

No. 20942

**AUSTRIA, FEDERAL REPUBLIC OF GERMANY,
LIECHTENSTEIN and SWITZERLAND**

Agreement on social security (with annexes and final protocol). Concluded at Vienna on 9 December 1977

Authentic text: German.

Registered by Austria on 8 March 1982.

**AUTRICHE, RÉPUBLIQUE FÉDÉRALE
D'ALLEMAGNE,
LIECHTENSTEIN et SUISSE**

Accord relatif à la sécurité sociale (avec annexes et protocole final). Conclu à Vienne le 9 décembre 1977

Texte authentique : allemand.

Enregistré par l'Autriche le 8 mars 1982.

[TRANSLATION—TRADUCTION]

AGREEMENT¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY, THE
PRINCIPALITY OF LIECHTENSTEIN, THE REPUBLIC OF AUSTRIA
AND THE SWISS CONFEDERATION ON SOCIAL SECURITY

The Federal Republic of Germany, the principality of Liechtenstein, the Republic of Austria and the Swiss Confederation,

Desiring to expand their co-operation in the field of social security and to integrate the bilateral relations between the States,

Have agreed as follows:

SECTION I. GENERAL PROVISIONS

Article 1. For the purposes of this Agreement:

(1) “Bilateral Convention” means any of the Conventions on social security referred to in annex 4;

(2) “National” has the meaning specified in annex 1;

(3) “Refugee” means a refugee within the meaning of the Convention of 28 July 1951² and the Protocol of 31 January 1967 relating to the Status of Refugees;³

(4) “Stateless person” means a stateless person within the meaning of the Convention relating to the Status of Stateless Persons of 28 September 1954;⁴

(5) “Legislation” means the laws, ordinances and regulations relating to the social security schemes of the Contracting States specified in annex 2;

(6) “Competent public authority” means the authorities referred to in annex 3;

(7) “Annuity” or “pension” means an annuity or pension including any increase therein and any supplement or additional allowance payable therewith.

Article 2. (1) Subject to the provisions of article 5, this Agreement shall apply to the social security schemes specified in annex 2.

(2) Legislation which arises out of international treaties concluded with third States or out of supranational law, or which serves for their implementation, shall not be taken into consideration in relations between the Contracting States except in so far as it contains regulations concerning insurance liability.

¹ Came into force on 1 November 1980, i.e., the first day of the second month following the month in which the last instrument of ratification was deposited with the Government of Liechtenstein, in accordance with article 21. The instruments were deposited as follows:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>	
Austria	6 October	1978
Germany, Federal Republic of	11 September	1980
Liechtenstein	5 February	1979
Switzerland	25 September	1979

² United Nations, *Treaty Series*, vol. 189, p. 137.

³ *Ibid.*, vol. 606, p. 267.

⁴ *Ibid.*, vol. 360, p. 117.

Article 3. This Agreement shall apply:

- (a) To nationals of the Contracting States and their dependants and survivors, in so far as the latter derive their rights from a national;
- (b) To refugees and stateless persons, if they are normally resident in the territory of a Contracting State;
- (c) To dependants and survivors of the persons specified in subparagraph (b), in so far as they derive their rights from such persons and are normally resident in the territory of a Contracting State.

Article 4. Subject to the provisions of article 5, this Agreement shall apply to cases in which insurance periods have been completed under the legislation of more than two Contracting States.

Article 5. (1) The application of such provisions of the bilateral Conventions as are referred to in annex 4 shall, under the conditions provided for in that annex, be extended to persons covered by article 3. Articles 7, 12 to 15 and 18 shall apply *mutatis mutandis*.

(2) The provisions specified in the second sentence of paragraph 1 shall also apply *mutatis mutandis* in cases where a bilateral Convention is applicable irrespective of the first sentence of paragraph 1.

SECTION II. SPECIAL PROVISIONS

Article 6. Where insurance periods have been completed under the legislation of two or more Contracting States, they shall be aggregated, provided that they do not overlap, for the purpose of the acquisition of entitlement to an annuity under German legislation and of entitlement to a pension under Austrian legislation. The extent to which and the manner in which insurance periods are to be taken into account shall be determined in accordance with the legislation of the Contracting State under whose insurance scheme such periods were completed.

