

No. 22394

**SWITZERLAND
and
FEDERAL REPUBLIC OF GERMANY**

Convention concerning social insurance (with final protocol). Signed at Bonn on 24 October 1950

Administrative Arrangement to the above-mentioned Convention. Signed at Berne on 21 September 1951

Supplementary Convention to the above-mentioned Convention of 24 October 1950. Signed at Berne on 24 December 1962

Authentic texts: German.

Registered by Switzerland on 18 October 1983.

Termination of the above-mentioned Convention of 24 October 1950 and of the Administrative Arrangement thereto of 21 September 1951 (*Note by the Secretariat*)

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE SWISS CONFEDERATION AND THE
FEDERAL REPUBLIC OF GERMANY CONCERNING SOCIAL
INSURANCE

The Government of the Swiss Confederation and the Government of the Federal Republic of Germany

Have agreed as follows in respect of their relations in the field of social insurance:

PART I. GENERAL PROVISIONS

Article 1. This Convention shall apply to all legislation currently or hereafter in force in the two Contracting Parties in the field of statutory insurance in respect of:

- (a) Invalidity and occupational disability;
- (b) Old age and death;
- (c) Accidents and occupational diseases.

Article 2. Swiss and German nationals shall have equal rights and obligations under the social insurance schemes (article 1) of each of the two Contracting Parties unless otherwise provided for under this Convention and the Protocol thereto. Subject to the same reservation, domestic regulations concerning social insurance (article 1) which provide for different treatment for nationals and foreign nationals shall not apply to the nationals of the other Contracting Party.

Article 3. 1. In the management of the insurance branches referred to in article 1, the applicable regulations shall be those of the Contracting Party in which the occupation which determines the insurance is exercised.

2. This principle shall be subject to the following exceptions:

- (a) If persons employed by an enterprise having its principal place of business in the territory of one of the Contracting Parties are sent for a limited period by that enterprise to the territory of the other Party, the regulations of the Party in which the enterprise has its principal place of business shall remain applicable if the stay in the territory of the other Party does not exceed twelve months. When the period of employment in the other Contracting Party exceeds twelve months, the regulations of the Contracting Party in which the enterprise has its principal place of business may, if the highest administrative authority of the Party in which the temporary place of work is situated gives its consent, continue to be applied, but not for longer than a further period of twelve months. The same rule shall apply when persons employed by an enterprise having its principal place of business in one of the two Contracting Parties stay because of the nature of their employment, intermittently in the territory of the other Party and each stay does not exceed twelve months.
- (b) If craft or agricultural enterprises in the frontier region extend from the territory of one of the Contracting Parties to the territory of the other Party, only the

¹ Came into force on 1 July 1951, the date agreed upon by the two Governments, in accordance with article 22.

regulations of the Party in which the enterprise has its principal place of business shall apply to the persons employed in those enterprises.

- (c) If persons working in a transport enterprise whose principal place of business is in the territory of one of the two Contracting Parties are employed temporarily in the territory of the other Party or permanently on lines connecting railway in frontier railway stations, the regulations of the Party in which the enterprise has its principal place of business shall apply exclusively. The same rule shall apply to the personnel of air transport enterprises of one of the two Parties when they are nationals of the State of those enterprises and are permanently employed in airports of the other Party, and also to the personnel of those enterprises who are seconded for air or land service in the territory of the other Party.
- (d) Persons hired on behalf of the shipowner for employment on a sea-going vessel during a voyage shall be subject to the regulations in force in the territory of the Contracting Party whose flag the vessel is flying.
- (e) Persons employed in the service of an official department (customs, post office, passport control, etc.) who are sent by one of the Contracting Parties to work in the territory of the other Party shall be subject to the regulations of the Contracting Party which sends them.
- (f) The heads and personnel of diplomatic and consular missions of each of the two Contracting Parties and also persons in their personal employ shall be subject, if they are nationals of one of the two Contracting States, to the regulations of the State of which they are nationals.

3. The highest administrative authorities of the two Contracting Parties may, by agreement, permit exceptions to the provisions of paragraphs 1 and 2 in individual cases.

Article 4. 1. Swiss and German nationals who are entitled to benefits from one or more of the insurance branches referred to in article 1 shall receive the benefits, including supplements from public funds, without any restriction as long as they are resident in the territory of one of the two Contracting Parties. The social insurance benefits (article 1) of one of the two Parties, including supplements from public funds, shall be accorded to nationals of the other Party who are resident in a third State on the same conditions and to the same extent as to nationals who are resident in that third State.

2. In the application of the regulations of one of the two Contracting Parties concerning the lump-sum settlements of claims or the granting of other non-recurring benefits, residence in the territory of the other Party shall not, for Swiss or German nationals, be deemed to be residence abroad.

PART II. INVALIDITY AND DISABILITY INSURANCE

Article 5. German insurance authorities shall determine, without taking into account insurance periods completed with Swiss insurance authorities, the annuities payable to persons insured in accordance with German regulations in respect of invalidity and disability under the pensions insurance for manual workers (invalidity insurance), the pensions insurance for salaried workers (salaried workers' insurance) the miners' pensions insurance and the seniority bonus (*Knappschaftssold*) of the miners' pensions insurance. If claimants who are entitled to such an annuity have completed their sixty-fifth year, the provisions of article 7 of the Convention shall apply.

PART III. OLD-AGE AND DEATH INSURANCE

Article 6. 1. German nationals who are or have been contributors to the Swiss old-age and survivors insurance scheme shall be entitled to the regular annuity on the same conditions as Swiss nationals if, at the time when the insurance contingency occurs, they:

- (a) Have paid Swiss old-age and survivors insurance contributions for a total period of at least five full years; or
- (b) Have been resident in Switzerland for a total period of at least ten years (including five years of uninterrupted residence immediately preceding the occurrence of the insurance contingency), and have during that period paid Swiss old-age and survivors' insurance contributions for a total period of at least one full year. In respect of German frontier workers, each year in which they have been employed for a least eight months in Switzerland shall be treated as an entire year spent in Switzerland.

2. On the death of a German national fulfilling the conditions laid down in paragraph 1 (a) or (b) above, his survivors shall be entitled to the regular annuity under the Swiss old-age and survivors' insurance scheme.

3. Annuities payable under the Swiss old-age and survivors' insurance scheme shall be determined without account being taken of the insurance periods completed with German insurance authorities.

4. Article 40 of the Swiss federal law on old-age and survivors' insurance, concerning the reduction of annuities, shall not apply to German nationals.

