

No. 17548

**SWITZERLAND
and
PORTUGAL**

**Convention on social security (with final protocol). Signed
at Berne on 11 September 1975**

**Administrative arrangement establishing the manner of ap-
plication of the above-mentioned Convention (with an-
nexes). Signed at Berne on 24 September 1976**

Authentic texts: French and Portuguese.

Registered by Switzerland on 15 February 1979.

**SUISSE
et
PORTUGAL**

**Convention de sécurité sociale (avec protocole final). Signée
à Berne le 11 septembre 1975**

**Arrangement administratif fixant les modalités d'applica-
tion de la Convention susmentionnée (avec annexes).
Signé à Berne le 24 septembre 1976**

Textes authentiques : français et portugais.

Enregistrés par la Suisse le 15 février 1979.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON SOCIAL SECURITY BETWEEN SWITZERLAND AND PORTUGAL

The Swiss Federal Council and the Government of the Portuguese Republic,
Desiring to regulate the situation of the nationals of the two States with regard to Swiss and Portuguese legislation respecting social insurance, have decided to conclude a Convention and have for the purpose appointed as their plenipotentiaries:

The Swiss Federal Council,

Mr. Cristoforo Motta, Minister Plenipotentiary and Delegate of the Federal Council to international conventions on social security;

The Government of the Portuguese Republic,

His Excellency Mr. Eduardo Manuel Fernandes Bugalho, Ambassador Extraordinary and Plenipotentiary of the Portuguese Republic to Switzerland,

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

PART I. GENERAL PROVISIONS

Article 1. 1. This Convention shall apply:

A. In Switzerland:

To the federal legislative measures concerning:

- (a) Old age and survivors' insurance;
- (b) Invalidity insurance;
- (c) Insurance against industrial and non-industrial accidents and occupational diseases;
- (d) Family allowances for agricultural workers and small farmers;
- (e) Sickness insurance, solely with respect to chapter I of Part III and Parts IV and V of this Convention;

B. In Portugal:

To the legislative provisions concerning:

- (a) The general schemes of sickness, old age and death and survivors' insurance in respect of both employed persons and self-employed persons;
- (b) Industrial accidents and occupational diseases;
- (c) Family benefits;
- (d) The general sickness and maternity insurance scheme, solely in respect of chapter 1 of Part III and Parts IV and V of this Convention;
- (e) The special national insurance schemes established for certain categories, in so far as they relate to the contingencies specified in the preceding subparagraphs.

2. This Convention shall apply also to any laws or regulations codifying, amending or supplementing the legislation specified in paragraph 1 of this article.

¹ Came into force on 1 March 1977, i.e., the first day of the second month following the date of the exchange of the instruments of ratification, which took place at Lisbon on 14 January 1977, in accordance with article 40 (2).

It shall also apply to:

- (a) The legal provisions extending existing schemes to new classes of beneficiaries, unless the party which has amended its legislation notifies the other within a period of three months after the official publication of the said provisions that the Convention is not applicable to them.
- (b) The legal provisions covering a new branch of social security provided that agreement to that effect is reached between the Contracting Parties.

Article 2. 1. Subject to the provisions of this Convention and the Final Protocol to it, nationals of either Contracting Party, and members of their family and survivors whose rights derive from the said nationals, shall be subject to the obligations, and shall be entitled to enjoy the advantages of the legislation of the other Party, under the same conditions as nationals of the latter Party.

2. The principle of equality of treatment set forth in paragraph 1 shall not apply in the case of Swiss legal provisions relating to optional pensions insurance for Swiss nationals abroad or relief payments to Swiss aged persons or invalids resident abroad.

Article 3. Subject to the provisions of this Convention and its Final Protocol, Swiss and Portuguese nationals who are entitled to claim benefits under the legislation specified in article 1 shall receive such benefits in full and without curtailment as long as they reside in the territory of either Contracting Party. With the same proviso, such benefits shall be granted by one of the Contracting Parties to nationals of the other Party resident in a third country, on the same conditions and to the same extent as to its own nationals resident in that country.

PART II. APPLICABLE LEGISLATION

Article 4. 1. Nationals of either Contracting Party who exercise an occupation shall be subject to the legislation of the Contracting Party in whose territory they exercise it.

2. If by reason of the occupation being exercised in the territory of the two Parties, the legislations of the two Parties are applicable under the principle set forth in paragraph 1, contributions shall be due to the insurance of each of the two Parties only by virtue of the occupation exercised in their respective territory.

Article 5. The principle set forth in article 4, paragraph 1, shall admit of the following exceptions:

(a) A person employed by an enterprise having its principal place of business in the territory of one of the Contracting Parties who is sent to work temporarily in the territory of the other Party shall remain subject, for a period of 24 months, to the legislation of the Party in whose territory the enterprise has its principal place of business.

If the period of secondment exceeds 24 months, the legislation of the first-mentioned Party may continue to apply for a period to be agreed upon by the competent authorities of the two Parties.

(b) Employed persons who belong to a transport enterprise having its principal place of business in the territory of either Party shall be subject to the legislation of the Party in whose territory the enterprise has its principal place of business, as if

they were employed in that territory. However, those persons who are steadily employed by an enterprise which has a branch or a permanent agency in the territory of the other Party, shall, at the request of the employer and with the consent of the person employed, or at the request of the person employed and with the consent of the employer, be subject to the legislation of the Party in which the branch or permanent agency is situated.

(c) Employed persons who belong to an official administrative department and are seconded from one Party to the other shall be subject to the legislation of the Party from which they were seconded.

(d) Subparagraphs (a) and (b) shall apply to all employed persons, whatever their nationality.

Article 6. 1. Nationals of one of the Contracting Parties sent as members of the diplomatic mission or of a consular post of that Party to the territory of the other Party shall be subject to the legislation of the first-mentioned Party.

2. Nationals of one of the Parties who are recruited in the territory of the other Party to work there in the diplomatic mission or in a consular post of the first-mentioned Party shall be subject to the legislation of the second-mentioned party. They may, within a period of three months after the commencement of their employment or the entry into force of this Convention, elect to be subject to the legislation of the first-mentioned Party.

3. The provisions of paragraph 2 shall apply *mutatis mutandis* to nationals of one of the Parties who are in the personal employ of one of the persons referred to in paragraph 1.

4. Paragraphs 1 to 3 shall not apply to the employees of honorary members of a consular post.

Article 7. The competent authorities of both Contracting Parties may, at the request of the persons concerned, and in the case of employed persons, with the consent of their employer, agree to make exceptions to the rules set forth in articles 4 to 6.

PART III. SPECIAL PROVISIONS

Chapter I. SICKNESS INSURANCE

Section A. APPLICATION OF SWISS LEGISLATION

Article 8. Access to Swiss sickness insurance shall be facilitated as follows:

(a) Where a national of either Contracting Party transfers his residence from Portugal to Switzerland, he shall, irrespective of his age, be entitled to join one of the recognized Swiss sickness insurance funds designated by the competent Swiss authority and may be insured for a cash benefit (daily allowance) and medical and pharmaceutical care, provided that:

- He belonged to the Portuguese sickness insurance scheme immediately before he transferred his residence,
- He applies for admission to a Swiss fund within three months of discontinuing his compulsory participation in the Portuguese insurance scheme or of his departure from Portugal, if he is receiving benefits from one of the Portuguese pension insurance schemes specified in article 1 (B) of this Convention,

- He satisfies the other statutory requirements for admission, and
- He is not changing his residence solely in order to seek medical or therapeutic treatment.

