

No. 18967

**SPAIN
and
FEDERAL REPUBLIC OF GERMANY**

Convention on unemployment insurance (with final protocol). Signed at Bonn on 20 April 1966

Agreement on the application of the above-mentioned Convention. Signed at Bonn on 10 November 1967

Authentic texts: Spanish and German.

Registered by Spain on 11 July 1980.

**ESPAGNE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Convention relative à l'assurance chômage (avec protocole final). Signée à Bonn le 20 avril 1966

Accord relatif à l'application de la Convention susmentionnée. Signé à Bonn le 10 novembre 1967

Textes authentiques : espagnol et allemand.

Enregistrés par l'Espagne le 11 juillet 1980.

zugeht, daß die innerstaatlichen Voraussetzungen erfüllt sind, jedoch nicht vor Inkrafttreten des Abkommens. Sie ist mit Wirkung von dem Tage anzuwenden, an dem das Abkommen in Kraft tritt, und tritt gleichzeitig mit dem Abkommen außer Kraft.

GESCHEHEN zu Bonn am 10 November 1967, in vier Urschriften, je zwei in spanischer und zwei in deutscher Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist.

Für die Regierung
des Spanischen Staates:

[Signed — Signé]

JOSÉ SEBASTIÁN DE ERICE

Für die Regierung
der Bundesrepublik Deutschland:

[Signed — Signé]

Herr GEORG FERDINAND DUCKWITZ

[Signed — Signé]

Herr Dr. JAKOB KÄFFERBITZ

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE SPANISH STATE AND THE FEDERAL REPUBLIC OF GERMANY ON UNEMPLOYMENT INSURANCE

The Head of the Spanish State and the President of the Federal Republic of Germany,

Desiring to regulate relations between the two States in the matter of social security in cases of unemployment,

In recognition of the principle that nationals of their countries should receive equal treatment through application of the respective domestic social security legislation,

Considering that the Convention between the two States on social security in cases of involuntary unemployment, signed on 29 October 1959,² should be replaced by regulations which, for the purpose of establishing entitlement to benefits, also provide for account to be taken of the insurance periods completed in the other State and for the retention of entitlement to benefits in the event of a transfer of domicile to the territory of the other State,

Have decided to conclude a convention on this matter and, to that end, have appointed as their Plenipotentiaries:

The Head of the Spanish State: His Excellency José S. de Erice, Ambassador of Spain at Bonn,

The President of the Federal Republic of Germany: His Excellency Professor Dr. Karl Carstens, Secretary of State for Foreign Affairs.

The Plenipotentiaries, having exchanged their full powers, found in good and due form, have agreed as follows:

TITLE I. GENERAL PROVISIONS

Article 1. DEFINITIONS

For the purposes of this Convention:

1. "Territory" means,
 - In relation to Spain, the Spanish part of the Iberian peninsula, the Balearic Islands, the Canary Islands and the Spanish territories in North Africa, and
 - In relation to the Federal Republic of Germany, the territory in which the Basic Law of the Federal Republic of Germany is in force;
2. "National" means,
 - In relation to Spain, anyone supplying proof of Spanish nationality in accordance with Spanish legislation, and
 - In relation to the Federal Republic of Germany, any German within the meaning of the Basic Law of the Federal Republic of Germany;

¹ Came into force on 1 December 1967, i.e., the first day of the second month following the date of the exchange of the instruments of ratification, which took place at Madrid on 25 October 1967, in accordance with article 29 (2).

² United Nations, *Treaty Series*, vol. 1157, No. 1-18283.

3. "Legislation" means the laws, regulations and other provisions relating to the social security schemes referred to in article 2, paragraph 1, which are in force in the territory or part of the territory of either Contracting State;

4. "Competent authority" means,

- In relation to Spain, the Ministry of Labour, and
- In relation to the Federal Republic of Germany, the Federal Minister of Labour and Social Affairs;

5. "Insurance authority" means the institution or authority responsible for implementing the legislation, or any part thereof, specified in article 2;

6. "Dependant" means a dependant as defined in the applicable legislation;

7. "Employment" means any employment or occupation as defined in the applicable legislation.