Article 7. Where, whether this Agreement is taken into account or not, coverage exists under two or three bilateral Conventions concluded by the Federal Republic of Germany, the following provisions shall apply to the German insurance authority:

- (a) It shall calculate the amount which would be payable as an annuity if each of the bilateral Conventions under which coverage exists were taken into account;
- (b) It shall determine as the annuity to be paid by it, taking into account the relevant bilateral Convention, the greatest of the amounts calculated in accordance with the provisions of subparagraph (a);
- (c) The provisions of subparagraphs (a) and (b) shall also apply to any further insurance contingency.

Article 8. (1) Where benefits are claimed in cases covered by article 6, the following provisions shall apply for the purposes of calculating the pension payable under Austrian legislation;

- (a) The Austrian insurance authority shall determine, in accordance with the legislation which it applies, whether entitlement to a pension exists, account being taken of the aggregation of insurance periods;
- (b) Where entitlement to a pension exists, the Austrian insurance authority shall first calculate the theoretical amount of the pension to which the person concerned would be entitled if all insurance periods to be taken into account for the purpose of calculating an annuity under the legislation of the Contracting States were to be taken into account only under the legislation which it applies;

(c) The Austrian insurance authority shall then calculate, on the basis of the amount arrived at in accordance with subparagraph (b), the partial pension for which it is liable according to the proportion which the duration of the insurance periods to be taken into account under the legislation which it applies bears to the total duration of the insurance periods to be taken into account under the legislation of all the Contracting States.

(2) If the insurance periods to be taken into account for the purpose of calculating the pension under Austrian legislation amount in all to less than 12 months, no pension shall be granted by the Austrian insurance authority unless entitlement to a pension exists under Austrian legislation without the application of article 6.

(3) If the insurance periods to be taken into account for the purpose of calculating the annuity under German legislation amount in all to less than 12 months, the Austrian insurance authority shall, for the purpose of applying paragraph 1(c), take such periods into account as if they were Austrian insurance periods. The foregoing shall not apply if entitlement to a pension exists under German legislation without the application of article 6.

Article 9. (1) Where entitlement to a pension exists under Austrian legislation irrespective of the provisions of article 6, the Austrian insurance authority shall not apply articles 6 and 8 so long as no entitlement to benefits exists under the legislation of the other Contracting States.

(2) Where, article 6 being taken into account, entitlement to a pension exists under Austrian legislation irrespective of insurance periods of a Contracting State under whose legislation no entitlement to benefits exists, the Austrian insurance authority shall not take such insurance periods into account for the purpose of applying article 8.

(3) In the cases specified in paragraphs 1 and 2, the pension already determined shall automatically be revised in accordance with article 8 when an entitlement to benefits arises under the legislation of another Contracting State. The revision shall take effect on the date on which benefits become payable under the legislation of that other Contracting State. The validity of earlier decisions shall not preclude such revision.

Article 10. (1) Where entitlement to a pension exists under Austrian legislation irrespective of the provisions of article 6 and that pension would be greater than the aggregate of the benefits calculated in accordance with this Agreement, the Austrian insurance authority shall pay, as a partial benefit, its own benefit, thus calculated, plus the difference between the aggregate of the benefits calculated in accordance with this Agreement and the benefit which would be payable solely under the legislation which it applies.

(2) The partial benefit referred to in paragraph 1 shall automatically be revised when an entitlement to benefits arises under the legislation of another Contracting State. The revision shall take effect on the date on which benefits become payable under the legislation of that other Contracting State. The validity of earlier decisions shall not preclude such revision.

SECTION III. MISCELLANEOUS PROVISIONS

Article 11. (1) The competent public authorities shall prescribe in an agreement the administrative measures necessary for implementing this Agreement.

(2) In order to facilitate the implementation of this Agreement, and in particular to establish a simple and speedy channel for communications between the insurance authorities concerned, the competent public authorities shall, if necessary, set up liaison offices.

Article 12. The provisions of the bilateral Conventions relating to official and legal assistance between insurance authorities, public authorities and courts shall apply *mutatis mutandis* for the purpose of implementing this Agreement.

Article 13. The agencies mentioned in article 12 may, for the purpose of implementing this Agreement, communicate directly with one another and with the persons concerned and their representatives.

