

**No. 20415**

---

**UNITED STATES OF AMERICA  
and  
SWITZERLAND**

**Agreement on social security (with final protocol). Signed at  
Washington on 18 July 1979**

**Administrative Agreement for the implementation of the  
above-mentioned Agreement. Signed at Berne on  
20 December 1979**

*Authentic texts: English and French.*

*Registered by the United States of America on 30 September 1981.*

---

**ÉTATS-UNIS D'AMÉRIQUE  
et  
SUISSE**

**Convention de sécurité sociale (avec protocole final). Con-  
clue à Washington le 18 juillet 1979**

**Arrangement administratif concernant les modalités d'ap-  
plication de la Convention susmentionnée. Signé à  
Berne le 20 décembre 1979**

*Textes authentiques : anglais et français.*

*Enregistrés par les États-Unis d'Amérique le 30 septembre 1981.*

## AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND THE SWISS CONFEDERATION ON SOCIAL SECURITY

---

The President of the United States of America and the Swiss Federal Council,

Being desirous of regulating the relationship between their two countries in the field of social security, have agreed to conclude an Agreement for that purpose and have therefore appointed as their plenipotentiaries:

For the President of the United States of America: Joseph A. Califano, Jr., Secretary of Health, Education, and Welfare,

For the Swiss Federal Council: Raymond Probst, Ambassador Extraordinary and Plenipotentiary of the Swiss Confederation to the United States of America,

who, having exchanged their full powers, found to be in good and due form, have agreed to the following provisions:

### PART I. DEFINITIONS AND LAWS

*Article 1.* For the purposes of this Agreement:

1. "Territory" means, as regards the United States, the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa, and as regards Switzerland, the territory of the Swiss Confederation;

2. "National" means, as regards the United States, a national of the United States as defined in section 101, Immigration and Nationality Act of 1952, as amended, and as regards Switzerland, a person of Swiss nationality;

3. "Laws" means the laws and regulations specified in article 2;

4. "Competent authority" means, as regards the United States, the Secretary of Health, Education, and Welfare, and as regards Switzerland, the Federal Social Insurance Office;

5. "Agency" means, as regards the United States, the Social Security Administration, and as regards Switzerland, a compensation fund of the Old-Age and Survivors Insurance and the other bodies responsible for the administration of Disability Insurance;

6. "Period of coverage" means a period of payment of contributions or a period of earnings from employment or self-employment, as defined or recognized as a period of coverage by the laws under which such period has been completed, or any similar period insofar as it is recognized by such laws as equivalent to a period of coverage;

7. "Benefits" ("Prestations") means any benefit in cash or in kind as provided for in the laws of either Contracting State;

---

<sup>1</sup> Came into force on 1 November 1980, i.e., the first day of the second month following the month in which the Parties had received from each other written notification of the completion of the required constitutional procedures, in accordance with article 26.

8. “Family member” means a person eligible for benefits based on the periods of coverage of a living person as established under the laws of each of the Contracting States;

9. “Survivor” means a person eligible for benefits based on the periods of coverage of a deceased person as established under the laws of each of the Contracting States;

10. “Stateless person” means a person defined as a stateless person in Article 1 of the Convention Relating to the Status of Stateless Persons dated September 28, 1954;<sup>1</sup> and

11. “Refugee” means a person defined as a refugee in article 1 of the Convention Relating to the Status of Refugees dated July 28, 1951,<sup>2</sup> and the Protocol to that Convention dated January 31, 1967.<sup>3</sup>

*Article 2.* 1. For the purpose of this Agreement, the applicable laws are:

*a.* As regards Switzerland, the Federal laws governing

—Old-Age and Survivors Insurance,

—Disability Insurance;

*b.* As regards the United States, the laws governing the Federal Old-Age, Survivors, and Disability Insurance Program:

—Title II of the Social Security Act and regulations promulgated under the authority provided in the Social Security Act, except sections 226, 226A and 228 of that title and regulations pertaining to those sections,

—Chapter 2 and chapter 21 of the Internal Revenue Code of 1954 and regulations pertaining to those chapters.

