

No. 23013

**SPAIN
and
SWEDEN**

Agreement on social security (with administrative agreement). Signed at Stockholm on 4 February 1983

Authentic texts: Spanish and Swedish.

Registered by Spain on 23 July 1984.

**ESPAGNE
et
SUÈDE**

Convention de sécurité sociale (avec arrangement administratif). Signée à Stockholm le 4 février 1983

Textes authentiques : espagnol et suédois.

Enregistrée par l'Espagne le 23 juillet 1984.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN SPAIN AND SWEDEN ON SOCIAL SECURITY

The Government of Spain and the Government of Sweden, desiring to regulate mutual relations between the two States in the field of social security, have agreed to conclude the following Agreement:

TITLE I. GENERAL PROVISIONS

Article 1. 1. The terms listed below have, in this Agreement, the following meanings:

1) "Territory" means, in relation to Spain, the territory of Spain; in relation to Sweden, it means the territory of Sweden.

2) "Legislation" means the laws, regulations and other provisions in force mentioned in article 2.

3) "Competent authority" means, in relation to Spain, the Minister of Labour and Social Security; in relation to Sweden, it means the Government or authority designated by the Government.

4) "Insuring body" means, in relation to Spain, the administrative entities of the general system and those of the special schemes listed in article 2, paragraph 1, A; in relation to Sweden, it means the organ or authority responsible for applying the legislation mentioned in article 2.

5) "Competent insuring body" means the insuring body which in each case is competent under the applicable legislation.

6) "Liaison body" means the body responsible for co-ordinating and informing the insuring bodies of both Contracting States in order to facilitate the application of the Convention; it is also responsible for informing the persons concerned of their rights and obligations under the Agreement.

7) "Dependant" means a person defined as such by the appropriate legislation.

8) "Insurance periods" means contribution periods, employment periods or other periods which, in accordance with the legislation under which they were completed, are considered as insurance periods or periods equivalent to them; it also means the calendar years whereby pension points are computed under the Swedish system of supplementary pensions for employment or other labour activity during the year in question or part of that year.

9) "Cash benefits", "pension or subvention" means cash benefits, pension or compensation under the applicable legislation, including all the parts relating to such a benefit, which are paid out of public funds, as well as any increment or supplement.

¹ Came into force on 1 July 1984, i.e., the first day of the second month following the month of the exchange of the instruments of ratification, which took place at Madrid on 21 May 1984, in accordance with article 47.

2. Any other expressions or terms used in the Agreement shall have the meaning assigned to them under the relevant legislation.

Article 2. 1. This Agreement shall apply:

A. In Spain:

1. To the legislation of the General Social Security System concerning:
 - (a) Maternity, ordinary or occupational disease, temporary incapacity for work and accidents, whether industrial or non-industrial;
 - (b) Temporary and permanent disability;
 - (c) Old age;
 - (d) Death and survival;
 - (e) Family protection;
 - (f) Re-education and rehabilitation of disabled persons;
 - (g) Social welfare and social services;
 - (h) Unemployment;
2. To the legislation governing the following special schemes, as regards the contingencies referred to in 1, A:
 - (a) Agriculture;
 - (b) Seamen;
 - (c) Coal-mining;
 - (d) Railway employees;
 - (e) Domestic employees;
 - (f) Self-employed persons;
 - (g) Commercial representatives;
 - (h) Students;
 - (i) Entertainers;
 - (j) Authors;
 - (k) Bullfighters;
 - (l) Professional soccer players.

B. In Sweden: To the legislation governing:

- (a) Sickness insurance and family benefits;
- (b) Basic national pension;
- (c) Supplementary pension insurance;
- (d) General child allowance;
- (e) Labour accident insurance and occupational disease;
- (f) Unemployment insurance and cash aid to the labour market.

2. Subject to the provisions of paragraph 4, the Agreement shall apply also to any legislation which consolidates, amends or supplements the legislation specified in paragraph 1 above.

3. The Agreement shall apply to legislation which establishes a branch or system of social security different from those specified in paragraph 1 of this article only if the two Contracting Parties conclude an agreement to this effect.

4. The Agreement shall not apply to the legislation which extends the branches or systems listed in paragraph 1 of this article to new categories of beneficiaries, if the competent authority of the State concerned notifies the competent authority of the other State of its opposition within a period of three months following the official publication of such legislation.

