

No. 18831

**SPAIN
and
PANAMA**

Bilateral Administrative Agreement relating to social security (with exchange of notes). Signed at Panama City on 8 March 1978

Authentic text: Spanish.

Registered by Spain on 30 May 1980.

**ESPAGNE
et
PANAMA**

Accord administratif bilatéral relatif à la sécurité sociale (avec échange de notes). Signé à Panama le 8 mars 1978

Texte authentique : espagnol.

Enregistré par l'Espagne le 30 mai 1980.

[TRANSLATION — TRADUCTION]

BILATERAL ADMINISTRATIVE AGREEMENT¹

The Government of Spain and the Government of Panama, through the Social Security Fund, represented respectively by His Excellency Ambassador Evaristo Ron Vilas, Director-General for Consular Affairs at the Ministry of Foreign Affairs of Spain, and by Mr. Jorge Abadía Arias, Director-General of the Social Security Fund,

Considering that the Multilateral Ibero-American Social Security Convention, adopted on 26 January 1978 at Quito, Republic of Ecuador, represented a joint effort to ensure social security coverage for insured persons by means of Bilateral Administrative Agreements determining the applicability of the Convention in all or part of its scope.

Resolve to adopt the following Bilateral Administrative Agreement:

TITLE I. GENERAL PROVISIONS

Article 1. For the purposes of this Agreement, the following expressions and terms shall have the meaning indicated:

(a) “Contracting Parties”: the Kingdom of Spain and the Republic of Panama.

(b) “Legislation”: the acts, regulations and other provisions referred to in article 2, which are in force in the territory of either Contracting Party.

(c) “Competent authority”: the Ministry of Health and Social Security in the case of Spain, and the Social Security Fund in the case of Panama.

(d) “Administering entity”: in respect of Spain, the National Insurance Institute and, in the case of Panama, the Social Security Fund.

Article 2. All other expressions and terms used in this Agreement shall have the meaning attributed to them in the legislation applicable in each case under the Agreement.

TITLE II. MEDICAL AND HEALTH BENEFITS

Article 3. This Administrative Agreement shall apply in respect of entitlements to medical and health care provided for in the Spanish social security system and the system of the Social Security Fund of Panama.

This Agreement shall not cover the economic benefits paid in respect of the contingencies envisaged in it; these shall be paid by the administering entity with which the insured person is affiliated.

Article 4. Insured persons, that is to say persons covered by the social security systems of Spain and Panama, residing or present in the territory of the other Contracting Party, shall be entitled to medical and health benefits in respect of ordinary and occupational diseases, ordinary and industrial accidents and maternity under the conditions outlined in this Agreement.

¹ Came into force on 28 March 1980 by the exchange of the instruments of ratification, which took place at Madrid, in accordance with article 11.

Article 5. For the purposes of acquiring, maintaining or recovering the entitlements referred to in article 4, if a person has been subject to the legislation of the Contracting Parties, the periods of insurance completed under such legislation shall be aggregated, provided that they do not overlap.

Article 6. Persons insured under the social security system of one Contracting Party and their relatives or dependents residing or present in the territory of the other Contracting Party shall have the same entitlements as the legislation in effect in that territory accords to its own nationals, under the conditions outlined in this Agreement.

Relatives of a worker employed in the territory of one Contracting Party who remain in the territory of the other Party shall be entitled to health care for a period of 24 months reckoned from the date on which the worker became affiliated with the social security system of the country in which he is employed.

The extent and type of health care in respect of the entitlements referred to in the foregoing paragraphs shall be governed by the regulations applied by the competent institution providing the care, and the duration of such health care shall be that provided for in the legislation of the Contracting Party with whose social security system the worker is affiliated, bearing in mind, where appropriate, the limitation set forth in the preceding paragraph of this article.

Similarly, the prior authorization of that competent institution shall be required for the provision of prostheses, except in urgent cases.