(b) The spouse and children under the age of 20 of a national of either Contracting Party shall enjoy the same right to join a recognized sickness insurance fund covering medical and pharmaceutical treatment when they satisfy the conditions set forth above, as family members who are dependants of the said national.

(c) Insurance periods completed under Portuguese social security shall be taken into account for entitlement to benefits; nevertheless, in the case of maternity benefits, the insured woman must have belonged to a Swiss sickness insurance fund for three months.

Section B. APPLICATION OF PORTUGUESE LEGISLATION

Article 9. Access to Portuguese sickness insurance shall be facilitated as follows:

(a) Where a national of either Contracting Party transfers his residence from Switzerland to Portugal, he shall be entitled, for himself and for the members of his family, to the sickness and maternity insurance benefits provided for in Portuguese legislation, provided that:

- He had belonged to a recognized Swiss sickness insurance fund before he transferred his residence,
- He had been compulsorily insured under the Portuguese national insurance scheme within three months of the discontinuance of his participation in the Swiss fund.

(b) Insurance periods completed under a recognized Swiss sickness insurance fund shall be taken into account for entitlement to benefits; nevertheless, in the case of maternity benefits, the insured woman must have been registered with the Portuguese national insurance scheme for three months.

Article 10. A Swiss or Portuguese national employed in Portugal and who has acquired the right to sick benefits from a Portuguese institution, shall retain that right if he transfers his residence to Switzerland, provided, however, that before his departure he has obtained authorization for that transfer from the Portuguese institution to which he belongs.

Chapter II. INVALIDITY INSURANCE

Section A. APPLICATION OF SWISS LEGISLATION

Article 11. 1. Portuguese nationals residing in Switzerland shall be entitled to take advantage of the rehabilitation measures provided under Swiss invalidity insurance if, immediately before the onset of invalidity, they have paid contributions to Swiss insurance for at least one whole year.

2. Married women and widows of Portuguese nationality who are not gainfully occupied and minors of the same nationality who reside in Switzerland shall be entitled to take advantage of the rehabilitation measures provided under invalidity insurance, if, immediately before the onset of invalidity they have resided continuously in Switzerland for at least one year; minors shall also be entitled to take advantage of

such measures if they reside in Switzerland and were either born there handicapped or have resided there continuously since their birth.

3. Portuguese seasonal workers insured in Switzerland who have paid contributions to Swiss insurance for at least 18 months over a period of three years before the onset of invalidity and who have been gainfully employed in Switzerland immediately before that time, or who continue to reside there continuously after the cessation of their gainful employment, shall be entitled to take advantage of the rehabilitation measures provided under Swiss invalidity insurance which they require for their reintegration into Swiss economic life.

Article 12. 1. Portuguese nationals shall be entitled to ordinary annuities and to grants for cripples under Swiss invalidity insurance, except as indicated in paragraphs 2 and 3, on the same conditions as Swiss nationals.

2. Ordinary annuities for insured persons whose degree of invalidity is less than 50 per cent may not be paid to Portuguese nationals who leave Switzerland for good. When a Portuguese national receiving an ordinary half annuity under Swiss invalidity insurance resides abroad, this annuity shall continue to be paid to him unchanged if the invalidity from which he suffers grows worse.

3. In order to determine the contribution periods to be used as a basis for calculating the ordinary annuity payable under Swiss invalidity insurance to a Swiss or Portuguese national, contribution periods and equivalent periods completed under Portuguese legislation shall be treated as Swiss contribution periods in so far as they do not overlap with the latter periods. For the determination of the average annual income, only Swiss contribution periods shall be taken into account.

4. Ordinary old-age or survivors' annuities provided under Swiss insurance taking the place of an invalidity annuity established in accordance with the preceding paragraph shall be calculated on the basis of Swiss legislation, taking into account exclusively the Swiss contribution periods. If, however, the Portuguese insurance periods, taking into account article 20 of the Convention and of the provisions of other international conventions, do not, by way of exception, establish entitlement to an equivalent Portuguese benefit, they shall also be taken into consideration in order to determine the contribution periods to be used as a basis for calculating the above-mentioned Swiss annuities.

Article 13. Portuguese nationals not residing in Switzerland who, as a result of illness or accident, had to abandon their activity in Switzerland but remain in that country until the onset of invalidity, shall be considered as being covered by Swiss invalidity insurance. They must pay contributions as if they resided in Switzerland.

Article 14. A Portuguese national shall be entitled to a special annuity under Swiss invalidity insurance on the same terms as a Swiss national as long as he maintains his domicile in Switzerland and if, immediately before the date from which he claims the annuity, he has resided in Switzerland for a continuous period of at least five years.

Section B. APPLICATION OF PORTUGUESE LEGISLATION

Article 15. 1. Swiss nationals shall be entitled to invalidity insurance benefits under Portuguese national insurance on the same conditions as Portuguese nationals.

2. For entitlement to Portuguese invalidity benefits and for calculating those benefits, the insurance periods completed by a Swiss or Portuguese national under Swiss legislation shall be treated as Portuguese contribution periods in so far as they do not overlap with the latter periods. When the benefits are settled, the average salary taken into consideration in calculating them shall be determined on the basis of the salaries verified for the insurance period completed under Portuguese legislation. This provision shall apply only if the duration of contributions to Portuguese insurance is equal to 12 months at least.

3. The provisions of the preceding paragraph shall apply only to persons concerned who are compulsory participants in the Portuguese insurance scheme when, as a result of sickness or accident, their work is interrupted following invalidity.

Article 16. When an insured person receiving an ordinary half-annuity under Swiss invalidity insurance and residing in Portugal becomes disabled within the meaning of Portuguese legislation, and taking into account only the contribution periods completed under Portuguese legislation, to the exclusion of those which had been taken into consideration in determining the Swiss half-annuity, he shall be entitled to an invalidity benefit under Portuguese legislation and shall also receive this benefit.

Chapter III. SICKNESS AND SURVIVORS' INSURANCE

Section A. APPLICATION OF SWISS LEGISLATION

Article 17. 1. A Portuguese national shall be entitled to ordinary annuities and to grants for cripples under Swiss invalidity and survivors' insurance, subject to paragraph 3 of this article, on the same conditions as Swiss nationals.

2. When the partial ordinary annuity which a Portuguese national who does not reside in Switzerland may claim is at least 10 per cent of the full ordinary annuity, that Portuguese national shall be entitled only to a single grant equal to the current value of the annuity due. A Portuguese national who has received such a partial annuity in Switzerland and who leaves Swiss territory for good shall also receive such a grant.

