

No. 20317

**FEDERAL REPUBLIC OF GERMANY
and
LIECHTENSTEIN**

**Agreement concerning social security (with final protocol).
Signed at Vaduz on 7 April 1977**

Authentic text: German.

Registered by the Federal Republic of Germany on 7 August 1981.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
LIECHTENSTEIN**

**Accord relatif à la sécurité sociale (avec protocole final).
Signé à Vaduz le 7 avril 1977**

Texte authentique : allemand.

Enregistré par la République fédérale d'Allemagne le 7 août 1981.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY
AND THE PRINCIPALITY OF LIECHTENSTEIN CONCERNING
SOCIAL SECURITY

The President of the Federal Republic of Germany and His Highness the Reigning Prince of Liechtenstein,

Desiring to foster relations between the two States in the matter of social security,

Have agreed to conclude an Agreement, and for this purpose have appointed as their plenipotentiaries:

The President of the Federal Republic of Germany:

Mr. Kurt Laqueur, Chargé d'affaires a.i. of the Federal Republic of Germany,

His Highness the Reigning Prince of Liechtenstein:

Dr. Walter Kieber, Head of Government of the Principality of Liechtenstein.

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

PART I. GENERAL PROVISIONS

Article 1. For the purposes of this Agreement:

1. "Territory" means:

- In the case of the Federal Republic of Germany, the area in which the Basic Law for the Federal Republic of Germany is in force;
- In the case of the Principality of Liechtenstein, the Principality of Liechtenstein;

2. "National" means:

- In the case of the Federal Republic of Germany, a German within the meaning of the Basic Law for the Federal Republic of Germany;
- In the case of the Principality of Liechtenstein, a citizen thereof;

3. "Legislation" means the laws, ordinances and regulations relating to the branches of social security specified in article 2, paragraph (1);

4. "Competent public authority" means:

- In the case of the Federal Republic of Germany, the Federal Minister for Labour and Social Affairs;
- In the case of the Principality of Liechtenstein, the Government of the Principality of Liechtenstein;

5. "Frontier commuters" means a national of one Contracting State who is normally resident in the territory of that Contracting State or of a third State and follows a regular occupation in the territory of the other Contracting State;

6. "Insurance authority" means the institute or authority responsible for the application of the legislation specified in article 2, paragraph (1);

7. "Competent insurance authority" means the insurance authority which is competent under the applicable legislation;

¹ Came into force on 1 November 1980, i.e., the first day of the second month following the month of the exchange of the instruments of ratification, which took place at Bonn on 30 September 1980, in accordance with article 26 (2).

8. "Employment" means an employment or occupation within the meaning of the applicable legislation;

9. "Contribution period" means a period in respect of which contributions have been paid or are treated as having been paid under the legislation of one of the Contracting States;

10. "Equivalent period" means a period which is equivalent to a contribution period;

11. "Insurance periods" means contribution periods and equivalent periods;

12. "Cash benefit" or "pension" means a cash benefit or pension including any increase therein and any supplement or additional allowance payable therewith;

13. "Family allowances" means:

- In the case of the Federal Republic of Germany: the children's allowance;
- In the case of the Principality of Liechtenstein, the family allowance.

Article 2. (1) Except as otherwise provided in this Agreement, it shall apply to:

1. The German legislation concerning:

- (a) Pensions insurance and the supplementary insurance scheme for iron and steel workers;
- (b) Farmers' old-age benefits;
- (c) The children's allowance.

2. The Liechtenstein legislation concerning:

- (a) Old-age and survivors' insurance;
- (b) Invalidity insurance;
- (c) Family allowances.

(2) In the application of this Agreement in respect of both Contracting States, legislation which arises for both or one of them out of international treaties or out of supranational law or which serves for the application of such a treaty or law shall not be taken into account except in so far as it contains regulations concerning insurance liability.

Article 3. This Agreement shall apply, except as it provides otherwise, to nationals of the Contracting States and to their dependants and survivors, in so far as the latter derive their rights from a national.