5. Insured German nationals and their survivors' who, at the time when the insurance contingency occurs, are not entitled to an old-age and survivors' insurance annuity shall be entitled to require that contributions paid by the insured person and his employers to the Swiss old-age and survivors' insurance scheme be transferred to the German pensions insurance system and utilized in accordance with article 7, paragraph 4. If under the German regulations, with account taken of this Convention, entitlement also does not exist under the German pensions insurance, the latter shall, upon request, refund to the insured person the contributions which were transferred to it. In the event of the death of the insured person, the contributions shall, upon request, be paid successively to his widow and his children. Once the contributions have been transferred to the German pensions insurance system, German nationals and their survivors shall have no further claim under Swiss old-age and survivors' insurance by virtue of such contributions.

Article 7. 1. In determining, in accordance with the German regulations, the annuities payable in the case of old age or death under manual workers' pensions insurance (invalidity insurance), salaried workers' pensions insurance (employee insurance) and miners' pensions insurance, insurance periods (contribution periods and equivalent periods) completed under the Swiss old-age and survivors' insurance scheme shall be taken into account, provided that these periods do not overlap insurance periods completed under the German pension insurance system,

- (a) In order to complete the waiting period required for the granting of an old-age annuity, if at least 260 weekly contributions or 60 monthly contributions have been paid to the German pensions insurance system;
- (b) In order to maintain acquired rights in respect of old-age annuities and survivors' annuities.

Periods, for which contributions have been transferred, in accordance with article 6, paragraph 5, shall also be deemed to be insurance periods for Swiss old-age and survivors insurance.

2. Where, in the case of old age or death, a beneficiary may claim an annuity both under one or more of the German pensions insurance schemes referred to in paragraph 1 of this article and under the Swiss old-age and survivors' insurance scheme, the benefits payable by the German insurance authorities shall be calculated as follows:

- (a) Benefits or parts thereof which are based on the duration of the insurance and which are calculated exclusively on the basis of the insurance periods completed under German legislation shall not be subject to any reduction,
- (b) Benefits or parts thereof which are not based on the duration of the insurance shall be granted only according to the ratio between the insurance periods which must be taken into account for purposes of calculating benefits under German legislation and to total number of insurance periods which must be taken into account for purposes of calculating benefits under both German and Swiss legislation.

3. Where an entitled person qualifies for an old-age or death benefit under the legislation in force in both Contracting Parties and the amount of the annuity which he is entitled to claim exclusively under German legislation exceeds the aggregate annuity which would result from the application of article 6 and of paragraphs 1 and 2 of this article, he may require the German insurance authority to pay him the difference.

4. German insurance authorities shall grant, by virtue of the contributions transferred to them in accordance with article 6, paragraph 5, a further additional amount which shall be added to the annuities to be paid under German regulations in case of old age or death, and also after completion of the beneficiary's sixty-fifth year in the event of invalidity or disability. The additional amount shall be determined on the basis of the ratio between the contribution and the additional amount under the general German regulations. The detailed arrangements shall be determined by the German Federal Minister of Labour.

5. Insured persons of Swiss nationality who, at the time when the insurance contingency occurs, are not entitled to a German pensions insurance annuity, shall be entitled to have transferred to them 80 per cent of the contributions paid to the German pensions insurance system by the insured person and his employer after 30 June 1948. In the event of the death of the insured person, the contributions shall, upon request, be paid successively to his widow and his children. Once the contributions have been transferred, insured persons of Swiss nationality and their survivors shall have no further claim under German pension insurance by virtue of such contributions.

Article 8. Where an insured person ceases to be compulsorily insured under Swiss old-age and survivors' insurance and transfers his residence to the territory of the Federal Republic of Germany, he may voluntarily join the German pensions insurance for manual or salaried workers provided that he has paid contributions to the Swiss old-age and survivors' insurance for at least six months. The insurance may be continued only in the insurance branch (article 7, paragraph 1) which corresponds to the type of occupation exercised for the previous six months in Switzerland. Insurance which under the German regulations would not have been compulsory may be continued only in the pensions insurance for salaried workers (salaried workers' insurance).

PART IV. ACCIDENT INSURANCE AND OCCUPATIONAL DISEASES

Article 9. A person insured under the legislation of one of the Contracting Parties who suffers an accident or contracts an occupational disease in the territory of the other State shall be entitled to claim the necessary medical treatment from the accident insurance or sickness insurance authority of the State in whose territory he is residing. In such cases, the competent insurance authority shall reimburse the cost of the medical treatment to the insurance authority which paid it.

Article 10. 1. Where a benefit is to be awarded to an insured person by an insurance authority of one of the two Contracting Parties and a further benefit is to be determined on the basis of another accident or occupational disease by an insurance authority of the other Contracting Party, the latter insurance authority shall take the benefits initially determined into account as if it had to award them itself.

2. The highest administrative authorities of the two Contracting Parties may agree that the benefits provided for under the legislation of one of them for the purpose of compensating an insured person for an occupational disease shall also be awarded where the insurance contingency occurs when the person concerned is insured by an accident insurance scheme of that Party, but the occupational disease had already been contracted during employment in the territory of the other Party, even if, under the regulations of the latter Party, a benefit has not already been or cannot be determined for that disease.

Article 11. The restrictive provisions concerning the granting of insurance benefits to foreign nationals and their survivors, under article 90 of the Swiss federal law of 13 June 1911 on sickness and accident insurance shall not apply to German nationals.

PART V. GENERAL PROVISIONS

Article 12. 1. Regulations of one of the Contracting Parties relating to the reduction or suspension of benefits in the case of overlapping benefits shall also be applied to persons who are entitled to insurance benefits of the other Contracting Party. Where payments made by one of the Parties result in the reduction or suspension of the benefits awarded by both Parties, only that part of such payments which corresponds to the ratio between the insurance periods under German and Swiss social insurance on which the calculation of benefits is based may be taken into consideration by each insurance authority for the reduction or suspension.

2. The regulations relating to the reduction or suspension of benefits when several benefits relating to the same insurance contingency overlap shall not however apply to annuities claimed under articles 6 and 7.

Article 13. 1. The insurance authorities, public authorities and social insurance tribunals of the two Contracting Parties shall assist one another to the same extent as if they were applying their own social insurance legislation. This shall also apply with regard to the functioning of Swiss and German optional insurance systems in the territories of each of the Contracting Parties. The mutual assistance shall be free of charge.

2. The medical examinations of a beneficiary residing in the territory of one of the Contracting Parties conducted under the social insurance of the other Party shall be arranged by the insurance authority of the beneficiary's country of residence at the request and at the expense of the insurance authority by which the benefit is payable.

Article 14. For the purposes of this Convention, the insurance authorities, public authorities and social insurance tribunals of the two Contracting Parties shall communicate directly with one another in their official language.

Article 15. 1. Applications which are submitted to the insurance authorities or other competent bodies of one of the Contracting Parties shall also be deemed to have been submitted to insurance authorities of the other Party.