When the partial ordinary annuity is more than 10 per cent but less than 20 per cent, of the full ordinary annuity, a Portuguese national who does not reside in Switzerland or who leaves it for good may choose between payment of the annuity or of a single grant. This choice shall be made, if the insured party resides outside of Switzerland, when he requests the annuity, and, if he has already received an annuity in Switzerland, when he leaves that country.

3. The single grant provided for in the preceding paragraph shall be equal to the current value of the annuity due when the contingency insured under Swiss legislation occurs, or to the current value of that annuity when the claimant leaves Switzerland for good, when his departure occurs after the annuity is granted.

4. When the single grant has been paid by Swiss insurance, neither the beneficiary nor the survivors shall be entitled any longer to make a claim against this insurance by virtue of the contributions which had been taken into account in computing that grant.

Article 18. A Portuguese national shall be entitled to a special annuity under Swiss old age and survivors insurance on the same terms as a Swiss national as long as

he maintains his domicile in Switzerland and if, immediately before the date from which he claims the annuity, he has resided in Switzerland for a continuous period of at least 10 years in the case of an old age annuity and at least five years in the case of a survivor's annuity, as well as in the case of an old-age annuity taking the place of an invalidity or a survivor's annuity.

Section B. APPLICATION OF PORTUGUESE LEGISLATION

Article 19. A Swiss national shall be entitled to old age and survivors' insurance benefits on the same conditions as a Portuguese national.

Article 20. When a national of either Contracting Party has been subject consecutively or alternatively to the legislations of both Contracting Parties, the contribution periods and the equivalent periods completed under each of these legislations shall, on the Portuguese side, where necessary, and in so far as they do not overlap, be aggregated for entitlement to the benefits which are the subject of this section. This provision shall apply only if the duration of the contributions to Portuguese insurance is at least 12 months.

Article 21. When a benefit is awarded taking into account the contribution periods and equivalent periods completed in Switzerland, it shall be calculated as follows:

(a) The competent Portuguese institution shall first establish the amount of the benefit which the insured person or his survivors may claim if all the periods which must be taken into account in accordance with the preceding article had been completed under Portuguese legislation. For the settlement of benefits, the second sentence of article 15, paragraph 2, shall apply.

(b) On the basis of this amount, the competent institution shall determine the benefit due in proportion to the periods completed under Portuguese legislation as related to the total periods taken into consideration.

Article 22. If the total of Swiss annuities and the Portuguese pension does not reach the minimum amount guaranteed under Portuguese legislation, the insured person or his survivors residing in Portugal shall be entitled to a supplement equal to the difference, to be paid by the competent Portuguese institution.

Chapter IV. INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 23. 1. Swiss and Portuguese nationals who are insured under the legislation of one of the Contracting Parties and who sustain an industrial accident or contract an occupational disease in the territory of the other Party, shall be entitled to claim from the competent institution of the latter Party all necessary benefits in kind.

2. Swiss and Portuguese nationals who are entitled to benefits in kind as a result of an industrial accident or an occupational disease, under the legislation of either Contracting Party, shall also enjoy these advantages when they transfer their residence to the territory of the other Party during medical treatment and with the prior authorization of the competent institution. This authorization must be granted if there is no objection on medical grounds and if the person goes to his family. It may, by way of exception, be given *a posteriori* on the same conditions when the

person concerned has suddenly had to leave the territory of one Contracting Party for the territory of the other, without being able, for reasons beyond his control, to request this authorization before his departure, provided that it is requested as soon as possible after the transfer of residence.

3. The benefits in kind to which the persons referred to in paragraphs 1 and 2 of this article are entitled under those paragraphs shall be awarded in accordance with the legislation applicable to the institution of the place of residence designated by the competent authorities.

4. The granting of prostheses and other substantial benefits in kind shall be subject, except in the case of an absolute emergency, to prior authorization from the competent institution.

Article 24. At the request of the debtor institution, the cash benefits (daily allowances) shall be paid, in the cases provided for in the preceding article, by the competent institution of the place of residence. The debtor institution must, in its request, specify the amount and duration of benefits in kind due to the person concerned.

Article 25. The debtor institution shall refund the amount of the benefits paid under articles 23 and 24 to the competent institution which advanced them, except for administrative costs. The benefits referred to in article 23 may be refunded in a lump sum in accordance with a procedure to be agreed upon between the competent authorities.

Article 26. In the case of occupational disease, the competent bodies of the Contracting Parties shall apply their own legislation.

Article 27. 1. If, for the purpose of assessing the extent to which earning capacity has been impaired as a result of an industrial accident or occupational disease under the legislation of one of the Contracting Parties, that legislation provides explicitly or implicitly that industrial accidents sustained or occupational diseases contracted at an earlier date should be taken into consideration, industrial accidents sustained or occupational diseases contracted at an earlier date under the legislation of the other Contracting Party shall also be taken into account as though they had been sustained or contracted under the legislation of the first Contracting Party.

2. In the case of successive industrial accidents or occupational diseases creating entitlement to compensation from the insurance of both Contracting Parties, the following provisions shall apply to benefits in kind calculated according to the extent to which earning capacity has been impaired:

(a) The insurer providing coverage for the industrial accident sustained or occupational disease contracted at an earlier date shall continue to pay the benefits in kind already awarded. If the entitlement to benefits is acquired only by virtue of the application of paragraph 1, the insurer shall pay for benefits in kind according to the extent to which earning capacity has been impaired as a result of an industrial accident sustained or occupational disease contracted at an earlier date.

(b) The insurer providing coverage for the subsequent industrial accident or occupational disease shall determine the benefit according to the extent to which earning capacity has been impaired as a result of this industrial accident or occupational disease, pursuant to the applicable legislation.

Chapter V. FAMILY ALLOWANCES

Section A. APPLICATION OF SWISS LEGISLATION

Article 28. 1. Portuguese agricultural workers living in Switzerland with their spouses or their children shall be assimilated to Swiss wage-earners and shall be entitled to the household and child allowances provided for by Swiss federal legislation.

2. Portuguese agricultural workers whose children live outside Switzerland shall be entitled, while they are employed in Switzerland, to the child allowances provided for by the above-mentioned legislation.

Section B. APPLICATION OF PORTUGUESE LEGISLATION

Article 29. 1. Swiss workers living in Portugal shall be assimilated to Portuguese workers and shall be entitled, in respect of their family members residing in Portugal, to the family allowances and supplementary benefits provided for by Portuguese legislation.

2. When a Swiss or Portuguese worker, in applying for supplementary benefits, does not account for the entire insurance period required by Portuguese legislation, recourse shall be had, in order to complete that period, to the insurance period completed in Switzerland.

3. Swiss or Portuguese workers shall be entitled, while employed in Portugal, to the family allowances provided for by Portuguese legislation for their dependent children living in Switzerland.

PART IV. MISCELLANEOUS PROVISIONS

Article 30. 1. For the purposes of this Convention, the term "competent authority" means:

In relation to Switzerland:

The federal office of social insurance;

In relation to Portugal:

The Ministry of Social Affairs.

