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# Model Provisions and Agreement for the Conclusion of Bilateral or Multilateral Social Security Instruments<sup>1</sup>



MIGRATION MANAGEMENT  
PROJECT



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<sup>1</sup> Annex I and II to ILO Recommendation no. 167 “Maintenance of Social Security Rights Recommendation, 1983. Recommendation concerning the Establishment of an International System for the Maintenance of Rights in Social Security”.

# I. Definitions

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## ARTICLE 1

For the purpose of these model provisions-

- (a) the term legislation includes any social security rules as well as laws and regulations;
- (b) the term competent State means a Contracting Party under whose legislation the person concerned can claim benefit;
- (c) the term competent authority means the minister, ministers or other corresponding authority responsible for the social security schemes in all or any part of the territory of each Contracting Party;
- (d) the term institution means any body or authority directly responsible for applying all or part of the legislation of a Contracting Party;
- (e) the term competent institution means --
  - (i) in relation to a social insurance scheme, either the institution with which the person concerned is insured when he claims benefit, or an institution from which he is entitled to receive benefit or would be entitled to receive benefit if he were resident in the territory of the Contracting Party where that institution is situated, or the institution designated by the competent authority of the Contracting Party concerned;
  - (ii) in relation to a scheme other than a social insurance scheme, or in relation to a family benefits scheme, the institution designated by the competent authority of the Contracting Party concerned;
  - (iii) in relation to a scheme consisting of obligations imposed on employers either the employer or his insurer or, in default thereof, the body or authority designated by the competent authority of the Contracting Party concerned;
- (f) the term provident fund means a compulsory savings institution;
- (g) the term members of the family means persons defined or recognised as such or as members of the household by the legislation under which benefits are awarded or provided, as appropriate, or persons determined by mutual agreement between the Contracting Parties concerned; where persons are defined or recognised as members of the family or as members of the household under the relevant legislation only on the condition that they are living with the person concerned, this condition shall be deemed to be satisfied in respect of persons who obtain their main support from the person concerned;
- (h) the term survivors means persons defined or recognised as such by the legislation under which benefits are awarded; where persons are defined or recognised as survivors under the relevant legislation only on the condition that they were living with the deceased, this condition shall be deemed to be satisfied in respect of persons who obtained their main support from the deceased;
- (i) the term residence means ordinary residence;
- (j) the term temporary residence means a temporary stay;
- (k) the term institution of the place of residence means the institution empowered, under the Contracting Party's legislation applied by it, to provide the benefits in question at the place of residence or, where no such institution exists, the institution designated by the competent authority of the Contracting

### **PARTY CONCERNED;**

- l) the term institution of the place of temporary residence means the institution empowered, under the Contracting Party's legislation applied by it, to provide the benefits in question at the place of temporary residence of the person concerned or, where no such institution exists, the institution designated by the competent authority of the Contracting Party concerned;

- (m) the term periods of insurance means periods of contribution, employment, occupational activity or residence which are defined or recognised as periods of insurance by the legislation under which they were completed, and such other periods as are regarded by that legislation as equivalent to periods of insurance;
- (n) the terms periods of employment and periods of occupational activity mean periods defined or recognised as such by the legislation under which they were completed and such other periods as are regarded by that legislation as equivalent to periods of employment or periods of occupational activity respectively;
- (o) the term periods of residence means periods of residence defined or recognised as such by the legislation under which they were completed;
- (p) the term benefits means all benefits in kind and in cash provided in respect of the contingency concerned, including death grants, and --
  - (i) as benefits in kind, benefits aimed at the prevention of any contingency covered by social security, physical rehabilitation and vocational rehabilitation;
  - (ii) as benefits in cash, all components thereof provided out of public funds, and all increases, revaluation allowances of supplementary allowances, and any benefits awarded for the purpose of maintaining or improving earning capacity, lump-sum benefits which may be paid in lieu of pensions and, where applicable, any payments made by way of refund of contributions;
- (iii) the term family benefits means any benefits in kind or in cash, including family allowances, granted to offset family maintenance costs, with the exception of increases in, or supplements to, pensions provided for the members of the family of the recipients of such pensions;
- (iv) the term family allowances means periodical cash benefits granted according to the number and age of children;
- (q) the term death grant means any lump sum payable in the event of death other than the lump-sum benefits mentioned in subparagraph (p)(ii) of this article;
- (r) the term non-contributory applies to benefits the award of which does not depend on direct financial participation by the persons protected or by their employer, or on a qualifying period of occupational activity, and to any scheme which exclusively awards such benefits.