2. Appeals which must be presented within a prescribed time-limit to a body of either of the Contracting Parties competent to accept them shall be deemed to have been submitted on time if they are submitted within the same time-limit to a corresponding body of the other Party. In such a case, the latter body shall transmit the appeal without delay to the competent body. If the body to which the appeal was presented does not know which body is competent, transmittal may then be effected through the highest administrative authorities of the two Contracting Parties.

Article 16. 1. Any exemption from taxes and fees provided for in the legislation of one Contracting Party in connection with the issue of any document required to be produced to the insurance authorities, public authorities and social insurance tribunals of that Party shall be extended to documents which, in the implementation of this Convention, are required to be produced to the corresponding bodies of the other Party.

2. Certificates, documents and papers of any kind to be produced for the purposes of this Convention shall not require legalization by diplomatic or consular authorities.

Article 17. 1. Insurance authorities liable for benefits under this Convention shall discharge their liability by payment in the currency of their country.

2. Where pursuant to this Convention, payments by an insurance authority of either of the Contracting Parties are to be effected in the territory of the other Party, such payments shall be effected in accordance with the payment agreements in force between the two Parties.

3. Any formalities which may be prescribed by the legislation in force in one of the Contracting Parties for payments to be effected outside its territory shall also apply, under the same conditions as for nationals, to persons eligible for such benefits under this Convention.

4. On application by a beneficiary who resides in the territory of one of the Contracting Parties, the insurance authority of the Party in which he resides may, by arrangement between the insurance authorities concerned, pay at the expense of the insurance institution of the other Party the cash benefits for which the latter is liable.

Article 18. This Convention shall not affect the regulations of the Contracting Parties concerning organs of their insurance authorities and the members of such organs.

PART VI. FINAL AND TRANSITIONAL PROVISIONS

Article 19. 1. The highest administrative authorities of the Contracting Parties shall agree directly with one another on the necessary measures for implementing this Convention, to the extent that such measures require agreement between them. They may in particular, in order to facilitate the implementation of this Convention, agree to set up on both sides liaison offices which will correspond directly with each other.

They shall also inform one another on a continuing basis of changes in the legislation referred to in article 1.

2. The social insurance authorities and institutions of the two Contracting Parties shall inform one another of all measures which they take within the limits of their competence for the implementation of this Convention.

Article 20. 1. Any difficulties in connection with the implementation of this Convention shall be resolved by agreement between the highest administrative authorities of the Contracting Parties.

2. Where no solution can be arrived at by this means, the dispute shall be settled by an arbitral tribunal, which shall resolve it in accordance with the principles and spirit of this Convention. The arbitral tribunal shall be made up of a representative of each of the Contracting Parties and a national of a third State as a third arbitrator. The arbitrators of the Contracting Parties shall each be appointed by their own Government. The two arbitrators shall appoint by agreement the third arbitrator. Decisions of the arbitral tribunal shall be final.

Article 21. For the purposes of this Convention, the highest administrative authorities shall be:

In the case of Switzerland: the Federal Office of Social Insurance;

In the case of the Federal Republic of Germany: the Federal Minister of Labour.

Article 22. This Convention, which must be submitted for approval by the legislative bodies of each of the Contracting Parties, shall enter into force on a date which the respective Governments shall determine by mutual agreement.

Article 23. 1. This Convention is concluded for an initial term of one year. It shall thereafter remain in force from year to year unless notice of denunciation is given by one of the Contracting Parties at least three months before the expiry of the term of one year.

2. In the event of denunciation, the provisions of this Convention shall continue to apply to acquired rights, notwithstanding any restrictive provisions concerning the award of insurance benefits in cases where an insured person is resident abroad.

3. With respect to rights in course of acquisition by virtue of insurance periods completed prior to the date on which this Convention ceases to have effect, the provisions of this Convention shall continue to apply under the conditions to be laid down in a supplementary agreement.

Article 24. 1. The provisions of this Convention shall also apply to insurance contingencies which occurred before its entry into force. In the application of this Convention, insurance periods completed before its entry into force must also be taken into consideration.

2. Benefits of one of the Contracting Parties which were not awarded or which were suspended before the entry into force of this Convention because the beneficiary was not residing in the territory of that Party shall be awarded or, if they were suspended, shall again be paid with effect from the date of entry into force of this Convention, provided that they have not already been paid through a single capital payment. Benefits which were determined before the entry into force of this Convention and are still due shall, as required, be determined anew according to the provisions of this Convention. No benefit based on the provisions of this Convention may be awarded for the period prior to its entry into force.

DONE in duplicate at Bonn on 24 October 1950.

IN WITNESS WHEREOF the undersigned, having exchanged their full powers, found in good and due form, have signed this Convention and have thereto affixed their seals.

For the Swiss Federal Council:

SAXER

For the Government
of the Federal Republic of Germany:

J. ECKERT
Dr. DOBBERNACK

FINAL PROTOCOL

On signing this day the Convention concerning social insurance concluded between the Government of the Swiss Confederation and that of the Federal Republic of Germany, the plenipotentiaries of the two Contracting Parties declare by mutual consent that there is agreement between them on the following:

1. The Federal Republic of Germany, for the purposes of this Convention, comprises the German *Länder* whose inhabitants have the right to elect to the German Bundestag deputies with voting rights.

2. The Convention applies to the Swiss and German nationals referred to below who are or have been insured by a Swiss or German, or by a Swiss and a German insurance authority, including their family members.

On the Swiss side, German nationals who, on the date of signature of the Convention, were residing either in the territory of the Federal Republic of Germany or in Switzerland or—if these conditions are not fulfilled—are in possession of identity papers drawn up in their name by the competent official bodies in the territory of the Federal Republic of Germany shall be deemed to be German nationals within the meaning of the Convention.

On the German side, the category of persons shall include:

(a) *In accident insurance schemes:*

Persons who are entitled to benefits from an insurance authority having its principal place of business in the territory of the Federal Republic of Germany and who sustained an industrial accident or contracted an occupational disease in the territory of the Federal Republic or on board a seagoing vessel whose home port is situated in the territory of the Federal Republic. Such cases shall also include those which occurred in the territory of the Federal Republic of Germany prior to its establishment. An accident (occupational disease) sustained or contracted by a person insured under German accident insurance legislation during temporary employment outside the territory of the Federal Republic of Germany shall also be deemed to be an industrial accident (occupational disease) in this sense.

(b) *In pensions insurance schemes:*

Persons whose entitlement to benefits either was determined by a German insurance authority whose principal place of business is in the territory of the Federal Republic of Germany

Or is based on an insurance relationship involving insurance by the German pensions insurance scheme in the territory of the Federal Republic of Germany either most recently as a compulsorily insured person or for the most part as a compulsorily or voluntarily insured person. Such cases shall also include those in which the

insurance relationship existed, prior to the establishment of the Federal Republic of Germany, in its territory.

