

No. 31854

**SPAIN
and
MEXICO**

**Convention on social security (with administrative agreement
of 28 November 1994). Signed at Madrid on 25 April
1994**

Authentic text: Spanish.

Registered by Spain on 31 May 1995.

**ESPAGNE
et
MEXIQUE**

**Convention de sécurité sociale (avec accord administratif du
28 novembre 1994). Signée à Madrid le 25 avril 1994**

Texte authentique : espagnol.

Enregistrée par l'Espagne le 31 mai 1995.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON SOCIAL SECURITY BETWEEN THE KINGDOM OF SPAIN AND THE UNITED MEXICAN STATES

The Kingdom of Spain and

The United Mexican States,

Wishing to increase cooperation in the area of social security,

Considering the importance which the social security benefits provided for herein may hold for the workers of both Parties, and

Recognizing the close ties of friendship between the two countries,

Agree to adopt the following Convention:

TITLE I

GENERAL PROVISIONS

Article 1

DEFINITIONS

1. For the purposes of this Convention, the terms listed below have the following meanings:

(a) “Contracting Parties” means the Kingdom of Spain and the United Mexican States.

(b) “Territory” means, for Spain, Spanish territory and, for Mexico, its national territory as defined in article 42 of the Political Constitution of the United Mexican States.

(c) “Legislation” means the laws, regulations and other social security provisions in force in the territory of each of the Contracting Parties.

(d) “Competent authority” means, for Spain, the Ministry of Labour and Social Security and, for Mexico, the Mexican Social Security Institute.

(e) “Institution” means the body or authority responsible for implementing the legislation referred to in article 2 of this Convention.

(f) “Competent institution” means the institution having jurisdiction in each case, under the applicable legislation.

(g) “Liaison body” means the body responsible for coordination between the institutions of the two Contracting Parties which is involved in implementing this Convention and in informing interested parties about the rights and obligations deriving therefrom.

¹ Came into force on 1 January 1995, i.e., the first day of the second month following the date of receipt of the last of the notifications (of 5 August and 23 November 1994) by which the Contracting Parties had informed each other of the completion of the required procedures, in accordance with article 27 (3).

(h) “Worker” means any person who, as a result of engaging or having engaged in an activity for himself or for another person, is or has been subject to the legislation referred to in article 2 of this Convention.

(i) “Next of kin” or “beneficiary” means persons designated as such in the applicable legislation.

(j) “Insurance period” or “contribution period” means any period of time defined as such by the legislation of the Party to whose social security regime the worker has been subject.

(k) “Pension” or “unearned income” means any pensions or unearned income, as well as any increments or supplements thereto, covered by this Convention in conformity with article 2 thereof.

2. All other terms or expressions used in the Convention have the meanings assigned to them by the applicable legislation.

Article 2

LEGISLATIVE SCOPE

1. This Convention shall apply:

(A) In Spain: To the general and special regimes of the social security system relating to contributory benefits, in the case of:

(a) Pensions and benefits resulting from industrial accidents and occupational diseases; and

(b) Disability and old age pensions, and disability, death and survivors’ benefits.

(B) In the United Mexican States: To the compulsory and voluntary regimes, envisaged in the Social Security Act and its regulations, in the case of:

(a) Pensions and benefits arising out of occupational risk insurance; and

(b) Pensions and benefits arising out of insurance against disability, old age, unemployment in later life, and death.

2. This Convention shall also apply to any future legal provisions supplementing or amending those listed in the preceding paragraph.

3. This Convention shall apply to any legal provisions establishing a new special social security regime or adding new categories of persons to a party’s existing regimes, when agreed to by the Parties.

4. The principles of this Convention may be extended to other social security areas or benefits by means of agreements between the competent authorities of the two Contracting Parties referred to in article 23, paragraph 1.