2. Laws within the meaning of paragraph 1 shall not include treaties or other international agreements concluded between one Contracting State and a third State or laws or regulations promulgated for their specific implementation.

## PART II. GENERAL PROVISIONS

*Article 3.* Unless otherwise provided, this Agreement shall apply to:

(*a*) Nationals of either Contracting State,

(*b*) Refugees who reside in either Contracting State,

(*c*) Stateless persons who reside in either Contracting State,

(*d*) Other persons, including family members and survivors, with respect to the rights they derive from persons in categories (*a*), (*b*) and (*c*).

*Article 4.* Unless otherwise provided in this Agreement or the final protocol, nationals of one Contracting State shall, in the application of the laws of the other Contracting State, receive equal treatment with the nationals of the other Contracting State.

*Article 5.* This Agreement shall not prevent the application of provisions of the laws of either Contracting State concerning benefits that are more favorable to the persons listed in article 3.

<sup>1</sup> United Nations, *Treaty Series*, vol. 360, p. 117.

<sup>2</sup> *Ibid.*, vol. 189, p. 137.

<sup>3</sup> *Ibid.*, vol. 606, p. 267.

### PART III. PROVISIONS ON COVERAGE

*Article 6.* 1. Unless otherwise provided in part III of this Agreement or the final protocol, a national of either Contracting State who is employed in the territory of either Contracting State shall be subject, with respect to employment in that territory, to the laws on compulsory coverage of the Contracting State where the person is employed, and, in determining the amount of contributions payable under the laws of that Contracting State, no account shall be taken of any income the person may receive from employment in the territory of the other Contracting State.

2. Where a person in the service of an employer having a place of business in the territory of a Contracting State is sent by that employer to the territory of the other Contracting State for a limited period, the person shall be subject to the laws on compulsory coverage of only the first Contracting State, provided that his employment in the territory of the other Contracting State is not expected to last for more than five years or such longer period as may be agreed upon by the competent authorities in a particular case.

3. A national of either Contracting State who is self-employed in the territory of either Contracting State and who is a resident of one Contracting State shall be subject to the laws on compulsory coverage of only the Contracting State in whose territory he resides.

*Article 7.* 1. Part III of this Agreement shall not apply to the categories of persons listed in the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961,<sup>1</sup> and of the Vienna Convention on Consular Relations of April 24, 1963.<sup>2</sup>

2. Nationals of one of the Contracting States not listed in the provisions of the Vienna Conventions mentioned in paragraph 1, employed by that Contracting State in the territory of the other Contracting State, shall be subject to the laws on compulsory coverage of only the first Contracting State.

*Article 8.* The competent authority of one Contracting State may grant an exception to the provisions of part III of this Agreement if the competent authority of the other Contracting State agrees, provided that the affected employed or self-employed person will be subject to the laws on compulsory coverage of one of the Contracting States.

### PART IV. PROVISIONS ON BENEFITS

#### *Chapter I. APPLICATION OF SWISS LAWS*

*Article 9.* A contribution period of at least one year shall be required for entitlement to Swiss ordinary Old-Age, Survivors and Disability Insurance Pensions intended for United States nationals.

*Article 10.* 1. United States nationals may claim rehabilitation measures of the Swiss Disability Insurance as long as they maintain their domicile in Switzerland and provided they have, immediately prior to eligibility for such measures, paid contributions under Swiss laws for at least one year.

<sup>1</sup> United Nations, *Treaty Series*, vol. 500, p. 95.

<sup>2</sup> *Ibid.*, vol. 596, p. 261.

