

No. 20707

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**SWEDEN
and
SWITZERLAND**

Convention on social security (with protocol and administrative arrangement). Signed at Berne on 20 October 1978

*Authentic texts: Swedish and German.
Registered by Sweden on 26 January 1982.*

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**SUÈDE
et
SUISSE**

Convention de sécurité sociale (avec protocole et arrangement administratif). Signée à Berne le 20 octobre 1978

*Textes authentiques : suédois et allemand.
Enregistrée par la Suède le 26 janvier 1982.*

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE KINGDOM OF SWEDEN AND THE SWISS CONFEDERATION ON SOCIAL SECURITY

The Swedish Government and the Swiss Federal Council, desiring to adapt relations between the two States in the field of social security to the new developments that have occurred in national and international law since the Convention of 17 December 1954 on social insurance² was signed, have agreed to conclude a convention to replace the aforesaid Convention.

PART I. GENERAL PROVISIONS

Article 1. For the purposes of this Convention:

(a) "Legislation" means the laws and ordinances relating to the branches of social security specified in article 2;

(b) "Competent authority" means, in the case of Switzerland, the Federal Office of Social Insurance and, in the case of Sweden, the Government or the authority designated by the Government;

(c) "Insurance authority" means the institute or authority responsible for the application of the legislation specified in article 2;

(d) "Pensions insurance" means, in the case of Switzerland, the Swiss old age and survivors' insurance scheme and the Swiss invalidity insurance scheme and, in the case of Sweden, the national basic pension scheme and the Swedish supplementary pension insurance scheme;

(e) "Insurance periods" means contribution periods, periods of gainful activity or periods of normal residence and comparable periods defined or recognized as insurance periods by the legislation under which they were completed, including calendar years for which pension points under the Swedish supplementary pension insurance scheme have been earned on the basis of gainful activity during the year in question or part of that year;

(f) "Cash benefit" or "pension" means a cash benefit or pension including any increase therein and any supplement or additional allowance payable therewith.

Article 2. 1. This Convention shall apply:

A. In Switzerland:

- (a) To the federal legislation concerning old-age and survivors' insurance,
- (b) To the federal legislation concerning invalidity insurance,
- (c) To the federal legislation concerning compulsory insurance against industrial and non-industrial accidents and against occupational diseases,
- (d) To the federal legislation concerning sickness insurance.

¹ Came into force on 1 March 1980, i.e., the first day of the second month following the date of the exchange of the instruments of ratification, which took place at Stockholm on 10 January 1980, in accordance with article 37 (2).

² United Nations, *Treaty Series*, vol. 369, p. 233.

B. In Sweden:

- (a) To the legislation concerning the national basic pension scheme,
- (b) To the legislation concerning supplementary pension insurance,
- (c) To the legislation concerning industrial injury insurance,
- (d) To the legislation concerning sickness insurance including parents' insurance.

2. This Convention shall also apply to all laws and ordinances codifying, amending or supplementing the legislation referred to in paragraph 1.

3. The Convention shall, however, apply:

- (a) To laws and ordinances concerning a new branch of social security only if the Contracting States have agreed thereto,
- (b) To the laws and ordinances extending the existing system to new groups of persons only if the State amending its legislation does not notify the other Contracting State to the contrary within six months after the official promulgation of the law or ordinance.

Article 3. 1. This Convention shall apply to nationals of the Contracting States and to their family members and survivors in so far as the latter derived their rights from such nationals.

2. With the exception of articles 4 and 5, article 7, paragraphs 3 and 4, and articles 11 to 19, the Convention shall also apply to other persons, including refugees and stateless persons, who are or have been subject to the legislation of one of the Contracting States, and to persons who derive their rights from any of the aforesaid persons. National legislation which is more favourable shall not be affected.

Article 4. The nationals of one Contracting State and their family members and survivors in so far as the latter derive their rights from such nationals shall, except as otherwise provided in this Convention, be assimilated to nationals of the other Contracting State and to their family members and survivors in matters relating to rights and obligations under the legislation of that Contracting State.

Article 5. 1. Except as otherwise provided in this Convention the persons specified in article 3, paragraph 1, who are entitled to claim cash benefits under the legislation mentioned in article 2, shall receive such benefits as long as they are normally resident in the territory of one of the Contracting States.