2. The competent authorities:

- (a) Shall enter into such administrative agreements as may be required for the application of this Convention;
- (b) Shall communicate all information regarding the measures taken for the application of this Convention;
- (c) Shall communicate all information regarding the changes made in their legislation;
- (d) May in particular agree that each Contracting Party should designate liaison bodies;
- (e) May establish by common agreement provisions relating to the notification of judicial acts.

Article 31. 1. The competent authorities, tribunals and institutions shall furnish assistance to one another with regard to any matter relating to the application

of this Convention as if the matter were one affecting the application of their own legislation.

2. The competent authorities shall agree upon the details of mutual assistance and the measures to be adopted for the medical and administrative supervision of persons entitled to benefit by virtue of this Convention as well as upon participation in the cost of medical and administrative surveys.

3. The competent authorities shall not impede the application of Swiss optional old-age, survivors' and invalidity insurance and of Portuguese continuing voluntary insurance to the nationals of one Party in the territory of the other.

Article 32. 1. Any exemption from, or reduction of, legal dues, charges and fees provided for in the legislation of one Contracting Party in connection with the issue of any document required to be produced for the purposes of that legislation, shall be extended to documents required to be produced for the purposes of the legislation of the other Party.

2. Where any certificate or other document has to be produced to the competent authorities or institutions of the two Parties for the purpose of applying this Convention, that authority or institution shall not require the certificate or other document to be legalized by a diplomatic or consular authority.

Article 33. 1. The administrative and jurisdictional authorities and the insurance institutions of the Contracting Parties may, for the purposes of this Convention, correspond directly with each other and with the persons concerned and their representatives, in their official languages.

2. The administrative and jurisdictional authorities and the insurance institutions of the Contracting Parties may not refuse applications and other documents because they are drawn up in an official language of the other Party.

Article 34. Any claim, notice or appeal which must be lodged within a prescribed period with an administrative or jurisdictional authority or insurance institution of either Contracting Party shall be considered admissible if it is lodged within the same period with an administrative or jurisdictional authority or a corresponding institution of the other Party. In such cases, the latter body shall transmit the claim, notice or appeal without delay to the competent body of the first Party indicating the date of their receipt.

Article 35. 1. The debtor institutions responsible for benefits under this Convention shall be held to discharge their responsibility validly by payment in the currency of their country.

2. If currency restrictions are at any time imposed by either Contracting Party, measures shall be taken forthwith by the two Parties to ensure, in accordance with the provisions of this Convention, the reciprocal transfer of sums due.

Article 36. Where a person who is to receive benefits under the legislation of one of the Contracting Parties in respect of an injury sustained in the territory of the other Party is entitled, in accordance with the legislation of that party, to claim damages for such injury from a third party, the debtor insurance institution responsible for benefits of the first Party shall be subrogated in respect of the claim for damages with respect to a third party in accordance with the legislation applicable to that insurance authority. The other Party shall recognize this subrogation in the exer-

cise of which the subrogated institution shall be deemed equivalent to the national social insurance institution.

Article 37. 1. Any difficulties relating to the application of this Convention shall be resolved by common agreement between the competent authorities of the two Contracting Parties.

2. If it is not possible to reach a solution in this manner, the dispute shall be submitted to an arbitration body, which shall resolve it in accordance with the fundamental principles and spirit of the Convention. The Contracting Parties shall determine by common agreement the membership and the rules of procedure of this body.

PART V. TRANSITIONAL AND FINAL PROVISIONS

Article 38. 1. No provision of this Convention shall confer any right for a period before the date of the entry into force of the Convention.

2. Any insurance period, contribution period or period treated as such and any period of residence completed under the legislation of either Contracting Party before the date of the entry into force of this Convention shall be taken into account for the purpose of determining the right to receive benefit under the Convention.

3. Subject to the provisions of paragraph 1, this Convention shall also apply to insurance contingencies which occurred before its entry into force, provided that:

(a) With respect to invalidity insurance, no right shall be conferred unless, when the Convention enters into force, the applicant still resides in the territory of the Party in which the invalidity sustained;

(b) Swiss ordinary old-age and survivors' insurance annuities relating to an insurance contingency which occurred before 1 January 1960 shall not be awarded unless the contributions were paid for at least 10 years when the risk occurred and the contributions were not refunded under article 18, paragraph 3, of the federal law on old age and survivors' insurance;

(c) Annuities under Swiss insurance against non-industrial accidents may be awarded only to the insured persons themselves or to their widows and orphans.

4. Invalidity, old-age or survivors' benefits which were awarded by the competent institution of either Contracting Party before the entry into force of this Convention and whose payment was suspended under the legislation of that Party because of the claimant's departure abroad shall again be paid with effect from the entry into force of this Convention and subject to its provisions.

5. This Convention shall not apply to rights which have been settled by the award of a lump sum payment or the refund of contributions.

Article 39. The Final Protocol annexed to this Convention shall form an integral part thereof.

Article 40. 1. This Convention shall be ratified and the instruments of ratification shall be exchanged in Lisbon as soon as possible.

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

Article 41. 1. This Convention shall remain in force for a period of one year. Thereafter, it shall continue in force by tacit extension of the period of validity

from year to year unless it is denounced by either Contracting Party, which must be notified at least three months before the expiry of the period of validity.

2. In the event of the denunciation of the Convention, any right acquired by a person in accordance with its provisions must be maintained. The determination of any rights then in course of acquisition by virtue of its provisions shall be the subject of agreements.

IN WITNESS WHEREOF the plenipotentiaries of the Contracting Parties have signed this Convention.

DONE at Berne, on 11 September 1975, in duplicate in the French and Portuguese languages, both texts being equally authentic.

For the Swiss Federal
Council:

C. MOTTA

For the Government
of the Portuguese Republic:

E. M. F. BUGALHO

FINAL PROTOCOL TO THE CONVENTION ON SOCIAL SECURITY BETWEEN SWITZERLAND AND PORTUGAL

At the time of signing the Convention on social security concluded this day between Switzerland and Portugal (hereinafter referred to as the Convention), the undersigned plenipotentiaries declare that they have reached an agreement on the following:

1. For the purposes of the Convention, the term "territory" means, in relation to Switzerland, the territory of the Swiss Confederation, and in relation to Portugal, the territory of the Portuguese Republic.

2. For the purposes of the Convention, the term "national" means, in relation to Switzerland, any person of Swiss nationality, and in relation to Portugal, any person of Portuguese nationality.

3. Within the meaning of the Convention, the words "to reside" shall mean to be ordinarily resident.

4. The Convention shall also apply to refugees within the meaning of the international Convention relating to the Status of Refugees of 28 July 1951¹ and the Protocol relating to the Status of Refugees of 31 January 1967,² and to stateless persons within the meaning of the Convention relating to the Status of Stateless Persons of 28 September 1954,³ where they reside in the territory of one of the Contracting Parties.

It shall apply subject to the same conditions to members of their families and to their survivors, in so far as they base their rights on those of the above-mentioned refugees or stateless persons. More favourable provisions of national legislation shall not be affected.