Article 3. This Agreement shall apply, to the extent that it does not itself otherwise provide, to nationals of the Contracting States, to persons who are or have been subject to the legislation of one of the Contracting States and to persons who acquire rights derived from such persons.

Article 4. To the extent that no other arrangements are prescribed in this Agreement, in the application of the legislation of one of the Contracting States, the following persons resident within that State shall be treated as nationals of that State:

- (a) Nationals of the other Contracting State;
- (b) Refugees as defined in the Convention of 28 July 1951 relating to the Status of Refugees¹ and the Protocol of 31 January 1967² to that Convention;
- (c) Stateless persons, understood to mean persons considered by no State as one of its nationals;
- (d) Members of the family and survivors of the persons mentioned in the above paragraphs provided that they base their entitlements on those of the persons mentioned.

Article 5. 1. Pensions and other cash benefits, except unemployment benefits, shall not be reduced, modified, suspended or withheld on the ground that the beneficiary is resident in the territory of the other Contracting State, except where this Agreement provides otherwise.

2. Cash benefits payable by one of the Contracting States shall be paid to nationals of the other State who are resident in the territory of a third State under the same conditions and to the same extent as if they were nationals of the first State who are resident in that third State, except where this Agreement provides otherwise.

TITLE II. PROVISIONS GOVERNING APPLICABLE LEGISLATION

Article 6. Except as provided in articles 7 and 8 of this Agreement, persons included in the scope of application of the Agreement shall be subject:

- 1. To Swedish legislation, provided that such persons are resident in Sweden or, in the case of industrial accident insurance and occupational disease, are employed in Swedish territory;
- 2. To Spanish legislation, provided that they are resident in Spain and, within Spanish territory, are employed or self-employed or registered in the insurance scheme or in an equivalent position.

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

² *Ibid.*, vol. 606, p. 267.

Article 7. 1. Paid employees sent by their enterprise to the territory of the other State to carry out a specific task, of a temporary nature, whose duration does not exceed a maximum period of two years, shall be excluded from the application of the legislation of the State in whose territory they perform that task and shall remain subject to the legislation of the country of origin.

2. Travelling personnel belonging to land and air transport enterprises operating in both States shall be subject to the legislation of the State where the enterprise has its headquarters; however, when such personnel are resident in another State, they shall be subject to the legislation of that other State.

3. The crew of vessels and other persons whose occupation on the vessel is not purely transitory shall be subject to the legislation of the State whose flag the vessel is flying. Workers employed in loading, unloading and repair of vessels, or in security services in the port, shall be subject to the legislation of the State to whose territory the port belongs.

4. Paid employees who, in accordance with the provisions of this article, are subject to Swedish legislation, shall be considered as resident in Sweden.

Article 8. 1. Diplomatic agents and career consular officials, the administrative and technical staff of embassies and consular offices directed by career consular officials and service personnel of embassies and consular offices, respectively, and persons who are employed exclusively in the private domestic service of diplomatic agents, career consular officials and members of consular offices directed by career consular officials, to the extent that these persons are covered by the Vienna Convention on Diplomatic Relations¹ and the Vienna Convention on Consular Relations,² shall be subject to the provisions of those Conventions.

2. The provisions of article 7, paragraph 1 shall apply to other officials, not referred to in the preceding paragraph of this article, who are sent on official missions to the territory of the other State.

Article 9. 1. If the employed person and the employer, or the self-employed worker, so request, the competent authorities may make, by mutual agreement, exceptions to the provisions of articles 6-8 for determined persons or groups of persons. If such a request is not made, the competent authorities may reach an agreement concerning such an exception, after prior consultation with the parties concerned.

2. The provisions of article 7, paragraph 4 shall also be applied where appropriate.

TITLE III. SPECIAL PROVISIONS

CHAPTER I. OLD AGE, DISABILITY AND SURVIVAL BENEFITS

Application of Swedish legislation

Article 10. Spanish nationals and the persons indicated in article 4, paragraphs (b), (c) and (d) who are resident in Sweden or elsewhere and who do not fulfil the conditions of Swedish legislation applicable to them as regards the right

¹ United Nations, *Treaty Series*, vol. 500, p. 95.