Article 4. The persons referred to in article 3 shall, except as otherwise provided in this Agreement, have equal rights and obligations under the legislation of the Contracting States.

Article 5. (1) Except as otherwise provided in articles 6 and 7, the obligation of an employed person to participate in an insurance scheme shall be governed by the legislation of the Contracting State in the territory of which he is employed. Compulsory insurance of a person who is not in employment shall be governed by the legislation of the Contracting State in the territory of which he normally resides. Article 5, paragraph (1), and articles 6 to 8 of the Agreement shall apply as appropriate to the application of the legislation on family allowances.

(2) In respect of the obligation to participate in an insurance scheme, each Contracting State shall, in calculating the contributions of persons to whom the

legislations of those Contracting States are applicable under paragraph (1) above, take into consideration only the income earned in its territory.

Article 6. Where an employed person is temporarily sent by an enterprise having its principal place of business in the territory of one Contracting State, to work for the account of that enterprise in the territory of the other Contracting State, the legislation of the first-mentioned Contracting State shall apply with respect to the obligation to participate in an insurance scheme for the duration of his employment in the territory of the other Contracting State, as if he were employed in the territory of the first-mentioned Contracting State.

Article 7. (1) Where a national of one of the Contracting States is employed by the said Contracting State or by a member or an official of an official mission of that Contracting State in the territory of the other Contracting State, the legislation of the first-mentioned Contracting State with respect to the obligation to participate in an insurance scheme shall apply for the duration of his employment as if he were employed in the territory of that first-mentioned Contracting State.

(2) Where an employed person referred to in paragraph (1) above has normally resided in the country of employment before the start of his employment, he may, within three months from the start of his employment, opt to be subject to the legislation of the country of employment in respect of the obligation to participate in an employment scheme. The choice shall be declared to the employer. The chosen legislation shall be applicable from the date of the declaration.

(3) Paragraphs (1) and (2) shall apply *mutatis mutandis* to employed persons referred to in paragraph (1) who are in the service of another public employer.

(4) Where persons who are not nationals of a Contracting State are employed by a Contracting State or by a member or an official of an official mission of that Contracting State in the territory of the other Contracting State, the legislation of the last-mentioned Contracting State shall apply with respect to the obligation to participate in an employment scheme.

Article 8. At the joint request of the employed person and the employer, the competent public authority of the Contracting State whose legislation should apply under articles 5 to 7 may grant exemption from that legislation when the person in question becomes subject to the legislation of the other Contracting State. The nature and circumstances of the employment shall be taken into account in the decision. The competent public authority of the other Contracting State shall be given an opportunity to express its views before the decision is taken.

PART II. PENSIONS INSURANCE

Article 9. The following shall apply to the German insurance authority:

1. Where, under the German legislation on the acquisition of entitlement to benefits, there are reckonable insurance periods of at least 12 calendar months, the insurance periods reckonable under the Liechtenstein legislation for the acquisition of entitlement to benefits under the German legislation shall also be taken into account, in so far as they do not overlap.

2. Where the requirement of a waiting period under the German legislation is fulfilled only subject to the application of subparagraph 1 above, only half of the children's supplement shall be granted.

3. Contribution periods completed under the Liechtenstein legislation shall, in accordance with subparagraph 1 above, be taken into account in the German miners' pensions insurance scheme if they were completed in mining operations underground. Where the conditions for the claim that continuous underground work or work assimilated thereto has been performed are fulfilled under the German legislation, contribution periods completed under the Liechtenstein legislation shall also be taken into account in so far as such work has been performed during those periods. The above shall not apply to the payment of the supplementary benefit (*Leistungszuschlag*). The supplementary period shall be taken into account in the miners' pensions insurance scheme only if the last German contribution to the miners' pensions insurance scheme was paid before the contingency insured against arose.

