

No. 24023

**SWEDEN
and
ITALY**

Convention on social security (with administrative arrangement signed at Rome on 22 September 1982). Signed at Stockholm on 25 September 1979

Authentic texts: Swedish and Italian.

Registered by Sweden on 27 March 1986.

**SUÈDE
et
ITALIE**

Convention en matière de sécurité sociale (avec accord administratif signé à Rome le 22 septembre 1982). Signée à Stockholm le 25 septembre 1979

Textes authentiques . suédois et italien.

Enregistrée par la Suède le 27 mars 1986.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON SOCIAL SECURITY BETWEEN THE KINGDOM OF SWEDEN AND THE ITALIAN REPUBLIC

The Kingdom of Sweden and the Italian Republic, wishing to improve relations between the two States in the field of social security, have agreed to conclude a new convention on the subject, containing the following provisions:

PART I. GENERAL PROVISIONS

Article 1

1. This Convention shall apply:

To the Italian legislation concerning:

- (a) Compulsory insurance in respect of disability, old age and survivors;
- (b) Compulsory insurance against sickness (including tuberculosis) and for maternity;
- (c) Family allowances;
- (d) Compulsory insurance against industrial accidents and occupational diseases;
- (e) Compulsory insurance against involuntary unemployment;
- (f) Special insurance schemes for prescribed classes in so far as they relate to risks covered by the types of legislation enumerated in the previous subparagraphs;

To Swedish legislation concerning:

- (a) Insurance against sickness and insurance for parents;
- (b) National pensions;
- (c) Supplementary pension insurance;
- (d) Insurance against industrial accidents and occupational diseases;
- (e) General children's allowances;
- (f) Cash benefits in cases of unemployment.

2. The Convention shall also apply to any legislative measures and regulations which may amend or supplement the legislative measures specified in paragraph 1.

It shall, however, not apply to:

- (a) Any legislative measure or regulation relating to a new branch of social security, unless the two States conclude an agreement to that effect;
- (b) Any legislative measure or regulation extending the existing branches to new classes of beneficiaries, provided that the Government of the State concerned

¹ Came into force on 1 November 1982, i.e., the first day of the second month following the exchange of the instruments of ratification, which took place at Rome on 22 September 1982, in accordance with article 39.

notifies the Government of the other State of any objection within three months following the official publication of the said measures.

Article 2

Except as otherwise provided, this Convention shall apply to nationals of the two States, to persons who are or have been subject to the legislation of one or both States and to persons who derive their rights from such persons.

Article 3

1. For the purpose of applying the legislation of one State in accordance with article 1, except as otherwise provided in this Convention, the following persons normally resident in the territory of one State shall be treated in the same way as nationals of that State:

- (a) Nationals of the other State;
- (b) Refugees within the meaning of article 1 of the Convention relating to the Status of Refugees, signed at Geneva on 28 July 1951,¹ and within the meaning of article 1 of the Protocol to that Convention, signed at New York on 31 January 1967;²
- (c) Stateless persons within the meaning of article 1 of the Convention relating to the Status of Stateless Persons, signed at New York on 28 September 1954;³
- (d) Persons deriving a right from a national of one of the two States or from a refugee or stateless person within the meaning of this article.

2. Swedish nationals who are normally resident in Italy shall be treated in the same way as Italian nationals with respect to the right to the social security pension available under Italian law to indigent nationals, provided that they have been resident in Italy during the five years immediately preceding the date of payment of the pension.

Article 4

Except as otherwise provided in articles 5 to 7, the applicable legislation shall be determined:

1. On the basis of Italian law where the person concerned is employed in Italy;
2. On the basis of Swedish law where the person concerned is normally resident in Sweden or, for purposes of insurance against industrial accidents and occupational diseases employed there.

Article 5

The provisions of article 4 shall be subject to the following exceptions:

(a) Where persons in the service of an enterprise which has its headquarters in one State are sent by such enterprise to work in the other State, they shall continue to be subject to the legislation of the first-mentioned State during the first twenty-four months of their stay in the other State, as if they were normally resident in the first-mentioned State.

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

² *Ibid.*, vol. 606, p. 267.

³ *Ibid.*, vol. 360, p. 117.

(b) The members of the crew of a ship and other persons employed on board a ship shall be subject to the legislation of the State whose flag the ship flies, as if they were normally resident in that State. Persons who are engaged on the ship for the work of loading and unloading, repairs on board ship or surveillance work while the ship is lying in port in the other State shall, however, be subject to the legislation of the country to which the port belongs.

(c) Travelling personnel employed by a railway, road transport or air transport enterprise operating in both States shall be subject to the legislation of the State in which the enterprise has its headquarters, as if such personnel were normally resident in that State. In the case of a person who is normally resident in the other State, however, the legislation of that State shall apply.