² *Ibid.*, vol. 596, p. 261.

to the basic pension, shall be entitled to a basic pension in accordance with the norms applicable to Swedish nationals resident abroad.

Article 11. Disability benefits which are not basic pension supplements, assistance benefits for disabled children, general pension supplements and pension supplements subject to means test shall be paid to the persons indicated in article 10, provided that they are resident in Sweden. The norms laid down in this article shall be applied *mutatis mutandis*.

Article 12. When a national of one of the Contracting States or a person indicated in article 4, paragraphs (b), (c) and (d) does not have enough Swedish insurance periods to fulfil the conditions necessary for entitlement to a basic pension under the provisions applicable to Swedish nationals resident outside Sweden, the insurance periods completed under Spanish legislation shall be taken into account, provided that they do not overlap the Swedish insurance periods.

Article 13. 1. This Agreement shall not affect the transitional provisions of Swedish legislation concerning the calculation of the basic pension for persons born in 1929 or in years before that date.

2. Article 5 of this Agreement shall not affect the provisions of Swedish legislation concerning the right to a basic pension of Swedish nationals resident outside Sweden.

Article 14. For the payment of the supplementary pension under Swedish legislation, the following rules shall be applied:

1. Persons who are not Swedish nationals shall be credited with pension points exclusively for work done during residence in Sweden or for employment on a Swedish vessel.

2. For persons who have completed insurance periods both within the Swedish social security scheme for a supplementary pension and within the Spanish insuring body, these periods for the acquisition of entitlement to a supplementary pension shall be aggregated to the extent necessary, provided that they do not overlap. Also, 12 months of contributions completed with the Spanish insurance system shall be equivalent to a calendar year for which pension points have been accumulated.

3. For the calculation of the supplementary pension, only the insurance periods under Swedish legislation shall be taken into account.

4. The provisions of Swedish legislation on the calculation of supplementary pension for persons born before 1924 are not contemplated in this Agreement.

Application of Spanish legislation

Article 15. The entitlement to old age, disability and survival pensions provided for in Spanish legislation for persons subject to the pension insurance of the two Contracting States shall be governed by the norms of articles 16-22.

Article 16. For recognition of entitlement to a pension the Spanish insuring bodies shall apply their own legislation, but shall consider as completed for pension purposes under that legislation the periods for which pension points would have been accumulated within the Swedish supplementary pension scheme by the claimant or persons with the original entitlement provided that the periods do not overlap. In this respect, a year conferring pension points within the Swedish

scheme shall be equivalent to 12 months of contributions completed within Spanish social security.

Article 17. 1. In order to determine the base for calculation or the regulatory base for the benefit, the competent Spanish body shall apply its own rules.

2. When all or part of the contribution period chosen by the claimant for the calculation of his regulatory base for the benefit has been completed in Sweden, the competent Spanish insuring body shall determine the regulatory base in relation to the minimum contribution bases in force in its legislation, during the period in question, or fraction of a period, for workers in the same professional category recently or at present occupied in Spain by the person concerned, or in relation to the contribution bases which the worker would have chosen himself.

3. In no case shall the regulatory base for calculating the benefit of employed workers be less than the average minimum professional wage during the chosen period.

Article 18. 1. If the person concerned satisfies the conditions required by Spanish legislation for entitlement to a pension, the competent Spanish body shall determine the amount of the benefit in accordance with its rules, taking into account only the insurance periods completed under these rules.

2. Should the person concerned not fulfil the insurance period required, the amount of the pension shall be determined, initially, in conformity with Spanish legislation after aggregation of the insurance periods and their equivalents ("theoretical pension") but with a subsequent reduction based on the relationship between the periods covered by the claimant under Spanish legislation and the aggregation of the periods accredited in both countries ("pro rata pension").

3. When the amount of the resulting theoretical pension is lower than the amount of the minimum pension established at any time by Spanish legislation, this minimum shall serve as the base for determining the amount of the pro-rated Spanish pension.

4. The pension increments which, because of a rise in the median wage level, an increase in the cost-of-living index or other similar factors, are prescribed by Spanish legislation, shall be reduced in accordance with the same rules of proportionality as laid down in paragraph 2.