4. As regards the reckoning of intervals in respect of which no lump-sum payment is made, and of supplementary periods under German legislation, entry into the insurance scheme and contribution periods under Liechtenstein legislation shall be assimilated to entry into the insurance scheme and contribution periods under German legislation in so far as the person was in employment during the periods concerned. As regards the reckoning of periods of apprenticeship or training at a school, technical college or higher educational establishment, it shall further be required that a compulsory contribution under German legislation is reckonable.

5. If the conditions for entitlement to a pension are fulfilled only when the provisions of subparagraph 1 above are taken into account, only one half of that part of the pension which pertains to the supplementary period shall be granted.

6. Contribution periods under the Liechtenstein legislation shall be assimilated to the occupation or activity presumed to have been exercised for the purposes of the early old-age pension under the German legislation, provided an activity was exercised during those periods.

Article 10. The following shall apply to the Liechtenstein insurance authority:

In so far as, under the Liechtenstein legislation, entitlement to ordinary pensions and the payment thereof depend on the existence of an insurance scheme, German nationals shall also count as insured persons for the purposes of that legislation if:

- (a) They acquired entitlement to the pension before leaving the Principality of Liechtenstein, or
- (b) At the time the contingency insured against arises, they belong, under Liechtenstein legislation, to the German pensions scheme, or
- (c) They were frontier commuters employed in the Principality of Liechtenstein and if, in the three years directly preceding the contingency insured against under the Liechtenstein legislation, they paid contributions under the Liechtenstein legislation for at least 12 months.

Article 11. German nationals as well as their dependants and survivors within the meaning of article 3 shall be entitled to special pensions under the Liechtenstein legislation if they have their domicile in the Principality of Liechtenstein and if, immediately before the month from which the pension is claimed, they have resided there continuously for 10 years in the case of an old-age pension, and for five years in the case of an invalidity pension, a survivor's pension or of the old-age pension replacing them.

PART III. FAMILY ALLOWANCES

Article 12. (1) A person referred to in article 3 who is employed or self-employed in one of the Contracting States shall be entitled to family allowances under the legislation of that State even if he has his domicile or is normally resident in the other Contracting State, in so far as the employment does not constitute a breach of regulations in force concerning the employment of foreigners. The first sentence of this paragraph shall also apply if the person, upon completing his employment in the first Contracting State, receives sickness insurance benefits in respect of temporary disability or unemployment insurance benefits in accordance with the legislation of that State.

(2) Where, under the legislation of one of the Contracting States, the entitlement to family allowances depends on the fact that the children are domiciled or normally resident in the territory of the said Contracting State, the children of a person referred to in paragraph (1) above who are normally resident in the territory of the other Contracting State shall be taken into account as if they were domiciled or normally resident in the territory of the first-mentioned Contracting State.

Article 13. (1) A person referred to in article 3 who, in the course of one calendar month, is subject to the legislation first of one and then of the other Contracting State shall be entitled to family allowances under the legislation of the second Contracting State only from the following month. Family allowances shall be paid until the end of the month in which the conditions for entitlement cease to be fulfilled. Legislation concerning the granting of the maternity benefit (*Geburtszulage*) shall not be affected.

(2) Where there is entitlement to family allowance for a child under the legislation of both Contracting States, if necessary taking into account the provisions of this Agreement, and if exclusion rules for the avoidance of such dual claims are not taken into account, family allowances shall be granted under the legislation applicable under the third sentence of article 5, paragraph (1), on the grounds of the claimant's employment. Should the legislations of both Contracting States be applicable, family allowances shall be granted under the legislation of the Contracting State in the territory of which the child is normally resident. The above does not preclude the granting of supplementary payments under the legislation of the other Contracting State.

PART IV. MISCELLANEOUS PROVISIONS

Chapter 1. OFFICIAL AND LEGAL ASSISTANCE

Article 14. (1) The insurance authorities, associations of insurance authorities, public authorities and courts of the Contracting States shall assist one another in the implementation of the legislation specified in article 2, paragraph (1), and of this Agreement as if they were applying the legislation applicable to themselves. Such assistance shall be free of charge. Out-of-pocket expenses with the exception of postage shall, however, be refunded.