Article 6

Diplomatic representatives and career consuls, and the administrative and technical staff of an embassy or of a consulate headed by a career consul, and also members of the service staff of the embassy or consulate and persons who are employed exclusively in the domestic service of diplomatic representatives, career consuls and members of consulates headed by career consuls, shall be subject to the provisions of the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations where the persons in those categories come within the scope of those Conventions.

Article 7

The competent authorities of the two States may, by mutual agreement, make further exceptions to the provisions of article 4, in the interests of persons coming within the scope of the Convention, concerning applicable legislation. They may also, by mutual agreement, suspend the application of the exceptions provided for in article 5, or amend or supplement those exceptions in special cases or in respect of particular categories of persons.

PART II. SPECIAL PROVISIONS

CHAPTER 1. SICKNESS, MATERNITY AND PARENTHOOD

Article 8

If the laws of one State require completion of periods of insurance coverage as a prerequisite for the acquisition, retention or recovery of the right to benefits, the competent insurance agency shall, insofar as necessary, take account of insurance periods completed under the laws of the other State provided that they do not overlap with periods completed in the first-mentioned State.

Article 9

Italian and Swedish nationals as well as refugees and stateless persons within the meaning of article 3 of this Convention, who are normally resident in one of the two States and are entitled to medical benefits there shall, while temporarily staying in the other State, receive benefits in kind if their state of health so requires. Such benefits shall be granted to the extent and in accordance with the procedures provided for in the legislation of the country of temporary residence.

Article 10

Where an insured person is employed in one State and his family members are normally resident in the other State, benefits for the family members shall be provided by the insurance agency at the place of normal residence of such family members.

Such benefits shall be provided in Italy on condition that the persons concerned pay an annual per capita charge, to be established by the competent authority.

Family members of Italian workers who are employed in Sweden and have immigrant status shall, where such family members are normally resident in Italy, be exempted from payment of the aforesaid annual charge.

Article 11

1. Persons receiving a pension or annuity under the legislation of both States and their family members shall be entitled to medical benefits in kind from the insurance agency at the place of normal residence and at its expense.

2. A person receiving a pension or annuity under the legislation of only one State, and his family members, shall be entitled while resident in the other State to receive benefits from the insurance agency at the place of normal residence.

3. Entitlement to benefits in Italy for persons who are receiving only a Swedish pension or annuity, and for the family members of such persons, shall be subject to payment by the persons concerned of an annual per capita charge to be established by the competent Italian authority.

Article 12

1. Where the legislation of one State is applicable to an insured person who is normally resident or temporarily staying in the other State, such person shall be entitled in that State to cash benefits paid by the competent insurance agency of the first-mentioned State under the laws governing that agency.

2. The competent insurance agency may request the agency at the place of normal residence or temporary residence to pay the aforesaid benefits on its behalf. In such cases the competent agency shall refund the benefits so paid.

CHAPTER 2. DISABILITY, OLD AGE AND SURVIVORS

A. PENSIONS UNDER SWEDISH LEGISLATION

Article 13

1. Italian nationals and the persons referred to in article 3, subparagraphs (b) and (c), who fail to fulfil the requirements established by the relevant Swedish legislation, shall be entitled to a national pension under the rules applicable to Swedish nationals normally resident abroad.

2. Handicap benefits which are not granted as a supplement to the national pension, allowances for the care of handicapped children, pension supplements and pension benefits subject to a means test shall be paid to the persons referred to in paragraph 1, on condition that they are normally resident in Sweden and on the basis of the provisions of paragraph 1, insofar as applicable.

Article 14

Insurance periods completed under Italian legislation shall be taken into consideration, where necessary, to the fulfilment of the three-year requirement set forth in chapter 5, article 3, paragraph 2, of the Swedish National Insurance Act.

Article 15

1. Where a person has completed insurance periods both under the Swedish supplementary pension system and under the Italian disability, old age and survivor insurance system, such periods shall be aggregated in order to confer entitlement to a supplementary pension, where they do not overlap. For that purpose, twelve insurance months of coverage under the Italian disability, old age and survivor insurance system shall be equivalent to one calendar year for which pension points have been credited.

2. For the purpose of calculating the amount of the supplementary pension, only insurance periods completed under Swedish legislation shall be taken into consideration.

Article 16

This Convention shall not affect the transitional provisions in Swedish legislation concerning the right of Swedish nationals to a national pension and a supplementary pension.

B. PENSIONS UNDER ITALIAN LEGISLATION*Article 17*

Pension benefits payable under this Convention may not be reduced or discontinued on the ground that the beneficiary is normally resident in Sweden or in a third State.