Article 14. (1) Where certificates or other papers required to be submitted to an agency, mentioned in article 12, of a Contracting State are wholly or partly exempt from legal dues or charges, including consular and administrative fees, such exemption shall also extend to certificates and other papers required to be submitted to a corresponding agency of another Contracting State for the purpose of the application of this Agreement.

(2) Certificates which, for the purpose of the application of this Agreement, are required to be submitted to one of the agencies mentioned in article 12 of a Contracting State shall not require legalization, authentication or any similar formality for use in dealing with agencies of another Contracting State.

Article 15. (1) Where a claim to a benefit under the legislation of a Contracting State has been submitted in another Contracting State to an agency to which a claim to a corresponding benefit under the legislation to which that agency itself is subject may validly be submitted, the claim shall be deemed to have been submitted to the competent insurance authority. The same shall apply *mutatis mutandis* to other claims and also to notices and appeals.

(2) A claim to a benefit under the legislation of one of the Contracting States which is lodged with such an agency in the territory of that Contracting State shall also be deemed to be a claim to any corresponding benefits covered by this Agreement under the legislation of the other Contracting States; the foregoing shall not apply where the claimant expressly requests that the determination of an old-age benefit acquired under the legislation of a Contracting State should be deferred.

(3) Claims, notices and appeals shall be transmitted without delay by the agency to which they have been submitted to the competent agency of the other Contracting States.

Article 16. (1) Where an insurance authority of a Contracting State has made an advance payment, the payment of arrears, due in the same period, of a corresponding benefit to which entitlement exists under the legislation of another Contracting State may be withheld. Where the insurance authority of a Contracting State has paid an amount in excess of the correct benefit for a period for which the insurance authority of another Contracting State is required to pay arrears in respect of a corresponding benefit, the overpayment, up to the amount of the arrears due, shall be regarded as an advance payment within the meaning of the first sentence of this paragraph.

(2) Where, in accordance with paragraph 1, the payment of arrears may be withheld for account of two or more insurance authorities, the amount of the arrears shall be prorated according to the advance payments made, if the latter are not fully covered.

Article 17. (1) Disputes between the Contracting States concerning the interpretation or application of this Agreement shall be settled, as far as possible, by the competent public authorities of the Contracting States.

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

(3) The arbitral tribunal shall be established *ad hoc*; each Contracting State shall appoint one member, and the members shall agree on a national of a State other than a Contracting State who is to be Chairman and who shall be appointed by the Governments of the Contracting States. The members shall be appointed within two months and the

Chairman within three months after one Contracting State has informed the others that it wishes to submit the disputes to an arbitral tribunal.

(4) If the time-limits mentioned in paragraph 3 are not adhered to, any Contracting State may 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 if he is unable to act, the Vice-President shall make the appointments. If the Vice-President is also a national of a Contracting State or 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 decisions of the arbitral tribunal shall be by majority vote. Its decisions shall be binding. Each Contracting State shall defray the expenses of its member and the costs of its representation in the arbitral proceedings; the expenses of the Chairman and other expenses shall be shared equally by the Contracting States. The arbitral tribunal shall establish its own rules of procedure.

SECTION IV. TRANSITIONAL AND FINAL PROVISIONS

Article 18. (1) This Agreement shall also apply to insurance contingencies which occurred before its entry into force. It shall also apply to insurance periods prior to its entry into force which an insurance authority of a Contracting State is required to take into account under the legislation which it applies.

(2) Paragraph 1 shall not confer any right to benefits for periods prior to the entry into force of this Agreement.

(3) In the cases referred to in the first sentence of paragraph 1, annuities (or pensions) to which entitlement first arises under this Agreement shall, upon the application of the beneficiary, be determined in accordance with the provisions of this Agreement. The benefits shall be payable as from the date of entry into force of this Agreement if the application is made within two years following the date of entry into force of this Agreement, otherwise as from a date determined in accordance with the legislation of each Contracting State.

Article 19. The accompanying annexes and Final Protocol shall form an integral part of this Agreement.

Article 20. 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, the Federal Government of the Republic of Austria and the Swiss Federal Council within three months from the date of entry into force of this Agreement.

Article 21. (1) This Agreement shall be ratified. The instruments of ratification shall be deposited with the Government of the Principality of Liechtenstein, which shall notify the Governments of the other Contracting States of each deposit of an instrument of ratification.

(2) This Agreement shall enter into force on the first day of the second month following the month in which the fourth instrument of ratification is deposited.