Article 3

PERSONAL SCOPE AND EQUALITY OF TREATMENT

This Convention shall apply to workers who are nationals of one of the Contracting Parties and can demonstrate that they are or have been enrolled in the corresponding social security system, and to members of their families recognized

as beneficiaries under the applicable legislation, with no distinction being made by either Party between its own nationals, and those of the other Party.

Article 4

PRESERVATION OF ACQUIRED RIGHTS, AND PAYMENT OF PENSIONS AND BENEFITS ABROAD

1. Pensions and benefits recognized by the Contracting Parties on the basis of the legislation referred to in article 2 shall not be reduced, modified, suspended or withheld simply because the pensioner or beneficiary is living or residing in the territory of the other Contracting Party and shall be paid to him in that territory. However, this does not mean that such pensions or benefits may not be assigned in the cases provided for in the legislation of each Contracting Party.

2. Where one Contracting Party owes pensions or benefits to nationals of the other Contracting Party residing in a third country, such pensions or benefits shall be paid in the same way as to the nationals of that Contracting Party residing in that third country.

TITLE II

PROVISIONS CONCERNING APPLICABLE LEGISLATION

Article 5

GENERAL RULE CONCERNING THE PRINCIPLE OF INSURANCE COVERAGE

Persons to whom this Convention is applicable shall be subject wholly and exclusively to the social security legislation of the Contracting Party in whose territory they are working, without prejudice to the provisions of article 6.

Article 6

SPECIAL RULES CONCERNING THE PRINCIPLES OF INSURANCE COVERAGE

In addition to the general rule set forth in the preceding article, the following special rules and exceptions shall apply:

1. A worker who is employed by a company based in the territory of one of the Contracting Parties and who is sent by that company to the territory of the other Contracting Party to perform work of a temporary nature shall remain subject to the legislation of the first Contracting Party, provided that the foreseeable duration of the work for which he has been sent does not exceed two years and that he has not been sent to replace another person whose period of assignment has ended.

A self-employed worker who normally works in the territory of the Contracting Party in which he is insured shall remain subject to its legislation when he works in the territory of the other Contracting Party for a period not exceeding two years.

Workers referred to in this paragraph may, however, opt to join the national social security regime in force in the territory of the Contracting Party in which they are working.

2. In cases where the worker has not opted to join the social security regime of the Contracting Party in whose territory he is working, if owing to unforeseen

circumstances the duration of the work referred to in the preceding paragraph exceeds two years, the worker shall remain subject to the legislation of the first Contracting Party for a further period not exceeding two additional years, provided that the competent authority of the other Contracting Party, or the body to which it delegates this power, gives its approval.

3. Airline flight personnel working in the territory of both Contracting Parties shall be subject to the legislation of the Party in whose territory the airline has its principal place of business.

4. Workers employed on board vessels shall be subject to the legislation of the Contracting Party whose flag the vessel is flying.

Nevertheless, when the worker is paid for such work by a person or company domiciled in the territory of the other Contracting Party, he shall be subject to the legislation of the latter Contracting Party if he resides in its territory; the person or company paying him shall be considered to be his employer for the purposes of applying that legislation.

5. Workers employed in the loading, unloading or repair of vessels and in port security services shall be subject to the legislation of the Contracting Party to whose territory the port belongs.

6. This Convention shall not affect the provisions of the Vienna Convention on Diplomatic Relations of 18 April 1961¹ or the Vienna Convention on Consular Relations of 24 April 1963.²

7. Persons sent by one of the Contracting Parties to the territory of the other Contracting Party on cooperation missions shall remain subject to the social security legislation of the sending country, unless otherwise stipulated in cooperation agreements.

8. The competent authorities of the two Contracting Parties, or the bodies designated by them may, by mutual agreement, establish new exceptions, or modify those set out in the preceding paragraphs, in favour of certain persons or categories of persons.