2. Spouses and widows of United States nationality not gainfully employed, as well as children under age of the same nationality, may claim rehabilitation measures of the Swiss Disability Insurance as long as they maintain their domicile in Switzerland and provided they have resided in Switzerland without interruption for at least one year immediately prior to eligibility for such measures. Children under age of the same nationality may, moreover, claim such measures if they are domiciled in Switzerland and have been born invalids in Switzerland or have resided in Switzerland without interruption since birth.

*Article 11.* 1. Where the right to an ordinary pension under Swiss laws depends on a current affiliation with Swiss Old-Age, Survivors and Disability Insurance, a United States national shall satisfy such requirement if, on the date the insured event occurs according to Swiss laws, the United States national has a record of current coverage under United States laws.

2. Ordinary pensions for insured persons with a disability inferior to 50 percent shall be paid to United States nationals only as long as they maintain their domicile in Switzerland.

*Article 12.* United States nationals shall only be entitled to extraordinary pensions under Swiss laws if they (1) maintain their domicile in Switzerland and (2) show proof that immediately prior to the month in which they apply for pensions they have resided in Switzerland without interruption for

(a) At least ten full years if applying for an old-age pension, or

(b) At least five full years if applying for a disability or survivors pension, or for an old-age pension which would replace a disability or survivors pension.

## *Chapter 2. APPLICATION OF UNITED STATES LAWS*

*Article 13.* 1. Where a person has completed at least six quarters of coverage under United States laws, but does not have sufficient quarters of coverage to satisfy the requirements for entitlement to benefits under United States laws, periods of coverage completed under Swiss laws shall be taken into account to the extent they do not coincide with calendar quarters already credited as quarters of coverage under United States laws.

2. In determining eligibility for benefits under paragraph 1 of this article, the agency of the United States shall credit one quarter of coverage for every three months of coverage certified as creditable by the agency of Switzerland to the extent that the months do not coincide with calendar quarters already credited as quarters of coverage under United States laws. The total number of quarters of coverage to be credited for a year shall not exceed four.

3. Where entitlement to a benefit under United States laws is established according to the provisions of paragraph 1, a pro rata primary insurance amount shall be computed based on the ratio of the total periods of coverage completed under United States laws to the total periods of coverage completed under the laws of the two Contracting States. Benefits payable under United States laws on the basis of an earnings record where a pro rata primary insurance amount has been computed shall be paid on the basis of that pro rata primary insurance amount.

4. For any calendar quarter not already a quarter of coverage under United States laws, the agency of the United States shall take into account for purposes

of computing a pro rata primary insurance amount the amount of any earnings credited to the person in that period under Swiss laws, subject to the maximum annual creditable earnings limitation under United States laws.

5. Entitlement to a benefit from the United States which results from paragraph 1 shall terminate with the acquisition of sufficient periods of coverage under United States laws to establish entitlement to a higher benefit without the need to invoke the provision of paragraph 1.

#### PART V. MISCELLANEOUS PROVISIONS

*Article 14.* The competent authorities of the two Contracting States shall:

- (a) Make all necessary administrative arrangements for the application of this Agreement;
- (b) Define the procedures for reciprocal administrative assistance, including the allocation of expenses associated with obtaining medical, administrative, and other evidence required for the application of this Agreement;
- (c) Communicate to each other information concerning the measures taken for the application of this Agreement; and
- (d) Communicate to each other, as soon as possible, information concerning all changes in their respective laws.

*Article 15.* 1. The competent authorities and the agencies of the Contracting States, within the scope of their respective authority, shall assist each other in implementing this Agreement. This assistance shall be free of charge subject to exceptions to be agreed upon in an administrative agreement.

2. Liaison agencies for the implementation of this Agreement shall be:

- (a) For the United States, the Social Security Administration; and
- (b) For Switzerland, the Swiss Compensation Office.

*Article 16.* Where the laws of a Contracting State provide that any document which is submitted to the competent authority or an agency of that Contracting State shall be exempted, wholly or partly, from fees or charges, including consular and administrative fees, the exemption shall also apply to documents which are submitted to the Competent Authority or an agency of the other Contracting State in accordance with its laws.