Article 2. STATUTORY SCOPE OF APPLICATION

(1) This Convention shall apply:

1. In Spain, to the legislation concerning unemployment insurance and to the provisions governing the situation of employed persons who do not qualify for unemployment insurance benefits, as well as to the provisions governing social security schemes in cases of involuntary unemployment which have been authorized in public institutions or in State-financed enterprises;
2. In the Federal Republic of Germany, to the legislation concerning unemployment insurance and unemployment relief.

(2) This Convention shall also apply to legislation which extends the existing law to new classes of employed persons, and to such special schemes for the application of unemployment insurance as may be established or authorized for particular groups of activities, unless the competent authority of one of the Contracting Parties makes a declaration to the contrary to the competent authority of the other Contracting Party within three months from the date of receipt of the information referred to in article 15, paragraph 2 (*b*).

(3) This Convention shall apply without taking into account other international or supranational unemployment legislation or domestic provisions adopted for their implementation.

Article 3. PERSONAL SCOPE OF APPLICATION

Except as otherwise provided in article 6, paragraph 2, this Convention shall apply to the nationals of the Contracting Parties.

Article 4. PRINCIPLE OF EQUALITY OF TREATMENT

Except as otherwise provided in article 25, the persons to whom this Convention applies shall, within the meaning of article 3, have the same rights and obligations under the legislation of both Contracting Parties.

Article 5. EFFECT OF INCOME OR EMPLOYMENT STATUS ON COMPULSORY INSURANCE AND ON BENEFITS IN THE TERRITORY OF THE OTHER CONTRACTING PARTY

Where, under the legislation of one Contracting Party, a social security benefit or other category of income or a gainful occupation has legal effects on compulsory insurance or on a benefit granted under this Convention, benefits and income of the same category deriving from the territory of the other Contracting Party and a

similar gainful occupation exercised in the territory of the other Contracting Party shall have the same effects.

TITLE II. MANDATORY UNEMPLOYMENT INSURANCE

Article 6. GENERAL PRINCIPLE

(1) The legislation of a Contracting Party shall apply to the occupations exercised in its territory. Such legislation shall subsume the rights and obligations of employers arising from the employer-employee relationship, and this principle shall apply even in cases where the employer is normally resident in the territory of the other Contracting Party or where the enterprise has its main place of business in such territory.

(2) If, under a social security agreement between Spain and the Federal Republic of Germany, the legislation of one Contracting Party is applied to an occupation exercised in the territory of the other Contracting Party, the legislation of that other Contracting Party, specified in article 2 of this Convention, shall apply to such occupation.

TITLE III. ENTITLEMENT TO BENEFITS

Article 7. GENERAL PRINCIPLE

(1) Except where otherwise provided in this title, the legislation of the Contracting Party in whose territory a claim is made shall be applied for the purpose of determining entitlement to unemployment insurance, the amount of the benefits and the duration and modalities thereof.

(2) Where an employed person receiving a benefit transfers his domicile from the territory of the Contracting Party in which he was last employed and in which he claimed benefits to the territory of the other Contracting Party, the legislation of the latter Party shall apply from the date of such transfer.

Article 8. CONSIDERATION OF INSURANCE PERIODS COMPLETED IN THE TERRITORY OF THE OTHER CONTRACTING PARTY FOR THE COMPLETION OF THE QUALIFYING PERIOD

(1) Where a claim is filed with the insurance authority in the territory of the Contracting Party in which the employed person became unemployed, that authority shall take into account, where necessary for the completion of the qualifying period, the insurance periods completed in the territory of the other Contracting Party during the two years prior to submission of claim, as if they were insurance periods completed in accordance with the legislation of the first-mentioned Contracting Party. The foregoing shall apply only where the employed person:

- (a) Is unemployed for reasons beyond his control, or
- (b) Was employed for at least four weeks subsequent to his last entry into the territory of the Contracting Party in which he was last employed.