TITLE III

PROVISIONS CONCERNING PENSIONS AND BENEFITS

CHAPTER I

PENSIONS FOR DISABILITY, OLD AGE AND UNEMPLOYMENT IN LATER LIFE, AND DISABILITY, DEATH AND SURVIVORS' BENEFITS

Article 7

PAYMENT OF PENSIONS AND BENEFITS

A worker who has been successively or alternately subject to the legislation of both Contracting Parties shall be entitled to the pensions and benefits regulated in this chapter under the following conditions:

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

² *Ibid.*, vol. 596, p. 261.

1. If the requirements for entitlement laid down by the legislation of one or both Contracting Parties are met, the competent institution or institutions shall apply their own legislation, taking into account only the insurance periods completed under that legislation.

2. If the requirements for entitlement laid down by the legislation of one or both Contracting Parties are not met, the competent institution or institutions shall add the insurance periods completed under the legislation of the other Contracting Party to those completed under its or their own. Where the conditions for entitlement are met through such aggregation, the following rules shall be applied in calculating the amount of the pension or benefit:

(a) One Contracting Party, or both Parties where applicable, shall determine separately the amount of the pension or benefit to which the person would have been entitled if all the aggregated insurance periods had been completed under its or their own legislation (theoretical pension).

(b) Each Contracting Party shall establish the amount of the pension or benefit payable by it by multiplying the theoretical pension calculated according to its legislation by the ratio of the insurance period completed in the Contracting Party to which the institution calculating the pension or benefit belongs to the total periods of insurance completed in both Contracting Parties.

(c) If the legislation of either Contracting Party sets a ceiling on the periods of insurance required for entitlement to a full pension or full benefits, the competent institution of that Contracting Party shall take into account, for purposes of aggregation, only such contribution periods in the other Contracting Party as are necessary to meet the requirements for entitlement to the pension or benefit.

Article 8

INSURANCE PERIODS OF LESS THAN ONE YEAR

1. The provisions of article 7, paragraph 2, notwithstanding, when the total length of insurance periods completed under the legislation of one Contracting Party is less than one year and in accordance with that Party's legislation no entitlement has accrued, the institution of that Contracting Party shall not recognize any entitlement based on the period in question.

The periods in question shall, if necessary, be taken into account by the institution of the other Contracting Party in recognizing entitlement and calculating the amount of the pension or benefit in accordance with its own legislation, but it shall not apply the provisions laid down in article 7, paragraph 2 (b).

2. The preceding paragraph notwithstanding, insurance periods of less than one year completed in both Contracting Parties may be aggregated by the Contracting Party in which the person fulfils the requirements for receiving a pension or benefit.

Article 9

INSURANCE STATUS ON THE DATE OF THE EVENT GIVING RISE TO THE PENSION OR BENEFIT, PRESERVATION OF RIGHTS AND INCOMPATIBILITIES

1. If the legislation of one Contracting Party makes the award of the pensions or benefits regulated in this chapter conditional on the worker having been subject

to its legislation when the event giving rise to the pension or benefit occurred, this condition shall be considered to be met if, at that moment, the worker is insured under the legislation of the other Contracting Party or, failing that, is receiving from that Contracting Party a pension or benefit of the same kind, or of a different kind but generated or caused by the insuree himself.

The same principle shall apply in recognizing entitlement to death and survivors' benefits, so that the deceased's medical or pension benefit status is taken into account, if necessary, in the other Contracting Party.

2. If the legislation of one Contracting Party makes eligibility conditional on having completed contribution periods within a specific time-frame immediately prior to the event giving rise to the pension or benefit, this condition shall be considered to be met if the person can prove completion of such periods immediately prior to recognition of entitlement to the pension or benefit, in the other Contracting Party.

3. The legislation of one Contracting Party providing for the reduction, suspension or termination of a pension or benefit if the beneficiary engages in paid work shall apply even if the beneficiary engages in such work in the territory of the other Contracting Party.

Article 10

REGULATORY BASIS FOR PENSIONS OR BENEFITS

1. In determining the bases for calculating pensions or benefits, the competent institution of each Contracting Party shall apply its own legislation.