*Article 17.* 1. The competent authorities and agencies of the Contracting States may correspond directly with each other and with any person wherever he may reside whenever it is necessary for the administration of this Agreement. The correspondence may be in the writer's official language.

2. An application or document may not be rejected because it is in an official language of the other Contracting State.

3. The notices of decisions of an agency or a tribunal which under the laws of a Contracting State require personal delivery may be transmitted directly by registered letter to a person in the territory of the other Contracting State.

*Article 18.* 1. A written application for benefits filed with an agency of one Contracting State shall protect the rights of the claimants under the laws of the other Contracting State if the applicant (a) requests that it be considered an application under the laws of the other Contracting State, or (b) in the absence

of a request that it not be so considered, provides information indicating that the person on whose record benefits are claimed has completed periods of coverage under the laws of the other Contracting State.

2. An applicant may request that an application submitted to an agency of one Contracting State be effective on a different date in the other Contracting State within the limitations of and in conformity with the laws of the other Contracting State.

3. The provisions of this Agreement shall apply only to an application for benefits which is filed on or after the date this Agreement enters into force.

*Article 19.* 1. A written appeal of a determination made by an agency of one Contracting State may be validly filed with an agency of the other Contracting State.

2. Any claim, notice or appeal which must be filed within a given period of time with an agency of one Contracting State shall be considered to have been timely filed if the claim, notice or appeal has been filed within such period with a corresponding agency of the other Contracting State. In such case, the agency with which the claim, notice or appeal has been filed shall indicate the date of receipt of the document on this document and transmit it without delay to the liaison agency of the other Contracting State.

*Article 20.* 1. The amount of any benefit due in accordance with the provisions of this Agreement shall be paid in the currency of the Contracting State whose agency is responsible for such benefit.

2. In case provisions designed to restrict the exchange of currencies are issued in either Contracting State, the Governments of the two Contracting States shall decide on the measures necessary to assure the transfer of sums owed by either Contracting State under this Agreement.

*Article 21.* Any disagreement between the Contracting States concerning the interpretation or implementation of this Agreement which has not been settled within six months shall, at the request of either Contracting State, be submitted to an arbitral tribunal of three members. Each Contracting State shall appoint one member. These two members shall select the presiding member. Should the members disagree on the nomination of the presiding member, the presiding member will be appointed by the President of the International Court of Justice. The arbitral tribunal shall establish its own procedure. The decision of the arbitral tribunal shall be binding on the Contracting States.

## PART VI. TRANSITIONAL AND FINAL PROVISIONS

*Article 22.* 1. This Agreement shall also apply to events relevant to rights under the laws which occurred prior to its entry into force.

2. This Agreement shall not establish any claim to payment of a benefit for any periods before its entry into force or a lump-sum death benefit if the person died before its entry into force.

3. Consideration shall be given to any period of coverage and any period of residence under the laws of either Contracting State occurring before the entry into force of this Agreement, in order to determine the right to benefits under this Agreement.

4. This Agreement shall not apply to rights settled by a lump-sum payment or refund of contributions.

5. Determinations made before the entry into force of this Agreement shall not affect rights arising under it.

6. This Agreement shall not result in the reduction of cash benefit amounts because of its entry into force.

*Article 23.* The attached final protocol shall form an integral part of this Agreement.

*Article 24.* The Agreement embodied in the exchange of notes between the Swiss Federal Political Department and the Ambassador of the United States of America in Bern of June 27, 1968,<sup>1</sup> concerning the reciprocal payment of certain old-age, survivors and disability benefits is terminated effective with the date of entry into force of the present Agreement.

*Article 25.* 1. This Agreement shall remain in force and effect until the expiration of one calendar year following the year in which written notice of its denunciation is given by one of the Contracting States to the other Contracting State.