(2) Where a claim is filed with the insurance authority in the territory of the other Contracting Party, that authority shall take into account, where necessary for the completion of the qualifying period, the insurance periods completed in the territory of the first-mentioned Contracting Party during the last two years prior to submission of the claim, as if they were insurance periods completed in accordance with the legislation in force for the insurance authority of the other Contracting Party where:

- (a) The person concerned, after the starting date of his lay-off, has received unemployment benefits for a continuous period of at least two weeks, within the meaning of the first Contracting Party's legislation;
- (b) Even before completion of the period specified in subparagraph (a), the insurance authority of the first Contracting Party has authorized the employed person to return to the territory of the Contracting Party whose nationality he possesses.

Article 9. LENGTH OF ENTITLEMENT

(1) For the purpose of determining the length of entitlement to benefits, insurance periods completed in the territory of the other Contracting Party shall also be taken into account, where necessary, in order to justify a maximum of 26 weeks' entitlement.

(2) The length of entitlement shall be shortened by periods during which the insurance authority in the territory of the other Contracting Party has granted, and the insured person has received, benefits of the same category during the 12 months immediately preceding the date of submission of the application, unless, after receiving such benefits, the employed person has completed a further qualifying period. Sickness compensation received during a period completed in Spain shall also be deemed to be a benefit of the same category in cases where the unemployed person has opted for sickness compensation instead of unemployment payments.

(3) Where the insurance authority of the other Contracting Party has disallowed unemployment insurance benefits during the 12 months referred to in the first sentence of paragraph 2 because of a refusal to work, of a resignation without due cause or of a dismissal for a reason attributable to the employed person, the corresponding periods shall be calculated as if the benefits had been disallowed under the legislation of the Contracting Party in whose territory entitlement was claimed. The foregoing shall not apply where, after the incident which led to disallowance of the claim, the employed person has completed a further qualifying period.

Article 10. DETERMINATION OF BENEFITS

(1) Where German legislation is applicable and determination of a benefit is dependent on the insurance periods completed in Spain, account shall be taken of the average remuneration pursuant to the collective agreement or, where no such agreement exists, the respective remuneration for a similar occupation in the place of residence. Where Spanish legislation is applicable, the respective remuneration for the occupational category of the employed person in his most recent employment shall serve as the basis.

(2) Where, under the legislation of one Contracting Party, the amount of a benefit depends on the number of the employed person's dependants, the competent insurance authority shall take account of such dependants as normally reside away from the employed person in the territory of the other Contracting Party. The insurance authority shall transfer to the dependant, to his guardian or to the person, institution or authority responsible for the dependant or which supports him such portion of the benefit as is required to be paid to such persons or institutions under the legislation in force, as if the dependant were resident in the territory of the Party in which the insurance authority has its main office.

Article 11. REIMBURSEMENT OF UNEMPLOYMENT INSURANCE BENEFITS
TO THE INSURANCE AUTHORITY OF THE OTHER CONTRACTING PARTY

(1) Where insurance periods are calculated in accordance with article 8, paragraph 2, for the purpose of granting benefits, the insurance authority of the Contracting Party in whose territory the unemployment occurred shall reimburse to the insurance authority of the other Contracting Party such benefits as have been paid by the latter authority for a maximum of six months in conformity with the relevant legislation. This period shall be reduced by the period during which the insurance authority of the first Contracting Party has already paid benefits from the start of unemployment, in accordance with the relevant legislation.

(2) The competent authorities shall determine by mutual agreement the detailed procedure for reimbursing benefits in conformity with paragraph 1. The agreement may provide for reimbursement as a lump sum.