2. The preceding paragraph notwithstanding, when all or part of the contribution period to be taken into account by the competent institution of a Contracting Party in calculating the regulatory basis for pensions or benefits corresponds to periods completed under the social security system of the other Contracting Party, that institution shall determine the basis as follows:

(A) For Spain:

(a) The calculation shall be based on the insured's actual contributions during the years immediately preceding payment of the last contribution to the Spanish social security system.

(b) The amount of the pension or benefit obtained shall be increased by the amounts of any increases and adjustments made in each subsequent year up to the event giving rise to the pension or benefit, for pensions or benefits of the same kind.

(B) For Mexico:

(a) The calculation shall be based on the actual contribution periods completed by the insured during the years immediately preceding payment of the last contribution to the Mexican Social Security Institute.

(b) The amount of the pension obtained shall be increased by the amounts of any increases and adjustments made in each subsequent year up to the event giving rise to the pension or benefit, for pensions or benefits of the same kind.

Article 11

CONTRIBUTIONS UNDER SPECIAL REGIMES

If the legislation of one Contracting Party makes entitlement to or the award of certain benefits conditional on the completion of contribution periods in an occupation subject to a special regime or in a specific occupation or job, the periods completed under the legislation of the other Contracting Party shall be taken into account for the award of such benefits only if they were completed in the same occupation or, where appropriate, in the same job.

If, taking into account the periods thus completed, the person does not meet the conditions for entitlement to a special regime pension, those periods shall be taken into account for the award of a pension under the general regime or under another special regime under which the person can prove entitlement.

Article 12

DETERMINATION OF INCAPACITY

In determining the insured's degree of incapacity for work, the competent institutions of each Contracting Party shall take into account the medical reports and administrative information provided by the institutions of the other Contracting Party. Each institution may nevertheless require the insured to undergo a medical examination by a doctor of its choosing.

CHAPTER II

PENSIONS AND BENEFITS FOR INDUSTRIAL ACCIDENTS
AND OCCUPATIONAL DISEASES*Article 13*

DETERMINATION OF ENTITLEMENT

Entitlement to pensions or benefits for industrial accidents or occupational diseases shall be determined in accordance with the legislation of the Contracting Party to which the worker was subject on the date of the accident or the onset of the disease.

Article 14

WORSENING OF THE SEQUELAE OF AN INDUSTRIAL ACCIDENT

If a worker receiving a pension or benefit from one of the Contracting Parties as a result of an industrial accident suffers a relapse or his medical condition worsens while he is subject to the social security system of the other Contracting Party, any pensions or benefits to which he may be entitled in these circumstances under the applicable legislation shall be paid by the competent institution of the Contracting Party in which the worker was insured at the time of the accident.

Article 15

OCCUPATIONAL DISEASES AND ANY WORSENING THEREOF

1. Pensions or benefits for occupational diseases shall be regulated in accordance with the legislation of the Contracting Party to which the worker was subject at the time when he engaged in the activity which caused the occupational disease, even in cases where the disease is first diagnosed when he is already subject to the legislation of the other Contracting Party.

2. If the worker engaged in the activity which caused the disease successively and alternately under the legislation of both Contracting Parties, his entitlement shall be determined in accordance with the legislation of the Contracting Party to which he was last subject for that activity. If he does not qualify for benefits in that Contracting Party, the provisions of the legislation of the other Party shall apply.

3. Where an occupational disease had caused one Contracting Party to award a worker a pension or benefit, that Party shall be liable for any worsening of the disease which may occur even while the worker is subject to the legislation of the other Contracting Party, provided that he has not engaged in an activity presenting the same risk while he is subject to the legislation of this second Contracting Party.

4. If, after being awarded a disability pension or benefit for an occupational disease by the competent institution of one Contracting Party, the worker engages in an activity which may aggravate the disease while he is subject to the legislation of the other Contracting Party, the competent institution of the first Party shall continue to pay the pension which it originally awarded, without taking into account any worsening of the disease in accordance with its own legislation.