2. Subject to the same conditions cash benefits shall be paid in accordance with the legislation of one Contracting State, as specified in article 2, to nationals of the other Contracting State who are normally resident in a third State and to their family members and survivors, in so far as the latter derive their rights from such nationals, subject to the same conditions and to the same extent as that State's own nationals or their family members and survivors who are normally resident in the third State in question.

PART II. APPLICABLE LEGISLATION

Article 6. Except as otherwise provided in articles 7 and 8, the obligation of the persons mentioned in article 3 to participate in an insurance scheme shall be governed by the legislation of the Contracting State in whose territory the person concerned is normally resident or gainfully employed.

Article 7. 1. A person employed by an enterprise having its principal place of business in the territory of one Contracting State, who is sent to work temporarily in the territory of the other Contracting State, shall continue for the first 24 months to be subject to the legislation of the Contracting State in whose territory the enterprise has its principal place of business.

2. A person employed by a transport enterprise having its principal place of business in the territory of one Contracting State, who works in the territory of both Contracting States, shall be subject to the legislation of the State in whose territory the enterprise has its principal place of business, as if he worked there.

3. A Swiss or Swedish national belonging to the crew of a vessel shall be subject to the legislation of the Contracting State whose flag the vessel flies.

4. This Convention shall not affect the provisions of the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations which related to the legislation referred to in article 2, paragraph 1.

Article 8. The competent authorities of the two Contracting States may, by mutual agreement, provide for exceptions to the provisions of articles 6 and 7.

PART III. SPECIAL PROVISIONS

Chapter 1. SICKNESS

Article 9. Participation in the Swiss sickness insurance scheme shall be facilitated by the following means:

(a) A person who moves from Sweden to Switzerland and withdraws from the Swedish general sickness insurance scheme shall, regardless of age, join a recognized sickness fund designated by the competent Swiss authorities and be insured for medical care and benefits in the event of sickness provided that he:

- Fulfils the other statutory requirements for participation,
- Applies to join within three months from the date of withdrawal from the Swedish insurance scheme and
- Does not move exclusively for the purpose of undergoing a cure or other treatment.

(b) For the purpose of entitlement to benefits under the regulations of the sickness funds, insurance periods completed under the Swedish national sickness insurance scheme shall be taken into account; in the case of maternity benefits, however, they shall be taken into account only if the insured person has participated in a Swiss sickness fund for three months.

Article 10. Where a person has completed insurance periods under the legislation concerning sickness insurance in both Switzerland and Sweden, such periods shall be aggregated for the purpose of entitlement to parents' benefits under Swedish legislation in so far as they do not overlap.

Chapter 2. INVALIDITY, OLD-AGE AND DEATH

A. Application of Swiss legislation

Article 11. 1. A gainfully employed Swedish national who is normally resident in Switzerland shall be entitled to rehabilitation benefits under the Swiss in-

validity insurance scheme if, immediately before the onset of invalidity, he has contributed to the Swiss insurance scheme.

2. Persons who are not gainfully employed and minor children with Swedish nationality shall be entitled, if immediately before the onset of invalidity they were normally resident in Switzerland continuously for at least one year, to rehabilitation benefits under the Swiss invalidity insurance scheme as long as they are normally resident in Switzerland. Furthermore, minor children shall be entitled to such benefits if they are normally resident in Switzerland and were either born there as invalids or have been normally resident there continuously since their birth.

Article 12. 1. Swedish nationals and their survivors shall be entitled, except as otherwise provided in paragraphs 2 to 4 and subject to the same conditions as Swiss nationals and their survivors, to regular pensions and disability compensation under the Swiss pension insurance scheme.

2. Regular pensions for insured persons whose working capacity has been diminished by less than 50 per cent shall be granted to Swedish nationals as long as they are normally resident in Switzerland.

3. Where a Swedish national or his survivor, who is not normally resident in Switzerland, is entitled to a regular partial pension under the Swiss old-age and survivors' insurance scheme amounting to not more than a tenth of the full regular pension, he shall be granted, in lieu of the partial pension, a lump sum corresponding to the cash value of the pension that would be paid under Swiss law when the pension became due. If a Swedish national or his survivor drawing such a partial pension leaves Switzerland for good, he shall likewise be paid such a lump sum corresponding to the cash value of the pension at the time of departure.