Article 12. BENEFITS UNDER NON-CONTRIBUTORY INSURANCE SCHEMES

The provisions of articles 7, 8 and 10 shall apply *mutatis mutandis*:

- In relation to Spain, to unemployment benefits for persons who do not meet the requirements for claiming unemployment insurance;
- In relation to the Federal Republic of Germany, to unemployment relief benefits.

TITLE IV. PROCEDURAL, TRANSITIONAL AND FINAL PROVISIONS

Article 13. PAYMENTS

(1) Payments to be made by the competent insurance authorities of each Contracting Party under this Convention in the territory of the other State shall be effected, in full discharge, in their national currency. In such cases, these authorities shall forthwith submit, to the competent office of the State in which they are situated, the necessary applications for transferring the payments to the other State.

(2) The competent offices shall promptly and without restriction grant, in accordance with the payments agreement in force, the necessary authorization for effecting the transfers referred to in paragraph 1. The foregoing shall also apply to transfers of payments that have to be made as contributions under the legislation of the other Contracting Party.

Article 14. RATE OF EXCHANGE

(1) Payments under this Convention shall be made at the rate of exchange applicable for current commercial transactions on the day of transfer.

(2) The rate of exchange applicable for current commercial transactions shall be based on the par value set by agreement with the International Monetary Fund, and shall remain within the fluctuation margin on both sides of parity accepted under title 3, article IV, of the articles of agreement of the International Monetary Fund.

(3) Where, for current commercial transactions, the International Monetary Fund has authorized an exchange rate different from that specified in paragraph 2, such exchange rate shall be applied.

(4) Where, in respect of a Contracting Party at the time of transfer, no exchange rate exists within the meaning of paragraph 2 or 3, the exchange rate which such Contracting Party would have established for its currency in relation to the United States dollar, or to another freely convertible currency, or to gold, shall apply.

Where no such exchange rate has been established, the Contracting Parties shall accept a fair and equitable rate of exchange.

Article 15. ADMINISTRATIVE AND LEGAL CO-OPERATION

(1) The authorities, courts and insurance authorities of the two Contracting Parties shall assist one another on matters relating to the application of this Convention as if the matters related to the application of their own legislation. Such assistance shall be free of charge.

(2) The competent insurance authorities shall exchange information on a continuing basis regarding:

- (a) Measures taken by them for the application of this Convention;
- (b) Any amendments and additions to their domestic legislation which affect the application of this Convention.

Article 16. REIMBURSEMENT OF ADVANCES AND BENEFITS GRANTED IN ERROR

(1) Where the insurance authority of a Contracting Party has paid benefits to a person in error, the competent insurance authority of the other Contracting Party may, at the request and on behalf of the first insurance authority, deduct the amount paid in error from a subsequent payment, or from cash benefits currently payable, to the aforementioned beneficiary in accordance with the relevant legislation.

(2) Where a beneficiary has received relief from a public assistance authority of a Contracting Party during the period in which he is entitled, under the legislation of the other Contracting Party, to receive unemployment insurance benefits or the benefits specified in article 12, the insurance authority of the first-mentioned Contracting Party shall deduct, in accordance with its own domestic legislation and at the request and on behalf of the public assistance authority, the amount paid in the form of relief. The foregoing shall also apply to assistance paid by a social welfare authority at the same time as the relief was granted to the beneficiary, the spouse residing with him and his unmarried minor children.

Article 17. COLLECTION OF CONTRIBUTIONS ON BEHALF OF THE INSURANCE AUTHORITY OF THE OTHER CONTRACTING PARTY

Unemployment insurance contributions which, under the legislation of one Contracting Party, are owed by a person residing in the territory of the other Contracting Party may be collected and payment thereof demanded on behalf of the entitled insurance authority as if the contributions were owed under the legislation of the latter Contracting Party.