In such cases, the competent institution of the second Contracting Party, to whose legislation the worker was subject when the disease worsened, shall award him a pension equal to the difference between the amount to which he is entitled since the disease worsened and the amount to which he would have been entitled in that party before the disease worsened.

*Article 16*EVALUATION OF INCAPACITY RESULTING FROM AN INDUSTRIAL
ACCIDENT OR OCCUPATIONAL DISEASE

In evaluating the loss of capacity resulting from an industrial accident or occupational disease, the sequelae of any earlier industrial accidents or occupational diseases suffered by the worker shall be taken into account, even if they occurred while he was subject to the legislation of the other Contracting Party.

TITLE IV

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

CHAPTER ONE

MISCELLANEOUS PROVISIONS

Article 17

SPECIFIC RULES FOR THE AGGREGATION OF INSURANCE OR CONTRIBUTION PERIODS

1. When insurance or contribution periods completed in both Contracting Parties must be aggregated in order for entitlement to a pension or benefit to be recognized, the following rules shall apply:

(a) When a period of compulsory insurance coincides with a period of voluntary insurance or the equivalent, the period of compulsory insurance shall be taken into account.

(b) When equivalent insurance periods in both Contracting Parties coincide, the periods completed in the Party where the worker was last insured shall be taken into account. If there were no prior compulsory insurance periods in either Contracting Party, the equivalent periods in the Contracting Party in which compulsory periods were subsequently completed shall be taken into account.

(c) Where it is not possible to determine precisely when certain insurance periods were completed in one Contracting Party, it shall be assumed that those periods do not overlap with the insurance periods completed in the other Contracting Party.

2. In converting insurance periods for the purpose of recognizing entitlement, the following rules shall apply:

(a) One week equals seven days and vice versa; and

(b) In converting days to weeks, only when more than three days are left over shall they count as another complete week.

Article 18

AGGREGATION OF INSURANCE PERIODS FOR ADMISSION TO VOLUNTARY INSURANCE SCHEMES

Persons to whom this Convention applies may be admitted to voluntary or optional insurance schemes in accordance with the domestic legislation of the Contracting Parties. Insurance periods completed in both Contracting Parties may, if necessary, be aggregated for that purpose.

Article 19

READJUSTMENT OF PENSIONS AND BENEFITS

Pensions and benefits awarded under the rules in Title III of this Convention shall be adjusted at the same intervals and in the same amounts as those awarded under the domestic legislation of each Contracting Party. However, when the

amount of a pension or benefit had been determined using the pro rata method provided for in article 7, paragraph 2, the amount of the adjustment shall be determined by applying the same rule of proportionality used in calculating the amount of the pension or benefit.

Article 20

SUBMISSION AND ISSUANCE OF DOCUMENTS AND THEIR LEGAL EFFECTS

1. The claims, declarations, appeals and other documents which must be submitted in accordance with the legislation of one Contracting Party may be submitted to the corresponding competent authorities or institutions of the other Contracting Party, provided that they are submitted within the time limit established by the legislation of the Party to which they are addressed.

2. Any claim for a pension or benefit submitted under the legislation of one of the Contracting Parties shall be deemed to be a claim submitted in accordance with the legislation of the other Contracting Party, provided that the person makes an express declaration to that effect or if it can be inferred clearly from the documentation submitted that he has worked in the territory of that Contracting Party.

3. Exemptions from registration or administrative fees, stamp duty, consular charges or other similar payments provided for in the legislation of each Contracting Party shall extend to certificates and documents issued by the competent administrations or institutions of the other Contracting Party pursuant to this Convention.

4. All administrative certificates and documents issued pursuant to this Convention shall be exempt from legalization and authentication requirements.