3. Where, under the provisions of this Convention, insurance periods and the contributions paid for them are to be taken into account under the pensions insurance of both Contracting Parties, they shall be accounted as follows:

On the Swiss side,

Periods completed and contributions paid under the Swiss old-age and survivors' insurance scheme;

On the German side,

- (a) Periods completed and contributions paid in the territory of the Federal Republic of Germany and
- (b) Affiliation periods completed in the German pension insurance system, outside the Federal Republic of Germany and contributions relating to them, in so far as they are or would be countable for beneficiaries residing in the Federal Republic of Germany.

4. The highest administrative authorities of each of the Contracting Parties shall, under article 3, paragraph 3, of the Convention, agree that Swiss nationals in the private employ of the head or agents of a Swiss diplomatic or consular mission in the Federal Republic of Germany shall be compulsorily insured with the German accident insurance scheme, and, if they are not voluntary participants in the Swiss old-age and survivors' insurance scheme, also with other branches of German social insurance.

5. Children who fulfil the requirements set forth in articles 25 to 28 of the Swiss federal law on old-age and survivors' insurance shall be deemed to be children for the purposes of article 6, paragraph 5, of the Convention.

Children who fulfil the requirements set forth in paragraph 1258 of the German law on social insurance (*Reichsversicherungsordnung*) shall be deemed to be children for the purposes of article 7, paragraph 5, of the Convention.

6. To the extent that it is at variance with article 6 of the Convention, article 18 of the Swiss federal law on old-age and survivors' insurance shall not apply.

7. The concept of a full contribution year, within the meaning of article 6, paragraph 1, of the Convention, shall coincide with that of the full contribution year defined in article 50 of the order of 31 October 1947 concerning the execution of the Swiss federal law on old-age and survivors' insurance.

8. A German national resident in Switzerland who, during the last five years preceding the occurrence of the insurance contingency, has left Switzerland for a period not exceeding two months each year shall not be deemed to have interrupted his residence in Switzerland within the meaning of article 6, paragraph 1 (b), of the Convention.

9. The following shall be considered parts of benefits:

- (a) Within the meaning of article 7, paragraph 2 (a), of the Convention, the additional amount;
- (b) Within the meaning of article 7, paragraph 2 (b), of the Convention, the basic amount, the children's supplement, the pension supplement in accordance with German legislation concerning the adaptation of social insurance benefits (*Sozialversicherungs-Anpassungsgesetzgebung*) of 1949 and the benefit supplements under the miners' pensions insurance scheme for work as a hewer.

10. On the basis of article 13 of the Convention, the highest administrative authorities of the two Contracting Parties may agree that the administrative bodies of one of the Parties are also competent, in accordance with the regulations relating to

them, to reclaim benefits improperly obtained by a person residing in the territory of that Party through the social insurance systems of the other Party.

11. The excessively heavy double burden under the terms of article 1, paragraph 2 (*b*), of the Swiss federal law on old-age and survivors' insurance of 20 December 1946 shall be recognized as existing for an insured person when he has had to pay contributions both to German pension insurance and to Swiss old-age and survivors' insurance.

12. The German accident and pension insurance authorities which have their principal place of business in the territory of the Federal Republic of Germany and the Swiss accident insurance and old-age and survivors' insurance authorities assume, as of the date of entry into force of the Convention, the obligation to pay accrued pensions to beneficiaries who belong to the category of persons defined in article 4 of the Convention in conjunction with numbers 2 and 3 of this Protocol and who have not received their pensions since 1945 because of the suspension of inter-State payment transactions. The regulations in force on the due date of each of the monthly pension payments shall be applicable. In respect of the pensions to be paid retroactively by the German insurance authorities for the period prior to 1 July 1948, the amounts due in reichsmarks shall be valued at the rate of 10 reichsmarks to one German mark.

The insurance authority which is liable shall transfer the amounts due by virtue of the foregoing institution to the beneficiary within the framework of the transfer possibilities set forth in the payments agreement in force now or hereafter and in the manner provided for under that agreement. The possibility of transferring pensions accrued since 1 September 1949 was already agreed upon on 20 December 1949 by the "Mixed Commission" established for payments transactions between the Federal Republic of Germany and Switzerland.

In this regard, the German delegation stated that, in the opinion of the competent German authorities, a transfer of accrued pensions which became payable prior to 1 September 1949 was not permissible under the provisions of the Germany-Swiss payments agreement currently in force, since the payment of accrued pensions did not constitute current payments within the meaning of that Agreement.

The Swiss delegation pointed out that the Swiss insurance authorities had already fulfilled the obligation arising out of the foregoing provisions to pay the accrued pensions to beneficiaries in the territory of the Federal Republic of Germany and that they had carried out the transfer. The Swiss delegation therefore believed it to be absolutely essential that the German insurance authorities should also, as soon as possible, carry out the transfer of their accrued pensions to the beneficiaries in Switzerland.

The two delegations declared themselves in agreement that the matter should be referred to the "Mixed Commission" competent with regard to payments transactions, with a view to permitting the transfer of the arrears accumulated since 1 September 1949 to begin before the entry into force of the Convention and finding a speedy solution regarding the transfer of the remaining outstanding payments.

13. The Convention on the social security of Rhine boatmen shall not be affected by the Convention concluded between the Swiss Confederation and the Federal Republic of Germany concerning social insurance. Nevertheless, the possibility of supplementary agreements between the highest administrative authorities of the two Contracting Parties, in particular in order to prevent hardship cases, is not excluded.

14. Existing specific agreements on the social insurance of railway workers employed in border railway stations and on connecting railway lines shall not be af-

fect by this Convention. The possibility of future agreements of this nature is not excluded.

15. (a) The possibility of concluding a convention on sickness insurance between the Swiss Confederation and the Federal Republic of Germany should be considered upon completion of the revision of the provisions concerning sickness insurance. There is mutual agreement, nevertheless, that the sickness insurance authorities of the two Contracting Parties may conclude agreements on sickness insurance for frontier commuters. Such agreements shall require the approval of the highest administrative authorities of the two Contracting Parties.

(b) The provisions of German legislation in the field of sickness insurance which limit the rights of foreigners shall not apply to Swiss nationals.

(c) Swiss social insurance legislation shall contain no provision under which Swiss and German nationals are treated differently in any way in respect of rights and obligations under sickness and tuberculosis insurance.

16. German nationals who have paid contributions to the Swiss federal old-age and survivors' insurance scheme for at least one year and who have resided in Switzerland for at least 10 years became eligible as of 1 January 1948, if they fulfilled the general conditions, for the granting of an old-age and survivors' pension, to receive non-recurring or periodic assistance benefits pursuant to and in accordance with the Swiss Federal Act of 8 October 1948 concerning the use of funds allocated out of the surplus revenue of the workers' compensation fund to the old-age and survivors' insurance scheme. The Swiss delegation stated that it is planned to abolish, with effect from 1 January 1951, the requirement applicable to foreign nationals of a minimum contribution period of 1 year.