Article 18. EXEMPTION FROM LEGAL DUES OR CHARGES AND WAIVER OF THE REQUIREMENT TO LEGALIZE DOCUMENTS AND PAPERS

(1) Where the legislation of one Contracting Party provides that documents or other papers required to be submitted to the authorities, courts or insurance authorities of that Contracting Party shall be exempt, wholly or in part, from legal dues or charges, such exemption shall also apply to documents and other papers which are required under this Convention to be submitted to the authorities, courts or insurance authorities of the other Contracting Party.

(2) Documents required to be submitted under this Convention to authorities, courts or insurance authorities of one Contracting Party need not be authenticated for use *vis-à-vis* insurance authorities of the other Contracting Party, provided that they bear the official stamp or seal of the issuing office.

Article 19. DIRECT CONTACT BETWEEN THE PARTIES CONCERNED —
OFFICIAL LANGUAGE

(1) In the application of this Convention, the authorities, courts and insurance authorities of the two Contracting Parties may, in each particular case, communicate directly with each other and with persons concerned, as well as with their representatives.

(2) The papers of all persons concerned may be drawn up in the Spanish or the German languages.

Article 20. TIME-LIMIT FOR SUBMISSION OF APPLICATIONS, DECLARATIONS
AND APPEALS

(1) The time-limit for applications, declarations or appeals which are required to be or may be submitted to the authorities, courts, insurance authorities or other institutions, under the legislation of one Contracting Party, shall be deemed to have been met where such applications, declarations or appeals are submitted to the corresponding insurance authority of the other Contracting Party.

(2) The insurance authority to which the applications, declarations and appeals have been submitted shall forward them immediately to the insurance authority of the other Contracting Party so that the latter may, in turn, transmit them to the competent office.

(3) An unemployed person who moves to Spain from the territory of the Federal Republic of Germany shall, if duly eligible, apply for unemployment insurance benefits and register with the employment bureau within 15 days from the last day of the benefit period specified in article 8, paragraph 2 (a), or from the date on which his return, referred to in article 8, paragraph 2 (b), is authorized. In the latter case, he shall be entitled to the benefit from the date on which the said period begins. Where the application for benefits is submitted within 15 days from the end of the said period, he shall be entitled to benefits from the day following the date of submission of the application. If he does not submit an application within the latter period, his entitlement to insurance benefits shall be deemed extinguished.

Article 21. NOTIFICATION OF DECISION IN THE TERRITORY
OF THE OTHER CONTRACTING PARTY

The decisions of an insurance authority may be communicated to a person entitled to benefits who is in the territory of the other Contracting Party by means of a registered letter with acknowledgement of receipt or through the liaison office.

Article 22. ADMINISTRATIVE AGREEMENTS

The competent authorities may conclude agreements establishing any administrative measures necessary for the application of this Convention.

Article 23. LIAISON OFFICES

For the purposes of implementing the technical aspects of this Convention, the competent authorities shall designate liaison offices which may collaborate directly with each other.

Article 24. ARBITRATION CLAUSES

(1) Disputes which arise concerning the interpretation of application of this Convention shall, so far as possible, be settled by the competent authorities of the two Contracting Parties.

(2) If a dispute cannot be settled in this way, it shall, at the request of either of the Contracting Parties, be submitted to an arbitral tribunal.

(3) The arbitral tribunal shall, in each case, be composed of three members. Each Contracting Party shall appoint one representative and these two representatives shall agree upon a national of a third State as their chairman to be appointed by the Governments of the two Contracting Parties. The members of the tribunal and its chairman shall be appointed, respectively, within two and three months from the date on which either Contracting Party has informed the other of its decision to submit the dispute to an arbitral tribunal.

(4) If the periods specified in paragraph 3 above have not been observed, either Contracting Party may, in the absence of any other arrangement, invite the President of the International Court of Justice to make the necessary appointments.

(5) The arbitral tribunal shall reach its decision by majority vote. Its decisions shall be binding. Each Contracting Party shall bear the cost of its own member and of its representatives in the arbitral proceedings. The cost of the chairman and the remaining costs shall be borne in equal parts by both Contracting States. In all other respects, the arbitral tribunal shall determine its own procedure.