Article 21

ADMINISTRATIVE COOPERATION BETWEEN INSTITUTIONS

The competent institutions of both Contracting Parties may, at any time, request medical examinations or material confirmation of the facts or events which may give rise to the award, modification, suspension, termination or preservation of the entitlement to pensions or benefits recognized by them. Any costs thus incurred shall be reimbursed without delay by the competent institution which requested the examination or material confirmation, upon receipt of detailed supporting documentation for such costs.

Article 22

PROCEDURES FOR THE PAYMENT OF PENSIONS AND BENEFITS AND PAYMENT GUARANTEES

1. The payment obligations of the competent institutions of each Contracting Party under this Convention shall be effectively discharged when payment is made in the currency of the country awarding the pension or benefit.

2. If either Contracting Party enacts legislation restricting foreign currency transfers, both Contracting Parties shall immediately take the necessary steps to ensure effective enjoyment of the rights arising out of this Convention.

Article 23

POWERS OF THE COMPETENT AUTHORITIES

1. The competent authorities of the two Contracting Parties shall:

(a) Conclude the necessary administrative agreements for the implementation and development of this Convention;

(b) Designate their respective liaison bodies;

(c) Notify each other of the domestic measures taken to implement this Convention;

(d) Notify each other of any legislative provisions or regulations amending those referred to in article 2; and

(e) Extend each other all possible technical and administrative cooperation for the implementation of this Convention.

2. At the request of either Party, a commission chaired by the competent authorities of both Parties may meet to study any problems arising in the implementation of this Convention and of any agreements developing thereon.

Article 24

SETTLEMENT OF DISPUTES

The competent authorities of each Contracting Party shall settle by mutual agreement any differences arising in the interpretation and implementation of this Convention and of any administrative agreements concluded in this connection.

CHAPTER II

TRANSITIONAL PROVISIONS

*Article 25*CALCULATION OF INSURANCE PERIODS COMPLETED PRIOR TO THE ENTRY
INTO FORCE OF THE CONVENTION

1. Insurance periods completed under the legislation of either of the Contracting Parties prior to the date of entry into force of this Convention shall be taken into account in determining entitlement to the pensions and benefits established herein.

2. Notwithstanding the provisions of the preceding paragraph and of article 17, paragraph 1 (a), if periods of compulsory or voluntary insurance completed prior to the entry into force of this Convention coincide, each Contracting Party shall take into account the periods completed under its legislation in determining entitlement and in calculating the amount of the pension or benefit.

*Article 26*ENTITLEMENTS ARISING PRIOR TO THE ENTRY
INTO FORCE OF THE CONVENTION

The application of this Convention shall give entitlement to a pension or benefit for events occurring prior to the date of entry into force of this Convention, except where the events in question would have given rise to a single payment or settlement. However, the payment of such pension or benefit shall not be retroactive to that date.

CHAPTER III

FINAL PROVISIONS

Article 27

PERIOD OF VALIDITY AND ENTRY INTO FORCE OF THE CONVENTION

1. This Convention is concluded for a period of two years and may be voluntarily denounced by either of the Contracting Parties by giving six months' advance notice to the other Party through the diplomatic channel. It shall be renewed automatically for further periods of two years unless denounced as stipulated.

2. In the event of denunciation, the Contracting Parties shall recognize acquired rights and, where appropriate, continue to provide to the corresponding beneficiaries any pensions or benefits awarded under this Convention. The Parties shall also adopt provisions safeguarding rights that are in the process of being acquired.

3. Each Contracting Party shall notify the other in writing of fulfilment of its legislative requirements for the entry into force of this Convention.

This Convention shall enter into force on the first day of the second month following the month of the receipt of the second such notification.

4. The Agreement of 7 November 1979 on the transfer of pensions between the Government of Spain and the Government of the United Mexican States¹ shall expire on the date of entry into force of this Convention.

¹ United Nations, *Treaty Series*, vol. 1216, p. 45.

IN WITNESS WHEREOF the undersigned, being duly authorized for this purpose, hereby sign this Convention.