(2) The first sentence of paragraph (1) above shall also apply to medical examinations. The cost of such examinations, travel expenses, loss of earnings, the costs of hospitalization for observation and other out-of-pocket expenses, with the exception of postage, shall be refunded by the requesting agency. The cost shall not be refunded if the medical examination is in the interest of the competent insurance authorities of both Contracting States.

Article 15. (1) Where certificates or other documents required to be submitted to one of the agencies of a Contracting State referred to in article 14, paragraph (1), are wholly or partly exempt from taxes or charges, including consular and administrative charges, such exemption shall also extend to certificates or other documents required to be submitted to a corresponding agency of the other Contracting State in implementation of the legislation referred to in article 2, paragraph (1), and of this Agreement.

(2) Certificates required to be submitted to one of the agencies of a Contracting State mentioned in article 14, paragraph (1), in implementation of the legislation specified in article 2, paragraph (1), shall not require legalization or any other similar formality for use in dealing with agencies of the other Contracting State.

Article 16. The agencies referred to in article 14, paragraph (1), may, in implementation of the legislation specified in article 2, paragraph (1), and of this Agreement, communicate directly with one another and with the persons concerned and their representatives. Judgements, decisions or other papers may be served on a person resident in the territory of the other Contracting State directly by registered letter with return receipt.

Chapter 2. IMPLEMENTATION AND INTERPRETATION OF THE AGREEMENT

Article 17. (1) The competent authorities may agree on the administrative measures necessary for implementing the Agreement. They shall inform each other of any changes in, and additions to, the legislation applicable to them specified in article 2, paragraph (1).

(2) For the purpose of implementing the Agreement, the following liaison offices are hereby established:

- In the Federal Republic of Germany:
 - For manual workers' pensions insurance: the Baden *Land* Insurance Institute (*Landesversicherungsanstalt Baden*), Karlsruhe;
 - For salaried workers' pensions insurance: the Federal Insurance Institute for Salaried Workers (*Bundesversicherungsanstalt für Angestellte*), Berlin;
 - For miners' pensions insurance: the Federal Miners' Insurance Association (*Bundesknappschaft*), Bochum;
 - For the supplementary insurance scheme for iron and steel workers: the *Land* Insurance Institute for the Saar (*Bundesversicherungsanstalt für das Saarland*), Saarbrücken;
 - For family allowances: The Central Office of the Federal Employment Bureau (*Hauptstelle der Bundesanstalt für Arbeit*), Nürnberg;
- In the Principality of Liechtenstein:
 - For old-age and survivors' insurance: the Liechtenstein Old-Age and Survivors' Insurance Institute (*Liechtensteinische Alters- und Hinterlassenenversicherung*);
 - For invalidity insurance: the Liechtenstein Invalidity Insurance Institute (*Liechtensteinische Invalidenversicherung*);
 - For family allowances: The Liechtenstein Family Compensation Fund (*Liechtensteinische Familienausgleichskasse*).

(3) The German liaison office for manual workers' pensions insurance shall be responsible for the payment of benefits from the manual workers' pensions insurance scheme with the exception of measures to maintain, improve and restore working capacity, if

(a) The benefits arise in implementation of this Agreement, or

(b) The benefits do not arise in implementation of this Agreement but the entitled person is normally resident in the Principality of Liechtenstein,

unless the German Federal Railway Insurance Institute (*Bundesbahnversicherungsanstalt*) or the Seamen's Fund (*Seekasse*) is liable.

Article 18. (1) Where a claim for benefits under the legislation of one of the Contracting States has been submitted to an agency in the other Contracting State which is authorized to accept the claim for a corresponding benefit under the legislation applicable to it, the claim shall be deemed to have been submitted to the competent authority. The above shall apply, *mutatis mutandis*, to other claims as well as to declarations and appeals.