4. After the lump sum has been paid by the Swiss insurance scheme, neither the person entitled to such sum nor his survivor may make any further claims against such insurance scheme on the basis of contributions paid previously.

Article 13. In so far as Swiss legislation requires that pension coverage should exist as a pre-condition for entitlement to a regular pension, a Swedish national shall also be regarded as an insured person within the meaning of such legislation:

- (a) If at the time when the pension becomes due under Swiss legislation he is normally resident in Sweden or covered by the Swedish pension insurance scheme, or
- (b) If as a result of an accident or illness he ceases to be gainfully employed in Switzerland, as long as he receives rehabilitation benefits from the Swiss invalidity insurance scheme or remains in Switzerland and is thus liable to contribute as a person not gainfully employed, or
- (c) If he was gainfully employed in Switzerland as a frontier worker and if, during the three years immediately before the pension came due under Swiss legislation, he has contributed for at least 12 months under such legislation.

Article 14. A Swedish national shall be entitled, under the same conditions as a Swiss national, to a special pension under the Swiss pension insurance scheme provided that immediately before the time the pension is considered payable he has been normally resident in Switzerland continuously for at least 10 years in the case of an old-age pension, and continuously for at least 5 years in the case of a survivor's or invalidity pension or of an old-age pension superseding such benefits.

Article 15. Special pensions and disability compensation under the Swiss pension insurance scheme shall be granted only when the person concerned is normally resident in Switzerland.

B. Application of Swedish legislation

Article 16. For the purpose of applying this Convention, national basic pensions under Swedish legislation shall be paid exclusively in accordance with the provisions of articles 17 to 19.

Article 17. 1. A Swiss national who is normally resident in Sweden shall be entitled, subject to the same conditions, in the same amount and with the same supplementary benefits as a Swedish national, to a national basic pension:

- (a) In the form of an old-age pension, if he has been normally resident in Sweden for at least the past 5 years and, after attaining the age of 16 years, has been normally resident there for a total of at least 10 years.
- (b) In the form of an invalidity pension (*förtidspension*), if he:
 - (aa) Has been normally resident in Sweden for at least five years or
 - (bb) Is normally resident in Sweden and has during his period of residence been fit for normal work for a continuous period of at least one year.
- (c) In the form of a widow's or orphan's pension,
 - (aa) If the deceased immediately before his death had been normally resident in Sweden for at least five years and the survivor was at the time of death normally resident in Sweden, or
 - (bb) If the survivor has been normally resident in Sweden for at least five years and the survivor or the deceased was normally resident in Sweden at the time of the death.

2. An invalidity pension or a widow's pension to which entitlement exists under paragraph 1 shall be automatically replaced by an old-age pension when the person concerned attains the general pension age.

3. Paragraph 1(b) shall apply *mutatis mutandis* to entitlements to benefits for the handicapped.

4. The father or mother of a handicapped child shall be entitled to an allowance for the care of such child if the father or mother has been normally resident in Sweden for at least one year.

Article 18. 1. A Swiss national who does not fulfil the requirements laid down in article 17 but is entitled to a supplementary pension shall, except as otherwise provided in paragraph 3, be entitled, whether normally resident in or outside Sweden, to a national basic pension with supplementary benefits corresponding to the number of calendar years for which he or, in the case of a widow's or orphan's pension, the deceased has earned pension points under the supplementary pension insurance scheme. If the entitlement is for a full supplementary pension, a full national basic pension shall be paid. Otherwise the national basic pension shall be granted in an amount reduced accordingly.

2. A widow's pension to which entitlement exists under paragraph 1 shall be replaced automatically by an old-age pension when the widow attains the general pension age. Should there be entitlement to a higher old-age pension, on the basis of the insurance periods completed by the widow herself, such pensions shall be paid.

3. Benefits for the handicapped which are not paid as a supplement to the national basic pension and allowances for the care of a handicapped child, pension supplements and pensions benefits based on a means test shall be granted only for the period during which the person entitled to such benefits is normally resident in Sweden.