5. The provisions of the Convention shall not apply either to future Swiss federal legislation on occupational insurance or to future Portuguese supplementary pension insurance schemes.

¹ United Nations, *Treaty Series*, vol. 189, p. 137.

² *Ibid.*, vol. 606, p. 267.

³ *Ibid.*, vol. 360, p. 117.

6. In derogation of article 3 of the Convention, allowances for cripples under Swiss federal legislation relating to invalidity, old age and survivors' insurance, shall not be paid to claimants residing outside Switzerland.

7. When Portuguese workers employed in Switzerland are not already covered by medical and pharmaceutical insurance within the meaning of the federal law of 13 June 1911 on sickness and accident insurance, their employer must see to it that they take out such insurance, and if they do not, he must do so for them. He may deduct the contribution to this insurance from their wages, different understandings between the parties concerned remaining unaffected.

8. Portuguese nationals residing in Switzerland who leave Switzerland for a period of a maximum of three months per calendar year do not interrupt their residence in Switzerland within the meaning of articles 14 and 18 of the Convention. On the other hand, the periods during which Portuguese nationals residing in Switzerland were exempt from coverage under Swiss invalidity, old-age and survivors' insurance shall not be taken into account for the completion of the periods prescribed in those articles.

9. Refunds of contributions paid to Swiss old-age and survivors' insurance made before the entry into force of the Convention shall not prevent the granting of special annuities under articles 14 and 18 of the Convention; in these cases, however, the amount of contributions refunded shall be deducted from that of the annuities to be paid.

10. Article 23, paragraphs 1 and 2, of the Convention shall also apply to nationals of a third State who are subject to the accident and occupational disease insurance legislation of either of the Contracting Parties.

11. Contributions paid to Swiss old age and survivors' insurance which have been refunded to Portuguese nationals may no longer be transferred to Swiss insurance. No further claim may be made on that insurance on the basis of those contributions.

12. The provisions of the Convention concerning administrative and medical mutual aid and articles 33 to 36 of the Convention shall also apply in Portugal to non-industrial accidents covered by the competent insurance institution in Switzerland.

13. It shall be noted that, in the case of insurance against industrial accidents sustained in agriculture, Portuguese agricultural workers shall be assimilated to Swiss workers and the benefits to which they have acquired entitlement shall be paid to them without restriction even when they do not reside in Switzerland.

14. It shall be noted that all the cantons have established a family allowance scheme for employed persons and that, under the provisions currently in force, persons who are employed in Switzerland are also entitled to family allowances for their children living outside of Switzerland, whatever their nationality.

This Final Protocol, which is an integral part of the Convention, shall remain in effect subject to the same conditions and for the same period as the Convention itself.

DONE at Berne, on 11 September 1975, in duplicate in the French and Portuguese languages, both texts being equally authentic.

For the Swiss Federal
Council:

C. MOTTA

For the Government
of the Portuguese Republic:

E. M. F. BUGALHO

[TRANSLATION — TRADUCTION]

ADMINISTRATIVE ARRANGEMENT¹ ESTABLISHING THE MANNER OF APPLICATION OF THE CONVENTION ON SOCIAL SECURITY OF 11 SEPTEMBER 1975 BETWEEN SWITZERLAND AND PORTUGAL²

Pursuant to article 30, paragraph 2 (a), of the Convention on social security concluded on 11 September 1975 between the Swiss Confederation and the Portuguese Republic,² hereinafter referred to as the "Convention", the competent Swiss and Portuguese authorities, namely:

The Federal Office of Social Insurance and the Minister of Social Affairs
Have agreed on the following provisions:

TITLE I. GENERAL PROVISIONS

Article 1. 1. The following shall be designated as liaison agencies within the meaning of article 30, paragraph 2 (d), of the Convention:

In Switzerland:

- a) For old age, survivors' and invalidity insurance, the Caisse suisse de compensation (Swiss Compensation Fund) at Geneva, hereinafter referred to as "the Caisse suisse";
- b) For Swiss industrial and non-industrial accident insurance and occupational disease insurance, the Caisse nationale suisse d'assurance en cas d'accidents (Swiss National Accident Insurance Fund) at Lucerne, hereinafter referred to as "the Caisse nationale";
- c) For sickness insurance and family allowances, the Federal Office of Social Insurance at Berne.

In Portugal:

The Caixa Central de Segurança Social dos Trabalhadores Migrantes, at Lisbon, hereinafter referred to as the "Caixa Central".

2. The competent authorities of each Contracting Party reserve the right to designate other liaison agencies; they shall inform each other of such action.

Article 2. The competent authorities or, with their agreement, the liaison agencies, shall jointly establish the forms to be used in the application of the Convention and this Arrangement.

TITLE II. PROVISIONS CONCERNING APPLICABLE LEGISLATION

Article 3. 1. In cases specified in article 5 (a) of the Convention, the agencies of the country whose legislation remains applicable, which are designated in the following paragraph, shall certify at the request of the employer that the worker on secondment remains subject to that legislation.

¹ Came into force on 1 March 1977, date of entry into force of the Convention on social security of 11 September 1975, in accordance with article 42.

² See p. 272 of this volume.

2. The certificate shall be issued:

In Switzerland:

By the competent compensation fund for old age, survivors' and invalidity insurance and, if necessary, by the competent local office of the Caisse nationale;

In Portugal:

By the national insurance fund with which the worker is compulsorily insured, and, in respect of industrial accidents and occupational diseases, by the "Caixa Nacional de Seguros de Doenças Profissionais".

3. If the duration of the secondment is to exceed the period of 24 months specified in article 5 (a) of the Convention, the agreement referred to in the second sentence of that paragraph must be requested by the employer, through the competent authority of his country, before the expiry of that period:

In Switzerland:

From the Federal Office of Social Security at Berne;

In Portugal:

From the "Direcção Geral de Previdência" of the Ministry of Social Affairs (Ministério de Assuntos Sociais) at Lisbon.

Article 4. 1. For the exercise of the option provided for in article 6, paragraphs 2 and 3, of the Convention, a worker employed in Switzerland shall submit his application:

— To the "Direcção Geral de Previdência",
and a worker employed in Portugal

— To the Caisse fédérale de compensation at Berne.

2. When a worker referred to in article 6, paragraphs 2 and 3, of the Convention, opts for the legislation of the accrediting State, the competent insuring authorities of that State shall issue them a certificate to the effect that they are subject to that legislation.

TITLE III. PROVISIONS CONCERNING BENEFITS

Chapter I. SICKNESS INSURANCE

Article 5. 1. In order to avail themselves of the facilities provided for in article 8 of the Convention, the persons specified in that article shall submit to one of the Swiss sickness insurance funds participating in the application of that article a certificate stating the date on which they ceased to be compulsorily insured under Portuguese social insurance and the period of insurance completed during the previous six months. The Swiss sickness insurance fund may, if necessary, request confirmation concerning longer insurance periods from the Portuguese national insurance fund which issued the certificate.

2. The certificate shall be issued at the request of the person concerned by the Portuguese national insurance fund with which he was last insured. If the person does not have the said certificate, the Swiss sickness insurance fund dealing with the application for admission shall apply to the Caixa Central for the required certificate through the Federal office of Social Insurance.