(2) A claim to a pension under the legislation of one of the Contracting States submitted to a competent agency in the territory of that Contracting State shall also be deemed to be a claim to a corresponding benefit covered by this Agreement under the legislation of the other Contracting State. This shall not apply where the claimant declares that the determination of an old-age benefit arising under the legislation of one of the Contracting States is deferred.

Article 19. (1) Where a person who is to receive benefits under the legislation of one of the Contracting States in respect of an injury sustained in the territory of the other Contracting State is entitled, in accordance with the regulations of that State, to claim damages for such injury from a third party, the insurance authority of the first Contracting State shall be subrogated in respect of the claim for damages in accordance with the legislation applicable to that insurance authority.

(2) Where both an insurance authority of one of the Contracting States and an insurance authority of the other Contracting State are entitled to claim damages in respect of similar benefits as a result of the same contingency, the insurance authority of one of the Contracting States shall, at the request of the insurance authority of the other Contracting State, also submit the latter's claim for damages. The third party may discharge the claims of both insurance authorities by making payment to the one or to the other. The insurance authorities shall make the necessary internal arrangements to divide the payment between them in proportion to the benefits payable by each of them.

Article 20. Cash benefits may be paid by the insurance authority of one Contracting State to a person residing in the territory of the other Contracting State in the currency of that State, thereby discharging that authority's obligations. In the relationship between the insurance authority and the person entitled to the benefit, the currency conversion shall be determined by the exchange rate in force on the day when the cash benefit was remitted.

Article 21. (1) Where the insurance authority of one Contracting State has made an advance payment, the retroactive payment of a corresponding benefit granted under the legislation of the other Contracting State in respect of the same period may be withheld for account of the first-mentioned insurance authority.

(2) In so far as the insurance authority of a Contracting State is entitled to reclaim a cash payment granted in error, the amount so reclaimed may be withheld, for account of that insurance authority, from the retroactive payment of a corresponding benefit granted under the legislation of the other Contracting State. The amount reclaimed may also be withheld from a current benefit in so far as this is permitted under the legislations of both Contracting States.

(3) Withholding payments in accordance with paragraphs (1) and (2) above shall be authorized only provided that the matter cannot be settled in some other way.

Article 22. (1) Any disputes between the two Contracting States concerning the interpretation or application of the Agreement shall, as far as possible, be settled by the competent public authorities.

(2) Where a dispute cannot be settled in this manner, it shall, upon request by a Contracting State, be submitted to an arbitral tribunal.

(3) The arbitral tribunal shall be constituted *ad hoc*; each Contracting State shall appoint a member, and the two members shall agree on a national of a third State as chairman, who shall be appointed by the Governments of both Contracting States. The members shall be appointed within two months, and the chairman within three months, after one of the Contracting States has informed the other that it wishes to submit the dispute to an arbitral tribunal.

(4) If the time-limits referred to in paragraph (3) are not adhered to, either Contracting State may, in the absence of any other agreement, request the President of the European Court of Human Rights to make the necessary appointments. If the President is a national of a Contracting State or is unable to act for any other reason, the Vice-President shall make the appointments. If the Vice-President is also a national of a Contracting State or is also unable to act, the next most senior member of the Court who is not a national of a Contracting State shall make the appointments.

(5) The arbitral tribunal shall take its decisions by majority vote, on the basis of the treaties existing between the parties and of general international law. Its decisions shall be binding. Each Contracting State shall defray the expenses of its member and the cost of its representation in the arbitral proceedings; the expenses of the chairman and other costs shall be shared equally by the Contracting States. The arbitral tribunal may make some other ruling concerning costs. In all other respects, the arbitral tribunal shall establish its own rules of procedure.

PART V. TRANSITIONAL AND FINAL PROVISIONS

Article 23. (1) This Convention shall not create any entitlement to benefits in respect of periods prior to the date of its entry into force.