DONE at Madrid, Spain, on 25 April 1994, in duplicate, both texts being equally authentic.

For the Kingdom of Spain:
JOSÉ ANTONIO GRIÑÁN MARTÍNEZ
Minister of Labour and Social Security

For the United Mexican States:
GENARO BORREGO ESTRADA
Director-General of the Mexican
Social Security Institute

ADMINISTRATIVE AGREEMENT FOR THE IMPLEMENTATION OF THE
CONVENTION ON SOCIAL SECURITY BETWEEN THE KINGDOM OF
SPAIN AND THE UNITED MEXICAN STATES

TITLE I

GENERAL PROVISIONS

Article 1

For the purposes of this Administrative Agreement:

1. The term “Convention” means the Convention on Social Security signed on 25 April 1994 between the Kingdom of Spain and the United Mexican States.
2. The term “Agreement” means this Agreement.
3. The terms defined in article 1 of the Convention have the same meaning in this Agreement.

Article 2

1. Pursuant to article 23 of the Convention, the following liaison bodies are hereby designated:

(A) In Spain:

- The National Social Security Institute for all regimes except for the special regime for seamen;
- The Navy Social Security Institute for the special regime for seamen.

(B) In Mexico: The Secretariat of the Mexican Social Security Institute.

2. The liaison bodies designated in paragraph 1 of this article shall be responsible for facilitating the implementation of the Convention, adopting the necessary administrative measures to expedite administrative procedures and drawing up the liaison forms necessary for the implementation of the Convention.

3. The competent authorities of each Contracting Party may modify the powers of the liaison bodies. In such cases, they shall notify the competent authority of the other Contracting Party forthwith of any such modifications.

Article 3

1. In the cases provided for in article 6, paragraph 1, of the Convention, the competent institution of the Party whose legislation continues to apply shall, at the request of the worker or the employer, issue a certificate of assignment stating that the worker remains subject to the legislation of that Party and specifying until what date. The request must be made prior to the worker’s assignment.

If the worker is already working in the territory of the Party to which he has been sent on the date of entry into force of the Convention, the two-year period shall be counted from that date.

2. The request for approval of an extension provided for in article 6, paragraph 2, of the Convention shall be made before the end of the two-year period and shall be addressed to the competent authority of the Party in whose territory the

worker is insured. The latter authority shall come to an agreement on the extension with the competent authority of the other Party.

3. When a worker referred to in article 6, paragraph 1, of the Convention, or a person providing services in the Embassy or Consulate of one Contracting Party in the territory of the other Party, opts to join the social security regime in force in the territory of the State in which he is working or that of the State of employment or accreditation, in accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961 and the Vienna Convention on Consular Relations of 24 April 1963, he shall, through his employer, so inform the competent authority of the Party for which he has opted, and the latter Party shall notify the competent authority of the other Party.

TITLE II

CHAPTER 1

PENSIONS FOR DISABILITY, OLD AGE AND UNEMPLOYMENT IN LATER LIFE, AND DISABILITY, DEATH AND SURVIVORS' BENEFITS

Article 4

1. Claims for the pensions or benefits referred to in this chapter must be submitted to the competent institution of the Party in which the claimant resides, in accordance with its legal procedures.

2. If the claimant resides in the territory of a third country, he shall address himself to the competent authority of the Contracting Party under whose legislation he was last insured.

3. If the institution receiving the claim is not the one competent to investigate it, it shall transmit the claim and all documentation to the competent institution.

4. If the claim for benefits is based only on activities carried out under the legislation of one of the Parties and is submitted to the institution of the other Party, the latter shall transmit it immediately to the competent institution of the first Party.

Article 5

1. In processing claims for the pensions and benefits referred to in this chapter, the competent institutions of the Contracting Parties shall use the liaison forms drawn up for that purpose.

2. Transmittal of the liaison form waives the need to send documents supporting the information contained therein. The receiving institution may, in exceptional circumstances, request transmittal of any of those documents.