Article 25. APPOINTMENT TO MEMBERSHIP IN THE ORGANIZATIONS OF THE GERMAN INSURANCE AUTHORITY

German legislation providing that eligibility for election to the Bundestag is a requirement for appointment to membership in the organizations of the Federal Institute for Employment and Unemployment Insurance (Bundesanstalt für Arbeitsvermittlung und Arbeitslosenversicherung) shall not be affected by this Convention.

Article 26. TRANSITIONAL PROVISIONS

(1) This Convention shall not confer any retroactive right to benefits for the period before its entry into force. For the purpose of applying the provisions of title III, however, account shall be taken of facts which existed prior to the entry into force of the Convention.

(2) Upon expiry of the Convention, any person who, under its provisions, is receiving unemployment insurance benefits on the date of such expiry in accordance with the provisions of title III shall be entitled to continue receiving such benefits under that title.

Article 27. BERLIN CLAUSE

This Convention shall also apply to *Land Berlin* unless the Government of the Federal Republic of Germany makes a declaration to the contrary to the Government of the Spanish State within three months after the entry into force of this Convention.

Article 28. VALIDITY

(1) This Convention is concluded for a period of one year from the date of its entry into force. It shall be renewed from year to year unless notice of termination is given in writing not less than three months before the expiry of the current one-year period.

(2) The Agreement of 29 October 1959 between the Government of the Spanish State and the Government of the Federal Republic of Germany on social security in cases of involuntary unemployment shall cease to have effect on the date of the entry into force of this Convention.

Article 29. RATIFICATION AND ENTRY INTO FORCE

(1) This Convention shall be subject to ratification. The instruments of ratification shall be exchanged at Madrid as soon as possible.

(2) This Convention shall enter into force on the first day of the second month following the end of the month in which the instruments of ratification are exchanged.

IN WITNESS WHEREOF the Plenipotentiaries of both Contracting Parties have signed this Convention and affixed thereto their seals.

DONE at Bonn, on 20 April 1966, in four copies, two in Spanish and two in German, both texts being equally authentic.

In the name of the Spanish State:

[Signed]

JOSÉ SEBASTIÁN DE ERICE
Ambassador of Spain at Bonn

In the name
of the Federal Republic of Germany:

[Signed]

DR. KARL CARSTENS
Secretary of State of the Government
of the Federal Republic of Germany

FINAL PROTOCOL

Upon signing the Convention concluded today between the Spanish State and the Federal Republic of Germany on unemployment insurance, the undersigned Plenipotentiaries hereby declare that agreement has been reached on the following:

1. The Government of the Spanish State and the Government of the Federal Republic of Germany shall ensure that the residence permits of nationals of the other State are not revoked nor the extension of such permits denied on the ground that the nationals in question are claiming or receiving benefits under this Convention.

2. The Government of the Spanish State and the Government of the Federal Republic of Germany shall ensure that no general or special restrictions relating to employment are imposed on employed persons who are nationals of the other State, or on employers, which limit or jeopardize enjoyment of the entitlement to the benefits provided under this Convention.

This final protocol shall form an integral part of the Convention between the Spanish State and the Federal Republic of Germany on unemployment insurance. It shall enter into force simultaneously with the Convention and shall have the same period of validity as the Convention.

IN WITNESS WHEREOF the Plenipotentiaries of both Parties have signed this protocol and affixed thereto their seals.

DONE at Bonn, on 20 April 1966, in four copies, two in Spanish and two in German, both texts being equally authentic and binding.