(2) For the purpose of the application of this Agreement, relevant facts arising under the legislation of the Contracting States prior to the date of its entry into force shall also be taken into account.

(3) Earlier decisions shall not preclude the application of the Agreement.

(4) Pensions determined before the date of entry into force of this Agreement may, in consideration thereof, be revised *ex officio*. In such cases, without prejudice to the provisions of article 18, paragraph (2), the date on which the insurance authority

initiates the procedure shall be deemed to be the date of submission of the claim under the legislation of the other Contracting State.

(5) If the revision under paragraph (4) would result in no pension or in a smaller amount, a pension shall be determined at the rate of the amount payable on the date preceding the date of entry into force of this Agreement.

Article 24. The final protocol annexed hereto shall form an integral part of this Agreement.

Article 25. This Agreement shall also apply to *Land Berlin* provided that the Government of the Federal Republic of Germany has not made a contrary declaration to the Government of the Principality of Liechtenstein within three months from the date of entry into force of this Agreement.

Article 26. (1) This Agreement is subject to ratification; the instruments of ratification shall be exchanged as soon as possible at Bonn.

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

Article 27. (1) This Agreement shall remain in force until the end of the calendar year following the year in which it is denounced in writing by one of the Contracting States to the other Contracting State.

(2) If, as a result of denunciation, the Agreement is terminated, its provisions shall continue to apply to entitlements to benefits acquired up to that time. Restrictive legislation relating to the preclusion of an entitlement or the suspension or withdrawal of benefits owing to residence abroad shall not be taken into account in respect of such entitlements.

IN WITNESS WHEREOF the undersigned have signed this Agreement and have thereto affixed their seals.

DONE at Vaduz on 7 April 1977 in two original copies.

For the Federal Republic of Germany:

LAQUEUR

For the Principality of Liechtenstein:

Dr. KIEBER

FINAL PROTOCOL TO THE AGREEMENT BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE PRINCIPALITY OF LIECHTENSTEIN CONCERNING SOCIAL SECURITY

At the time of signing the Agreement on social security, concluded this day between the Federal Republic of Germany and the Principality of Liechtenstein, the plenipotentiaries of the two Contracting States declared that agreement had been reached on the following:

1. *Ad article 2 of the Agreement:*

If, besides the requirements for the application of this Agreement, the requirements for the application of another agreement or supranational provision are also

met, the German insurance authority shall, in applying the Agreement, disregard the other agreement or supranational provision in so far as they do not provide otherwise.

2. *Ad article 3 of the Agreement:*

The Agreement shall also apply to refugees within the meaning of article 1 of the Convention of 28 July 1951 Relating to the Status of Refugees¹ and the Protocol of 31 January 1967² to that Convention as well as to stateless persons within the meaning of article 1 of the Convention of 28 September 1954 Relating to the Status of Stateless Persons,³ if the persons in question normally reside in the territory of a Contracting State. It shall also apply, subject to the same condition, to their dependants and survivors in so far as they derive their rights from the refugees or stateless persons in question.

3. *Ad article 4 of the Agreement:*

(a) In the application of the Agreement, persons referred to under item 2 above shall, in respect of the legislation of each Contracting State, be assimilated to nationals of the Contracting State in the territory of which they normally reside. More favourable internal legislation shall not be affected.

(b) Provisions concerning insurance liability in international treaties shall not be affected.

(c) Liechtenstein nationals who are normally resident outside the territory of the Federal Republic of Germany, as well as persons referred to in the first sentence of item 2 above who are normally resident in the territory of the Principality of Liechtenstein, shall be entitled to optional insurance under the German pensions insurance scheme if they have made at least one effective contribution to that scheme.

(d) If under the German legislation the right to optional insurance is conditional upon contributions having been made to the German pensions insurance scheme, contributions made in accordance with the Liechtenstein legislation shall also be taken into account if at least one lawful contribution to the German pensions insurance scheme has been made.