## II. Applicable Legislation

### ARTICLE 2

1. Notwithstanding the general rule relating to the application of the legislation of the Contracting Party in the territory of which the employed persons are employed (Note: see paragraph 1 (a) of Article 5 of the Maintenance of Social Security Rights Convention, 1982 ) the legislation applicable to employed persons referred to in this paragraph is determined in accordance with the following provisions:
  - (i) employed persons who are employed in the territory of a Contracting Party by an undertaking which is their regular employer and who are sent by that undertaking to work for it in the territory of another Contracting Party shall remain subject to the legislation of the first Party, provided that the expected duration of the work does not exceed the time-limit determined by mutual agreement between the Contracting Parties concerned and that they are not sent to replace other employed persons who have completed their period of secondment abroad;
  - (ii) if the work to be carried out continues because of unforeseeable circumstances for a period longer than originally foreseen and exceeding the determined time-limit, the legislation of the first Party shall remain applicable until the work is completed, subject to the consent of the competent authority of the second Party or of the body designated by it;

- (b)
    - (i) employed persons who are employed in international transport in the territory of two or more Contracting Parties as travelling personnel in the service of an undertaking which has its registered office in the territory of a Contracting Party and which, on behalf of others or on its own account, transports passengers or goods by rail, road, air or inland waterway, shall be subject to the legislation of the latter Party;
    - (ii) however, if they are employed by a branch or permanent agency which the said undertaking has in the territory of a Contracting Party other than the Party in whose territory it has its registered office, they shall be subject to the legislation of the Contracting Party in whose territory the branch or permanent agency is situated;
    - (iii) if they are employed mainly in the territory of the Contracting Party where they are resident, they shall be subject to the legislation of that Party, even if the undertaking which employs them has neither its registered office nor a branch or permanent agency in that territory;
  - (c)
    - (i) employed persons other than those in international transport who normally follow their occupation in the territory of two or more Contracting Parties shall be subject to the legislation of the Contracting Party in whose territory they reside if their occupation is carried on partly in that territory or if they are employed by several undertakings or by several employers having their registered offices or their places of residence in the territory of different Contracting Parties;
    - (ii) in other cases they shall be subject to the legislation of the Contracting Party in whose territory the undertaking which employs them has its registered office or their employer has his place of residence;
  - (d) employed persons who are employed in the territory of a Contracting Party by an undertaking which has its registered office in the territory of another Contracting Party and whose premises lie astride the common frontier of the Contracting Parties concerned shall be subject to the legislation of the Contracting Party in whose territory the undertaking has its registered office.
2. Notwithstanding the general rule relating to the application of the legislation of the Contracting Party in the territory of which self-employed persons engage in an occupation, (Note: see paragraph 1 (b) of Article 5 of the Maintenance of Social Security Rights Convention, 1982 ) the legislation applicable to the self-employed persons referred to in this paragraph is determined in accordance with the following provisions --
- (a) self-employed persons who reside in the territory of one Contracting Party and engage in their occupation in the territory of another Contracting Party shall be subject to the legislation of the first Party :
    - (i) if the second Party has no legislation applicable to them, or
    - (ii) if, under the legislation of each of the Parties concerned, self-employed persons are subject to that legislation solely by reason of the fact that they are resident in the territory of those Parties;
  - (b) self-employed persons who normally engage in their occupation in the territory of two or more Contracting Parties shall be subject to the legislation of the Contracting Party in whose territory they are resident, if they work partly in that territory or if, under that legislation, they are subject to it solely by reason of the fact that they are resident in the territory of that Party;
  - (c) where the self-employed persons referred to in the preceding subparagraph do not work partly in the territory of the Contracting Party where they are resident, or where, under the legislation of that Party, they are not subject to that legislation solely by

reason of their residence, or where that Party has no legislation applicable to them, they shall be subject to the legislation mutually agreed upon by the Contracting Parties concerned or by their competent authorities.