2. If this Agreement is terminated by denunciation, rights regarding entitlement to or payment of benefits acquired under it shall be retained; the Contracting States shall make arrangements dealing with rights in the process of being acquired.

*Article 26.* This Agreement shall enter into force on the first day of the second month following the month in which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Agreement.

IN WITNESS WHEREOF, the plenipotentiaries of the Contracting States being duly authorized thereto, have signed the present Agreement.

DONE at Washington on July 18, 1979, in duplicate, in the English and French languages, both texts being equally authentic.

For the Government  
of the United States of America:

[Signed]<sup>2</sup>

For the Swiss Federal Council:

[Signed]<sup>3</sup>

#### FINAL PROTOCOL TO THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE SWISS CONFEDERATION ON SOCIAL SECURITY

At the time of signing the Agreement between the United States of America and the Swiss Confederation on social security, the undersigned plenipotentiaries stated that they are in agreement on the following points:

<sup>1</sup> United Nations, *Treaty Series*, vol. 915, p. 225, and p. 329 of this volume.

<sup>2</sup> Signed by Joseph A. Califano, Jr.

<sup>3</sup> Signed by Raymond Probst.



1. With respect to article 4, persons designated in article 3(b), (c) or (d) who reside in the territory of Switzerland shall receive benefits provided by the laws of the United States under the same conditions as United States nationals who reside in Switzerland.

2. Article 4 shall not apply to provisions of Swiss laws on (a) voluntary Old-Age, Survivors and Disability Insurance of Swiss nationals residing abroad; (b) Old-Age, Survivors and Disability Insurance of Swiss nationals working abroad on account of an employer in Switzerland; (c) welfare benefits (*allocations de secours*) granted to Swiss nationals residing abroad; or (d) helplessness allowances (*allocations pour impotents*).

3. Article 4 and article 6 of the Agreement shall not apply where they would result in coverage under the laws of the United States and there is no provision under such laws for contributions with respect to such coverage.

4. Unless otherwise provided in the Agreement or this Final Protocol, Article 6.2 shall apply to a person sent by an employer located in the territory of Switzerland to the territory of the United States, regardless of the nationality of the person; provided, however, that this paragraph shall not supersede any provisions of another treaty or international agreement between a Contracting State and a third State.

5. Article 6.2 shall apply in cases where a person is employed in the territory of a third State, but compulsorily covered under the laws of one of the Contracting States, and is then sent by his employer to the territory of the other Contracting State.

6. With respect to article 10.2, the duration of residence of a United States national in Switzerland shall be considered as uninterrupted by a sojourn outside the territory of Switzerland for a period not exceeding two months within a period of one year.

7. With respect to article 11.1, a United States national shall be considered to have a record of current coverage under United States laws if he is entitled to a benefit under such laws or has credit for at least four quarters of coverage under such laws during a period of eight calendar quarters ending with the calendar quarter (a) in which the insured event occurs according to Swiss laws or (b) immediately preceding the calendar quarter in which the insured event occurs according to Swiss laws.

8. Article 11.1 notwithstanding, United States nationals with a disability inferior to 66 2/3 percent may claim an ordinary pension of the Swiss Disability Insurance only as long as they are currently affiliated with Swiss Old-Age, Survivors and Disability Insurance at the date the insured event occurs.

9. United States nationals not domiciled in Switzerland who have to give up their gainful activity in Switzerland because of an injury or disease and who stay in Switzerland until the insured event occurs, are considered as being currently affiliated with Swiss laws and may claim benefits of the Disability Insurance. They shall have to pay contributions to Old-Age, Survivors and Disability Insurance as if they were domiciled in Switzerland.

10. With respect to article 12, the duration of residence of a United States national in Switzerland shall be considered as uninterrupted by a sojourn outside the territory of Switzerland for a period not exceeding three months within a calendar year. However, a period of residence in Switzerland during which a United States national has been exempt from coverage under Swiss laws shall not be considered in determining if the period of residence required under article 12 has been completed.

