

No. 30770

**SWEDEN
and
CAPE VERDE**

Convention on social security (with administrative arrangement). Signed at Stockholm on 9 February 1988

Authentic texts: Swedish, Portuguese and English.

Registered by Sweden on 3 March 1994.

**SUÈDE
et
CAP-VERT**

Convention sur la sécurité sociale (avec arrangement administratif). Signée à Stockholm le 9 février 1988

Textes authentiques : suédois, portugais et anglais.

Enregistrée par la Suède le 3 mars 1994.

CONVENTION¹ ON SOCIAL SECURITY BETWEEN THE KINGDOM OF SWEDEN AND THE REPUBLIC OF CAPE VERDE

The Kingdom of Sweden and the Republic of Cape Verde, desirous to regulate the relations between the two States in the field of Social Security, have agreed to conclude the following Convention:

Title 1. General Provisions

Article 1

For the purpose of the application of the present Convention:

a) "legislation" means laws, decrees and administrative regulations relating to the systems and branches of Social Security as specified in Article 2;

b) "competent authority" means in relation to Cape Verde the Minister, the Ministers or the corresponding entity on which depend the regimes of Social Security; and

in relation to Sweden the Government or the Authority nominated by the Government;

c) "insurance institution" means the body or authority responsible for the implementation of the legislation (or a portion thereof) as specified in Article 2;

d) "periods of insurance" designates periods of contribution, of employment or of residence, as defined or admitted as periods of insurance by the legislation under which they were fulfilled or considered as such, as well as all the comparable periods as far as they are acknowledged by this legislation as equivalent to periods of insurance.

2. Other terms used in this Convention shall have the meaning which is given to them under the applicable legislation.

Article 2

1. This Convention shall apply:

A) in relation to Cape Verde, to the legislation on:

a) Work accidents and professional illnesses;

b) Benefits in case of illness;

c) Benefits in case of invalidity, old age and to survivors;

d) Family allowances;

B) in relation to Sweden, to the legislation on:

a) Health insurance and parental insurance;

b) Basic pension;

c) Supplementary pension;

d) Children's allowances and maintenance advances;

e) Work injury insurance;

f) Unemployment insurance and assistance.

2. Except where otherwise indicated by the provisions in paragraph 4, this Convention shall also apply to legislation codifying, amending or supplementing the legislation specified in paragraph 1 of this Article.

3. This Convention shall apply to legislation concerning a new branch of social security in excess of those specified in paragraph 1 of this Article, only if so agreed between the Contracting Parties.

4. This Convention shall not apply to legislation extending the application of the legislation specified in paragraph 1 of this Article to new categories of beneficiaries, if the competent authority of the Contracting Party concerned, within three months counted from the date of the official publication of the new legislation, notifies the competent

¹ Came into force on 1 December 1991, i.e., the first day of the third month after the date of the last of the notifications (of 24 June and 30 September 1991) by which the Contracting Parties had informed each other of the completion of their respective constitutional procedures, in accordance with article 32.

authority in the other Contracting party that no such extension of the Convention is intended.

Article 3

The provisions of the present Convention shall apply to persons who are or have been covered by the legislation of either of the Contracting Parties as well as to members of their families and to their survivors.

Article 4

Save as otherwise provided in this Convention, the following persons who are resident in the territory of one Contracting Party shall be equated with nationals of that Contracting Party in the implementation of its legislation;

a) nationals of the other Contracting Party;

b) refugees and stateless persons as referred to in the Convention of 28th July 1951 Relating to the Status of Refugees¹ and the Protocol of 31st January 1967² to the said Convention, as well as the Convention of 28th September 1954 Relating to the Status of Stateless Persons;³

c) other persons with regard to rights which they derive from a national of a Contracting Party or from a refugee or stateless person referred to in this Article.

Article 5

Save as otherwise provided in this Convention, cash benefits in case of work injuries and pensions may not be reduced, modified, suspended or withdrawn, on account of the recipient residing in the territory of the other Contracting Party.

Article 6

Save as otherwise provided in this Convention, cash benefits in case of work injuries and pensions payable by one Contracting Party shall be paid to nationals of the other

Contracting Party, who are residing in a third state, on the same conditions as to nationals of the first Contracting Party residing in this third state.

Title II. Provisions concerning applicable legislation

Article 7

Save as otherwise provided in Articles 8 and 9 the persons covered by this Convention shall be subject to:

1. Cape-verdean legislation, if they are employed in Cape Verde.

2. Swedish legislation, if they are residing in Sweden or, as regards work injury insurance for employed persons, if they are employed in Sweden.