4. If, in cases where both spouses are entitled to a national basic pension, the total amount of the pensions is smaller than the pension that one spouse would receive if only that spouse were entitled to the pension, the pensions shall be increased by the amount of the difference. This difference shall be divided proportionally between the two pensions.

Article 19. 1. The requirement concerning entitlement to a supplementary pension under article 18, paragraph 1, shall be deemed to have been fulfilled if, in respect of the person concerned, or, in the case of a widow's or orphan's pension, in respect of the deceased, assessed income for Swedish national income tax has been calculated for years prior to 1960 provided that the total number of such years, added if necessary to the years for which pension points were earned under supplementary pension insurance and to insurance periods completed under the Swiss pension insurance scheme, is at least three. Twelve insurance months completed under the Swiss pension insurance scheme shall be assimilated to one year for which assessed income for Swedish national income tax has been calculated in respect of the person concerned.

2. For the purpose of applying the provisions of article 18, paragraph 1, concerning the calculation of the national basic pension, years prior to 1960 for which assessed income for Swedish national income tax has been calculated shall be assimilated to years for which pension points have been earned under the supplementary pension insurance scheme.

3. A person who claims a pension on the basis of the provisions of paragraphs 1 or 2 above shall, as far as necessary, prove that the conditions for pension entitlement have been met.

Article 20. For the purpose of granting supplementary pensions under Swedish legislation, the following provisions shall apply:

(a) A person who is not a Swedish national may earn pension points only on the basis of a gainful activity performed while normally resident in Sweden or on the basis of service on board a Swedish commercial aircraft.

(b) Where a person has completed insurance periods under both the Swedish supplementary insurance scheme and the Swiss pension insurance scheme, such periods shall be aggregated to the extent necessary for the establishment of entitlement to a supplementary pension, in so far as they do not overlap.

(c) For the purpose of calculating the supplementary pension only insurance periods coming under Swedish legislation shall be taken into account.

Chapter 3. INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 21. 1. A person who is insured in accordance with the legislation of one Contracting State and sustains an industrial accident or contracts an occupational disease in the territory of the other Contracting State may apply to the insurance authority of the place of residence for the necessary sickness benefits.

2. A person who is entitled, under the legislation of one Contracting State, to sickness benefits as a result of an industrial accident or occupational disease shall be granted such benefits even if he moves, during treatment, to a place in the territory of the other Contracting State for a temporary stay. With respect to industrial accidents or occupational diseases Swiss law requires, in such cases, the advance consent of the insurance authority responsible for payment; such consent shall be given unless there are any medical reasons for not doing so.

3. The sickness benefits to which the persons referred to in paragraphs 1 and 2 are entitled shall be granted in accordance with the legislation applicable to the insurance authority for the place of residence.

Article 22. Where an insurance authority has granted benefits in pursuance of article 21, the insurance authority responsible for payment shall reimburse the first-mentioned insurance authority for the expenses involved, except for administrative costs. The competent authorities may agree on another procedure.

Article 23. If an occupational disease is compensable under the legislation of both Contracting States, benefits shall be granted only under the legislation of the Contracting State in whose territory an occupation liable to cause such an occupational disease was last engaged in.

Article 24. 1. In establishing the right to compensation and the degree of disability resulting from an industrial accident under the legislation of one Contracting State, previous industrial accidents covered by the legislation of the other Contracting State shall also be taken into account.

2. If several industrial accidents have been sustained in succession and have given rise to compensation under the insurance schemes of both Contracting States, the following provisions shall apply with respect to cash benefits calculated on the basis of the degree of disability.

(a) Cash benefits for a previous accident shall continue to be paid. If entitlement to benefits arises only in connection with paragraph 1, the competent insurance authority shall pay cash benefits for the disability resulting from such an accident.

(b) In the case of the most recent accident the competent insurance authority shall calculate the benefits on the basis of the degree of disability caused by such accident under the applicable domestic legislation.

3. Paragraphs 1 and 2 shall also apply in matters relating to occupational diseases.

PART IV. MISCELLANEOUS PROVISIONS

Article 25. The competent authorities:

- (a) Shall reach agreement on the necessary provisions for the implementation of this Convention;
- (b) Shall inform each other of any changes in their legislation;
- (c) Shall designate liaison offices to facilitate communication between the insurance authorities of the two Contracting States;
- (d) May, by agreement, decide on provisions concerning the service of legal documents.