Article 18

1. Where an insured person cannot claim disability, old-age or survivor's benefits under Italian legislation solely on the basis of insurance periods and equivalent periods completed under such legislation, qualifying periods completed under the Swedish supplementary insurance system and also periods prior to 1960 in which income has been assessed as taxable for the purposes of Swedish State income tax, shall be aggregated with periods completed under the Italian insurance system for the purpose of conferring entitlement to such benefits, where the periods do not overlap.

2. Where entitlement to the benefits referred to in the foregoing paragraph is subject to the condition that qualifying insurance periods should have been completed in an occupation covered by a special insurance system, only the qualifying periods completed in Sweden in that occupation shall be aggregated for the purpose of inferring entitlement to such benefits. If, notwithstanding the aggregation of such qualifying periods the insured person fails to fulfil the requirements for entitlement to benefits under the special insurance system, the qualifying periods in question shall also be aggregated for the purpose of evaluating entitlement to the benefits under the general insurance system.

3. Where, within the meaning of paragraphs 1 and 2, an Italian social security benefit is granted, taking into consideration qualifying insurance periods completed under Swedish legislation, the benefit shall be calculated as follows:

(a) The Italian insurance agency responsible for calculating the benefits shall first of all determine the amount of the benefit to which the insured person would be entitled if all the qualifying periods to be taken into account on the basis of paragraphs 1 and 2 had been completed solely under the Italian insurance system. However, the contribution or remuneration pertaining to insurance periods completed under Swedish legislation shall be taken into consideration only on the basis of the average contribution or remuneration established for insurance periods completed under Italian legislation;

(b) On the basis of the amount so calculated, the Italian insurance agency shall determine the benefit payable in the proportion that the duration of the insurance periods completed under the Italian insurance system bears to the total duration of the periods completed under the insurance systems of the two Contracting States taking into account, however, the periods completed under the Swedish insurance system only in so far as they do not overlap with those completed under the Italian insurance system.

Article 19

1. The requirements for the voluntary continuation of Italian compulsory insurance in respect of disability, old age and survivors may be met by Italian nationals also on the basis solely of the periods completed under the Swedish supplementary insurance scheme.

In determining the contribution classification and category to which the person concerned is to be assigned, under the Italian legislation relating to voluntary payments, account shall be taken of the pensionable remuneration of the worker under the Swedish pension system.

2. The competent authority may make eligibility for the voluntary continuation of insurance conditional upon the completion of certain minimum insurance periods under the Italian compulsory insurance system.

C. COMMON PROVISIONS

Article 20

Where an insured person fails to qualify for benefits on the basis of insurance periods completed in Italy and Sweden, account shall also be taken of insurance periods completed in a third State with which the two Contracting States have concluded social security conventions providing for the aggregation of insurance periods.

CHAPTER 3. INSURANCE AGAINST INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 21

1. Benefits in kind and in cash under insurance against industrial accidents and occupational diseases, including increments and supplementary benefits, shall be provided without curtailment even if the persons concerned are normally or temporarily resident in the other State or in a third State.

2. The insurance agency of the place of normal or temporary residence in the other State shall provide the benefits in kind referred to in paragraph 1, in application of its own legislation, on behalf of the insurance agency of the competent State, subject to reimbursement of the actual expenses incurred.

3. The insurance agency of the place of normal or temporary residence in the other State may be requested, by the insurance agency of the competent State, to pay cash benefits.

4. The insurance agency of the country of normal or temporary residence may be requested by the competent insurance agency to arrange for a medical examination of the insured person concerned to determine the degree of incapacity for work, subject to reimbursement of the actual expenses incurred.

Article 22

1. In determining entitlement to benefits or the degree of incapacity for work in accordance with the legislation of one of the two States, account shall also be taken of previous industrial accidents and occupational diseases to which the legislation of the other country applies.

2. Where an occupational disease occurs as a sequel to work entailing the special risk of such disease and performed in both countries, benefits shall be paid by the insurance agency of the State in which such work was last performed.

3. Where compensation in respect of an occupational disease has been paid by an insurance agency in one of the two States, that agency shall remain liable for payment of any subsequent benefits even if the insured person's condition deteriorates in the other country, except where such deterioration results from work performed in that country and entailing the special risk of the disease concerned.

CHAPTER 4. FAMILY ALLOWANCES

Article 23

1. A Swedish national in Italy shall be entitled to family allowances for dependent family members normally resident in Italy on the same conditions and in the same amounts provided under Italian law for Italian nationals.

2. General children's allowances shall be payable under Swedish legislation to children who are normally resident in Sweden and are not Swedish nationals, if the child or either parent has been staying in Sweden for at least six months or if the child is being brought up by a person who is normally resident and registered for census purposes in Sweden.