Article 22. (1) This Agreement is concluded for an indefinite period.

(2) Any Contracting States may denounce this Agreement, with effect from the end of a calendar year, by giving three months' notice to the Government of the Principality of Liechtenstein. The Government of the Principality of Liechtenstein shall notify the Governments of the other Contracting States of any denunciation.

(3) As from the effective date of the second denunciation, this Agreement shall cease to have effect for all the Contracting States.

(4) If this Agreement ceases to have effect for one or all of the Contracting States, 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 pertaining to residence in the territory of the Contracting States.

IN WITNESS WHEREOF the plenipotentiaries have signed this Agreement.

DONE at Vienna on 9 December 1977, in four original copies.

For the Federal Republic of Germany:
Dr. HERBERT EHRENBERG

For the Principality of Liechtenstein:
HANS GASSNER

For the Republic of Austria:
Dr. GERHARD WEISSENBERG

For the Swiss Confederation:
ADELRICH SCHULER

ANNEXES TO THE AGREEMENT BETWEEN THE FEDERAL REPUBLIC OF GERMANY,
THE PRINCIPALITY OF LIECHTENSTEIN, THE REPUBLIC OF AUSTRIA AND THE
SWISS CONFEDERATION ON SOCIAL SECURITY

ANNEX 1

(Article 1, subparagraph 2)

NATIONALS OF THE CONTRACTING STATES

1. *Federal Republic of Germany*
A German within the meaning of the Basic Law for the Federal Republic of Germany.
2. *Liechtenstein*
A national of the Principality of Liechtenstein.
3. *Austria*
A national of the Republic of Austria.
4. *Switzerland*
A Swiss national.

ANNEX 2

(Article 1, subparagraph 5)

SCHEMES TO WHICH THE AGREEMENT APPLIES

1. *Federal Republic of Germany*
 - (a) Annuities insurance for manual workers;
 - (b) Annuities insurance for salaried workers;
 - (c) Annuities insurance for miners.
2. *Liechtenstein*
 - (a) Old-age and survivors' insurance;
 - (b) Invalidity insurance.
3. *Austria*
 - (a) Pensions insurance for manual workers;

- (b) Pensions insurance for salaried workers;
 - (c) Pensions insurance for miners;
 - (d) Pensions insurance for self-employed persons in commerce;
 - (e) Pensions insurance for self-employed persons in agriculture and forestry.
4. *Switzerland*
- (a) Old-age and survivors' insurance;
 - (b) Invalidity insurance.

ANNEX 3

(Article 1, subparagraph 6)

COMPETENT PUBLIC AUTHORITIES

1. *Federal Republic of Germany*
The Federal Minister of Labour and Social Affairs.
2. *Liechtenstein*
The Government of the Principality of Liechtenstein.
3. *Austria*
The Federal Minister of Social Affairs.
4. *Switzerland*
The Federal Office of Social Insurance.

ANNEX 4

(Article 5)

EXTENSION OF THE SCOPE OF APPLICATION OF BILATERAL CONVENTIONS

1. *Federal Republic of Germany—Liechtenstein*
Article 1 (5), article 3 and article 10 of the Agreement concerning social security of 7 April 1977¹ and section 3 (k) and section 9, paragraphs 1 and 3, of the Final Protocol to the Convention, provided that:
 - (a) The provisions of article 4, extended in conjunction with article 3, shall apply only to the German legislation concerning the payment of annuities in case of residence abroad and the Liechtenstein legislation concerning entitlement to annuities in case of domicile abroad;
 - (b) Section 3 (k) of the Final Protocol shall apply where the persons concerned:
 - (aa) Are not Austrian nationals, so long as they are resident in the territory of a Contracting State outside the area of application of the Agreement for the Federal Republic of Germany;
 - (bb) Are Austrian nationals, even if they are resident outside the territory of the Contracting States.
2. *Federal Republic of Germany—Austria*
Article 3 of the Convention on social security of 22 December 1966,² as amended by the First Additional Convention of 10 April 1969³ and the Second Additional Convention of 29 March 1974, provided that:
 - (a) The extension of article 3 shall apply only to the German legislation concerning the payment of annuities in case of residence abroad; in such a case, the German legislation concerning the payment of annuities only subject to special conditions in respect of industrial accidents sustained

¹ United Nations, *Treaty Series*, vol. 1246, p. 11.