3. The list of Swiss sickness insurance funds participating in the application of article 8 of the Convention appears in annex 1 of this Arrangement. The competent

Swiss authority shall communicate to the competent Portuguese authority the names of the other sickness insurance funds which subsequently express a wish to apply article 8 of the Convention.

Article 6. 1. In order to validate the insurance periods completed in a recognized Swiss sickness insurance fund, with a view to completing the waiting periods required by Portuguese legislation for the granting of benefits, the persons mentioned in article 9 of the Convention shall submit to the competent Portuguese national insurance fund a certificate confirming the period of insurance completed during the last six months preceding the date of leaving the Swiss sickness insurance fund. The Portuguese national insurance fund may, if necessary, request confirmation concerning longer insurance periods from the Swiss sickness insurance fund through the Federal Office of Social Insurance.

2. The certificate referred to in the preceding paragraph shall be issued at the request of the person concerned by the last Swiss sickness insurance fund with which he was insured. If the person does not have the said certificate, the competent national insurance fund shall apply to the Swiss sickness insurance fund through the Federal Office of Social Insurance for the required certificate.

Chapter II. INVALIDITY INSURANCE

I. PORTUGUESE AND SWISS NATIONALS ENTITLED TO, OR RECEIVING, A SWISS INVALIDITY ANNUITY

Article 7. For the purposes of the application of article 12, paragraph 3, of the Convention, the Caixa Central shall inform the Caisse suisse, at its request, of the contribution periods and equivalent periods which the claimant has completed under Portuguese legislation and which will be taken into consideration in establishing the entitlement and calculating the invalidity annuity under that legislation.

Article 8. If the beneficiary of a Swiss invalidity annuity transfers his residence to Portugal, the Caisse suisse may, at any time, request the Caixa Central to arrange for the medical examinations and to provide it with other information required by Swiss legislation. The Caisse suisse shall retain, however, the right to have the person concerned examined by a physician of its choice and under the conditions provided for in its own legislation.

Article 9. If the beneficiary of a Swiss invalidity annuity transfers his residence to Portugal, articles 16 to 19 shall apply *mutatis mutandis*.

II. SWISS AND PORTUGUESE NATIONALS ENTITLED TO, OR RECEIVING A PORTUGUESE INVALIDITY ALLOWANCE

Article 10. For the purposes of the application of article 15, paragraph 2, of the Convention, the Caisse suisse shall inform the Caixa Central at its request, of the contribution periods and equivalent periods which the claimant has completed under Swiss legislation.

Article 11. If the beneficiary of a Portuguese invalidity allowance transfers his residence to Switzerland, the competent Portuguese institution may, at any time, re-

quest the Caisse suisse to arrange for the medical examinations and to provide it with other information required by Portuguese legislation.

That institution shall retain, however, the right to have the person concerned examined by a physician of its choice and under the conditions provided for in its own legislation.

Article 12. If the beneficiary of a Portuguese invalidity allowance transfers his residence to Switzerland, articles 24 to 26 shall apply *mutatis mutandis*.

Chapter III. OLD AGE AND SURVIVORS' INSURANCE

I. PORTUGUESE NATIONALS RESIDING IN PORTUGAL AND ENTITLED TO CLAIM BENEFITS UNDER SWISS INSURANCE

A. *Submission and investigation of claims*

Article 13. 1. Portuguese nationals shall submit their annuity claims under Swiss old age and survivors' insurance to the Caixa Central. If the claim is lodged with a Portuguese agency or authority other than the liaison agency, that agency or authority shall enter the date of receipt on the claim and shall forward it immediately to the Caixa Central.

2. Claims for annuities shall be submitted on the forms furnished to the Caixa Central by the Caisse suisse. The particulars given on these forms shall, in so far as is required by the form, be substantiated by the necessary documentary evidence.

Article 14. 1. The Caixa Central shall enter the date of receipt of the claim for annuities on the form itself, shall verify whether the claim is drawn up completely and shall certify, in so far as is required by the form, that the particulars given by the claimant are accurate.

2. The Caixa Central shall request from the Caisse suisse, when forwarding the claim and the documentary evidence, the particulars concerning the Swiss insurance which will be required, if the occasion arises, for the application of articles 20 and 21 of the Convention.

3. At the request of the Caisse suisse, the Caixa Central shall supply further documents and certificates issued by the competent Portuguese authorities.

Article 15. The Caisse suisse shall rule on the annuity claim and communicate its decision direct to the claimant, indicating the procedures and time-limits for the submission of appeals; it shall send a copy of the decision to the Caixa Central.

Article 16. For the application of article 22 of the Convention, the Caisse suisse, at the request of the Caixa Nacional de Pensoes at Lisbon, shall communicate to it the amounts of Swiss annuities paid to beneficiaries in Portugal.

Article 17. Portuguese nationals residing in Portugal shall lodge their complaints against decisions of a Swiss compensation fund or their appeals under administrative law against the rulings of the Swiss authorities of the first instance with the competent Swiss judicial authorities, either direct or through the Caixa Central. In the latter case, the Caixa Central shall enter on the complaint or appeal the date of its receipt and shall forward it immediately to the Caisse suisse for the attention of the competent judicial authority.

B. *Payment of benefits*

Article 18. Swiss old age and survivors' insurance benefits shall be paid direct by the Caisse suisse to claimants residing in Portugal. These payments shall be made in the manner prescribed by Swiss legislation. The competent authorities may agree on other methods of payment.

Article 19. The Caisse suisse may request from recipients of benefits under Swiss old age and survivors' insurance, either direct or through the Caixa Central, a certificate of good character and the other certificates required for the payment of benefits.

Article 20. Articles 13 to 18 shall apply, *mutatis mutandis*, for the awarding and payment of a single grant in application of article 17, paragraphs 2 and 3, of the Convention.

II. SWISS AND PORTUGUESE NATIONALS RESIDING IN SWITZERLAND AND ENTITLED TO CLAIM PORTUGUESE INSURANCE BENEFITS

A. *Submission and investigation of claims*

Article 21. 1. Swiss and Portuguese nationals shall submit their claims for Portuguese old age benefits or survivors' grant to the Caisse suisse. If the claim is lodged with a Swiss authority other than the liaison agency, that agency shall enter the date of receipt on the claim and shall forward it immediately to the Caisse suisse.

2. Claims for benefits shall be submitted on the forms furnished to the Caisse suisse by the Caixa Central. The particulars given on these forms shall, in so far as is required by the form, be substantiated by the necessary documentary evidence.

Article 22. 1. The Caisse suisse shall enter the date of receipt of the claim for benefits on the form itself, shall verify whether the claim is drawn up completely and shall certify, in so far as is required by the form, that the particulars given by the claimant are accurate; the Caisse suisse shall then forward the claim to the Caixa Central.

2. For the application of articles 20 and 21 of the Convention, the Caisse suisse shall communicate, at the request of the competent Portuguese institution, the contribution periods and equivalent periods which the claimant has completed under Swiss legislation, and, if necessary, shall provide other documents and certificates issued by the Swiss authorities.