Article 19. The conditions laid down in Spanish legislation concerning the amendment, suspension or extinction of the pension entitlement shall be applied without exceptions, even as regards contingencies occurring during the stay of beneficiaries in Swedish territory.

Article 20. Swedish or Spanish nationals who are resident in Spanish territory and who, under Swedish legislation, are not subject to the supplementary pension scheme, may continue to be insured voluntarily under Spanish legislation in the same conditions as those who are not registered in the Spanish social security system. In such a case, the periods for which pension points have been computed within the Swedish supplementary pension scheme shall be computed, to the extent necessary, as Spanish contribution periods.

Article 21. In order to obtain a pension under Spanish legislation in the cases provided for in article 18, paragraph 2, the requirement of registration or an equivalent situation under Spanish legislation shall be deemed to be satisfied,

if the person in question was resident in Sweden at the time of the contingency giving rise to the benefit or was receiving a pension under Swedish legislation.

Article 22. In cases in which Spanish legislation makes the entitlement or the amount of benefits conditional on the completion of insurance periods derived from the exercise of a profession subject to a special social security scheme, the insurance periods completed in Sweden in the exercise of that same profession shall alone be aggregated.

CHAPTER 2. SICKNESS, MATERNITY AND CHILD ALLOWANCES

Article 23. If a person has completed insurance periods under the legislations of the two Contracting States, these periods shall be aggregated for the acquisition of the right to benefits, provided that they do not overlap.

Article 24. 1. A person who is resident in the territory of a Contracting State and is entitled under the legislation of that State to health care benefits shall obtain such benefits when staying temporarily in the territory of the other State, if he has an immediate need for such benefits because of his state of health.

2. The extent and procedures for the provision of the benefits shall be governed by the legislation applied by the insuring body of the place of temporary stay.

3. The competent authorities of the two Contracting States shall fix, on the basis of official charges or existing mean costs, the amounts which the person concerned has to contribute in order to obtain the benefit.

Article 25. 1. Dependants of a Swedish national insured in Sweden shall obtain health care benefits while residing in the territory of Spain, provided that they have previously signed a special contract to be formalized between the insured person or the dependants' representative and the insuring body of the dependants' place of residence and provided that they have paid a family contribution established for this purpose by the competent Spanish authority.

2. The extent and procedures for the provision of the benefits shall be governed by Spanish legislation.

Article 26. 1. The recipient of a pension under the legislation of both Contracting States shall be entitled to health care benefits in conformity with the legislation of the State in whose territory the recipient is resident. These benefits shall be paid by the competent body of the recipient's country of residence.

2. A person entitled to a pension exclusively under Swedish legislation and resident in Spain, and his accompanying dependants, shall be entitled to the health care benefits conferred by Spanish legislation on Spanish pensioners, provided that they have signed previously a special contract to be formalized between the pensioner and the insuring body of the State of which he is a resident and provided that he has paid the contributions fixed annually by the competent Spanish authority.

CHAPTER 3. DEPENDANTS' BENEFITS

Article 27. The child allowance established by Swedish legislation shall be paid for children resident in Sweden and national of Spain under the same conditions as for children who are Swedish nationals.

Article 28. Periodic family allowances for children or persons treated as such, under Spanish legislation, shall be granted to Swedish nationals, provided that the father or the mother are subject to Spanish legislation and the children or persons treated as such are economically dependent on the father or mother and are not resident in Sweden.

CHAPTER 4. BENEFITS FOR INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASE

Article 29. 1. Benefits for industrial accidents shall be governed by the legislation applicable to the contributor on the date of the accident in conformity with the provisions of articles 6-9.

2. The insuring body which is competent to award compensation for a further industrial accident or occupational disease shall fix the amount of benefit, taking into account the degree of reduction in the capacity for work brought about by the accident or occupational disease, in conformity with the legislation applicable by that body.

Article 30. 1. Benefits for occupational disease shall be governed by the legislation of the Contracting State which was applicable to the contributor while he was engaged in the employment subject to the risk of the declared occupational disease, although it may have been diagnosed for the first time in the other State.

2. If the contributor has been engaged in the employment in question in both States, the legislation of the State in whose territory he was employed for the last time shall be applied.

3. If an occupational disease has given rise to benefits paid by the insuring body of a Contracting State, the same body shall respond to any worsening of the disease when it occurs in the other Contracting State, except when this worsening is related to the pursuit, in this latter State, of activities where there is a risk of the disease.