17. Swiss legislation concerning family allowances for agricultural workers and upland farmers shall not contain any provision under which Swiss and German nationals would be treated differently in any way.

18. The possibility of an agreement on unemployment insurance is not excluded.

This Final Protocol is an integral part of the Convention concluded this day between the Government of the Swiss Confederation and the Federal Republic of Germany concerning social insurance, and shall enter into force on the same conditions and for the same period as the Convention.

DONE in duplicate at Bonn on 24 October 1950.

For the Swiss Federal Council:

SAXER

For the Government
of the Federal Republic of Germany:

J. ECKERT
Dr. DOBBERNACK

[TRANSLATION — TRADUCTION]

ADMINISTRATIVE ARRANGEMENT¹ CONCERNING THE CONVENTION BETWEEN THE SWISS CONFEDERATION AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING SOCIAL INSURANCE²

Pursuant to article 19, paragraph 1, of the Convention between the Swiss Confederation and the Federal Republic of Germany concerning social insurance of 24 October 1950² (hereinafter referred to as “the Convention”) and of article 3, paragraph 3, of the said Convention, in conjunction with paragraph 4 of the Final Protocol relating to it, the administrative authorities of the two Contracting Parties, namely:

The Federal Office of Social Insurance:

Represented by Dr. A. Saxer, Director, and Dr. P. Binswanger, *Sektionschef*; and

The Federal Minister of Labour:

Represented by Mr. J. Eckert, *Ministerialdirektor*, and Dr. W. Dobbernack, *Ministerialrat*,

have agreed on the following provisions concerning the implementation of the Convention:

PART I. GENERAL PROVISIONS

Article 1. 1. The following shall be designated as liaison offices within the meaning of article 19, paragraph 1, second sentence, of the Convention:

(1) In Switzerland:

- (a) For Swiss old-age and survivors' insurance and German pensions insurance, the Swiss Compensation Fund (Schweizerische Ausgleichskasse), Geneva;
- (b) For Swiss and German accident insurance, the Swiss Accident Insurance Institute (Schweizerische Unfallversicherungsanstalt), Lucerne;

(2) In the Federal Republic of Germany:

- (a) For the Swiss old-age and survivors' insurance and the German pensions insurance for manual workers (disability insurance) and salaried workers (salaried workers' insurance), the Baden *Land* Insurance Institute (Landesversicherungsanstalt), Karlsruhe;
- (b) For German miners' pension insurance, the Ruhr Miners Insurance Association (Ruhrknappschaft), Bochum;
- (c) For Swiss and German accident insurance, the Federation of Trade Associations (Hauptverband der gewerblichen Berufsgenossenschaften), Bonn;

hereinafter referred to as “the German liaison offices”.

¹ Came into force retroactively on 1 July 1951, the date of entry into force of the above-mentioned Convention of 24 October 1950, with the exception of articles 10 to 18, article 19 (1), articles 24 to 32, 33 (2) and 41, which came into force on 1 January 1952, in accordance with article 44.

² See p. 125 of this volume.

2. The tasks of the liaison offices shall be defined in this Arrangement.

3. The highest administrative authorities of the two Contracting Parties reserve the right to designate other liaison offices.

Article 2. The following shall be considered pensions insurance for the purpose of this Agreement:

1. In Switzerland, old-age and survivors' insurance;
2. In the Federal Republic of Germany, pensions insurance for manual workers (disability insurance), pensions insurance for salaried workers (salaried workers' insurance) and pensions insurance for miners.

Article 3. 1. Employed persons sent under article 3, paragraph 2 (a), of the Convention, to the territory of the other Contracting Party must, if their residence in that territory exceeds three months, demonstrate to the relevant authorities there, by means of a certificate, that during their employment the provisions relating to the pensions insurance of the Contracting Party in whose territory the principal place of business of the enterprise is situated shall continue to apply to them.

2. The certificates shall be drawn up by the employer of such persons in accordance with a model to be agreed upon by the highest administrative authorities of the two Contracting Parties.

Article 4. Swiss nationals who are in the personal employ of the head or of agents of a Swiss diplomatic or consular mission in the Federal Republic of Germany shall be subject to German accident insurance and, if they are not voluntarily enrolled in the Swiss optional old-age and survivors' insurance scheme, also to the other branches of German social insurance. Such nationals shall, in accordance with article 2 of the Convention, be treated in the same manner as German nationals employed by employers of the category referred to.

Article 5. The provisions of this Arrangement shall not apply to Swiss nationals residing in the Federal Republic of Germany and entitled to benefits under German social insurance legislation or to German nationals residing in Switzerland and entitled to benefits under Swiss social insurance legislation.

PART II. PENSIONS INSURANCE

I. GERMAN NATIONALS RESIDING IN THE FEDERAL REPUBLIC OF GERMANY AND ENTITLED TO CLAIM BENEFITS UNDER SWISS OLD-AGE AND SURVIVORS' INSURANCE

A. *Submission of applications and determination of annuities*

Article 6. 1. German nationals residing in the Federal Republic of Germany who claim Swiss old-age or survivors' annuities shall submit their applications, together with the necessary documentary evidence and in accordance with the regulations of Swiss legislation, to the competent German liaison office. Applications shall be submitted on the forms furnished to the said liaison office by the Swiss Compensation Fund. The accuracy of the information provided by the applicant on the form shall, where provision is made for this on the form, be substantiated through valid official identity papers or certified by a German body competent to do so.

2. Applications for annuities which, contrary to the provisions of paragraph 1, are submitted to a Swiss public authority or compensation fund shall be transmitted to the Swiss Compensation Fund; claims which are submitted to a German public

authority or a German insurance authority shall be transmitted to the German liaison office.

Article 7. The competent German liaison office shall verify, to the extent possible, whether the applications are drawn up completely and correctly and confirm the validity of the German documentary evidence attached to the applications or the competence of the German body which certified the accuracy of the information. It shall then transmit the applications, with the documentary evidence submitted, to the Swiss Compensation Fund.

Article 8. The Swiss Compensation Fund shall communicate the ruling concerning the annuity to the beneficiary and transmit a copy to the competent German liaison office.

Article 9. German nationals residing in the Federal Republic of Germany may lodge their complaints against decisions of the Swiss Compensation Fund or their appeals with the Federal Insurance Tribunal at Lucerne or with the competent German liaison office, directly or through a body competent to receive such complaints or appeals in the Federal Republic of Germany. The German liaison office shall transmit the complaints or appeals to the Swiss Compensation Fund for forwarding to the competent Swiss court tribunals. If the complaint or appeal has been submitted by means of a registered letter, the envelope shall also be transmitted; otherwise, the date of receipt must be entered on the complaint or appeal.