3. Where by virtue of the preceding paragraphs of this article, a worker is subject to the legislation of a Contracting Party in whose territory he is neither employed nor engaged in an occupation nor resident, that legislation shall be applicable to him as if he were employed or engaged in an occupation or resident in the territory of that Party, as the case may be.
4. The competent authorities of the Contracting Parties may, by mutual agreement, make other provisions than those of the preceding paragraphs of this Article, in the interest of the persons concerned.

## III. Maintenance of Rights in Course of Acquisition —

### A. ADDING TOGETHER PERIODS

#### 1. Medical Care, Sickness Benefit, Maternity Benefit and Family Benefit

##### ARTICLE 3

Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of the right to benefit conditional upon the completion of periods of insurance, employment, occupational activity or residence, the institution which applies that legislation shall, for the purpose of adding periods together and to the extent necessary, take account of periods of insurance, employment, occupational activity and residence completed under the corresponding legislation of any other Contracting Party, in so far as they are not overlapping, as if they were periods completed under the legislation of the first Party.

#### 2. Unemployment Benefit

##### ARTICLE 4

1. Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of the right to benefit conditional upon the completion of periods of insurance, employment, occupational activity or residence, the institution which applies that legislation shall, for the purpose of adding periods together and to the extent necessary, take account of periods of insurance, employment, occupational activity and residence completed under the corresponding legislation of any other Contracting Party, in so far as they are not overlapping, as if they were periods completed under the legislation of the first Party.
2. However, the institution of a Contracting Party whose legislation requires the completion of periods of insurance for the establishment of the right to benefit may make the adding together of periods of employment or occupational activity completed under the corresponding legislation of another Contracting Party subject to the condition that these periods would have been considered as periods of insurance if they had been completed under the legislation of the first Party.
3. The provisions of the preceding paragraphs of this article shall apply, *mutatis mutandis*, where the legislation of a Contracting Party provides that the length of the period during which benefit may be awarded depends on the length of the periods completed.

#### 3. Invalidity, Old-age and Survivors' Benefit

##### ARTICLE 5

1. Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of the right to benefit conditional upon the completion of periods of insurance employment, occupational activity or residence, the institution which applies that legislation shall, for the purpose of adding periods together, take account of periods of insurance, employment, occupational activity and residence completed under the

corresponding legislation of any other Contracting Party, in so far as they are not overlapping, as if they were periods completed under the legislation of the first Party.

2. Where the legislation of a Contracting Party makes the provision of benefit conditional on the person concerned or, in the case of survivors' benefit, the deceased, having been subject to that legislation at the time at which the contingency arose, that condition shall be deemed to be fulfilled if the person concerned or the deceased, as the case may be, was subject at that time to the legislation of another Contracting Party or, failing that, if the person concerned or the survivor can claim corresponding benefits under the legislation of another Contracting Party.
3. Where the legislation of a Contracting Party provides that the period of payment of a pension may be taken into consideration for the acquisition, maintenance or recovery of the right to benefit, the competent institution of that Party shall for this purpose take account of any period during which a pension was paid under the legislation of any other Contracting Party.

#### 4. Common Provisions

##### ARTICLE 6

Where the legislation of a Contracting Party makes the provision of certain benefits conditional upon the completion of periods in an occupation covered by a special scheme or in a specified occupation or employment, only periods completed under a corresponding scheme or, in the absence of such a scheme, in the same occupation or in the same employment, as the case may be, under the legislation of other Contracting Parties, shall be taken into account for the award of such benefits. If, notwithstanding periods completed in this way, the person concerned does not satisfy the conditions for entitlement to the said benefits, the periods concerned shall be taken into account for the award of benefits under the general scheme or, in the absence of such a scheme, the scheme applicable to wage earners or to salaried employees, as appropriate.