CHAPTER 5. DEATH BENEFITS

Article 31. Death benefits provided for in Spanish legislation on social security shall be recognized by exclusive application of that legislation and in accordance with the requirements and conditions laid down therein.

CHAPTER 6. UNEMPLOYMENT BENEFITS

Article 32. 1. If a person has been subject to the legislation of the two Contracting States for the acquisition of the right to unemployment benefits, the insurance or employment periods which must be taken into account under the two legislations shall be aggregated, provided they do not overlap.

2. For the application of paragraph 1, the claimant, during the 12 months preceding the claim, must have been engaged in paid employment for a minimum of four weeks in the State under whose legislation the claim for benefits has been submitted. If, before the four weeks have elapsed, a work stoppage in that branch of employment occurs through no fault of the worker, paragraph 1 shall also apply if the employment was planned for a longer duration.

Article 33. From the compensation period under the legislation of a Contracting State to which a person is entitled under article 32, the period during which an insuring body of the other Contracting State has provided compensa-

tion within the 12 months prior to the submission of the compensation claim shall be deducted.

TITLE IV. MISCELLANEOUS PROVISIONS

Article 34. For the application of this Agreement the competent authorities and insuring bodies of both States shall lend each other their good offices, their technical collaboration and their detailed and reciprocal administrative support, operating, for these purposes, as though each were applying its own legislation. This assistance shall be free of charge, except where the contrary is explicitly provided for in this Agreement.

Article 35. The competent authorities of the two States shall conclude Administrative Agreements for the application of this Agreement.

Article 36. The competent authorities of the two States shall:

- (a) Determine the respective liaison offices;
- (b) Notify each other of the measures adopted for the application of this Agreement;
- (c) Notify each other of all the legislative and regulatory provisions which amend those listed in article 2.

Article 37. 1. The competent authorities shall resolve through negotiations any disputes concerning the interpretation of this Agreement and its Administrative Agreements which may arise between the insuring bodies of both States.

2. If the dispute cannot be resolved by negotiation within a period of three months from the opening of negotiations, it shall be submitted to an Arbitral Commission whose membership and procedure shall be established by mutual agreement between the Contracting States, or, failing such agreement, within an additional period of three months, by an arbitrator designated at the request of any one of the States by the President of the International Court of Justice. The decision of the Arbitral Commission or arbitrator, as appropriate, shall be binding and final.

Article 38. The insuring bodies of the two States shall:

- (a) Carry out technical and administrative controls related to the acquisition, suspension, recovery, modification or elimination of the benefits referred to in this Convention; the costs of medical examinations shall be reimbursed in the manner and conditions established by an Administrative Agreement;
- (b) Collaborate in the payment of benefits by the insuring body of the other State in the manner determined by an Administrative Agreement;
- (c) Accept and transmit to the insuring body of the other State any notifications, claims, statements, applications or any other documents related to the implementation of this Agreement which are submitted to them for this purpose;
- (d) Cooperate with each other in any other ways which are useful for the implementation of this Agreement.

Article 39. 1. The competent authorities and insuring bodies of the two States may enter into direct relations with each other and with interested persons. They may also use the channel of the respective diplomatic services.

2. The competent authorities and insuring bodies of both States may enter into direct relations with each other and with interested persons using the Spanish, Swedish, French or English languages.

Article 40. 1. The competent insuring body may make the person concerned an advance during the administrative processing of his claim.

2. The granting of this advance shall be discretionary and shall be based primarily on the need of the person concerned, on the consideration that he is probably entitled to the benefit claimed and on the duration of the administrative procedures prior to the final settlement of the claim.

3. If the insuring body of a Contracting State has made an advance to a beneficiary, the insuring body or, at its request, the competent insuring body of the other State, may deduct the advance from the payments that are to be made to the beneficiary.

Article 41. 1. The claims, statements, applications and other documents which, in accordance with the legislation of a State, must be submitted within a determined time-limit to the appropriate authorities or bodies of that State, shall be deemed to have been submitted to them if they have been delivered, within the same time-limit, to the competent authority or body of the other State.

2. Any claim for benefit submitted in accordance with the legislation of one State shall be considered, in each case, as a claim for the corresponding benefit in accordance with the legislation of the other State.