Article 26. 1. The insurance authorities, public authorities and courts of the Contracting States shall assist each other in the implementation of this Convention as if they were applying their own legislation. Such assistance shall be free of charge except for medical examinations.

2. For the purpose of assessing a degree of disability, the insurance authorities of either Contracting State may, where appropriate, take into consideration the information provided by the insurance authority of the other Contracting State and the medical certificates issued by such insurance authority. Their right to arrange for the insured person to be examined by a physician of their choice shall, however, not be affected.

Article 27. 1. The provisions of the legislation of one Contracting State concerning exemption from or reduction of stamp duties and charges for documents and records required to be submitted under such legislation shall also apply to such documents and records required to be submitted under the legislation of the other Contracting State.

2. The competent public authorities or insurance authorities of the two Contracting States shall not require authentication, through a diplomatic or consular mission, of documents and records to be submitted in implementation of this Convention.

Article 28. 1. The insurance authorities, public authorities and courts of one Contracting State shall not reject applications or other documents on account of the language, where they are drawn up in the official language of the other Contracting State.

2. For the purpose of implementing this Convention the insurance authorities, public authorities and courts of the Contracting States may communicate with each other and with injured persons or their representatives in their official language directly or through the liaison offices.

Article 29. Claims, declarations or appeals which, in application of the legislation of one Contracting State, are required to be submitted within a certain time limit to an administrative authority, court or social insurance authority of that State shall be deemed to have been received in time if within the prescribed time-limit they have been presented to the corresponding public authority, court or insurance authority of the other Contracting State. In such cases the recipient shall enter the date of receipt on the document and subsequently forward it directly or through a liaison office to the addressee in the first-mentioned State.

Article 30. 1. The insurance authorities liable for benefits under this Convention may discharge their liability by making payment in the currency of their State.

2. If an insurance authority is required to make disbursements to an insurance authority in the other Contracting State, the disbursements shall be made in the currency of the other State.

3. If a Contracting State should introduce currency restrictions, the Contracting States shall take prompt measures to ensure the transfer of amounts payable by each side under the provisions of this Convention.

Article 31. 1. Where an insurance authority of one Contracting State awards cash benefits erroneously, the amount paid in error shall be deducted from a corresponding benefit payable under the legislation of the other Contracting State for the account of the insurance concerned.

2. Where an insurance authority of one Contracting State has made an advance payment relating to a benefit under the legislation of the other Contracting State, the amount paid shall be deducted for the account of the insurance authority when the benefit is paid.

3. Where a person is entitled, under the legislation of one Contracting State, to a cash benefit for a period for which he or his family members received benefits from a public assistance agency in the other Contracting State, such cash benefit shall, at the request of the public assistance agency entitled to reimbursement, be withheld for the account of such agency as if the agency were a public assistance agency having its principal place of business in the territory of the first-mentioned State.

Article 32. 1. Disputes arising in connection with the application of this Convention shall be settled by the competent authorities of the Contracting States by mutual agreement.

2. If no settlement can be reached in this manner, the dispute shall be referred to an arbitral tribunal which shall settle it in keeping with the spirit and letter of this Convention. The constitution and procedure of such tribunals shall be decided upon by agreement between the Contracting States.

PART V. TRANSITIONAL AND FINAL PROVISIONS

Article 33. 1. This Convention shall also apply to insurance contingencies which occurred before its entry into force.

2. This Convention shall not confer any entitlement to benefits for periods prior to the date of its entry into force.

3. For the purpose of determining entitlement to benefits under this Convention, insurance periods completed before its entry into force shall also be taken into account.

4. The provisions contained in part III, chapter 2, of this Convention shall also apply to cases in which contributions paid into the pension insurance scheme of one Contracting State have been reimbursed in accordance with article 6, paragraph 3, or article 8, paragraph 2, of the Convention of 17 December 1954 between the Swiss Confederation and the Kingdom of Sweden. In such cases the sums reimbursed shall be deducted from the pension in question.