#### B. DETERMINATION OF INVALIDITY, OLD-AGE AND SURVIVORS' BENEFITS

##### ARTICLE 7

The determination of invalidity, old-age and survivors' benefit shall be carried out in conformity with either the method of apportionment or the method of integration, according to the choice made by mutual agreement between the Contracting Parties concerned.

### ALTERNATIVE I - METHOD OF APPORTIONMENT

#### 1. Common Provisions

##### ARTICLE 8

1. Where a person has been subject successively or alternately to the legislation of two or more Contracting Parties, the institution of each of these Parties shall determine, in accordance with the legislation which it applies, whether such person, or his survivors, satisfies the conditions for right to benefit having regard, where appropriate, to the provisions of Article 5.
2. Where the person concerned satisfies these conditions, the competent institution of any Contracting Party whose legislation provides that the amount of benefits or certain parts thereof shall be in proportion to the periods completed may calculate those benefits or parts thereof directly, solely on the basis of the periods completed under the legislation which it applies, notwithstanding the provisions of the following paragraphs of this Article.
3. If the person concerned satisfies the conditions referred to in paragraph 1 of this Article the competent institution of any of the other Contracting Parties shall calculate the theoretical amount of the benefits he could claim if all the periods completed under the legislation of all the Contracting Parties concerned and taken into account for establishing entitlement, in accordance with the provisions of Articles 5, had been completed exclusively under the legislation which that the institution applies.



4. However,
  - (a) in the case of benefits the amount of which does not depend on the length of periods completed, that amount shall be taken to be the theoretical amount referred to in the preceding paragraph;
  - (b) in the case of non-contributory benefits the amount of which does not depend on the length of periods completed, the theoretical amount referred to in the preceding paragraph may be calculated on the basis of and up to the amount of the full benefit:
    - (i) in the case of invalidity or death, in proportion to the ratio of the total periods completed, before the contingency arose, by the person concerned or the deceased under the legislation of all Contracting Parties concerned and taken into account in accordance with the provisions of Article 5, to two-thirds the number of years which elapsed between the date on which the persons concerned or the deceased reached the age of 15-or a higher age fixed by mutual agreement between the Contracting Parties concerned-and the date on which the incapacity for work followed by invalidity or the death, as the case may be, occurred, disregarding any years subsequent to pensionable age;
    - (ii) in the case of old age, in proportion to the ratio of the total periods completed by the person concerned under the legislation of all the Contracting Parties concerned and taken into account in accordance with the provisions of article 5, to 30 years, disregarding any years subsequent to pensionable age.
5. The institution referred to in paragraph 3 of this Article shall then calculate the actual amount of the benefit payable by it to the person concerned on the basis of the theoretical amount calculated in accordance with the provisions of paragraph 3 or of paragraph 4 of this Article, as appropriate, and in proportion to the ratio of the periods completed before the contingency arose under the legislation which it applies, to the total of the periods completed before the contingency arose under the legislation of all the Contracting Parties concerned.
6. If the total of the periods completed under the legislation of all the Contracting Parties concerned before the Contingency arose exceeds the maximum period required by the legislation of one of these Parties for the receipt of full benefits, the institution of that Party shall, when applying the provisions of paragraphs 3 and 5 of this Article, take into account this maximum, period instead of the total of the periods completed, without, however, being obliged to award higher benefits than the full benefits provided for by the legislation which it applies.

## ARTICLE 9

1. Notwithstanding the provisions of Article 8, where the total duration of the periods completed under the legislation of a Contracting Party is less than one year and where, taking into account only those periods, no right to benefit exists under that legislation, the institution of the Party concerned shall not be bound to award benefit in respect of the said periods.
2. The periods referred to in the preceding paragraph shall be taken into account by the institution of each of the other Contracting Parties concerned for the purpose of applying the provisions of Article 8, except those of paragraph 5 thereof.
3. However, where the application of the provisions of paragraph 1 of this Article would have the effect of relieving all the institutions concerned of the obligation to award benefit, benefit shall be awarded
  - (Alternative A) exclusively under the legislation of the last Contracting Party whose conditions are fulfilled by the person concerned, regard being had to the provisions of Article 5, as if all the periods referred to in paragraph 1 of this Article had been completed under the legislation of that Party.
  - (Alternative B) in accordance with the provisions of Article 8.