However, in the case of old age pensions the above provisions shall not apply if the claimant states that the claim refers exclusively to a pension based on the legislation of the first State.

Article 42. 1. The payments made in pursuance of this Agreement may be effected, validly, in the currency of the State to which the debtor insuring body belongs.

2. If provisions restricting the transfer of foreign exchange are promulgated in any one of the Contracting States, the two States shall adopt immediately the measures necessary to guarantee the effectiveness of the rights derived from this Agreement.

Article 43. 1. The benefits of exemptions or reductions in taxes, stamps, secretarial or registration fees or other similar charges provided for in the legislation of one of the Contracting States for certificates and documents issued in pursuance of the legislation of that State shall be extended to the documents and certificates which must be issued in pursuance of the legislation of the other State or of this Agreement.

2. All the documents issued in pursuance of this Agreement shall be exempted from any requirements of legalization and certification.

Article 44. In the determination of entitlement to benefits under this Agreement, insurance and residence periods completed before its entry into force shall be taken into account.

Article 45. 1. This Agreement shall also be applied to contingencies which have occurred before its entry into force. However, the Agreement shall not confer any right to payment of benefits for the time elapsed before the entry into force.

2. Following the entry into force of the Agreement, benefits not recognized on the ground of the nationality of the person concerned or suspended on the ground of residence in the territory of the other State shall be granted or re-established at the request of that person.

3. Benefits granted before the entry into force of the Agreement shall be adjusted at the request of the persons concerned, taking into account the provisions of the Agreement. These benefits may also be adjusted without request. Such an adjustment may in no case constitute a ground for reducing the amount of the pension.

4. The norms on prescription and termination of the legislation of the Contracting States shall not apply to the rights provided for in the three preceding paragraphs, provided that the persons concerned submit the claim within two years of the date of the entry into force of this Agreement.

5. If the claim is submitted after the expiry of the time-limit indicated, the entitlement to benefits shall be acquired as from the date of the claim, except where the legislation of the State in question provides more favourable treatment.

Article 46. 1. This Agreement shall remain in force for an indefinite period. It may be denounced by any one of the Contracting States. The denunciation must be announced at least three months before the termination of the current calendar year; in this case it shall cease to have effect at the end of that year.

2. In case of derogation of the Agreement, its provisions shall continue to apply to the rights acquired under it.

3. The Contracting States shall make arrangements to guarantee the rights in course of acquisition derived from the insurance periods completed before the date of derogation of the Agreement.

Article 47. This Agreement shall be ratified and the exchange of instruments of ratification shall take place at Madrid.

It shall enter into force on the first day of the second month following that in which the instruments of ratification are exchanged.

IN WITNESS WHEREOF, the authorized representatives of the two Contracting States have signed this Agreement.

DONE in Stockholm, on 4 February 1983, in two copies in Swedish and Spanish respectively, both texts being equally authentic.

For the Government of Spain:

[Signed]

CARLOS GÁMIR
Ambassador of Spain in Stockholm

For the Government of Sweden:

[Signed]

STEN ANDERSSON
Minister of Health and Social Affairs

ADMINISTRATIVE AGREEMENT RELATING TO THE AGREEMENT ON SOCIAL SECURITY BETWEEN SPAIN AND SWEDEN OF 4 FEBRUARY 1983

Pursuant to article 35 of the Agreement on Social Security between Spain and Sweden of 4 February 1983, the competent authorities of the two Contracting States have agreed on the following provisions for the implementation of the Agreement:

CHAPTER I. GENERAL PROVISIONS

Article 1. 1. For the implementation of this Agreement, the term "Agreement" means the Agreement on Social Security between Spain and Sweden of 4 February 1983.

2. The definitions established in article 1 of the Agreement shall have the same meanings in this Agreement.

Article 2. The following shall be liaison bodies within the meaning of article 36 of the Agreement:

1. In Spain: The National Institute of Social Security.
2. In Sweden:

(a) The National Administration of Social Security;

(b) The National Labour Administration regarding: Unemployment Insurance and Cash Fund for the Labour Market.