Article 23. The competent Portuguese institution shall rule on the claim and communicate its decision direct to the claimant, indicating the procedures and time-limits for the submission of appeals; it shall send a copy of the decision to the Caisse suisse.

Article 24. Swiss and Portuguese nationals resident in Switzerland shall lodge their appeals against the decisions of the competent Portuguese institution with the territorially competent Portuguese labour tribunal, and their appeals against its rulings to the Supremo Tribunal Administrativo at Lisbon, either direct or through the liaison agencies. In the latter case, the Caisse suisse shall enter the date of receipt on the appeal and shall forward it immediately to the Caixa Central for the attention of the competent judicial authority.

B. *Payment of benefits*

Article 25. Old age and survivors' benefits shall be paid direct by the competent Portuguese institution to the entitled persons residing in Switzerland. These payments shall be made in the manner prescribed by Portuguese legislation. The competent authorities may agree on other methods of payment.

Article 26. The competent Portuguese institution may request from recipients of benefits, either direct or through the Caisse suisse, a certificate of good character and the other certificates required for the payment of benefits.

III. SWISS AND PORTUGUESE NATIONALS RESIDING IN A THIRD STATE AND ENTITLED TO CLAIM OLD AGE BENEFITS OR SURVIVORS' GRANTS UNDER SWISS OR PORTUGUESE INSURANCE

Article 27. 1. Swiss nationals residing in a third State who are entitled to claim a Portuguese benefit shall submit their claim to the competent Portuguese authority through the Caixa Central, attaching the necessary documentary evidence.

2. Portuguese nationals residing in a third State who are entitled to claim a benefit under Swiss insurance shall submit their claim direct to the Caisse suisse, attaching the necessary documentary evidence.

3. The competent Portuguese institution, in the cases referred to in paragraph 1, and the Caisse suisse, in the cases referred to in paragraph 2, shall rule on the claims and communicate their decisions and make payments direct to the entitled persons, if necessary, in accordance with the payment agreements existing between the country of the agency liable for payment and the third State.

Chapter IV. ACCIDENT AND OCCUPATIONAL DISEASE INSURANCE

Article 28. 1. Swiss or Portuguese nationals or their survivors residing in Portugal who claim industrial accident or occupational disease benefits under Swiss legislation shall submit their claims to the Caisse nationale, either direct or through the Caixa Central.

2. Swiss or Portuguese nationals or their survivors residing in Switzerland who claim industrial accident or occupational disease benefits under Portuguese legislation shall submit their claims to the Caixa Nacional de Seguros de Doenças Profissionais at Lisbon, either direct or through the Caisse nationale.

3. Swiss or Portuguese nationals residing in a third State who claim Swiss or Portuguese accident insurance benefits in cases of industrial accidents or occupational diseases shall apply direct to the agency of the country concerned, as defined in the preceding paragraphs.

Article 29. 1. Swiss or Portuguese nationals or their survivors residing in Portugal shall lodge their complaints concerning benefits under Swiss accident insurance to the Cantonal Insurance Tribunal at Lucerne and their appeals under administrative law against the decisions of that tribunal to the Federal Insurance Tribunal at Lucerne, either direct or through the Caixa Central. In the latter case, the date of receipt shall be entered on the complaint or appeal.

2. Swiss and Portuguese nationals or their survivors residing in Switzerland shall lodge their complaints concerning benefits under Portuguese accident insurance

to the labour tribunal of the place of the accident or of the most recent activity which might have caused the disease and their appeals against the decisions of that tribunal to the Supremo Tribunal Administrativo at Lisbon, either direct or through the Caisse nationale. In the latter case, the date of receipt shall be entered on the complaint or appeal.

Article 30. 1. In the cases referred to in article 23, paragraph 1, of the Convention, benefits in kind shall be paid, if the person concerned proves his entitlement to those benefits, in Switzerland by the Caisse nationale and in Portugal by the Caixa Nacional de Seguros de Doenças Profissionais.

2. If the employer has a representative in the country in which the accident occurred, that representative shall produce the documents certifying the claimant's entitlement to benefits, when he is able to do so.

3. If no document certifying the entitlement to benefits can be produced, the agency of the place in which the accident occurred shall request the required certificates and documents from the agency of the country concerned, as defined in article 28.

Article 31. 1. For the application of article 23, paragraph 2, of the Convention, the debtor institution shall forward to the insured person a certificate establishing his entitlement to benefits after his change of residence.

For Portugal, the Caixa Nacional de Seguros de Doenças Profissionais is designated as the competent debtor institution.

2. For the application of article 23, paragraph 3, of the Convention, the said Caixa Nacional is designated, on the Portuguese side, as the institution of the place of residence.

Article 32. Prostheses and the major benefits in kind specified in article 23, paragraph 4, of the Convention are listed in annex 2 to this Arrangement. The liaison agencies may agree to amend this annex.

Article 33. 1. For the application of article 24 of the Convention, industrial disablement shall be certified by a medical report prepared in accordance with the methods used by the agency of the place of residence. This report shall also indicate the probable duration of the insured's industrial disablement. The agency concerned may have the insured reexamined by a physician of its choice.

2. Subsequent medical examinations of the insured shall be made in accordance with the methods used by the agency of the place of residence. When the latter establishes that the insured is fit to return to work, it shall communicate the date of the end of industrial disablement both to the insured and to the agency concerned.

Article 34. 1. In application of article 25 of the Convention, the costs of benefits in kind to be reimbursed by the agency concerned shall be established as follows:

In Switzerland:

The actual amounts disbursed by the Caisse nationale;

In Portugal:

The actual amounts disbursed by the agency which has paid those benefits.

2. The amounts established by the insurance agencies of the two countries in accordance with the preceding paragraph shall be reimbursed separately in each case; however, rates higher than those applicable to benefits in kind provided to workers

subject to the legislation applied by the institution which has provided them cannot be taken into account.

Article 35. Swiss or Portuguese annuities or pensions for industrial accidents and occupational diseases shall be paid direct to the entitled persons residing in one country by the debtor institutions of the other country in accordance with the methods provided for in the legislation applied by those institutions. The competent authorities may agree on other methods of payment.

Article 36. The provisions of this chapter shall also apply *mutatis mutandis* to non-industrial accidents subject to compensation under Swiss legislation.

Chapter V. FAMILY BENEFITS

Article 37. 1. Portuguese nationals residing in Switzerland who claim allowances in application of Swiss federal legislation for children remaining in Portugal must substantiate their claim by submitting a certificate proving the existence of the children and drawn up by the competent authority of the place of residence of the children. Portuguese nationals shall also provide all the other information or documents which the compensation funds request in accordance with Swiss legislation.

2. Swiss nationals residing in Portugal who claim family allowances in application of Portuguese legislation for their children remaining in Switzerland must substantiate their claim by submitting a certificate proving the existence of the children and drawn up by the competent Swiss authority. Swiss nationals shall also provide all the other information or documents which the family allowance funds request in accordance with Portuguese legislation.