## ARTICLE 10

1. If the person concerned does not, at a given date, satisfy the conditions required by the legislation of all the Contracting Parties concerned, regard being had to the provisions of Article 5, but satisfies the conditions of the legislation of only one or more of them, the following provisions shall apply:
  - (a) the amount of the benefit payable shall be calculated in accordance with the provisions of paragraph 2 or of paragraphs 3 to 6 of Article 8, as appropriate, by each of the competent institutions applying legislation the conditions of which are fulfilled;
  - (b) however :
    - (i) if the person concerned satisfies the conditions of the legislation of at least two Contracting Parties, without any need to include periods completed under any legislation the conditions of which are not fulfilled, such periods shall not be taken into account for the purpose of applying the provisions of paragraphs 3 to 6 of Article 8;
    - (ii) if the person concerned satisfies the condition of the legislation of one Contracting Party only, without any need to invoke the provisions of Article 5, the amount of the benefit payable shall be calculated exclusively in accordance with the provisions of the legislation the conditions of which are fulfilled, taking account of periods completed under that legislation only.
2. Benefits awarded under the legislation of one or more Contracting Parties concerned in the case covered by the preceding paragraph shall be recalculated automatically, in accordance with the provisions of paragraph 2 or of paragraphs 3 to 6 of Article 8, when the conditions prescribed by the other legislation or legislations concerned are satisfied, regard being had, where appropriate, to the provisions of Article 5.
3. Benefits awarded under the legislation of two or more Contracting Parties shall be recalculated, in accordance with the provisions of paragraph 1 of this Article, at the request of the beneficiary, when the conditions prescribed by the legislation of one or more of these Contracting Parties cease to be fulfilled.

## ARTICLE 11

1. Where the amount of the benefits a person would be entitled to claim under the legislation of a Contracting Party, without regard to the provisions of Articles 5 and 8 to 10, is greater than the total benefits payable in accordance with those provisions, the competent institution of that Party shall pay a supplement equal to the difference between the two amounts. That institution shall bear the whole cost of the supplement.
  - (Alternative A) 2. Where the application of the provisions of the preceding paragraph would have the effect of entitling the person concerned to supplements from the institutions of two or more Contracting Parties, he shall receive only whichever is the largest. The cost of this supplement shall be apportioned among the competent institutions of the Contracting Parties concerned according to the ratio between the amount of the supplement which each of them would have to pay if it alone had been concerned and the amount of the combined supplement which all the said institutions would have to pay.
  - (Alternative B) 2. Where the application of the provisions of the preceding paragraph would have the effect of entitling the person concerned to supplements from the institutions of two or more Contracting Parties, he shall receive these supplements only within the limit of the highest theoretical amount calculated by these institutions in accordance with the provisions of paragraphs 3 or 4 of Article 8. If the total amount of the benefit and supplements exceeds the highest theoretical amount, each institution of the Contracting Parties concerned may reduce the amount of the supplement which it would have to pay, by a fraction of the excess determined according to the ration between the amount of the latter supplement and the amount of the combined supplement which all the said institutions would have to pay.

3. The supplements referred to in the preceding paragraphs of this Article shall be regarded as a component of the benefit provided by the institution liable for payment. Their amount shall be determined once and for all, except where the provisions of paragraph 2 or paragraph 3 of Article 10 are applicable.