Article 34. 1. Earlier decisions shall not affect the application of this Convention.

2. Pensions which were determined prior to the entry into force of this Convention shall, upon application, be reviewed. A review may also be made *ex officio*. If the finding of the review is that the pension should not be paid or that the pension should be paid in a lower amount than that most recently paid during the period prior to the entry into force of this Convention, the pension shall continue to be paid in the same amount as before.

Article 35. In respect of entitlements arising from this Convention the limitation periods according to the legislation of the two Contracting States shall not begin

before the entry into force of the Convention. In any event, they shall amount, subject to more favourable domestic regulations, to two years calculated from the date of entry into force of the Convention.

Article 36. The accompanying Final Protocol constitutes an integral part of this Convention.

Article 37. 1. This Convention shall be ratified. The instruments of ratification shall be exchanged as soon as possible at Stockholm.

2. The Convention shall enter into force on the first day of the second month following the exchange of the instruments of ratification.

Article 38. 1. Either of the Contracting States may denounce this Convention upon three months' notice.

2. If the Convention is denounced the acquired rights and future rights of a person under the Convention shall be regulated by agreement.

Article 39. Upon the entry into force of this Convention, the Convention of 17 December 1954 between the Swiss Confederation and the Kingdom of Sweden shall cease to have effect.

IN WITNESS WHEREOF the plenipotentiaries of the Contracting States have signed this Convention and have thereto affixed their seals.

DONE at Berne on 20 October 1978 in duplicate in the German and Swedish languages, both texts being equally authentic.

For the Government of Sweden:

[Signed]

SVEN-ERIC NILSSON

For the Swiss Federal Council:

[Signed]

HANS WOLF

FINAL PROTOCOL TO THE CONVENTION BETWEEN THE KINGDOM OF SWEDEN AND THE SWISS FEDERAL COUNCIL ON SOCIAL SECURITY

On the occasion of the signing today of the Convention between the Kingdom of Sweden and the Swiss Confederation on social security (hereinafter referred to as "the Convention"), the plenipotentiaries of the Contracting States have declared that they agree upon the following:

1. Article 4 shall not apply to Swiss legislation concerning optional insurance for Swiss nationals abroad, concerning pension insurance for Swiss nationals working abroad for an employer in Switzerland and remunerated by such employer or to Swiss legislation concerning public assistance benefits (*Fürsorgeleistungen*) for Swedish nationals abroad.

2. Where Swedish legislation is to be applied in accordance with article 7, paragraphs 1 to 3, and article 8 of the Convention, the person in question shall be treated as if he were also normally resident in Sweden.

3. Swedish nationals who are Rhine boatmen within the meaning of the International Agreement on the Social Security of Rhine Boatmen, as currently worded, and are employed on vessels on the Rhine by enterprises having their principal place

of business in Switzerland shall, in so far as they are not normally resident in Switzerland, be deemed to be employed in Switzerland for the purposes of the Swiss pension insurance scheme; as regards entitlement to benefits under the Swiss invalidity insurance scheme, they shall be assimilated to frontier workers.

4. Where a Swedish national normally resident in Switzerland leaves Switzerland for a period not exceeding two months, such departure shall not be construed as an interruption of his period of residence in Switzerland under article 11, paragraph 2, of the Convention.

5. (a) As a supplementary provision to article 11, paragraph 2 of the Convention, children who are born disabled in Sweden and whose mothers have resided there not more than two months immediately before the delivery, shall be assimilated to children born disabled in Switzerland. In cases involving children with birth defects the Swiss invalidity insurance also defrays costs arising in Sweden during the first three months following the birth, in so far as such benefits would have had to be paid in Switzerland.

(b) Where a child resides in Sweden for a period not exceeding three months, such residence shall not be construed as an interruption of the period of residence under article 11, paragraph 2, second sentence, of the Convention.

6. Where a Swedish national normally resident in Switzerland leaves Switzerland only temporarily, such temporary absence shall not be construed as an interruption of his period of residence in Switzerland under article 14 of the Convention. Periods of exemption from insurance under the Swiss old-age, survivors' and invalidity insurance schemes shall not be deducted from the period of residence.