² *Ibid.*, vol. 703, p. 3.

(or occupational disease contracted) outside the area of application of the Agreement for the Federal Republic of Germany, and on the basis of periods completed outside that area, shall be taken into account only so long as the persons concerned are resident in the territory of one of the Contracting States outside the area of application of the Agreement for the Federal Republic of Germany;

(b) The provisions of article 4, extended in conjunction with article 3, shall apply only to the Austrian legislation concerning the granting of benefits in case of residence abroad.

3. *Federal Republic of Germany—Switzerland*

Article 1 (4), article 3, article 19, paragraph 1 (a), and article 28 of the Convention on social security of 25 February 1964, as amended by the Additional Convention of 9 September 1975, and section 10 (c), (f) and (g) of the Final Protocol to the Convention, provided that:

(a) The provisions of article 4, extended in conjunction with article 3, shall apply only to the German legislation concerning the payment of annuities in case of residence abroad and the Swiss legislation concerning entitlement to annuities in case of domicile abroad;

(b) Article 28 shall apply where the persons concerned:

(aa) Are not Austrian nationals, so long as they are resident in the territory of a Contracting State outside the area of application of the Agreement for the Federal Republic of Germany;

(bb) Are Austrian nationals, even if they are resident outside the territory of the Contracting States;

(c) Article 2, paragraph 2, of the Additional Convention shall not be affected.

4. *Liechtenstein—Austria*

Article 1 (5), article 3 and article 17 of the Convention on social security of 26 September 1968,¹ as amended by the Additional Convention of 16 May 1977, and section 9 (b) of the Final Protocol to the Convention, provided that the provisions of article 4, paragraph 1, extended in conjunction with article 3, shall apply only to the Liechtenstein legislation concerning entitlement to annuities in case of domicile abroad.

5. *Liechtenstein—Switzerland*

Article 2, article 3, article 4 (d), article 5 and article 10 of the Convention on old-age survivors' and invalidity insurance of 3 September 1965, provided that the extension of article 2 shall apply only to the Liechtenstein and Swiss legislation concerning entitlement to annuities in case of domicile abroad.

6. *Austria—Switzerland*

Article 1 (5), article 3 and article 23 (a) of the Convention on social security of 15 November 1967,² as amended by the First Additional Convention of 17 May 1973³ and the Second Additional Convention of 30 November 1977, and sections 8 (a) and 9 (c) of the Final Protocol to the Convention, provided that the provisions of article 4, paragraph 1, extended in conjunction with article 3, shall apply only to the Swiss legislation concerning entitlement to annuities in case of domicile abroad.

FINAL PROTOCOL TO THE AGREEMENT BETWEEN THE FEDERAL REPUBLIC OF GERMANY, THE PRINCIPALITY OF LIECHTENSTEIN, THE REPUBLIC OF AUSTRIA AND THE SWISS CONFEDERATION ON SOCIAL SECURITY

At the time of signing the Agreement on social security concluded this day between the Federal Republic of Germany, the Principality of Liechtenstein, the Republic of Austria

¹ United Nations, *Treaty Series*, vol. 667, p. 93.

² *Ibid.*, vol. 658, p. 243.

³ *Ibid.*, vol. 980, p. 352.

and the Swiss Confederation, the plenipotentiaries of the Contracting States declare that agreement has been reached on the following:

I. *Ad article 2, paragraph 2, of the Agreement:*

Where, in addition to the conditions for the application of the Agreement, the conditions for the application of another Convention or of a provision of supranational law are also fulfilled, the German insurance authority shall not, for the purpose of applying the Agreement, take into consideration the other Convention or the provision of supranational law, unless the latter otherwise provides.

II. *Ad article 4 of the Agreement:*

In the case of German nationals, periods of active military service and periods assimilated thereto shall, in accordance with the bilateral Convention between the Federal Republic of Germany and Austria referred to in annex 4, be deemed to be insurance periods under Austrian legislation.