3. The liaison bodies shall have the functions established in this Agreement and shall facilitate in the sphere of their competence the implementation of the Agreement itself and of this Administrative Agreement; they shall inform insured persons of the rights and obligations derived from the Agreement, taking into account where necessary the directives of the competent authorities. They may enter into direct relations between themselves, with the persons concerned and their representatives; they shall lend each other mutual assistance in all matters related to the implementation of the Agreement.

4. The competent authority of a Contracting State may designate other liaison offices; in this case they shall inform the competent authority of the other State.

CHAPTER II. PROVISIONS GOVERNING APPLICABLE LEGISLATION

Article 3. In the cases provided for in article 7 of the Agreement the competent body of the Contracting State whose legislation is to be applied shall issue a certificate on request, stating that the worker is subject to that legislation. This certificate shall be issued:

— In Spain by: The National Institute of Social Security;

— In Sweden by: The National Administration of Social Security or the Regional Social Security Fund.

CHAPTER III. SPECIAL PROVISIONS

Sickness, maternity and child allowances

Article 4. 1. For the implementation of the provisions of article 23 of the Agreement by a competent body of one of the two Contracting States the

person concerned shall submit a certificate of the insurance periods accredited in accordance with the legislation of the other Contracting State.

2. This certificate shall be issued, at the request of the person concerned,

— In Spain: By the National Institute of Social Security,

— In Sweden: By the National Administration of Social Security or the Regional Social Security Fund.

3. If the person concerned does not submit the certificate, the competent body may request the authorities of the other State to issue the certificate and transmit it.

Article 5. 1. In order to exercise the entitlement to health benefits in Spain in the cases provided for in article 24 of the Agreement, the person concerned must submit in the appropriate document to the insuring body a certificate substantiating this entitlement, and, as required, that of his dependants.

2. In order to exercise the entitlement in the manner indicated in the preceding paragraph, in the case of outpatient care, the person concerned, having paid the applicable amounts, shall obtain from the Spanish insuring body a book of medical care vouchers.

3. If the person concerned needs hospital care, this shall be arranged by prior order in accordance with the procedures applicable in the Spanish social security system. In emergency cases the prior order will not be necessary. The hospital costs shall be paid directly by the person concerned at the end of this stay.

4. For outpatient treatment medical prescriptions shall not be officially covered by social security. For hospital treatment prescriptions shall be included in the final bill.

5. At the end of his temporary stay, the person concerned, as appropriate, shall request and recover from the Spanish insuring body the unused medical care vouchers.

Article 6. 1. The amount of the medical care vouchers and the conditions for their recovery referred to in paragraphs 2 and 5 of the preceding article shall be fixed annually.

2. Hospitalization costs shall be computed by the appropriate centre on the basis of mean national costs.

3. The Spanish liaison body shall provide the Swedish liaison body with all useful information regarding the health care costs of social security.

Article 7. 1. To obtain health care benefits in Spain, in the cases provided for in article 25 of the Agreement, the insured person or a person representing the family must apply to the provincial office or agency of the National Institute of Social Security which serves the area where his dependants are resident. He must sign a special contract on presentation of a document proving that the person with the original entitlement is insured in Sweden.

2. The special contract referred to in the preceding paragraph shall entitle the person concerned, following payment of monthly family contributions, to the health care benefits granted by the Spanish Social Security to the dependants of a Spanish insured person.

3. In order to finalize the entitlement to benefits, the insured person or the representative of the family must inform the appropriate provincial office or agency of the National Institute of Social Security that insurance in Sweden has ceased.

Article 8. 1. To obtain health care benefits in Spain in the cases provided for in article 26, paragraph 2 of the Agreement, the pensioner must apply to the provincial office or agency of the National Institute of Social Security which serves the area where he is resident. He must sign a special contract on presentation of a document proving that he is a pensioner under Swedish legislation.

2. The special contract referred to in the preceding paragraph shall entitle the person concerned, following payment of monthly family contributions, to the health care benefits granted by the Spanish Social Security to Spanish pensioners.

Old age, disability and survival insurance

Article 9. Claims for old age, disability and survival benefits may be lodged with the competent insuring body of the place of domicile or stay of the claimant or with the liaison office of any one of the Contracting States. If the body to which the claim is addressed is not the competent one, it must transmit the claim with all the documentation to the body that is competent.