(e) The claim of German nationals, of their dependants and survivors within the meaning of article 3 of the Agreement, and of persons referred to in item 2 above who are normally resident in the territory of the Federal Republic of Germany to ordinary pensions under the Liechtenstein invalidity insurance scheme shall depend on a total of at least five full years of contributions having been paid at the onset of invalidity.

(f) Article 4 of the Agreement shall not apply to the Liechtenstein legislation concerning admission to the optional insurance scheme for Liechtenstein nationals settled abroad and concerning welfare benefits for disabled Liechtenstein nationals resident abroad.

(g) The Liechtenstein legislation concerning the claim to disability compensation under the old-age, survivors' and invalidity insurance schemes shall not be affected.

(h) The legislation of a Contracting State which guarantees the participation of insured persons and employers in self-management bodies of insurance authorities

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

² *Ibid.*, vol. 606, p. 267.

³ *Ibid.*, vol. 360, p. 117.

and associations of insurance authorities, as well as in jurisdiction on social security, shall not be affected.

(i) Article 4 of the Agreement applies *mutatis mutandis* to the payment of cash benefits under the German accident insurance scheme to entitled persons who normally reside in the territory of the Principality of Liechtenstein as Liechtenstein nationals or their dependants or survivors within the meaning of article 3 of the Agreement, in so far as corresponding Liechtenstein cash benefits are paid to entitled persons who normally reside in the territory of the Federal Republic of Germany as German nationals or their dependants or survivors within the meaning of article 3 of the Agreement. This shall apply *mutatis mutandis* to persons mentioned in item 2 above who normally reside in the territory of the Principality of Liechtenstein in so far as corresponding Liechtenstein cash benefits are paid to persons mentioned in item 2 who normally reside in the territory of the Federal Republic of Germany.

(j) Article 4 of the Agreement shall not apply to pensions which German insurance authorities may grant at their discretion.

(k) In the implementation of the German legislation according to which pensions in respect of accidents at work (occupational diseases) which have occurred outside the territory of the Federal Republic of Germany are paid only under special conditions, and in application of the German legislation according to which pensions in respect of periods completed outside that territory are paid only under special conditions, article 4 shall apply to Liechtenstein nationals and their dependants and survivors within the meaning of article 3 of the Agreement for as long as they are normally resident in the territory of the Principality of Liechtenstein.

4. *Ad article 5 of the Agreement:*

Articles 5, 6 and 8 of the Agreement shall apply *mutatis mutandis* to individuals insured as employed persons under the legislation specified in article 2, paragraph (1).

5. *Ad articles 6 to 8 of the Agreement:*

In so far as, under articles 6 to 8 of the Agreement, an employed person is not subject to the legislation of the Contracting State in the territory of which he is employed, the legislation of that Contracting State concerning contributions, assessments and payments under regulations governing the promotion of employment and unemployment insurance shall also not be applicable to that employed person or to his employer.

6. *Ad article 7 of the Agreement:*

For persons who are employed on the date of the entry into force of the Agreement, the period referred to in paragraph (2) shall start with that date.

7. *Ad article 8 of the Agreement:*

If the employed person is not employed in the territory of the Contracting State to the legislation of which he is subject, he shall be deemed to be employed in his last previous place of employment. If he was not previously employed in the territory of that State, he shall be deemed to be employed in the place in which the competent authority of that Contracting State has its seat.

8. *Ad article 9 of the Agreement:*

(a) Article 9, subparagraph 1, of the Agreement shall apply *mutatis mutandis* also to rehabilitation benefits to which there is a claim, or which are payable at the discretion of the German pensions insurance authorities, on condition that the contribution periods under the Liechtenstein legislation, in so far as the person

concerned was in employment during those periods, are taken into account in determining whether contributions based on an employment or occupation involving the obligation to belong to an insurance scheme were paid for at least 6 calendar months in the 24 calendar months preceding the date of submission of the claim if a reckonable insurance period of at least one month exists for this purpose according to the German legislation.