CHAPTER 5. UNEMPLOYMENT BENEFITS

Article 24

1. To receive unemployment benefits in Italy or in Sweden a person shall be entitled, insofar as necessary, to be credited with periods of employment or unemployment insurance completed in both States.

2. For the purpose of applying paragraph 1, the applicant must, during the twelve months preceding the application, have been engaged in gainful employment for a total period of at least four weeks in the State under whose legislation

he is applying for benefits. Where such employment ceases, through no fault of the employment person before the four-week period has lapsed, paragraph 1 shall nevertheless apply if the employment was originally intended to be of longer duration.

3. From the period for which benefits are payable under the legislation of one State, on the basis of the provisions of paragraph 1, there shall be deducted those periods in respect of which an insurance agency in the other State has granted benefits to the unemployed person during the twelve months preceding submission of the application.

PART II. MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

Article 25

The competent authorities may agree on provisions for the application of this Convention. They shall, in particular, arrange for the necessary co-ordinating agencies to be designated in each State to facilitate the application of the Convention.

Article 26

1. For the purpose of applying this Convention, the authorities and agencies of the two States shall render each other assistance to the same extent as if the matter were one affecting the application of their own legislation.

2. Correspondence between authorities and agencies and applications from individuals may be drawn up in Italian, Swedish, French or English.

3. The diplomatic and consular missions may apply directly to authorities and agencies in the other State for information required in order to safeguard the interests of their own nationals.

Article 27

The competent authorities of the two States shall inform each other as soon as possible of any changes in the legislation referred to in article 1.

Article 28

The competent authorities of the two States shall keep each other regularly informed of measures taken in their own State for the purpose of applying the Convention.

Article 29

The benefit of exemption from legal dues, charges and fees provided for in the legislation of either of the two States in respect of the documents to be produced at the request of the authorities or agencies of that State in the application of this Convention shall also apply to the documents to be so produced before the authorities or competent agencies of the other State. Any documents, certificates or other papers produced in connection with the application of this Convention shall be exempt from the requirement of legalization by diplomatic or consular authorities.

Article 30

1. Claims, appeals and other documents which have to be submitted within a specified period to a competent authority or competent agency of either of the two States shall be regarded as receivable if they are submitted within the same period to the corresponding authority or agency of the other State. In that event the authority or agency in question shall transmit such claims or appeals to the authority or agency of the first-mentioned State without delay.

2. An application for benefits submitted in accordance with the legislation of one of the two States shall be regarded as an application for a corresponding benefit under the legislation of the other State. This provision shall not apply to applications for old-age pensions where the applicant declares that the application is for a pension only under the legislation of the first-mentioned State.

Article 31

1. Payments due under this Convention and made in the currency of the debtor State shall be regarded as discharging the debt.

2. If in either of the two States regulations are issued restricting the exchange of currency, the Governments concerned shall immediately consult together with a view to taking measures to ensure the transfer of the amounts owed on either side in accordance with the provisions of this Convention.

Article 32

1. Where the insurance agency of one State has paid an advance, the amount owed for the same period of time under the legislation of the other State for a corresponding benefit, may be withheld. Where the insurance agency of one State has paid a higher sum than is due for a period in respect of which the insurance agency of the other country is required to provide a corresponding benefit, the excess amount may be withheld.

2. Advances or excess amounts paid by the insurance agency of one State may be recovered from the arrears in benefits owed by the insurance agency of the other State. Where there are no such arrears or the arrears are insufficient, the full amount or the residual amount in question may be recovered from the current benefits payable by the insurance agency of the other State, subject to the procedures and restrictions provided for in the legislation applied by that State.

Article 33

1. The competent authorities of the two States shall consult together for the settlement of any dispute which may arise in the application of this Convention.

2. If a settlement cannot be reached in this way, the dispute shall be settled by arbitration arranged by agreement between the competent authorities of the two States. The arbitrating agency shall settle the dispute in keeping with the basic principles and the spirit of this Convention.

Article 34

For the purposes of this Convention, the following shall be regarded as the competent authorities:

In Italy, the Minister or Ministers having competence for the application of the legislative measures enumerated in article 1, paragraph 1;

In Sweden, the Government or the authority designated by the Government.

Article 35

The provisions of this Convention concerning the Swedish national pension shall apply to Italian nationals who, under the provisions of the Convention of 25 May 1955 between Italy and Sweden on social security¹ have received reimbursement of pension contributions to the national pension scheme. However, there shall be deducted from their national pension the amount they have received in the form of reimbursement of contributions paid by them towards the national pension.