Article 8

1. If a person employed in the territory of one Contracting Party is posted by his employer to the territory of the other Contracting Party to perform work on behalf of the same employer, he shall, as well as the members of his family who accompany him, continue to be subject to the legislation of the former Party until the expiration of the twelfth month after his posting as if he were still employed in the territory of that Party.

2. The legislation of the Contracting Party, whose flag a vessel is flying, shall apply to the crew of the vessel and to other persons who are employed on board the vessel.

3. If a person according to the provisions of this Article is to be subject to the legislation of one Contracting Party he shall, as well as his family members accompanying him, be deemed resident in the territory of that Party.

Article 9

This Convention shall not affect the provisions of the Vienna Conventions on Diplo-

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

² *Ibid.*, vol. 606, p. 267.

³ *Ibid.*, vol. 360, p. 117.

matic and Consular Relations¹ relating to the legislation as specified in Article 2.

Article 10

The competent authorities of the Contracting Parties can agree on exceptions from the provisions of Articles 7–9 in favour of the persons concerned.

Title III. Special provisions

Chapter 1. Sickness, maternity and childbirth

Article 11

If a person has completed periods of insurance according to the legislation of both the Contracting Parties, these periods shall be added together for acquisition of rights to benefits, as long as the periods do not coincide.

Article 12

Members of the family of a person who is resident in the territory of one Contracting Party and insured under its legislation shall, if they reside in the territory of the other Contracting Party, receive medical care in accordance with the legislation of that Party.

Article 13

A person receiving a pension under the legislation of both Contracting Parties or under the legislation of one of them is entitled to medical care for himself and for members of his family in accordance with the legislation of the Contracting Party in whose territory they reside.

Chapter 2. Old age, disability and survivors

Application of Cape-Verdean legislation

Article 14

When periods of insurance have been completed, in accordance with the legislation of

both the Contracting Parties, the periods shall be added together, if necessary, for the acquisition of the right to benefits under Cape-verdean legislation, insofar as they do not coincide.

Article 15

If entitlement to disability, old age or survivors benefits exists without applying Article 14, the competent Cape-verdean institution determines directly and exclusively, in accordance with its own legislation, the amount of the benefit which corresponds to the insurance periods or equivalents to be considered in accordance with the same legislation.

Article 16

When a person satisfies the conditions required by the Cape-verdean legislation to be entitled to disability, old age or survivors benefits only by means of the calculation foreseen in Article 14, the competent Cape-verdean institution computes the amount of the benefit, to which the beneficiary is entitled, exclusively on the basis of insurance periods or equivalents completed in accordance with Cape-verdean legislation applicable.

Article 17

The following rules shall be observed by the competent Cape-verdean institutions in their implementation of Articles 14 and 16.

1. Periods of insurance under the Swedish supplementary pension insurance scheme and years of residence before 1960 for which the person in question has had income taxed for national income tax are to be regarded as periods of insurance completed in accordance with Swedish legislation.

2. In applying Article 14, Swedish periods of insurance are to be taken into account even if they are not regarded as periods of insurance under Cape-verdean legislation.

¹ United Nations, *Treaty Series*, vol. 500, p. 95 and vol. 596, p. 261.

Article 18

If the total of the benefits granted by the competent institutions of both Contracting Parties is less than the minimum amount fixed by the Cape-verdean legislation, the person concerned who has his residence in Cape Verde is entitled to a complement equal to that difference, at the cost of the competent Cape-verdean institution.

Application of Swedish legislation

Article 19

1. Nationals of Cape Verde as well as persons designated in Article 4 b) and c) of this Convention, who do not fulfil the conditions of the Swedish legislation which apply to them as regards entitlement to a basic pension shall, whether they reside in Sweden or elsewhere, be entitled to a basic pension according to the rules applying to Swedish nationals residing abroad.

2. Handicap allowances which are not supplements to a basic pension, care allowances for handicapped children, pension supplements and such pension benefits which are subject to income tests are payable to persons designated in paragraph 1, provides that they reside in Sweden, applying *mutatis mutandis* the rules contained in that paragraph.

Article 20

Where a national of one of the Contracting Parties or a person designated in Article 4 b) and c) of this Convention does not have sufficient Swedish periods of insurance to satisfy the requirements for entitlement to a basic pension in accordance with the provisions applicable to Swedish nationals residing abroad, periods of insurance completed under the legislation of Cape Verde shall be taken into account insofar as they do not coincide with Swedish periods of insurance.