## 2. Special Provisions concerning Invalidity and Survivors' Benefits

### ARTICLE 12

1. In the event of an aggravation of any invalidity for which a person is receiving benefit under the legislation of one Contracting Party only, the following provisions shall apply:
  - (a) if the person concerned has not been subject to the legislation of any other Contracting Party since he began to receive benefit, the competent institution of the first Party shall be bound to take the aggravation into account, when awarding benefit, in accordance with the provisions of the legislation which it applies;
  - (b) if the person concerned has been subject to the legislation of one or more other Contracting Parties since he began to receive benefit, the aggravation shall be taken into account when awarding benefit in accordance with the provisions of Article 5 and 8 to 11;
  - (c) in the case referred to in the preceding subparagraph, the date on which the aggravation was demonstrated shall be regarded as the date on which the contingency arose;
  - (d) if in the case referred to in subparagraph (b) of this paragraph the person concerned is not entitled to benefit from the institution of another Contracting Party, the competent institution of the first Party shall be bound to take the aggravation into account, when awarding benefit, in accordance with the provisions of the legislation which it applies.
2. In the event of aggravation of any invalidity for which the person is receiving benefit under the legislation of two or more Contracting Parties, the aggravation shall be taken into account, when awarding benefit, in accordance with the provisions of Articles 5 and 8 to 11. The provisions of subparagraph (c) of the preceding paragraph shall apply *mutatis mutandis*.

### ARTICLE 13

1. Invalidity or survivors' benefit shall, where appropriate, be converted into old-age benefit, on conditions prescribed by the legislation under which they have been awarded and in accordance with the provisions of Article 5 and 8 to 11.
2. Where, in the case referred to in Article 10, a recipient of invalidity or survivors' benefit payable under the legislation of one or more Contracting Parties becomes entitled to old-age benefit, any institution liable for the payment of invalidity or survivors' benefit shall continue to pay the recipient to which he is entitled under the legislation which it applies until such time as the provisions of the preceding paragraph become applicable in respect of that institution.

## ALTERNATIVE II – METHOD OF INTEGRATION

### Formula A - Integration Linked with Residence

#### ARTICLE 14

1. Where a person has been subject successively or alternately to the legislation of two or more Contracting Parties, he or his survivors shall be entitled only to the benefits determined in accordance with the legislation of the Contracting Party in the territory of which they reside, provided that they satisfy the conditions prescribed by that legislation or by the Contracting Parties concerned, having regard, where appropriate, to the provisions of Article 5.
2. The cost of the benefits determined in accordance with the provisions of the preceding paragraph shall be :
  - (a) borne entirely by the institution of the Contracting Party in the territory of which the person concerned resides; however, the application of this provision may be made conditional upon the person concerned having been resident in that territory at the date of the submission of his benefit claim or, in respect of survivors' benefit, upon the deceased having been resident in that territory at the date of his death for a minimum period fixed by mutual agreement between the Contracting Parties concerned; or
  - (b) apportioned among the institutions of all the Contracting Parties concerned according to the ratio between the duration of the periods completed under the legislation which each of those institutions applies, before the contingency arose, and the total duration of the periods completed under the legislation of all the Contracting Parties concerned before the contingency arose; or
  - (c) borne by the institution of the Contracting Party in the territory of which the person concerned resides, but compensated by the institutions of the other Contracting Parties concerned according to a lump-sum arrangement agreed upon between all these Parties on the basis of the participation of the person concerned in the scheme of each of the Contracting Parties which is not liable to pay benefit.
3. If the person concerned does not satisfy the conditions of the legislation of the Contracting Party referred to in paragraph 1 of this Article or if that legislation does not provide for the award of invalidity, old-age or survivors' benefit, he shall receive the most favourable benefit to which he is entitled under the legislation of any other Contracting Party, regard being had, where appropriate, to the provisions of Article 5.

### Formula B - Integration Linked with the Occurrence of Invalidity or Death

(Note: This formula may be limited to cases where the person considered has completed periods exclusively under legislation under which the amount of benefits is independent of the duration of periods completed.)

#### ARTICLE 15

1. Where a person has been subject successively or alternately to the legislation of two or more Contracting Parties, he or his survivors shall be entitled to benefit in accordance with the provisions of the following paragraphs of this Article.
2. The institution of the Contracting Party whose legislation was applicable when the incapacity for work followed by invalidity or death occurred shall determine, in accordance with the provisions of that legislation, whether the person concerned satisfies the conditions for right to benefit, regard being had, where appropriate, to the provisions of Article 5.
3. The person concerned who satisfies these conditions shall obtain the benefit from the said institution only, in accordance with the provisions of the legislation which it applies.
4. If the person concerned does not satisfy the conditions of the legislation of the Contracting Party referred to in paragraph 2 of this Article, or if that legislation does not provide for invalidity or survivors' benefit, he shall receive the most favourable

benefit to which he is entitled under the legislation of any other Contracting Party, having regard, where applicable, to the provisions of Article 5.