Article 36

1. This Convention shall also apply to events which occurred before its entry into force. On the other hand, the Convention shall not confer any entitlement to the granting of benefits in respect of periods before its entry into force. In determining entitlement to benefits, insurance periods or periods of residence completed before the entry into force of the Convention shall, however, be taken into consideration.

2. Benefits which have not been allowed on account of the nationality of the insured person or which have been revoked as a result of the removal of such person to the other country, shall be granted or reinstated, upon request, with effect from the date of entry into force of the Convention.

3. At the request of the person concerned, a benefit granted before the entry into force of this Convention shall be recalculated on the basis of its provisions. Such benefit may also be recalculated automatically. The aforesaid recalculation shall not entail any reduction in the amount of a benefit being paid.

4. The legislative provisions of the two States concerning prescription (limitation) and lapse of entitlement to benefits shall not be applied to entitlements under the provisions of paragraphs 1 to 3 above, provided that the insured person applies for them within a period of two years following the date of entry into force of the Convention.

Article 37

1. This Convention shall remain in force for an indefinite period. It may be terminated by either country. Notice of denunciation shall be given at least three months before the end of the current calendar year. In that event, the Convention shall cease to have effect as from the first day of the following year.

2. If the Convention is terminated, its provisions shall continue to apply to acquired rights notwithstanding any provisions in the legislation of the two States restricting entitlement to benefits in the case of persons taking up residence abroad or taking the nationality of another country. Rights in the process of acquisition under the provisions of the Convention shall be governed by rules established by special agreement between the Parties.

Article 38

1. Upon the entry into force of this Convention the Convention of 25 May 1955 between Italy and Sweden on social security and the Final Protocol to that

¹ United Nations, *Treaty Series*, vol. 291, p. 235.

Convention shall cease to have effect. At the same time the Agreement of 18 November 1971¹ supplementing the Convention and the Protocol of 13 September 1973² to that Agreement, shall also cease to have effect.

2. The provisions contained in articles 9, 10, 11 and 12 shall not take effect, as regards the application of Italian legislation, before 1 January 1981.

Article 39

This Convention shall be ratified. The instruments of ratification shall be exchanged at Rome.

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

IN WITNESS WHEREOF the undersigned have signed this Convention.

DONE at Stockholm on 25 September 1979, in duplicate in the Swedish and Italian languages, both texts being equally authentic.

For the Kingdom of Sweden:

GABRIEL ROMANUS

For the Italian Republic:

MARIO PRUNAS

¹ United Nations, *Treaty Series*, vol. 969, p. 461.

² *Ibid.*, p. 465.

ADMINISTRATIVE AGREEMENT FOR THE APPLICATION OF THE
CONVENTION OF 25 SEPTEMBER 1979¹ BETWEEN THE KINGDOM
OF SWEDEN AND THE ITALIAN REPUBLIC ON SOCIAL SECURITY

TITLE I. GENERAL PROVISIONS

Article 1

For the purposes of this Administrative Agreement:

1. The term "Convention" means the Convention between the Kingdom of Sweden and the Italian Republic; and
2. The term "Agreement" means this Administrative Agreement.

Article 2

1. The competent insurance agencies for the application of this Administrative Agreement are:

(a) In Italy, in addition to the competent social insurance agencies for particular categories of workers:

- The National Institute of Social Insurance (I.N.P.S.) in the case of compulsory disability, old age and survivors' insurance for employed persons and the appropriate special agencies for self-employed persons, for insurance against tuberculosis, for insurance against involuntary unemployment and for family allowances;
- The local health unit (U.S.L.) for benefits in kind in cases of sickness, including tuberculosis, of maternity and of industrial accidents and occupational diseases;
- The National Institute for Insurance against Industrial Accidents and Occupational Diseases (I.N.A.I.L.) as regards insurance against industrial accidents and occupational diseases, except for care benefits:

(b) In Sweden:

- The National Social Insurance Board and the local social insurance offices;
- The National Labour Market Board and the unemployment benefit societies (as regards economic benefits in cases of unemployment).

2. Except as provided in the following subparagraph, the aforesaid insurance agencies at the central level shall act as co-ordinating agencies within the meaning of article 25 of the Convention, in their fields of competence.

In Italy, the co-ordinating agency for benefits in kind in cases of sickness, including tuberculosis, of maternity and of industrial accidents and occupational diseases, shall be the Ministry of Health.

3. The agencies referred to in paragraph 1 and individuals concerned may apply to the insurance agencies of the other Contracting State directly or through the co-ordinating agencies.

¹ See p. 188 of this volume.

TITLE II. PROVISIONS CONCERNING APPLICABLE LEGISLATION

Article 3

1. In the case of employed persons sent to the territory of the other State in accordance with article 5 (a) of the Convention, a certificate shall be issued stating that the employed person is still covered by the legislation of the Contracting State in which the enterprise has its headquarters.