Article 21

The transitory provisions under Swedish legislation regarding the calculation of a basic

pension for persons born 1929 or earlier are not affected by article 19 of this Convention.

Article 22

1. Where periods of insurance have been completed both under the Swedish supplementary pensions scheme and under the legislation of Cape Verde, these periods shall, when necessary, be added together for the acquisition of a right to a supplementary pension insofar as they do not coincide.

2. When computing the amount of a supplementary pension only periods of insurance covered by Swedish legislation will be taken into account.

3. The transitory provisions under Swedish legislation concerning the calculation of supplementary pension for persons born 1923 or earlier are not affected by this Convention.

Common provision

Article 23

If a person is not entitled to a pension on the basis of periods of insurance under the legislation of the two Contracting Parties, totalized as provided in this chapter, account should be taken also to periods of insurance under the legislation of a third state with which both Contracting Parties are bound by a social security convention which contains rules on totalization of periods of insurance.

Chapter III. Family benefits

Article 24

1. Family benefits are payable in accordance with Cape-verdean legislation for family members of Swedish nationals as well as persons designated in Article 4 b) and c), unless the family members have their residence in Sweden.

2. Children's allowances are payable under Swedish legislation with respect to children residing in Sweden who are nationals of Cape Verde under the same conditions as for children of Swedish nationality.

3. A maintenance allowance is payable under Swedish legislation with respect to a child of Cape-verdean nationality residing in Sweden provided the guardian of the child also resides in Sweden and either the child or the guardian is present in Sweden since at least six months.

Title IV. Miscellaneous provisions

Article 25

The competent authorities may agree on provisions for the implementation of this Convention. Furthermore they shall take steps to ensure that the appropriate liaison bodies are set up in their respective territories to facilitate the implementation of this Convention.

Article 26

1. For the purposes of implementation of this Convention, the authorities and institutions of the Contracting Parties shall lend their good offices, as if applying their own legislation. Such mutual administrative assistance shall be provided free of charge.

2. The correspondence of authorities and institutions, as well as communication from individual persons, may be in Portuguese, Swedish, French or English.

3. The diplomatic and consular representations may request information direct from authorities and institutions in the other Contracting Party in order to safeguard the interests of their own nationals.

Article 27

The competent authorities of the two Contracting Parties shall inform each other with all possible dispatch of any amendments to the legislation specified in Article 2 of this Convention and of the measures taken to apply this Convention within their territories.

Article 28

An application for a benefit submitted in accordance with the legislation of one Contracting Party shall be considered as an application for the corresponding benefit under the legislation of the other Contracting Party. With respect to old age pensions, however, this shall not apply if the applicant states that the application refers solely to pension benefits under the legislation of the former Contracting Party.

Article 29

Disputes arising in connection with the application of this Convention are to be resolved by mutual agreement between the competent authorities of the Contracting Parties. Should an agreement fail to materialize, the dispute shall be determined by arbitration as agreed by the competent authorities of the two Contracting Parties. The arbitration shall be based on the spirit and substance of this Convention.

Article 30

1. The present Convention shall also apply to contingencies arising prior to its entry into force. However, no benefits shall be payable under this Convention with respect to any period prior to its entry into force, though periods of insurance or residence completed before the said entry into force shall be taken into account in the determination of benefits.

2. Any benefit which has not been awarded on account of the nationality of the person concerned or which has been withdrawn on account of residence in the territory of the other Contracting Party shall, upon application, be awarded or resumed with effect from the date of entry into force of this Convention.

3. Upon application being received, a benefit granted prior to the entry into force of this Convention shall be recalculated in compliance with the provisions of the same. Such

benefits may also be recalculated without any application being made. This recalculation may not result in any reduction of the benefit paid.

4. Provisions in the legislation of the Contracting Parties concerning prescription and the termination of the right to benefits shall not apply to rights arising out of the provisions of paragraphs 1–3 of this Article, always provided that the beneficiary submits his application for benefit within two years after the date of entry into force of this Convention.

Article 31

1. This Convention may be revoked by either of the two Contracting Parties. Notice of revocation shall be given not less than three months before the expiry of the current calendar year, whereupon the Convention shall cease to be in force at the expiry of the calendar year in which it is revoked.

2. If the Convention is revoked, its provisions shall continue to apply to benefits which have already been acquired, notwith-

standing any provision that may have been enacted in the legislation of the two Contracting Parties concerning restrictions of the right to benefits in connection with residence in or citizenship of other countries. Any right to future benefits which may have been acquired by virtue of the Convention shall be settled by special agreement.