#### ARTICLE 16

The provisions of Article 12, paragraph 1, shall apply mutatis mutandis.

### Formula C - Determination of Benefits in Respect of Occupational Diseases

#### ARTICLE 17

1. If a worker contracts an occupational disease after having been engaged in an occupation likely to cause that disease under the legislation of two or more Contracting Parties, the benefit to which he or his survivors may be entitled shall be awarded exclusively under the legislation of the last of the said Parties the conditions of which they fulfil, regard being had, where applicable, to the provisions of paragraphs 2 to 4 of this Article.
2. Where the legislation of a Contracting Party makes the right to benefit for occupational diseases conditional upon the disease in question being first diagnosed in its territory, that condition shall be deemed to have been fulfilled if this disease was first diagnosed in the territory of another Contracting Party.
3. Where the legislation of a Contracting Party explicitly or implicitly makes the right to benefit for occupational diseases conditional upon the disease in question being diagnosed within a specified period after the termination of the last occupation liable to cause such a disease, the competent institution of that Party, when ascertaining the time at which the occupation of the same kind engaged in under the legislation of any other Contracting Party, as if it had been engaged in under the legislation of the first Party.
4. Where the legislation of a contracting Party explicitly or implicitly makes entitlement to benefit for occupational diseases conditional upon an occupation liable to cause the disease in question having been pursued for a specific period, the competent institution of that Party shall, to the extent necessary, take account, for the purpose of adding periods together, of periods during which such an occupation was followed in the territory of any other Contracting Party.
5. In those cases where the provisions of paragraph 3 or paragraph 4 of this Article are applied,
  - (Alternative I) the cost of benefits
  - (Alternative II) the cost of pensions in respect of occupational diseases may be apportioned among the Contracting Parties concerned,
  - (Alternative A) in proportion to the ratio between the duration of exposure to the risk under the legislation of each of those Parties and the total duration of exposure to the risk under the legislation of the said Parties.
  - (Alternative B) in proportion to the ratio between the duration of the periods completed under the legislation of each of those Parties and the total duration of the periods completed under the legislation of the said Parties.
  - (Alternative C) equally between those Parties under whose legislation the duration of exposure to risk has reached a percentage, fixed by mutual agreement between the Parties concerned, of the total duration of exposure to the risk under the legislation of the said Parties.

#### ARTICLE 18

Where a worker having contracted an occupational disease has received or is receiving compensation from the institution of a Contracting Party, and in the event of an aggravation of his condition claims benefits from the institution of another Contracting Party, the following provisions shall apply:

- (a) where the worker has not engaged, under the legislation of the second Party, in an occupation liable to cause or aggravate the disease in question, the competent institution of the first Party shall bear the cost of the benefit, taking the aggravation into account, in accordance with the provisions of the legislation which that institution applies;
- (b) where the worker has engaged in such an occupation under the legislation of the second Party, the competent institution of the first Party shall bear the cost of the benefit, leaving the aggravation out of account, in accordance with the provisions of the legislation which it applies; the competent institution of the second Party shall award to the worker a supplementary benefit the amount of which shall be equal to the difference between the amount of the benefit due after the aggravation and the amount of the benefit that would, in accordance with the provisions of the legislation which that institution applies, have been due before the aggravation if the disease in question had been contracted under the legislation of that Party.

## IV. Maintenance of Acquired Rights and Provision of Benefits Abroad

### 1. Medical Care, Sickness Benefit, Maternity Benefit and Benefits Other than Pensions in respect of Occupational Injuries and Diseases