2. The certificate referred to in paragraph 1 shall be issued at the request of the employer or the employed person

— In Italy, by the I.N.P.S. office competent for the area in which the enterprise has its headquarters,

— In Sweden, by the National Social Insurance Board or by the regional social insurance office.

TITLE III. SPECIAL PROVISIONS CONCERNING
DIFFERENT TYPES OF BENEFIT

CHAPTER I. SICKNESS, MATERNITY AND PARENTHOOD

Article 4

1. For the purpose of applying the provisions of article 8 of the Convention, the insured person shall submit to the competent insurance agency a certificate showing the insurance periods such person has completed under the laws of the other State.

If the insured person is unable to produce such a certificate, the insurance agency competent to provide the benefits shall request such a certificate from the insurance agency of the other State.

2. The certificate referred to in paragraph 1 of this article shall be issued:

— In Italy, by the I.N.P.S. office competent for the area in question,

— In Sweden, by the National Social Insurance Board or the regional social insurance office.

Article 5

1. Italian and Swedish nationals as well as the refugees and stateless persons referred to in article 3 of the Convention who are normally resident in one of the two States in order to receive benefits in kind while temporarily staying in the other State, as provided in article 9 of the Convention, shall be in possession of a certificate showing that they are entitled to such benefits.

The aforesaid certificate shall be issued:

— In Italy, by the local health unit U.S.L. competent for the area in question, in general, or by the Ministry of Health in the case of certain categories of entitled persons;

— In Sweden, by the local social insurance offices.

2. For the purpose of applying the provisions of the foregoing paragraph, the certificate shall be submitted:

- In Italy, to the U.S.L. competent for the area in question before the medical benefit is received or directly to the hospital in the case of an emergency admission;
- In Sweden, directly to the physician or the hospital.

3. If the persons concerned are unable to produce the certificate referred to in paragraph 1, the insurance agency at the place of temporary residence shall apply to the insurance agency at the place of normal residence for confirmation of the entitlement.

Article 6

1. The family members referred to in article 10 of the Convention, in order to receive the benefits in kind provided for in that article in Italy shall register with the insurance agency at the place of normal residence and produce a certificate showing that the head of their family, who is employed in Sweden, is entitled to the benefits in question. They shall also pay the annual per capita charge established by the competent authority.

2. To obtain exemption from payment of the annual per capita charge referred to in paragraph 1, the family members normally resident in Italy of Italian nationals employed in Sweden shall submit to the competent insurance agency at the place of normal residence, at the time of registration, a certificate issued by the consular authorities showing that the head of their family has emigrant status.

Article 7

1. In order to receive the benefits in kind provided for in article 11, paragraph 2, of the Convention, a person who is only receiving a Swedish pension or annuity, and his family members, shall register with the insurance agency at the place of normal residence, submitting a certificate confirming entitlement to a Swedish pension or annuity.

2. The persons concerned shall pay the annual per capita charge established by the competent authority.

Article 8

1. Cash benefits of the kind referred to in article 12, paragraph 1, of the Convention shall normally be paid directly to the insured person by the competent insurance agency in accordance with the legislation applied by it.

2. In accordance with the provisions of article 12, paragraph 2, of the Convention, the competent insurance agency may request the agency at the place of normal or temporary residence to pay cash benefits on its behalf. The costs of providing such benefits, accorded under the legislative provisions of the competent insurance agency, shall be reimbursed by the latter agency to the insurance agency at the place of temporary or normal residence on the basis of the actual expenses incurred, as shown in the accounts of that agency.

Payment shall be made within six months from the date of receipt of the request for reimbursement, for which a special certificate shall be used.

3. The competent insurance agency may request the agency at the place of normal or temporary residence to arrange for the necessary medical examinations.

CHAPTER 2. DISABILITY, OLD AGE AND SURVIVORS

Article 9

1. Insured persons and their survivors who wish to receive disability, old-age and survivor insurance benefits may submit an application to the competent insurance agency of either Contracting State in the manner prescribed by the legislation applied by the competent insurance agency to which the application is addressed. For that purpose the competent authorities of the two Contracting States shall reach agreement on the necessary application forms.

2. The date on which an application is submitted to a competent insurance agency of one Contracting State, even if the application is not made on the appropriate form, shall be considered as the date of application by the competent agencies of the two Contracting States.

3. The insurance agency which first received the application shall, without delay, transmit a copy of the application form provided for in paragraph 1 to the competent agency of the other Contracting State.

The application form shall contain personal data concerning the applicant and, where appropriate, the members of his family, as well as any other information that may be necessary for the purpose of determining the applicant's entitlement to benefits under the legislation applied by the competent insurance agency to which the form is sent.