In the name of the Spanish State:

[Signed]

JOSÉ SEBASTIÁN DE ERICE
Ambassador of Spain at Bonn

In the name
of the Federal Republic of Germany:

[Signed]

DR. KARL CARSTENS
Secretary of State of the Government
of the Federal Republic of Germany

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE SPANISH STATE AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY ON THE APPLICATION OF THE CONVENTION OF 20 APRIL 1966 ON UNEMPLOYMENT INSURANCE²

The Government of the Spanish State and the Government of the Federal Republic of Germany,

Desiring, jointly, to establish the administrative measures necessary for implementing the Convention, signed at Bonn on 20 April 1966 between the Spanish State and the Federal Republic of Germany on unemployment insurance,² hereinafter referred to as “the Agreement”,

Have agreed as follows:

Article 1. DEFINITIONS

The terms used in this Agreement shall have the same meaning as in the Convention.

Article 2. LIAISON OFFICES

(1) In accordance with article 23 of the Convention, the following are designated liaison offices:

- For the Spanish State: the Central Services of the Instituto Nacional de Previsión, Madrid;
- For the Federal Republic of Germany, the Central Office of the Arbeitsvermittlung und Arbeitslosenversicherung, Nürnberg.

(2) Should the competent authority of either Contracting Party designate another liaison office, it shall forthwith notify the competent authority of the other Contracting Party.

Article 3. INSURANCE AUTHORITIES PROVIDING UNEMPLOYMENT BENEFITS

These authorities (article 1, paragraph 5, of the Convention) shall be:

- In Spain: the Instituto Nacional de Previsión;
- In the Federal Republic of Germany: the Bundesanstalt für Arbeitsvermittlung und Arbeitslosenversicherung.

Article 4. CORRESPONDENCE BETWEEN THE SERVICES OF THE INSURANCE AUTHORITIES

The competent provincial service of the insurance authority of Spain (Provincial Office of the Instituto Nacional de Previsión) and the competent local service of the insurance authority of the Federal Republic of Germany (Arbeitsamt) shall communicate directly with each other; where necessary, correspondence may be sent through the liaison offices.

¹ Came into force on 26 March 1968, the date on which the Government of Spain received notification from the Government of the Federal Republic of Germany of the completion of the required internal procedures, with retroactive effect from 1 December 1967, the date of the entry into force of the Agreement of 20 April 1966, in accordance with article 12.

² See p. 123 of this volume.

Article 5. APPLICABLE LEGAL PROVISIONS

(1) For purposes of applying article 6, paragraph 2, of the Convention, sickness or pension scheme certificates issued under a social security agreement shall also be valid for the unemployment scheme.

(2) Where a certificate as referred to in paragraph 1 has to be submitted in Spain, the competent service of the sickness or pension scheme of the Federal Republic of Germany shall provide an extra copy of the sickness or pension scheme certificate for unemployment insurance purposes.

Article 6. PROOF OF UNEMPLOYMENT BY THE UNEMPLOYED PERSON

An unemployed person claiming a benefit under the Convention shall obtain and submit the requisite certificates testifying that the requirements for applying the Convention have been met.

Article 7. DETERMINATION OF ENTITLEMENT TO BENEFITS UNDER ARTICLES 8, 10, PARAGRAPH 1, AND 20, PARAGRAPH 3, OF THE CONVENTION

(1) Where, under article 8 of the Convention, insurance periods completed under the legislation of the other Contracting Party are taken into account in order to determine whether the qualifying period has been completed, the insurance authority of the said Party, or its competent service referred to in article 4 of this Agreement, shall issue a certificate containing the information necessary for enabling such periods to be taken into account. The certificate shall include, in particular, data on the insurance periods completed during the two years immediately preceding the claim, the reason for the termination of employment and, for the purpose of applying article 10, paragraph 1, of the Convention, the job category and economic sector in which the person concerned was employed.

(2) In the cases referred to in article 8, paragraph 2, of the Convention, the certificate shall also indicate whether the employed person, from the time he became unemployed, has received benefits as a fully unemployed person for a period of at least two consecutive weeks, or, where such period does not include at least two consecutive weeks, the date, prior to the lapse of such period, on which authorization to travel to the territory of the other Party was granted.