Article 10. 1. Should a claim for a pension affect the legislations of both Contracting States, the liaison body of the State where the claim has been lodged must notify the liaison body of the other State that it has received the claim. At the same time, it must transmit to the other State two copies of the form described in article 17 of this Agreement. The relevant medical certificate must be attached to the documents supporting claims for disability benefits.

2. When it has received the forms referred to in the previous paragraph, the receiving office shall communicate with the sending office by transmitting a copy of the forms indicating the insurance periods completed by the insured person under its own rules. It shall state whether the claimant is entitled to a pension and also, as appropriate, the amount and date of its initial payment.

Article 11. 1. The competent insuring bodies shall transmit to each other a copy of the decisions made in the benefit reports drawn up under the provisions of title III, chapter I of the Agreement.

2. The competent insuring bodies shall also keep each other informed of all the circumstances which may affect the granting, suspension, elimination or modification of a benefit, accompanied where necessary by the appropriate documents.

3. In all cases the forms and documents shall be transmitted to the insuring bodies through the liaison body in the other State.

4. When the forms are sent, the transmittal of the supporting evidence for the facts stated in the forms shall be unnecessary.

Article 12. Old age, disability and survival benefits shall be paid directly to the recipients by the competent insuring bodies. The benefits shall be paid by the dates prescribed in the legislation of the country which the debtor body must observe.

Article 13. During the first quarter of each calendar year the Spanish and Swedish insuring bodies shall keep each other informed of the total amount paid

out the previous year by the competent insurance bodies in respect of benefits to recipients domiciled in the territory of the other Contracting State.

Benefits for industrial accident and occupational disease

Article 14. 1. Claims for industrial accident or occupational disease benefit may be submitted either to the competent insuring body of the State in which the accident or disease occurred or to the insuring body of the State in which the person concerned is resident or staying.

2. If the claim is submitted to the insuring body of the State where the person concerned is resident or staying, that body shall transmit the documentation to the insuring body together with the date of submission.

3. The provisions of articles 12 and 13 shall apply by analogy to the payment of benefits for these contingencies.

Article 15. When, in pursuance of article 29, paragraph 2 of the Agreement, the competent insuring body requires proof of a person's incapacity for work for the purpose of determining and paying the benefit, that body may request accurate medical reports and examinations from the other State.

Unemployment benefits

Article 16. 1. In the cases referred to in article 32, paragraph 1 of the Agreement, the competent body which received the benefit application shall request the competent body of the other State where the worker was insured to prepare and send a certificate showing the insurance periods accredited by that body for purposes of their aggregation.

2. The certificate referred to in paragraph 1 shall note the periods for which the insuring body of the other State paid unemployment benefits within the 12 months prior to the date of the claim, in accordance with article 33 of the Agreement.

CHAPTER IV. MISCELLANEOUS PROVISIONS

Article 17. 1. The models for the forms, certificates and notifications necessary for the implementation of the procedures and formalities provided for in this Agreement shall be determined by the competent bodies of both States.

2. The liaison bodies shall provide each other with any necessary mutual assistance in the translation of documents.

Article 18. The competent insuring body of the place of residence of the person concerned shall carry out the administrative and medical checks requested by the competent body of the other States in respect of its beneficiaries. Similarly, it must transmit automatically the results of its own medical examinations.

Article 19. 1. When costs are to be re-imbursed under article 38 (a) of the Agreement, the competent body required to carry out the controls referred to in that article shall check these costs through sufficient documentary evidence and, in accordance with its rules, shall pay the person who settled these costs. The competent body shall send every six months to the body requiring it an itemized report on the costs reimbursed in those six months.

2. No reimbursement shall be made for the costs of medical examinations conducted under the legislation of a Contracting State and notified to the competent body of the other State.

Article 20. In the cases provided for in article 40 of the Agreement the advances shall be paid preferably by the competent body of the place of residence. The competent bodies of the two Contracting States shall keep each other informed of the payment of such advances.

Article 21. This Agreement shall enter into force on the same date as the Agreement and shall have the same duration.

DONE in Stockholm, on 4 February 1983, in two copies in Spanish and Swedish respectively, both texts being equally authentic.

For the Government of Spain:

[Signed]

CARLOS GÁMIR
Ambassador of Spain in Stockholm

For the Government of Sweden:

[Signed]

STEN ANDERSSON
Minister of Health and Social Affairs