B. *Payment of annuities*

Article 10. Swiss old-age and survivors' insurance annuities shall be paid to German nationals in the Federal Republic of Germany on behalf of and to the account of the Swiss Compensation Fund through the competent German liaison office, in the same way as German disability annuities.

Article 11. The Swiss Compensation Fund shall transmit to the competent German liaison office for every two month period, before the fifteenth day of the month preceding that period, a list in duplicate of the payments to be made, including, in particular, the following data for each beneficiary:

Type of annuity,

Number of the insured party,

Surname, first name, date of birth and address of the beneficiary, and, where applicable, of his legal representative,

The monthly amount to be paid (in Swiss francs),

The period to which the annuity applies.

Where applicable, the beginning or end of the annuity payment as well as other facts or changes shall be entered on the list.

Article 12. Prior to the twentieth day of the month preceding the payment month, the Swiss Compensation Fund shall pay the required amount for annuity payments on behalf of the competent German liaison office, in account "C", kept in Swiss francs, of the Bank Deutscher Länder with the Swiss National Bank of Zurich. Notice of payment shall be transmitted simultaneously to the German liaison office. Through such payments the Swiss Compensation Fund discharges its liability to the beneficiary under article 17, paragraph 1, of the Convention.

Article 13. 1. The competent German liaison office shall ensure the regular payment of annuities.

2. If a beneficiary or his spouse dies or if the beneficiary establishes his residence outside the Federal Republic of Germany, the competent German liaison office shall discontinue payment and so inform the Swiss Compensation Fund. That office shall proceed in the same way when payment cannot be effected for any other reason, or if it learns of other facts which justify the halting of payments. The date of the death of the beneficiary must be indicated.

Article 14. 1. Annuities shall be paid to the beneficiary in German currency at the rate according to which the amounts transferred in Swiss francs are credited in deutsche mark to the competent German liaison office.

2. If an annuity cannot be paid, the amount shall be compensated for in the next payment in accordance with article 12.

Article 15. 1. As proof of payments made, the competent German liaison office shall return to the Swiss Compensation Fund a copy of the list provided for in article 11, indicating the sums paid and, if applicable, the sums not paid and the reasons for non-payment.

2. If the annuity is paid to the beneficiary's legal representative, his surname, first name and address shall, if necessary, be indicated.

Article 16. 1. The competent German liaison office shall transmit to the Swiss Compensation Fund such certificates drawn up by the competent German authorities as it may request.

2. The competent German liaison office shall, for each annuity recipient, and, in the case of a married couple's annuity, for the wife also, obtain every year, in the same manner and on the same date as for recipients of German invalidity insurance annuities, a statement of continuing eligibility, and transmit it to the Swiss Compensation Fund.

Article 17. German nationals residing in the Federal Republic of Germany who receive a Swiss old-age and survivors' insurance annuity shall immediately report to the competent German liaison office, for forwarding to the Swiss Compensation Fund, any change in their personal situation which affects entitlement to an annuity and the payment thereof.

C. *Special provisions*

Article 18. 1. If a German national who was already receiving a Swiss old-age and survivors' insurance annuity in Switzerland or in a third country proceeds to the territory of the Federal Republic of Germany, he shall submit to the competent German liaison office, on a form to be agreed upon by the highest administrative authorities of the two Contracting Parties, a request for continued payment of the annuity. The said form shall be provided to the competent German liaison office by the Swiss Compensation Fund.

2. Articles 10 to 17 shall apply to the continued payment of annuities.

Article 19. 1. Articles 6 to 17 shall apply *mutatis mutandis* to transfers to the insurance authorities of German pensions insurance schemes, in accordance with article 6, paragraph 5, of the contributions paid by German nationals for Swiss old-age and survivors' insurance schemes. Applications for annuities submitted by German nationals who do not fulfil the conditions for entitlement to an annuity shall be treated by the Swiss Compensation Fund as requests for the transfer of contributions.

2. German nationals residing in Switzerland who request, in accordance with article 6, paragraph 5, of the Convention, the transfer of contributions paid under

Swiss old-age and survivors' insurance to German pension insurance schemes shall submit their request to the Swiss Compensation Fund, which shall forward it to the competent German liaison office. In the cases referred to in the second and third sentences of article 6, paragraph 5, of the Convention, contributions may, with the consent of the competent German liaison office, be refunded by the Swiss Compensation Fund directly to the person concerned.

II. SWISS AND GERMAN NATIONALS RESIDING IN SWITZERLAND AND ENTITLED TO CLAIM BENEFITS UNDER GERMAN PENSIONS INSURANCE

A. *Submission of claims and determination of benefits*

Article 20. 1. Swiss and German nationals residing in Switzerland who claim an insurance benefit under a German pensions insurance scheme shall submit their applications, together with the necessary documentary evidence and in accordance with the regulations of German legislation, to the Swiss Compensation Fund. Applications shall be submitted on the forms furnished to the Swiss Compensation Fund by the competent German liaison office. The accuracy of the information provided by the applicant on the form shall, where provision is made for this on the form, be substantiated by means of valid official identity papers or certified by a Swiss body competent to do so.

2. Annuity applications which, contrary to the provisions of paragraph 1, are submitted to a German public authority, a German insurance authority, a Swiss public authority or a Swiss compensation fund shall be forwarded to the Swiss Compensation Fund.

3. The date on which the application is received by one of the bodies referred to in paragraphs 1 and 2 shall be deemed to be the date of its submission.

Article 21. The Swiss Compensation Fund shall verify, to the extent possible, whether the applications are drawn up completely and correctly and confirm the validity of the Swiss documentary evidence attached to the applications or the competence of the Swiss body which certified the accuracy of the information. It shall then forward the applications to the competent German liaison office, indicating the date of their receipt and attaching the documentary evidence submitted. The competent liaison office shall be responsible for determining the benefit, unless the German Federal Railway Insurance Institute (Deutsche Bundesbahn-Versicherungsanstalt) or the German Mariners' Insurance Fund (Deutsche Seekasse) is competent. If these special institutions are competent, the German liaison office shall forward the applications to them.

Article 22. The German Insurance authority which is competent under article 21 shall communicate the decision to the claimant and send a copy to the Swiss Compensation Fund.

Article 23. Swiss and German nationals residing in Switzerland may lodge their appeals concerning the determination of entitlement under German legislation with the Swiss Compensation Fund directly or through a body in Switzerland competent to receive such appeals. The Fund shall transmit the appeal to the German liaison office for forwarding to the competent German insurance institution or the competent German insurance authority. The date of receipt shall be entered on the appeal; if the appeal has been submitted by means of a registered letter, the envelope used to send it shall also be transmitted.

B. *Payment of benefits*

Article 24. German pensions insurance benefits shall be paid to Swiss and German nationals residing in Switzerland for the account of the German insurance authority liable for payment and on behalf of the competent German liaison office through the Swiss Compensation Fund in the same manner as Swiss old-age insurance and survivors' annuities.