7. For the purpose of calculating the Swedish national basic pension with supplementary benefits, the Swiss pension shall be assimilated to the Swedish supplementary pension.

8. Swedish legislation concerning calculation of a supplementary pension for Swedish nationals born before 1924 shall not be affected.

DONE at Berne on 20 October 1978 in duplicate in the German and Swedish languages, both texts being equally authentic.

For the Government of Sweden:

[Signed]

SVEN-ERIC NILSSON

For the Swiss Federal Council:

[Signed]

HANS WOLF

ADMINISTRATIVE ARRANGEMENT FOR THE IMPLEMENTATION OF THE CONVENTION OF 20 OCTOBER 1978 BETWEEN THE KINGDOM OF SWEDEN AND THE SWISS CONFEDERATION ON SOCIAL SECURITY

On the basis of article 25 of the Convention concluded on 20 October 1978 between the Kingdom of Sweden and the Swiss Confederation on social security, hereinafter referred to as "the Convention", the competent authorities have agreed on the following provisions:

PART I. GENERAL PROVISIONS

Article 1. 1. The liaison offices referred to in article 25(c) of the Convention shall be:

— In Switzerland:

- (a) The Swiss equalization fund in Geneva for the old-age, survivors' and invalidity insurance scheme;
- (b) The Swiss Accident Insurance Institute in Lucerne, hereinafter referred to as "SUVA", for insurance against industrial accidents and non-industrial accidents and occupational diseases;
- (c) The Federal Office of Social Insurance in Berne for sickness insurance.

— In Sweden: The National Social Insurance Office (Riksförsäkringsverket) in Stockholm.

2. The competent authorities of the two Contracting States reserve the right to designate other liaison offices; they shall notify each other to that effect.

Article 2. The competent public authorities or the liaison offices authorized by them shall, by mutual agreement, devise the standard forms necessary for the implementation of the Convention and of this Arrangement.

PART II. APPLICABLE LEGISLATION

Article 3. 1. In the cases referred to in article 7, paragraph 1, of the Convention, the insurance authority specified below in the Contracting State whose legislation continues to apply shall upon request certify that the employee sent abroad is covered by the legislation of that Contracting State.

2. Certificates shall be issued:

- In Switzerland: By the competent equalization fund for the old-age, survivors' and invalidity insurance scheme and, where applicable, by the competent district office of SUVA;
- In Sweden: By the National Social Insurance Office.

PART III. SPECIAL PROVISIONS

Chapter 1. SICKNESS

Article 4. 1. A person wishing to enjoy the facilities described in article 9 of the Convention shall provide a participating Swiss sickness fund with a certificate stating the date of withdrawal from the Swedish sickness insurance scheme and specifying the insurance scheme to which he belonged during the past six months.

2. Certificates shall be issued at the request of the applicant by the National Social Insurance Office. If the applicant has no certificate the Swiss sickness fund dealing with the application for membership shall apply, through the Federal Office of Social Insurance, to the Swedish liaison office for such a certificate.

3. The competent Swiss authority shall inform the Swedish liaison office of the sickness funds participating in application of article 9 of the Convention.

Article 5. For the purpose of applying article 10 of the Convention the applicant shall provide a certificate concerning insurance periods completed under the Swiss sickness insurance scheme during the past six months. A certificate shall be

issued upon the request of the applicant by the Swiss sickness fund to which he last belonged. If the applicant has no certificate the Swedish general insurance fund to which the applicant belongs shall apply directly or through the National Social Insurance Office to the Federal Office of Social Insurance for such a certificate.

Chapter 2. INVALIDITY, OLD-AGE AND DEATH

Article 6. 1. A person normally resident in Sweden who claims benefits from the Swiss pension insurance scheme may submit his application to the National Social Insurance Office. The latter shall forward the application to the Swiss equalization fund in Geneva.

2. A person normally resident in Switzerland who claims benefits from the Swedish pension insurance scheme may submit his application to the Swiss equalization fund. The latter shall forward the application to the general insurance fund in Stockholm.

3. A person normally resident in a third State who claims benefits from the Swiss or the Swedish pension insurance scheme shall apply directly or through one of the liaison offices to the competent insurance authority.