11. The refund of contributions paid under Swiss laws, carried out in accordance with Swiss laws on the refund of contributions to foreigners and stateless persons, shall not bar the payment of extraordinary pensions in accordance with article 12; provided, however, that contributions refunded shall be charged against benefits to be paid.

12. With respect to article 13, in accordance with section 233(c)(3) of the United States Social Security Act, the Agreement shall not apply to entitlement to hospital insurance benefits provided under sections 226 and 226A of that Act.

13. Article 13 shall also apply to nationals of a State other than a Contracting State who are not included among the persons referred to in article 3(d).

14. With respect to Switzerland, appeals which must be filed within a given period of time with a tribunal in Switzerland shall be considered to have been timely filed if it is shown that the appeal has been filed within such period with the agency or a court in the United States.

DONE at Washington on July 18, 1979, in duplicate, in the English and French languages, both texts being equally authentic.

For the Government  
of the United States of America:

[Signed]<sup>1</sup>

For the Swiss Federal Council:

[Signed]<sup>2</sup>

---

<sup>1</sup> Signed by Joseph A. Califano, Jr.

<sup>2</sup> Signed by Raymond Probst.

## ADMINISTRATIVE AGREEMENT<sup>1</sup> FOR THE IMPLEMENTATION OF THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE SWISS CONFEDERATION ON SOCIAL SECURITY OF JULY 18, 1979<sup>2</sup>

In conformity with article 14 (a) of the Agreement on social security concluded on July 18, 1979, between the United States of America and Switzerland, hereinafter referred to as "the Agreement", the following provisions have been agreed upon:

### CHAPTER 1. GENERAL PROVISIONS

*Article 1.* Terms used in this Administrative Agreement shall have the same meaning as in the Agreement.

*Article 2.* The Swiss Competent Authority or, with its consent, the Swiss liaison agency, and the United States liaison agency shall agree upon joint administrative measures and forms necessary for the implementation of the Agreement and this Administrative Agreement.

### CHAPTER 2. PROVISIONS CONCERNING THE APPLICABLE LAWS

*Article 3.* 1. In cases where article 6.2 of the Agreement applies, the agency of the Contracting State whose laws are applicable shall issue upon request of the employer a certificate stating that the concerned employee remains subject to these laws. The certificate shall be proof that the employee is exempt from the laws on compulsory coverage of the other Contracting State.

2. The certificate referred to in paragraph 1 shall be issued

—In the United States: by the Social Security Administration.

—In Switzerland: by the competent compensation fund of the Old-Age and Survivors Insurance.

3. If the duration of a transfer must be prolonged beyond the period of 5 years referred to in article 6.2 of the Agreement, and both the employer and employee wish the applicable laws on compulsory coverage to continue to apply in accordance with article 6.2 once that period expires, they must request an extension before the expiration of the 5-year period. If it is expected before the transfer that its duration will exceed 5 years, the request to extend the 5-year period must be made before the transfer takes place. Such requests shall be submitted to the competent authority or, with its consent, to the liaison agency of the Contracting State from whose territory the employee is sent. These authorities shall express their agreement through an exchange of letters and shall communicate their decisions to the concerned agency of their country.

### CHAPTER 3. PROVISIONS CONCERNING BENEFITS

*Article 4.* 1. In cases where article 18 of the Agreement applies, the liaison agency of the Contracting State which has received an application for benefits

<sup>1</sup> Came into force on 1 November 1980, the date of entry into force of the Agreement of 18 July 1979, in accordance with article 11 of the Administrative Agreement.

<sup>2</sup> See p. 128 of this volume.

under its laws shall inform the liaison agency of the other Contracting State of this fact without delay, using forms established for this purpose. It shall also transmit documents and such other available information as may be necessary for the agency of the other Contracting State to establish the right of the applicant to benefits according to the provisions of part IV of the Agreement. In the case of an application for disability benefits it shall, in particular, transmit all relevant medical evidence in its possession concerning the disability of the applicant.