Article 32

Both Contracting Parties shall notify each other in writing of the accomplishment of their respective constitutional procedures required for the entry into force of this Convention. The Convention shall enter into force on the first day of the third month after the date of the last notification.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed this Convention.

Done in duplicate in Stockholm on 9 February 1988 in the Swedish, Portuguese and English languages, each version being equally authoritative.

On behalf of the Government
of the Kingdom of Sweden:

G. SIGURDSEN

On behalf of the Government
of the Republic of Cape Verde:

SILVINO MANUEL DA LUZ

ADMINISTRATIVE ARRANGEMENT FOR THE APPLICATION OF THE CONVENTION ON SOCIAL SECURITY BETWEEN THE KINGDOM OF SWEDEN AND THE REPUBLIC OF CAPE VERDE

Pursuant to Article 25 of the Convention on Social Security concluded this day between Sweden and Cape Verde, the Competent Authorities of the two States have agreed on the following provisions for the application of the Convention.

Part I. General Provisions

Article 1

Liaison bodies

1. Liaison bodies according to Article 25 of the Convention, are:
in Cape Verde,
Instituto de Seguros e Previdência Social
in Sweden,
the National Social Insurance Board.

2. The duties of the liaison bodies are stated in this Arrangement. For the application of the Convention the liaison bodies can communicate directly with each other as well as with persons concerned or their representatives. They shall assist each other in the application of the Convention.

Part II. Provisions concerning applicable legislation

Article 2

Secondment

In cases referred to in Article 8, paragraph 1 of the Convention, the continued application of the legislation of the seconding State shall be proved by a certificate. This certificate shall be issued,

in Cape Verde, by Instituto de Seguros e Previdência Social

in Sweden, by the regional social insurance office concerned or the National Social Insurance Board.

Part III. Special provisions

Sickness, maternity and childbirth

Article 3

Adding together of qualifying periods

For the application of Article 11 of the Convention by the insurance institution of one of the Contracting Parties, the concerned person shall submit to this institution a certificate showing his periods of insurance according to the legislation of the other State. At the request of the person concerned, this certificate shall be issued,

in Cape Verde, by Instituto de Seguros e Previdência Social

in Sweden, by the Regional social insurance office in Stockholm.

Pensions and annuities

Article 4

Procedure of applications for pensions and annuities

1. The competent insurance institutions shall inform each other immediately of any application for a pension or annuity, to which Article 28 of the Convention is applicable.

2. The competent insurance institutions shall further inform each other of circumstances which are of importance when deciding on a pension or annuity, enclosing relevant medical documents.

3. The competent insurance institutions shall inform each other of decisions which are taken during the process of settling a claim.

Article 5

Payment of pensions and annuities

Pensions and annuities shall be paid directly to the beneficiaries.

Article 6*Statistics*

The liaison bodies shall exchange annual statistical data on payments which have taken place in the territory of the other Contracting Party.

Part IV. Miscellaneous provisions**Article 7***Exemption from fees*

Any exemption granted in the territory of one of the Contracting Parties from stamp duty, notarial or registration fees in respect of certificates and documents required to be submitted to authorities and institutions in the same territory shall also apply to certificates and documents which for the purposes of the Convention have to be submitted to authorities and institutions in the territory of the other Contracting Party. Documents and certificates required to be produced for purposes of the Convention shall be exempt from authentication by diplomatic or consular authorities.

Article 8*Applications and appeals*

Applications, appeals and other documents which according to the legislation of a Contracting Party have to be submitted to a competent authority or institution within a specified period shall be admissible if they are submitted within the same period to a corresponding authority or institution of the other Contracting Party.

Article 9*Forms*

1. Forms for certificates and other communications according to this Arrangement shall be decided on by the liaison bodies.

2. If it is not possible for the beneficiary to submit the required certificate, the insurance institution requiring the certificate, shall address itself to the liaison body of the other Contracting Party in order to obtain the certificate.

Article 10*Languages of correspondence*

1. The liaison bodies and other institutions of the two Contracting Parties shall correspond in English or French.

2. The liaison bodies shall assist each other in translating applications and other documents written in their respective official languages into English or French if necessary.

Article 11*Entry into force*

The present Arrangement enters into force concurrently with the Convention.

In witness whereof the undersigned, duly authorized by their respective Governments have signed this Arrangement.

Done in duplicate in Stockholm on 9 February 1988 in the Swedish, Portuguese and English languages, each version being equally authoritative.

On behalf of the Government
of the Kingdom of Sweden:

G. SIGURDSEN

On behalf of the Government
of the Republic of Cape Verde:

SILVINO MANUEL DA LUZ