Article 25. The competent German liaison office shall transmit to the Swiss Compensation Fund a list of payments to be made, including, in particular, the following data for each beneficiary:

Type of benefit,

Annuity reference number,

Surname, first name, date of birth and address of the beneficiary and, where applicable, of his legal representative,

The monthly amount to be paid (in deutsche mark).

Changes in the payment of annuities shall be reported regularly to the Swiss Compensation Fund in a manner to be agreed upon between the Fund and the competent German liaison office.

Article 26. Prior to the twentieth day of the month preceding the payment month, the competent German liaison office shall pay the amount required for the payment of benefits, through the Landeszentralbank which is competent for the German liaison office concerned or the payments office designated by it, in the "DM" account of the Swiss National Bank with the Bank Deutscher Länder on behalf of the Swiss Compensation Fund. Notice of payment shall be transmitted simultaneously to the Swiss Compensation Fund. Through such payments the German insurance authority discharges its liability to the beneficiary under article 17, paragraph 1, of the Convention.

Article 27. 1. The Swiss Compensation Fund shall ensure the regular payment of benefits.

2. If a beneficiary dies or establishes his residence outside Switzerland, the Swiss Compensation Fund shall discontinue payment and so inform the German liaison office. The Fund shall proceed in the same way when the benefit cannot be paid for any other reason or if it learns of other facts which justify the halting of payments. The date of the death of the beneficiary must be indicated.

Article 28. 1. Benefits shall be paid to beneficiaries in Swiss currency at the rate according to which the amounts transferred in deutsche mark are credited in Swiss francs to the Swiss Compensation Fund.

2. If a benefit cannot be paid, the amount shall be compensated for in the next payment in accordance with article 26.

Article 29. 1. As proof of the payments made, the Swiss Compensation Fund shall, after every payment date, transmit to the competent German liaison office confirmation of the total amounts paid and, if applicable, the amounts not paid, indicating the reasons for non-payment.

2. If the benefit is paid to the beneficiary's legal representative, his first name, surname and address shall, if necessary, be indicated.

Article 30. 1. The Swiss Compensation Fund shall transmit to the competent German liaison office such certificates drawn up by the competent Swiss authorities as it may request.

2. The Swiss Compensation Fund shall, for each beneficiary of German pensions insurance, obtain every year, in the same manner and on the same date as for Swiss old-age, survivors' and insurance beneficiaries, a statement of continuing eligibility, and transmit it to the competent German liaison office.

Article 31. Swiss and German nationals residing in Switzerland who receive German pensions insurance benefits shall immediately report to the Swiss Compensation Fund, for forwarding to the competent German liaison office, any change in their personal situation which affects entitlement to an annuity and the payment thereof.

C. *Special provisions*

Article 32. 1. If a Swiss or German national who was already receiving German pensions insurance benefits in the territory of the Federal Republic of Germany or in a third State proceeds to Switzerland, he shall submit to the Swiss Compensation Fund, on a form to be agreed upon by the highest administrative authorities of the two Contracting Parties, a request for continued payment. The said form shall be provided to the Swiss Compensation Fund by the competent German liaison office.

2. Articles 24 to 31 shall apply to the continued payment of benefits.

Article 33. 1. Applications for annuities submitted by Swiss nationals who do not fulfil the conditions for entitlement to an annuity shall be treated by the competent German liaison office or the special institutions referred to in article 21 as requests for the transfer of contributions.

2. The provisions of articles 21 to 31 shall apply *mutatis mutandis* to the transfer to Swiss nationals residing in Switzerland, in accordance with article 7, paragraph 5, of the Convention, of contributions paid to German pensions insurance schemes.

Article 34. 1. At the request of and on the basis of specific information from the competent German liaison office, the Swiss Compensation Fund shall arrange for the necessary examinations by medical examiners and also for other inquiries necessary in order to determine and maintain entitlement to benefits.

2. The insurance authority which is liable shall reimburse the competent German liaison office for the costs of medical examinations, expert opinions and consultations, including hospitalization for examination and the necessary travel costs. The insurance authority shall furthermore refund the payment for loss of earnings made in accordance with its instructions by the Swiss Compensation Fund.

III. GERMAN AND SWISS NATIONALS IN THIRD STATES WHO ARE ENTITLED TO CLAIM A SWISS OLD-AGE AND SURVIVORS' INSURANCE ANNUITY OR A GERMAN PENSIONS INSURANCE BENEFIT

Article 35. 1. German nationals who do not reside in Switzerland or the Federal Republic of Germany and who claim a Swiss old-age and survivors' insurance annuity shall submit their application direct to the Swiss Compensation Fund, attaching the documentary evidence required in accordance with the regulations under Swiss legislation.

2. Applications submitted to a German body shall be forwarded to the Swiss Compensation Fund.

3. The Swiss Compensation Fund may request the competent German liaison office to verify to the extent possible the German documentary evidence attached to the application, or to arrange for such verification.

4. The annuities shall be paid in accordance with the regulations governing payments from Switzerland in the third country.

Article 36. 1. Swiss nationals who do not reside in the Federal Republic of Germany or in Switzerland and who claim a German pension insurance benefit shall submit their claim direct to the competent German liaison office, attaching the documentary evidence required in accordance with the regulations under German legislation. The last sentence of article 21 shall apply.

2. Applications submitted to a Swiss body shall be transmitted through the Swiss Compensation Fund to the competent German liaison office. Article 20, paragraph 3, shall apply.

3. The competent German liaison office may request the Swiss Compensation Fund to verify to the extent possible the Swiss documentary evidence attached to the application, or to arrange for such verification.

4. The benefits shall be paid in accordance with the regulations governing payments from the Federal Republic of Germany in the third country.

PART III. ACCIDENT INSURANCE

Article 37. 1. German nationals residing in the Federal Republic of Germany who claim benefits under the Swiss compulsory accident insurance scheme shall submit their claims to the German liaison office, which shall forward them to the Swiss Accident Insurance Institute. The Institute's ruling shall be communicated directly to the applicant; the German liaison office shall receive a copy.

2. Swiss and German nationals residing in Switzerland who claim benefits under the statutory accident insurance scheme of the Federal Republic of Germany shall submit their applications to the Swiss Accident Insurance Institute, the applications shall be transmitted to the German liaison office for forwarding to the competent insurance authority. The decision shall be communicated directly to the applicant; the Swiss Accident Insurance Institute shall receive a copy.

Article 38. 1. The regulations applicable to the reporting of accidents involving employees who reside in the territory of one of the Contracting Parties but are employed in an enterprise which is situated in the territory of the other Party (frontier commuters) shall be those of the Contracting Party in whose territory the enterprise is situated.