2. The liaison agency of a Contracting State which receives an application filed with an agency of the other Contracting State shall without delay provide the liaison agency of the other Contracting State with such evidence and other available information as may be required to complete action on the claim.

3. The agency of the Contracting State with which an application for benefits has been filed shall verify the accuracy of the information pertaining to the applicant and his family members. The types of information to be verified shall be agreed upon by the liaison agencies.

*Article 5.* 1. In the application of article 13 of the Agreement the following shall apply:

- (a) The Swiss liaison agency shall notify the United States liaison agency of months in which a person made contributions during any year in which periods of coverage were completed under Swiss laws. A record of the total number of months of contributions in any such year shall be provided where the actual contribution months are not known.
- (b) The Swiss liaison agency shall also notify the United States liaison agency of the amount of the person's creditable income in any year for which periods of contributions were completed under Swiss laws. The amount of the income to be reported for any such year may be derived from the contributions paid during that year.

2. Benefits awarded by the agency of the United States under article 13 of the Agreement shall be recomputed in accordance with the laws of the United States to take account of additional periods of coverage completed under the laws of either Contracting State. An application for such a recomputation shall be required only where the additional periods of coverage have been completed under Swiss laws.

3. Periods of coverage completed after the last computation base year provided under United States laws shall not be considered in determining the ratio referred to in Article 13.3 of the Agreement.

#### CHAPTER 4. MISCELLANEOUS PROVISIONS

*Article 6.* In accordance with measures to be agreed upon pursuant to article 2 of this Administrative Agreement, the agency of one Contracting State shall, upon request of the agency of the other Contracting State, furnish available information relating to the claim of any specified individual for the purpose of administering the Agreement or the laws specified in article 2.1 of the Agreement.

*Article 7.* Copies of documents which are certified as true and exact copies by the agency of one Contracting State shall be accepted as true and exact copies by the agency of the other Contracting State, without further certification. The agency of each Contracting State shall be the final judge of the probative value of the evidence submitted to it from whatever source.

*Article 8.* The liaison agencies of the two Contracting States shall exchange statistics on the payments made to beneficiaries under the Agreement for each calendar year in a form to be agreed upon. The data shall include the number of beneficiaries and the total amount of benefits, by type of benefit.

*Article 9.* 1. Where administrative assistance is requested under article 15 of the Agreement, expenses other than regular personnel and operating costs of the competent authorities and agencies providing the assistance shall be reimbursed.

2. Where the agency of a Contracting State requires that a claimant or beneficiary submit to a medical examination, such examination, if requested by that agency, shall be arranged by the agency of the other Contracting State in which the claimant or beneficiary resides, in accordance with the rules of the agency making the arrangements and at the expense of the agency which requests the examination.

3. Upon request, the agency of either Contracting State shall furnish without expense to the liaison agency of the other Contracting State any medical information and documentation in its possession relevant to the disability of the claimant or beneficiary.

4. Amounts owed under paragraphs 1 and 2 shall be reimbursed upon presentation of a detailed statement of expenses.

*Article 10.* Unless authorized by the national statutes of a Contracting State, information about an individual which is transmitted in accordance with the Agreement to that Contracting State by the other Contracting State shall be used exclusively for purposes of implementing the Agreement. Such information received by a Contracting State shall be governed by the national statutes of that Contracting State for the protection of privacy and confidentiality of personal data.

*Article 11.* This Administrative Agreement shall enter into force on the date of entry into force of the Agreement and shall have the same period of validity.

DONE at Bern on December 20th, 1979, in duplicate in the English and French languages, both texts being equally authentic.

For the Government  
of the United States of America:

[Signed]<sup>1</sup>

For the Swiss Federal Social  
Insurance Office:

[Signed]<sup>2</sup>

---

<sup>1</sup> Signed by Richard D. Vine.

<sup>2</sup> Signed by Albert Granacher.