(b) Mine workings within the meaning of article 9, subparagraph 1, of the Agreement are workings in which minerals or similar materials are mined or stones and earths are extracted by predominantly underground methods.

(c) Article 9, subparagraphs 2 and 5, of the Agreement shall not apply to the granting of an old-age pension if the requirement of a waiting period for a pension in respect of incapacity to work or earn a living in accordance with the German legislation is met without implementation of article 9, subparagraph 1, of the Agreement.

(d) Article 9, subparagraphs 4 and 6, of the Agreement and the provision under paragraph (a) above shall apply *mutatis mutandis* to periods completed in accordance with the Liechtenstein legislation during which an independent activity was exercised which would be subject to the obligation to belong to an insurance scheme if the German legislation were applicable to it. As regards article 9, subparagraph 4, of the agreement, this shall also apply to independent activities exercised after 18 October 1972 which would be subject to such insurance obligation on request.

9. Ad article 10 of the Agreement:

(1) German nationals shall be deemed to belong to the German pensions insurance scheme within the meaning of article 10 (b) of the Agreement if:

- (a) The date on which the contingency insured against arises in accordance with the Liechtenstein legislation falls in a month for which an effective contribution is made to the statutory German pensions insurance scheme, or
- (b) The date on which the contingency insured against arises in accordance with the Liechtenstein legislation falls in a period which is a non-contributory period according to the German legislation, or
- (c) If they are drawing an insured person's pension from the German pensions insurance scheme or have a claim to such a pension, or
- (d) Steps to admit them to the German pensions insurance scheme are authorized.

(2) German nationals who are obliged to give up their employment or occupation in the Principality of Liechtenstein as a result of accident or sickness shall, so long as steps to admit them to the Liechtenstein invalidity insurance scheme are authorized or so long as they remain in the Principality of Liechtenstein, be deemed to be insured in accordance with the Liechtenstein legislation for the purpose of justifying their claim to an ordinary pension, and shall be subject to the obligation to contribute at the non-employed rate.

(3) Women of German nationality domiciled in the Federal Republic of Germany who meet all other conditions for a claim to a regular pension for orphans on the mother's side (*Mutterwaisenrente*) under the Liechtenstein legislation shall be deemed to be insured in respect of that claim.

10. Ad article 11 of the Agreement:

The period of residence shall be deemed continuous if the person did not leave the territory of the Principality of Liechtenstein for longer than three months during one calendar year. Periods of exemption from insurance in accordance with the

Liechtenstein legislation shall not be taken into account for purposes of calculating the duration of residence.

11. *Ad part III of the Agreement:*

The Contracting States shall undertake negotiations with a view to reviewing the provisions of part III of the Agreement if there is a substantial change for one of the Contracting States in the principles according to which family allowances for children staying or normally resident in another State are granted on the basis of international treaties or supranational law.

12. *Ad part IV of the Agreement:*

Articles 14, 15, 16 and 20 of the Agreement shall apply *mutatis mutandis* to the German accident insurance scheme also in so far as such scheme is not covered by the Agreement.

13. *Ad article 17 of the Agreement:*

By derogation from article 17, paragraph (1), of the Agreement, the Federal Employment Bureau (*Bundesanstalt für Arbeit*) may also agree the administrative measures necessary for implementing the Agreement on the German side.

14. *Ad article 23 of the Agreement:*

Ordinary pensions of the Liechtenstein old-age and survivors' insurance scheme shall be granted in accordance with this Agreement only if the contingency insured against arose after 31 December 1959 and the contributions have not been reimbursed.

15. As regards the application of the Agreement, German legislation, in so far as it contains more favourable provisions relating to persons who have suffered injury because of their political views or for reasons of race, religion or opinion, shall not be affected.

DONE at Vaduz on 7 April 1977 in two original copies.

For the Federal Republic of Germany:

LAQUEUR

For the Principality of Liechtenstein:

Dr. KIEBER