4. In addition to the application form referred to in paragraph 3, a copy of a co-ordination form, of which the details shall be agreed upon by the competent authorities of the two Contracting States, and which shall, in particular, indicate the insurance periods credited under the legislation applied by the competent insurance agency transmitting the form, and the entitlements deriving from such periods, shall be sent to the competent insurance agency of the other Contracting State as soon as possible.

5. When the competent insurance agency of the other Contracting State has received the forms referred to in paragraphs 3 and 4, it shall determine the entitlements earned by the applicant on the basis of insurance periods completed under the legislation applied by it or, where appropriate, any entitlements that may be derived by the applicant from the aggregation of insurance periods completed under the legislations of the two Contracting States. The latter insurance agency shall then transmit to the agency applied to a copy of the co-ordination form referred to in paragraph 4 above, containing information on the periods completed under its own legislation and the entitlements to benefits accorded to the applicant.

6. When the insurance agency applied to has received the co-ordination form duly completed with the data and information referred to in paragraph 5 above, and when it has determined, where necessary, the entitlements derived by the applicant from the aggregation of periods completed under the legislation of the two Contracting States, that agency shall take a decision concerning the application itself and shall communicate its decision to the other competent insurance agency and to the applicant.

7. Information on insurance periods completed need not be entered on the co-ordination form when it is clear from the available information that the insured

person has a separate entitlement to a pension from the competent insurance agency of the other Contracting State.

8. The personal data contained in the application form referred to in paragraph 3 shall be duly authenticated by the competent insurance agency transmitting the form. That agency shall confirm that the information on the application form is based on original documents. Where a form so authenticated is transmitted, no original documents need be sent.

Article 10

To be eligible for voluntary Italian insurance in accordance with article 19, paragraph 1, of the Convention, the applicant shall submit to the competent Italian insurance agency, a certificate drawn up on a special form concerning periods completed under the Swedish insurance system for supplementary pensions and the amount of pensionable income for the three years preceding the application. Such a certificate shall, at the request of the applicant, be issued by the National Swedish Social Insurance Board.

If the applicant fails to provide such a certificate, the competent Italian insurance agency shall request the certificate from the National Swedish Social Insurance Board.

CHAPTER 3. INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 11

1. In order to receive the benefits in kind referred to in article 21, paragraph 2, of the Convention, insured persons shall submit to the insurance agency at the place of normal or temporary residence in the other State a certificate issued by the insurance agency of the competent State, showing their entitlement to the benefits. In such certificates the insurance agency of the competent State may indicate the maximum period for which benefits may be granted.

2. If the insured person is unable to provide the certificate referred to in paragraph 1, the insurance agency at the place of normal or temporary residence shall request the certificate from the insurance agency of the competent State.

3. The insurance agency of the competent State shall pay annuities directly to the insured person. Cash benefits other than annuities may be paid by the insurance agency at the place of normal or temporary residence on behalf of the insurance agency of the competent State. In such cases, the last-mentioned insurance agency shall inform the insured person of his entitlements and notify the insurance agency at the place of normal or temporary residence in the other State of the amount of the cash benefits, the dates of payment and the maximum period for which the benefits may be paid.

Article 12

The insurance agency at the place of normal or temporary residence in the other country shall, where such agency has carried out the medical examination referred to in article 21, paragraph 4 of the Convention, transmit to the insurance agency of the competent State reports containing all necessary information concerning the anatomical and functional condition of the insured person, with particular reference to organs and body parts affected by the accident or

occupational disease. The report shall not contain any assessment of the degree of incapacity for work.

Article 13

1. The insurance agency of the competent State, at the request of the insurance agency at the place of normal or temporary residence in the other State, which has provided such benefits and conducted such medical examinations as are referred to in article 21, paragraphs 2, 3 and 4, of the Convention, shall reimburse the aforesaid insurance agency:

- (a) The costs of benefits in kind provided and medical check-ups carried out on behalf of that insurance agency;
- (b) The expenses incurred by insured persons for travel to the medical facility providing the benefits in kind or conducting the medical check-ups;
- (c) Compensation for income lost by the insured persons in order to receive benefits in kind and undergo check-ups;
- (d) The amount of cash benefits other than those paid on its behalf.

2. For the purpose of refunding the expenses referred to in paragraph 1, account shall not be taken of sums exceeding the rates applied by the insurance agency at the place of normal or temporary residence in the other State.

Article 14

In the cases referred to in article 22, paragraph 1, of the Convention, the insured person shall be required to provide the insurance agency of the competent State with all necessary information concerning industrial accidents or occupational diseases previously suffered by him while he was covered by the legislation of the other State, irrespective of the degree of incapacity resulting from such earlier cases.