4. Where an application is submitted to an authority other than those referred to in paragraphs 1 to 3, such authority shall enter the date of receipt on the application and refer it immediately, either directly or through one of the liaison offices, to the competent insurance authority.

Article 7. The medical certificates and examination results obtained for the purpose of establishing invalidity under the legislation applicable to one insurance authority shall be submitted in the form of the original or a copy to the insurance authority of the other Contracting State for its information if an application for a benefit is also before such authority.

Article 8. The competent insurance authority shall communicate its decision, with instructions on the right of appeal, directly to the applicant and transmit a copy thereof to the liaison office in the other Contracting State.

Chapter 3. INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 9. 1. A person normally resident in Sweden who, as a result of an industrial accident or occupational disease, claims benefits under Swiss legislation shall submit his application directly or through the National Social Insurance Office to SUVA.

2. A person normally resident in Switzerland who, as a result of an industrial accident or occupational disease, claims benefits under Swedish legislation shall submit his application directly or through SUVA to the general insurance fund in Stockholm.

3. A person normally resident in a third State who, as a result of an industrial accident or occupational disease, claims benefits from the Swiss accident insurance scheme or the Swedish industrial injury insurance scheme shall apply directly or through a liaison office to the competent insurance authority.

Article 10. The competent insurance authority, after taking a decision on an application for a benefit, shall communicate its decision, with instructions on the right of appeal, directly to the applicant.

Article 11. 1. In the cases referred to in article 21, paragraph 1, of the Convention, sickness benefits shall be paid in Switzerland by SUVA, and in Sweden by the general insurance fund at the place of residence, provided that the applicant substantiates his right to benefits.

2. Where the employer has a representative in the Contracting State in which the accident occurred, such representative shall be responsible, in so far as he is able, for producing a certificate concerning the applicant's right to benefits.

3. If no certificate concerning the right to benefits can be produced, the insurance authority at the place where the accident occurred shall request the insurance authority specified in article 9, in the State concerned, to transmit the necessary certificates and documents.

Article 12. For the purpose of applying article 21, paragraph 2, of the Convention, the insurance authority responsible for payment shall provide the insured person with a certificate concerning his right to benefits after he has left the place of residence. Such certificate may also be provided by the insurance authority at the place of residence.

Article 13. The amounts to be reimbursed by the insurance authorities of the Contracting States under article 22 of the Convention shall be settled separately in each individual case.

Article 14. The provisions of this chapter shall also apply to non-industrial accidents which are to be compensated under Swiss legislation.

Chapter 4. COMMON PROVISIONS

Article 15. Cash benefits to which entitlement exists under the legislation of one Contracting State shall be paid by the insurance authority responsible for payment directly to persons entitled thereto who are resident in the territory of the other Contracting State. The competent authorities may agree on another payment procedure.

Article 16. The liaison offices shall provide each other annually with statistical information on payments made in the other Contracting State.

PART IV. MISCELLANEOUS PROVISIONS

Article 17. The insurance authorities and liaison offices of the Contracting States shall provide one another, in response to a general or special request, with the necessary assistance for the implementation of the Convention and of this Arrangement.

Article 18. 1. A person receiving benefits under the legislation of one Contracting State and normally resident in the territory of the other Contracting State shall inform the insurance authority responsible for payment, either directly or through a liaison office, of any changes in his personal or family status, his state of health or his fitness for work that may affect his rights or obligations under the legislation referred to in article 2 of the Convention and on the basis of the provisions of the Convention.

2. The insurance authorities shall report to each other directly or through a liaison office all information of the kind aforesaid coming to their knowledge.

Article 19. 1. The authorities responsible for implementing this Arrangement shall be responsible for the administrative costs arising in connection with such implementation.

2. Costs for medical examinations, including related costs for travel, board and lodging or other costs, shall be advanced by the insurance authority responsible for the examination and reimbursed by the insurance authority requesting the examination separately in each individual case.

Article 20. This Arrangement shall enter into force simultaneously with the Convention and shall remain in force for the same period.

DONE at Berne on 20 October 1978 in two original copies in the German and Swedish languages, both texts being equally authentic.

For the Government of Sweden:

[Signed]

SVEN-ERIC NILSSON

For the Swiss Federal Council:

[Signed]

HANS WOLF