3. In the case of claims for disability benefits, the documentation shall be sent with a medical opinion stating the causes of the alleged incapacity and the reasonable chances of recovery.

The medical opinion must be issued by the social security medical service.

Article 6

1. The institution responsible for investigating the claim shall enter the necessary information on the liaison form referred to in the preceding article and shall send two copies thereof to the competent institution of the other Party.

2. Upon receipt of the liaison form, the competent institution of that other Party shall return to the sending institution, if it so requests and for the purpose of applying article 7, paragraph 2, of the Convention, a copy of the liaison form on which it shall certify the insurance periods completed under its legislation and, whenever possible, the amount or a preliminary estimate of the pension or benefit.

3. The competent institution or institutions shall inform claimants directly of the decisions taken and of the channels and deadlines for appeal available to them under its or their legislation, and shall send a copy of the decision to the institution of the other Party.

CHAPTER 2

PENSIONS AND BENEFITS FOR INDUSTRIAL ACCIDENTS
AND OCCUPATIONAL DISEASES*Article 7*

1. Claims for benefits for industrial accidents or occupational diseases may be made either to the competent insuring body of the State in which the accident occurred or the occupational disease was contracted or to the insuring body of the State in which the claimant resides or is located.

2. If the claim is submitted to the insuring body of the State where the claimant resides or is located, that body shall transmit the documentation to the competent insuring body, indicating the date on which the claim was submitted.

Article 8

For the purpose of applying the provisions of article 15, paragraph 2, of the Convention, the competent institution of the State which has rejected a claim for a pension or benefit for an occupational disease shall send the documentation and a copy of its decision to the competent institution of the other Party.

Article 9

1. Where article 15, paragraph 4, of the Convention applies, the competent institution at the time when the occupational disease worsened shall request the competent institution of the other Party to provide it with the necessary information on the benefits which it is paying to the claimant and any medical records relevant to the case. The requested institution shall provide the information as soon as possible.

2. The competent institution responsible for paying the benefit for the worsening of the occupational disease shall inform the competent institution of the other Party of its decision.

TITLE III

CHAPTER I

MISCELLANEOUS PROVISIONS

Article 10

1. The competent institutions of both Contracting Parties may at any time request each other to perform medical examinations or confirm acts and events which may give rise to the modification, suspension, termination or preservation of rights or benefits awarded by them. The resulting costs shall be reimbursed by the competent institution which requested the examination or confirmation, on the basis of either the official rates of the institution performing the medical examination or the real cost if the medical examination is performed at facilities or by personnel other than those of the social security system.

2. If the competent institution of one of the Parties finds that, in paying out or revising a pension or benefit in accordance with the provisions of Title III of the Convention, it has made an overpayment to the beneficiary, it may request the competent institution of the other Party which owes similar benefits to the same beneficiary to withhold from its first payment arrears corresponding to periodic instalments of the overpayment, within the limits set by the domestic legislation of the withholding Party. The latter institution shall transfer the withheld sum to the creditor institution.

Article 11

1. The two Parties shall exchange statistics on the pensions and benefits paid to the beneficiaries of one Party residing in the other. Such statistics shall include the number of beneficiaries and the total amount of the benefits paid during each calendar year.

2. At the request of one of the Parties, the competent institution of the other Party shall inform it of the annual amounts of the pension or benefit which it has been paying to each beneficiary under this Convention.

Article 12

In order to solve any problems which may arise in implementing the Convention or this Administrative Agreement, the competent authorities of both countries may meet in a mixed commission attended by representatives of their respective institutions.

CHAPTER 2

FINAL PROVISIONS

Article 13

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

SIGNED at Madrid, on 28 November 1994, in duplicate.

For the Ministry of Labour
and Social Security of Spain:
JOSÉ ANTONIO GRIÑÁN MARTÍNEZ
Minister

For the Mexican Social Security Institute
of the United Mexican States:
GENARO BORREGO ESTRADA
Director-General
