

**No. 19772**

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**SPAIN  
and  
FEDERAL REPUBLIC OF GERMANY**

**Agreement on social security in cases of involuntary unemployment. Signed at Bonn on 29 October 1959**

*Authentic texts: Spanish and German.*

*Registered by Spain on 12 May 1981.*

**Termination of the above-mentioned Agreement (*Note by the Secretariat*)**

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**ESPAGNE  
et  
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif à la sécurité sociale en cas de chômage involontaire. Signé à Bonn le 29 octobre 1959**

*Textes authentiques : espagnol et allemand.*

*Enregistré par l'Espagne le 12 mai 1981.*

**Abrogation de l'Accord susmentionné (*Note du Secrétariat*)**

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE SPANISH STATE AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY ON SOCIAL SECURITY IN CASES OF INVOLUNTARY UNEMPLOYMENT

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

Resolved to co-operate in the social field,

In confirmation of the principle that the nationals of one of the Contracting States should enjoy, through application of the social security legislation of the other State, the same treatment as the nationals of such other State, and

Desiring to apply this principle also to social security in cases of involuntary unemployment,

Have agreed as follows:

*Article 1.* The Government of the Spanish State and the Government of the Federal Republic of Germany undertake to accord to the nationals of both Parties equal treatment in respect of social security rights and obligations in cases of involuntary unemployment, as specified in articles 2 to 6.

*Article 2.* (1) In the Spanish State, German nationals legally resident in Spain shall be entitled, in accordance with Spanish legislation and on the same footing as Spanish nationals, to the following benefits:

1. Technological unemployment insurance benefits;
2. Benefits for unemployment caused by electric-power deficiencies;
3. Special cotton-industry insurance benefits;
4. Compensation for unemployment resulting from economic crisis;
5. Special benefits granted by the Ministry of Labour on the occasion of disasters.

The Government of the Spanish State shall take the necessary action to ensure that German employed persons who are indigent as a result of involuntary unemployment and are both willing and able to accept employment shall receive the same unemployment relief and social assistance benefits as Spanish employed persons.

(2) In the Federal Republic of Germany, Spanish nationals legally resident in the territory of the Federal Republic of Germany shall be entitled, in accordance with the legislation of the Federal Republic of Germany on involuntary unemployment insurance and on the same footing as German nationals, to the relevant benefits, including compensation for loss of earnings. Upon expiry of the period of entitlement to unemployment relief, or after at least 26 weeks' employment in the territory of the Federal Republic of Germany, they shall receive the

<sup>1</sup> Came into force on 1 December 1959, i.e., the first day of the second month following the date of signature, in accordance with article 9.

same benefits as German nationals under the legislation governing unemployment assistance which is not based on contributory payments.

*Article 3.* (1) All future legal provisions which amend or supplement social security provisions now in force in respect of involuntary unemployment and social assistance, as well as such other provisions as may establish new social security schemes in this field, shall also be deemed to be legislation within the meaning of article 2.

(2) It is agreed that, if a social security scheme in respect of involuntary unemployment is established in Spain, based on contribution payments, the Contracting Parties shall explore the possibility of concluding an agreement for the purpose of ensuring that insurance periods, or periods treated as such, which are completed in one of the States are taken into account when determining entitlement to benefits in the territory of the other State.

*Article 4.* 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 the provisions specified in articles 2 and 3 above.

*Article 5.* The Government of the Spanish State and the Government of the Federal Republic of Germany shall ensure that no general or specific restrictions are imposed on employed persons who are nationals of the other State or on employers, which limit or prejudice enjoyment of the entitlement to the benefits provided for in articles 2 and 3 above.

*Article 6.* For the purposes of this Agreement, “nationals” means,

- In relation to the Spanish State, 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.

*Article 7.* (1) The competent authorities,

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

shall maintain direct contact with each other for the purpose of implementing this Agreement and shall keep each other informed of any amendments and supplementary provisions which may be introduced into their respective domestic legislations as defined in articles 2 and 3 above.

(2) Any doubts that may arise from the interpretation and application of this Agreement shall be settled by mutual agreement between the competent authorities of the two States.

*Article 8.* This Agreement 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 Spain within three months after the entry into force of this Agreement.

*Article 9.* This Agreement shall enter into force on the first day of the second month following the month in which it is signed. It shall continue in force for

one year and shall be renewed by tacit agreement for successive six-month periods unless notice of its termination is given in writing by one of the two States at least three months before the expiration of the respective six-month period.

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

DONE at Bonn, on 29 October 1959, in four originals, two in Spanish and two in German, both texts being equally authentic and binding.

For the Spanish State:

[Signed]

Marqués DE BOLARQUE

For the Federal Republic of Germany:

[Signed]

VON BRENTANO

[Signed]

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TERMINATION OF THE AGREEMENT<sup>1</sup> OF 29 OCTOBER 1959 BETWEEN THE SPANISH STATE AND THE FEDERAL REPUBLIC OF GERMANY ON SOCIAL SECURITY IN CASES OF INVOLUNTARY UNEMPLOYMENT (*Note by the Secretariat*)

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The above-mentioned Convention of 29 October 1959<sup>1</sup> was terminated under the provisions of article 28 (2) of a later agreement on unemployment insurance signed at Bonn on 20 April 1966, which entered into force on 1 December 1967, and was registered by the Government of Spain on 11 July 1980.<sup>2</sup>

(12 May 1981)

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ABROGATION DE L'ACCORD<sup>1</sup> DU 29 OCTOBRE 1959 ENTRE L'ETAT ESPAGNOL ET LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE RELATIF À LA SÉCURITÉ SOCIALE EN CAS DE CHÔMAGE INVOLONTAIRE (*Note du Secrétariat*)

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La Convention susmentionnée du 29 octobre 1959<sup>1</sup> a été abrogée en application des dispositions du paragraphe 2 de l'article 28 d'un accord ultérieur relatif à l'assurance chômage signé à Bonn le 20 avril 1966, entré en vigueur le 1<sup>er</sup> décembre 1967 et enregistré par le Gouvernement espagnol le 11 juillet 1980<sup>2</sup>.

(12 mai 1981)

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<sup>1</sup> See p. 52 of this volume.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1196, No. I-19011.

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<sup>1</sup> Voir p. 55 du présent volume.

<sup>2</sup> Nations Unies, *Recueil des Traités*, vol. 1196, n° I-19011.