(3) The certificates referred to in paragraphs 1 and 2 above shall be issued at the request of the employed person or of his employer. If the employed person is unable to present the certificate, the insurance authority to which the employed person submits his claim shall request the insurance authority of the other Contracting Party to issue and transmit the certificate. The authorization referred to in article 8, paragraph 2 (b), of the Convention must be granted prior to the return of the employed person; in exceptional justified cases it may also be granted *ex post facto*.

Article 8. CONSIDERATION OF DEPENDANTS UNDER ARTICLE 10, PARAGRAPH 2, OF THE CONVENTION

(1) In the cases referred to in article 10, paragraph 2, of the Convention, the insurance authority of the Contracting Party in whose territory the dependants normally reside shall issue a certificate including such data concerning them as may be required for determining the amount of the benefit.

(2) Article 7, paragraph 3, shall apply *mutatis mutandis*.

Article 9. DETERMINATION OF DURATION OF ENTITLEMENT UNDER ARTICLE 9 OF THE CONVENTION

(1) The certificate referred to in article 7 of this Agreement may be used for implementing article 9, paragraph 1, of the Convention.

(2) For the purpose of implementing article 9, paragraphs 2 and 3, of the Convention, the certificate referred to in paragraph 1 shall include the following data:

- (a) The period, within the last 12 months prior to his return, during which the employed person has obtained unemployment or sickness benefits from the insurance authority issuing the certificate that has to be taken into account in determining the duration of entitlement;
- (b) The period within the last 12 months prior to his return during which the insurance authority issuing the certificate has disallowed unemployment benefits because the employed person has refused to accept work or has abandoned his work without due cause or has been dismissed for an act of his own doing.

Article 10. REIMBURSEMENT OF BENEFITS UNDER ARTICLE 11 OF THE CONVENTION

(1) The insurance authority which granted the benefits shall demand payment of the reimbursable amounts from the insurance authority liable therefor plus a statement including, in particular, the following data:

- (a) Surnames, first name and date of birth of the unemployed person;
- (b) The service or office of the insurance authority which issued the certificate of insurance periods;
- (c) The period for which benefits have been granted;
- (d) The number of days for which the insurance authority liable for reimbursement has already granted benefits in accordance with the certificate referred to in article 9 of this Agreement;
- (e) The number of days for which benefits are to be reimbursed;
- (f) The amount of the benefits to be taken into account for reimbursement under the Convention;
- (g) The declaration stating that the unemployed person did not work in his own country up to the date on which he was first entitled to benefits.

(2) Reimbursement statements shall be submitted annually through the liaison offices to the insurance authority liable for reimbursement; the insurance authorities may decide on shorter periods by mutual agreement. The insurance authority liable for reimbursement shall remit the reimbursable amount through the liaison offices within six months from the date on which the relevant liaison office receives the reimbursement statement. The liaison offices shall jointly determine the other details of the clearance procedure, having regard to the principles upon which the applicable accounting legislation is based.

Article 11. FORMS

The liaison offices may, by mutual agreement, decide on forms for the certificates, declarations, requests and other written documents necessary for implementing the Convention and this Agreement.

Article 12. VALIDITY

This Agreement shall enter into force on the date on which the Government of the Spanish State receives notification from the Government of the Federal Republic of Germany that the latter's internal requirements have been fulfilled, but not before the entry into force of the Convention. The Agreement shall have effect from the day on which the Convention enters into force and for the same period.

DONE at Bonn on 10 November 1967, in four copies, two in Spanish and two in German, both texts being equally authentic and binding.

For the Government
of the Spanish State:

[Signed]

JOSÉ SEBASTIÁN DE ERICE

For the Government
of the Federal Republic of Germany:

[Signed]

GEORG FERDINAND DUCKWITZ

[Signed]

Dr. JAKOB KÄFFERBITZ