Article 15

1. In the cases referred to in article 22, paragraph 2, of the Convention, applications for benefits in respect of occupational diseases may be addressed either to the insurance agency of the State under whose legislation the insured person was last exposed to the special risk, or to the insurance agency of the other State.

2. If the insurance agency receiving an application of the kind referred to in paragraph 1 finds that the insured person was last engaged in work entailing the special risk in the territory of the other State, the application and accompanying documents shall be sent without delay to the insurance agency of the other State. At the same time the insured person shall be informed of the transmittal of such documents.

3. If the insurance agency receiving an application of the kind referred to in paragraph 1 finds that the conditions provided for in the legislation applied by that agency have not been fulfilled, it shall:

- (a) Transmit to the insurance agency of the other State, without delay, the application and accompanying documents, including reports and medical certificates obtained by it, as well as a copy of the decision rejecting the application;

- (b) Notify its decision to the insured person, stating the reasons for rejection, the procedures and time limits for appeals and the date of transmittal of the application to the insurance agency of the other State.

Article 16

1. If the deterioration referred to in article 22, paragraph 3, of the Convention was caused by work performed in the territory of the other State and entailing the special risk, the insurance agency of the last-mentioned State shall pay an additional amount of compensation equal to the difference between the amount of the benefit payable after the determination and the amount of the benefit that would have been payable before the deterioration if the occupational disease had occurred in that State.

2. The insured person shall provide the insurance agency from which he is claiming benefits, on the grounds of deterioration in a condition caused by an occupational disease, with all necessary information concerning the occupational disease for which compensation was awarded earlier.

CHAPTER 4. UNEMPLOYMENT

Article 17

1. In order to benefit from the provisions of article 24 of the Convention, the insured person shall provide the competent insurance agency with a certificate indicating the insurance periods completed under the legislation of the other Contracting State.

2. The certificate shall also indicate the periods in which unemployment benefits were paid to the insured person, by the insurance agency issuing the certificate, during the twelve months immediately preceding the date on which the application for benefits was submitted to the insurance agency of the other Contracting State.

3. Such certificate shall be issued, at the request of the insured person: in Italy, by the National Institute of Social Insurance and, in Sweden, by the National Labour Market Board.

4. If the insured person is unable to provide such a certificate, the competent insurance agency shall request the certificate from the insurance agency of the other Contracting State.

TITLE IV. GENERAL PROVISIONS ON ADMINISTRATIVE CO-OPERATION

Article 18

1. Administrative expenses resulting from the application of this Agreement, including expenses incurred through the transfer or payment of benefits, shall be defrayed by the competent insurance agency which incurred the expenses, except in the case of those referred to in paragraph 3.

2. In order to evaluate the degree of incapacity of a person applying for or receiving a disability pension, the competent insurance agency of each State shall take account of the medical examinations conducted by the competent agency of the other State.

The competent insurance agency of each State shall, however, retain the right to have the applicant or recipient of the disability pension examined by an official medical officer.

3. Expenses incurred for medical examinations and investigations to determine the working or earning capacity of an insured person, as well as travel, board and lodging expenses and any other expenses connected with such investigations, shall be paid in advance by the insurance agency conducting the investigation and subsequently refunded by the insurance agency requesting it. Reimbursement shall be effected in accordance with the rates and provisions applied by the insurance agency conducting the investigation, upon presentation of an itemized statement of expenses. Expenses shall not be refunded, however, where the examinations and investigations in question should have been carried out in any case by the insurance agency conducting them, even if no request to that effect was made by the corresponding insurance agency in the other State.

TITLE V. MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

Article 19

Payment of pensions and annuities shall be made directly to the beneficiaries by the insurance agency responsible for paying them.

The competent authorities of the two States may establish, by mutual agreement, other procedures for the payment of benefits.

Article 20

The provisions concerning reduction, suspension or discontinuance of a social security benefit, applicable under the legislation of a Contracting State where such a benefit coincides with another social security benefit or with other income, may be invoked against the beneficiary even in the case of benefits acquired under the legislation of the other Contracting State or of income received in the territory of the last-mentioned State.

Article 21

The models for the forms, certificates, attestations, declarations, applications and other documents necessary for the implementation of this Agreement shall be established by mutual agreement between the competent authorities of the two Contracting States.

Article 22

This Agreement shall enter into force on the same date as the Convention, and shall cease to have effect on the date on which the Convention ceases to have effect in accordance with article 37.

DONE at Rome on 22 September 1982, in duplicate in the Swedish and Italian languages, both texts being equally authentic.

For the Kingdom of Sweden:

A. LEWENHAUPT

For the Italian Republic:

MARIO FIORET