treated as equivalent to such benefits.

Article 8. In the application of this Agreement, the competent authorities and institutions of the contracting countries shall assist one another as necessary.

Any doubtful points arising in connexion with the application of this Agreement shall, before a definitive decision is taken by the country concerned, be submitted to a consultative group on inter-Nordic pension co-ordination for its opinion.

Article 9. Applications, declarations and complaints which must be submitted to an authority of one of the contracting countries within a specified time-limit shall be deemed to have been submitted in time if they are submitted within the said time-limit to the corresponding authority of another contracting country. The latter authority shall immediately transmit the application, declaration or complaint in question to the competent authority of the other country.

Article 10. The competent authorities of the contracting countries shall notify one another as soon as possible of any amendments or additions to legislation affecting the pension benefits referred to in article 1.

Article 11. This Agreement shall enter into force on the first day of the second calendar month following its signature.

Article 12. Any contracting country wishing to denounce the Agreement shall give written notice to that effect to the Swedish Government, which shall immediately notify the other contracting countries of that fact and of the date on which notice was received.

The denunciation shall apply only to the country which gave notice thereof and shall take effect as from 1 January following the expiry of at least six months after receipt by the Swedish Government of the notice of denunciation.

In the event that the Agreement is denounced, all entitlement acquired under its provisions shall be preserved.

DONE at Stockholm on 18 December 1973 in one copy in the Danish, Finnish, Norwegian and Swedish languages, all the texts being equally authentic. The original shall be deposited with the Swedish Ministry of Foreign Affairs. Certified copies of the Agreement shall be transmitted by the Swedish Government to the other participating Governments.

E. SCHRAM-NIELSEN

EEVA-KRISTIINA FORSMAN

HERSLEB VOGT

SVEN ANDERSSON

A N N E X

The term "Swedish State pension scheme" shall mean provisions governing personal and family pensions for State employees and others which have been adopted either by His Majesty and Parliament or, in the case of Parliament and the institutions subordinate to it, by Parliament or by virtue of authority conferred by it. The term "State pension scheme" shall not, however, include provisions governing "reserve pensions" or similar non-recurring payments.

The term "Danish State pension scheme" shall mean the pension scheme deriving from Act No. 292 of 18 June 1969 concerning pension coverage for salaried employees including those employed by the State, in the elementary schools and by the Established Church, the pension scheme deriving from Act No. 82 of 12 March 1970 concerning pension coverage for civilian personnel and the like in the armed forces, and State-financed and/or State-guaranteed pension schemes having substantially the same content as the pension scheme governing State and other salaried employees.

The term "Finnish State pension scheme" shall mean the Act of 20 May 1966 (No. 280/66) concerning State pensions, the Act of the same date (No. 281/66) giving effect to the Act concerning State pensions, the Act of 30 September 1950 (No. 459/50) concerning pensions for State employees, the Act of the same date (No. 463/50) concerning the entitlement of officers, non-commissioned officers and airplane pilots to pensions, the Act of 31 December 1968 (No. 774/68) concerning State family pensions, the Act of the same date (No. 775/68) giving effect to the Act concerning State family pensions, the Act of 28 December 1956 (No. 696/56) concerning family pensions and burial allowances for State employees, regulations enacted pursuant to the above-mentioned laws, and laws and regulations under which pensions are or have been awarded from State funds in accordance with the appropriate sections of the above-mentioned laws and regulations.

The term "Norwegian State pension scheme" shall mean pensions governed by the Act of 28 July 1949 concerning the State pension fund together with supplementary legislation, the Act of the same date concerning the State railways pension fund together with supplementary legislation, and the Act of 13 June 1950 concerning the pension scheme for State employees together with supplementary legislation.