III. *Ad article 6 of the Agreement:*

The following provisions shall apply to the German insurance authority:

- (a) The inclusion of insurance periods completed under the legislation of the other Contracting States shall be determined in each case in accordance with the bilateral Conventions under which coverage exists as specified in article 7 of the Agreement;
- (b) Liechtenstein insurance periods shall be taken into account if the conditions of article 9 (1) and (6) of the bilateral Convention specified in annex 4 (1) and of section 8 (d) of the Final Protocol thereto are fulfilled. Swiss insurance periods shall be taken into account if the conditions of article 11, paragraph 1, and article 13 of the bilateral Convention specified in annex 4 (3) and of section 10 of the Final Protocol thereto are fulfilled.

IV. *Ad articles 6 and 8 of the Agreement:*

The following provisions shall apply to Austrian insurance authorities:

1. In cases where, under Liechtenstein or Swiss legislation, an old-age annuity is payable in lieu of a widow's annuity or an old-age (or invalidity) annuity for married couples is payable in lieu of a standard old-age (or invalidity) annuity, articles 6 and 8 shall be applied as if entitlement to the annuity corresponding to the Austrian pension existed under Liechtenstein or Swiss legislation.

2. For the purpose of determining the insurance authority competent to provide a benefit, only Austrian insurance periods shall be taken into account.

3. The provisions of articles 6 and 8 shall not apply with respect to the conditions for entitlement to, and the granting of, the long-service bonus under the pensions insurance scheme for miners (*Bergmannstreuegeld*).

4. Where, under Austrian legislation, the granting of benefits under the pensions insurance scheme for miners depends on the performance in specific industries of an activity which is essentially mining activity within the meaning of Austrian legislation, only such of the insurance periods completed under the legislation of the other Contracting States as are based on employment in a similar industry involving the performance of a similar activity shall be taken into account.

5. For the purpose of implementing article 8, paragraph 1, insurance periods which are to be taken into account under the legislation of the other Contracting States shall be taken into account without the application of the Austrian legislation concerning the taking into account of insurance periods.

6. For the purpose of implementing article 8, paragraph 1 (b) and (c), overlapping insurance periods shall be taken into account to the extent of their actual duration; periods of Liechtenstein and Swiss voluntary annuities insurance shall not be taken into account.

7. For the purpose of implementing article 8, paragraph 1 (b), the following provisions shall apply:

- (a) The pension or annuity basis shall be calculated solely according to the Austrian insurance periods;
- (b) Contributions under the supplementary insurance scheme (*Höherversicherung*), the supplementary benefit for miners (*knappschaftliche Leistungszuschlag*), the supplementary allowance to disabled persons (*Hilfflosenzuschuss*) and the equalization allowance (*Ausgleichszulage*) shall not be taken into account.

8. For the purpose of implementing article 8, paragraph 1 (c), the following provisions shall apply:

- (a) If the total duration of the insurance periods to be taken into account under the legislation of the Contracting States exceeds the maximum duration prescribed under Austrian legislation for the purpose of calculating increments (*Steigerungsbetrag*), the benefit for which the insurance authority is liable shall be calculated according to the proportion which the duration of the insurance periods to be taken into account under Austrian legislation bears to the said duration of insurance months;
- (b) The supplementary allowance to disabled persons shall be calculated, in accordance with Austrian legislation, on the basis of the Austrian pension, the benefit limits being proportionately reduced. However, if entitlement to a pension exists solely on the basis of the insurance periods to be taken into account under Austrian legislation, the supplementary allowance to disabled persons shall be payable in the amount corresponding to such pension, unless an increased benefit on the ground of disability is granted under the legislation of another Contracting State.

9. The amount calculated in accordance with article 8, paragraph 1 (c), shall where appropriate be increased by increments for contributions under the supplementary insurance scheme, by the supplementary benefit for miners, by the supplementary allowance to disabled persons and by the equalization allowance.

10. Special payments shall be payable on the same scale as the Austrian partial pension; article 10 of the Agreement shall apply *mutatis mutandis*;

11. The rights accorded under Austrian legislation to a person who has suffered disadvantage with respect to social insurance on political, religious or racial grounds shall not be affected.

IN WITNESS WHEREOF the plenipotentiaries have signed this Final Protocol.

DONE at Vienna on 9 December 1977, in four original copies.

For the Federal Republic of Germany:
Dr. HERBERT EHRENBERG

For the Principality of Liechtenstein:
HANS GASSNER

For the Republic of Austria:
Dr. GERHARD WEISSENBERG

For the Swiss Confederation:
ADELRICH SCHULER