2. Nationals of either Contracting Party residing in a third State who claim a benefit under the Swiss compulsory accident insurance scheme or the statutory accident insurance scheme in the Federal Republic of Germany shall apply direct to the competent insurance authority. Article 35, paragraph 2, and article 36, paragraph 2, shall apply *mutatis mutandis*.

Article 39. 1. German nationals residing in the Federal Republic of Germany may lodge their complaints concerning benefits under Swiss compulsory accident insurance or their appeals against decisions of a cantonal insurance tribunal with the German liaison office direct or through a body in the Federal Republic of Germany competent to receive the respective complaints or appeals. If the complaint or appeal has been submitted by means of a registered letter, the envelope shall also be transmitted; otherwise, the date of receipt shall be entered on the complaint or appeal. The German liaison office shall then forward the complaints to the Cantonal Insurance Tribunal at Lucerne and the appeals to the Federal Insurance Tribunal at Lucerne.

2. Swiss and German nationals residing in Switzerland may lodge their appeals concerning the determination of entitlement, in accordance with German legislation, with the Swiss Accident Insurance Institute direct or through a body in Switzerland competent to receive the respective appeals. The Swiss Accident Insurance Institute shall transmit the appeals to the German liaison office for forwarding to the competent German insurance institution or the competent German insurance authority. The date of receipt shall be entered on the appeal; if the appeal has been submitted by means of a registered letter, the envelope shall also be forwarded.

Article 40. 1. The German liaison office shall conduct, at the request of the Swiss Accident Insurance Institute, inquiries necessary in the Federal Republic of Germany in order to determine benefits under the Swiss compulsory accident insurance scheme.

2. The Swiss Accident Insurance Institute shall conduct, at the request of the German liaison office, inquiries necessary in Switzerland in order to determine benefits under the statutory accident insurance scheme in the Federal Republic of Germany.

3. The requesting insurance authority shall reimburse the body requested for expenses in accordance with article 34, paragraph 2.

Article 41. The provisions of this Agreement concerning the payment of pension insurance annuities shall apply *mutatis mutandis* to the payment of annuities under the Swiss compulsory accident insurance scheme or the statutory accident insurance scheme in the Federal Republic of Germany.

Article 42. 1. Where an insured person from one of the Contracting Parties requires medical care in accordance with article 9 of the Convention in the territory of the other Party, he shall apply in Switzerland to the Swiss Accident Insurance Institute, in the Federal Republic of Germany to the general local sickness fund (Allgemeine Ortskrankenkasse) which is competent for his place of residence or, where it does not exist, to the *Land* sickness fund (Landkrankenkasse). These insurance authorities ensure medical care in accordance with the regulations which apply to them.

2. The insurance authority which is liable shall reimburse the insurance authority granting the benefits, at its request and through the German liaison office, for the costs incurred.

3. Status as an insured person within the meaning of paragraph 1 shall be established by means of an employer's certificate or, if medical treatment is necessary as a result of an earlier insurance contingency, by means of a certificate from the insurance authority which is competent in respect of that insurance contingency.

PART IV. FINAL PROVISIONS

Article 43. Subject to the provisions of article 34 and article 40, paragraph 3, the administrative costs resulting from the application of this Agreement, particularly those concerning the transfer and payment of benefits, shall be reimbursed on a reciprocal basis.

Article 44. The provisions of articles 10 to 18, article 19, paragraph 1, articles 24 to 32, article 33, paragraph 2, and article 41 shall enter into force on 1 January 1952, the remaining provisions shall enter into force at the same time as the Convention.

DONE at Berne, in duplicate, on 21 September 1951.

For the Swiss Federal Office
of Social Insurance:

SAXER
BINSWANGER

For the Federal Minister of Labour:

J. ECKERT
DOBBERNACK

[TRANSLATION — TRADUCTION]

SUPPLEMENTARY CONVENTION¹ CONCERNING SOCIAL INSURANCE BETWEEN THE SWISS CONFEDERATION AND THE FEDERAL REPUBLIC OF GERMANY

The Government of the Swiss Confederation and the Government of the Federal Republic of Germany,

Desirous of broadening their mutual relations in the field of social insurance, have decided to supplement the Convention concerning social insurance, signed by the two States on 24 October 1950,² with provisions relating to the special annuities under the Swiss legislation on old-age and survivors' insurance and, to that end, have agreed as follows:

Article 1. 1. German nationals residing in Switzerland shall be entitled to the special annuities under the Swiss old-age and survivors' insurance on the same conditions as Swiss nationals if, immediately before the date from which the annuity is claimed, they have lived in Switzerland continuously for at least ten full years, in the case of an old-age annuity or at least five full years in the case of a survivors' annuity or an old-age annuity replacing it, and provided that they belong to one of the following categories of persons:

- (a) Persons born before 1 July 1883 and their survivors,
- (b) Women who were widowed and children who were orphaned before 1 December 1948.

2. The annuities provided for in paragraph 1, to which an entitlement exists for the month of the entry into force of this Convention, shall be awarded retroactively, but no earlier than from 1 January 1961.

3. German nationals within the meaning of this Supplementary Convention are Germans within the meaning of the Basic Law for the Federal Republic of Germany.

Article 2. The Supplementary Convention shall enter into force one month after the date on which the Swiss Federal Council informs the Government of the Federal Republic of Germany that the necessary domestic requirements have been fulfilled.

DONE at Berne on 24 December 1962, in duplicate.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Supplementary Convention and have thereto affixed their seals.

For the Swiss Federal Council:

SAXER

For the Government
of the Federal Republic of Germany:

E. G. MOHR

¹ Came into force on 17 November 1963, i.e., one month after the date (16 October 1963) on which the Government of Switzerland notified the Government of the Federal Republic of Germany of the completion of the necessary legal procedures, in accordance with article 2.

² See p. 125 of this volume.

TERMINATION OF THE CONVENTION CONCERNING SOCIAL INSURANCE OF 24 OCTOBER 1950¹ AND OF THE ADMINISTRATIVE ARRANGEMENT THERETO OF 21 SEPTEMBER 1951² (*Note by the Secretariat*)

The Government of Switzerland registered on 18 October 1983 the Convention on social security between the Swiss Confederation and the Federal Republic of Germany signed at Freiburg im Breisgau, Federal Republic of Germany, on 25 February 1964.³

The said Convention, which came into force on 1 May 1966, provides, in its article 49 (1) for the termination of the above-mentioned Convention of 24 October 1950 and of the Administrative Arrangement of 21 September 1951.

It further provides, however, in its article 49 (2) that the Supplementary Convention of 24 December 1962⁴ will continue to be in force as an integral part of the Convention of 1964

(18 October 1983)

¹ See p. 125 of this volume.

² See p. 136 of this volume.

³ See p. 171 of this volume.

⁴ See p. 146 of this volume.