3. For the application of article 29, paragraph 2, of the Convention, the Federal Office of Social Insurance shall send the Caixa Central, on request, a certificate mentioning the duration of work completed in Switzerland by the worker during the last six months prior to his departure from Switzerland.

TITLE IV. MISCELLANEOUS PROVISIONS

Article 38. 1. The insuring authorities and the liaison agencies of the Contracting Parties shall agree, in response to a general or specific request, on the mutual assistance needed for the application of the Convention and of this Arrangement.

2. The insuring authorities and liaison agencies of one of the Contracting Parties shall send to the agency of the other Party a copy of the decisions rendered under a procedure which that agency has followed in application of article 36 of the Convention.

Article 39. 1. Recipients of benefits paid under the legislation of one of the Contracting Parties who reside in the territory of the other Party shall inform the agency liable for payment, either direct or through the liaison agencies, of any change in their personal or family situation, in their state of health or in their work and earning capacity which may affect their entitlements or obligations under the legislations listed in article 1 of the Convention and the provisions of the Convention.

2. The insuring authorities shall communicate to each other through the liaison agencies, information of the same kind which comes to their attention.

Article 40. 1. Current administrative costs resulting from the application of this Arrangement shall be borne by the agencies responsible for its application.

2. The costs of medical examinations and examinations to determine work or earning capacity, as well as the costs of travel, food or housing and the other resulting costs shall be advanced by the agency responsible for the investigation and shall be repaid separately in each case by the requesting agency.

3. Reimbursements shall be made on the basis of the rates and provisions applied by the agency responsible for the examinations.

Article 41. The institutions concerned must send the liaison agency of their country an annual statistical report showing the payments they made in the other country. The liaison agencies shall send each other those statistics.

Article 42. This Arrangement shall enter into force on the same date as the Convention on social security between Switzerland and Portugal concluded on 11 September 1975 and shall have the same period of validity as the Convention.

DONE in duplicate in the French and Portuguese languages, both texts being equally authentic, at Berne, on 24 September 1976.

For the Swiss Federal Office
of Social Insurance:

H. WOLF

For the Portuguese Ministry
of Social Affairs:

VÍTOR JOSÉ MELÍCIAS LOPES

ANNEX No. 1¹ TO THE ADMINISTRATIVE ARRANGEMENT OF 24 SEPTEMBER 1976
CONCERNING THE MANNER OF APPLICATION OF THE CONVENTION ON
SOCIAL SECURITY BETWEEN SWITZERLAND AND THE PORTUGUESE
REPUBLIC OF 11 SEPTEMBER 1975

The recognized Swiss sickness insurance funds referred to in article 5, paragraph 3, of the Administrative Arrangement are the following:

Centralized funds operating throughout Switzerland

Krankenkasse Argovia
Gönhardweg 15
5000 Aarau

Krankenkasse für den Kanton Bern
Laubeggstrasse 68
3006 Bern

INTRAS Caisse maladie
Rue Blavignac 10
1227 Carouge

Die "Eidgenössische"
Kranken- und Unfallkasse
Brislachstrasse 2
4242 Laufen

Christlichsoziale Kranken- und Unfallkasse der Schweiz
Zentralstrasse 18
6002 Luzern

¹ The Portuguese version of the Administrative Arrangement does not contain annex 1. (Information supplied by the Government of Switzerland.)

Schweiz. Kranken- und Unfallkasse
Konkordia
Bundesplatz 15
6002 Luzern
Caisse maladie
Fraternelle de Prévoyance
Rue Louis-Favre 12
2000 Neuchâtel
SANITAS
Schweizerische Krankenkasse
Postfach 473
8021 Zürich
Schweiz. Krankenkasse Helvetia
Stadelhoferstrasse 25
8002 Zürich

Regional or local funds

Oeffentliche Krankenkasse
Basel-Stadt
Spiegelgasse 12
4002 Basel
Einwohner-Krankenkasse
Frauenfeld
Rheinstrasse 11
8500 Frauenfeld
L'Avenir
Société romande d'assurance maladie
Rue de Locarno 17
1701 Fribourg
OSKA Krankenversicherung
Vadianstrasse 26
9001 St. Gallen
Zürcherische Krankenkasse
Bankstrasse 27
8610 Uster
Oeffentliche Krankenkasse
Winterthur
Palmstrasse 16
8400 Winterthur

Occupational sickness funds

Artisana Krankenversicherung
Effingerstrasse 59
3000 Bern 14
Schweiz. Krankenkasse für das BAU- und HOLZGEWERBE
und verwandte Berufe
Strassburgstrasse 11
8021 Zürich

Company sickness funds

Betriebskrankenkasse des Personals der Aktiengesellschaft

Brown Boveri & Cie und der Micafil AG

5401 Baden

Betriebskrankenkasse WILD

9435 Heerbrugg

ANNEX No. 2 TO THE ADMINISTRATIVE ARRANGEMENT OF 24 SEPTEMBER 1976
CONCERNING THE MANNER OF APPLICATION OF THE CONVENTION ON
SOCIAL SECURITY BETWEEN SWITZERLAND AND THE PORTUGUESE RE-
PUBLIC OF 11 SEPTEMBER 1975

The prostheses, artificial limbs and other major benefits in kind referred to in article 32 of the Administrative Arrangement shall include the following benefits, to the extent that they are provided for in the case in question in the legislation applied by the institution of the temporary residence or residence:

- (a) Prosthetic and orthopaedic appliances and braces, including orthopaedic corsets lined with fabric, together with replacement parts, accessories and instruments;
- (b) Orthopaedic footwear and supplementary footwear (non-orthopaedic);
- (c) Prosthesis of the jaw and face, wigs;
- (d) Artificial eyes, contact lenses, magnifying and telescopic spectacles;
- (e) Hearing aids, especially acoustic and phonetic appliances;
- (f) Dental prosthesis (fixed and removable) and occlusion prosthesis for the oral cavity;
- (g) Invalid carriages (manual or motorized), wheelchairs and other mechanical means of locomotion, guide-dogs for the blind;
- (h) Replacement of the articles referred to in the above subparagraphs;
- (i) Treatments;
- (j) Maintenance and medical care in:
 - A convalescent home, sanatorium or open-air sanatorium;
 - An observation sanatorium when it appears that the length of stay must exceed 20 days, in the opinion of the attending physician, or, if the legislation of the country in which the person concerned is located requires it, in similar cases, in the opinion of the supervising physician (consulting physician) of the institution of the temporary residence or residence, or when the length of stay extends, contrary to the preliminary opinion of the above-mentioned physician, beyond 20 days;
- (k) Rehabilitation and vocational retraining measures;
- (l) Any other medical intervention or any other medical, dental or surgical equipment, provided that the probable cost of the intervention or equipment exceeds the following amounts:
 - In Switzerland: 500 francs
 - In Portugal: 5,000 escudos;
- (m) Any subsidy to cover part of the costs resulting from the granting of the benefits referred to in subparagraphs (a) to (k) which exceeds the amount in question referred to in subparagraph (l) above.