Article 7. The administering entities, that is to say the National Insurance Institute of Spain and the Social Security Fund of Panama, shall comply with requests addressed from one to the other to take care of insured persons requiring medical and health services, in so far as they can provide the necessary services in their own facilities.

Article 8. The cost of the health care referred to in title I shall be borne by the administering entity responsible for the insured person. Both entities shall determine by agreement every year the procedure for reimbursement of costs incurred in respect of the medical benefits granted.

TITLE III. MISCELLANEOUS PROVISIONS

Article 9. Insured persons shall prove that they are entitled to medical care benefits by presenting their personal identity cards, a document substantiating their entitlement and their social security card issued by the National Insurance Institute or the Social Security Fund.

Article 10. For the purposes of the implementation of this Agreement, the competent authorities and administering entities of both Parties shall lend each other their good offices and the necessary reciprocal technical and administrative co-operation and, to that end, shall act as though they were implementing their own legislation. Such assistance shall be free of charge.

To that end, the competent authorities and administering entities of both Contracting Parties shall:

- (a) Draw up whatever instruments may be necessary for the implementation of this Agreement;
- (b) Inform each other of the measures adopted internally to implement this Agreement;

- (c) Notify one another of all legislative provisions and regulations;
- (d) Resolve differences concerning the interpretation of this Agreement and of the instruments for its implementation by means of negotiation.

Article 11. The Contracting Parties shall transmit this Administrative Agreement and any additional instruments, together with any amendments, additions and changes which they may agree to subsequently, to the Secretary-General of the Ibero-American Social Security Organization so that he may keep a record of them, promote their broadest possible implementation and provide such advice as the administering entities may request.

FINAL PROVISIONS

First. This Administrative Agreement shall remain in effect for one year and may be extended by tacit agreement. The Contracting Parties may denounce it at any time; such denunciation shall take effect six months after the date of its notification without affecting the rights already acquired.

Second. This Administrative Agreement shall be ratified by the Contracting Parties and shall enter into force on the date of the exchange of the instruments of ratification.

IN WITNESS WHEREOF, the Agreement has been signed in two copies, both texts being equally authentic, at Panamá City, on 8 March 1978.

[Signed]

Ambassador EVARISTO RON VILAS
Director-General for Consular Affairs
Spanish Ministry of Foreign Affairs

[Signed]

Dr. JORGE ABADÍA ARIAS
Director-General
of the Social Security Fund of Panama

EXCHANGE OF NOTES

I

MINISTRY OF FOREIGN AFFAIRS

Sir,

I have the honour to refer to the Bilateral Administrative Agreement on social security between Spain and Panama dated 8 March 1978.

With reference to that Administrative Agreement I wish to inform you that, following institutional changes which have been made in Spain with respect to social security, the references in the Agreement to the National Insurance Institute should be considered as references to the National Social Security Institute.

If you agree to the foregoing proposal, I suggest that this note and your reply signifying consent should constitute an agreement which shall enter into force on the same date as the Administrative Agreement between Spain and Panama to which it refers.

Accept, Sir, etc.

Madrid, 28 March 1980

[Signed]

MARCELINO OREJA AGUIRRE

His Excellency Jaime Ingram
Ambassador of Panama in Madrid

II

EMBASSY OF PANAMA
SPAIN

Madrid, 28 March 1980

EPE-191

Sir,

I have the honour to refer to your note of today's date concerning the Bilateral Administrative Agreement on social security between Panama and Spain dated 8 March 1978, in which you state that, following institutional changes, the references in the text of that Agreement to the National Insurance Institute (of Spain) should be considered as references to the National Social Security Institute (of Spain).

Accordingly, I have the honour and pleasure to inform you, on behalf of my Government, that Panama fully agrees that the above-mentioned note and this note should constitute an agreement which shall enter into force on the same date and together with the Administrative Agreement between Spain and Panama to which they both refer.

Accept, Sir, etc.

[Signed]

JAIME INGRAM
Ambassador

His Excellency Marcelino Oreja Aguirre
Minister for Foreign Affairs of Spain
Madrid