#### ARTICLE 19

1. Persons who reside in the territory of a Contracting Party other than the competent State and who satisfy the conditions for right to benefit prescribed by the legislation of the latter State, regard being had, where appropriate, to the provisions of Article 3, shall receive in the territory of the Contracting Party in which they reside--
  - (a) benefits in kind, provided at the expense of the competent institution by the institution of the place of residence in accordance with the provisions of the legislation which the latter institution applies, as if these persons were affiliated to it;
  - (b) cash benefits, paid by the competent institution in accordance with the provisions of the legislation which it applies, as if these persons were resident in the territory of the competent State. However, by agreement between the competent institution and the institution of the place of residence, cash benefits may also be paid through the latter institution, on behalf of the competent institution.
2. The provisions of the preceding paragraph shall apply, mutatis mutandis, in respect of medical care, sickness and maternity benefits, to members of the family who are resident in the territory of a Contracting Party other than the competent State.
3. Benefits may also be provided to frontier workers and to members of their family by the competent institution in the territory of the competent State, in accordance with the provisions of the legislation of that State, as if they were resident in its territory.

#### ARTICLE 20

#### (ALTERNATIVE I)

1. Persons who satisfy the conditions for right to benefit under the legislation of the competent State, regard being had where appropriate, to the provisions of Article 3, and--
  - (a) whose condition necessitates the immediate provision of benefits during temporary residence in the territory of a Contracting Party other than the competent State; or
  - (b) who, having become entitled to benefits payable by the competent institution, are authorised by that institution to return to the territory of a Contracting Party where they reside, other than the competent State, or to transfer their residence to the territory of a Contracting Party other than the competent State; or

- (c) who are authorised by the competent institution to go to the territory of a contracting Party other than the competent State in order to receive the treatment required by their condition, shall receive--
  - (i) benefits in kind, provided at the expense of the competent institution by the institution of the place of residence or temporary residence in accordance with the provisions of the legislation applied by the latter institution, as if these persons were affiliated to it, for a period not longer than that which may be prescribed by the legislation of the competent State;
  - (ii) cash benefits, paid by the competent institution in accordance with the provisions of the legislation which it applies, as if these persons were in the territory of the competent State. However, by agreement between the competent institution and the institution of the place of residence or temporary residence, cash benefits may be paid through the latter institution on behalf of the competent institution.
- 2.
  - (a) The authorisation referred to in subparagraph (b) of the preceding paragraph may be refused only if the move might prejudice the health or the course of medical treatment of the person concerned.
  - (b) The authorisation referred to in subparagraph (c) of the preceding paragraph shall not be refused when the requisite treatment cannot be given in the territory of the Contracting Party in which the person concerned resides.
- 3. The provisions of the preceding paragraphs of this Article shall apply, *mutatis mutandis*, to members of the family in respect of medical care, sickness and maternity benefits.

### (ALTERNATIVE II)

- 1. Persons who satisfy the conditions for right to benefit under the legislation of the competent State, regard being had, where appropriate, to the provisions of Article 3, and --
  - (a) whose condition necessitates the immediate provision of benefits during temporary residence in the territory of a Contracting Party other than the competent State; or
  - (b) who, having become entitled to benefits payable by the competent institution, return to the territory of a Contracting Party other than the competent State; or
  - (c) who go to the territory of a Contracting Party other than the competent State in order to receive the treatment required by their condition, shall receive--
    - (i) benefits in kind, provided by the institution of the place of residence or temporary residence in accordance with the provisions of the legislation applied by that institution, as if these persons were affiliated to it;
    - (ii) cash benefits, paid by the competent institution in accordance with the provisions of the legislation which it applies, as if these persons were in the territory of the competent State. However, by agreement between the competent institution and the institution of the place of residence or temporary residence, cash benefits may be paid through the latter institution, on behalf of the competent institution.
- 2. The provisions of the preceding paragraph shall apply, *mutatis mutandis*, to members of the family in respect of medical care, sickness and maternity benefits.

## 2. Unemployment Benefit

- 1. Unemployed workers who satisfy the conditions for right to benefit prescribed by the legislation of one Contracting Party in respect of the completion of periods of insurance, employment, occupational activity or residence, regard being had, where appropriate, to the provisions of Article 4, and who transfer their residence to the territory of another Contracting Party, shall be deemed to have also satisfied the conditions for right to benefit prescribed by the legislation of the second Party, provided that they place themselves at the disposal of the employment services in

the territory of that Party and file a claim with the institution of their new place of residence within 30 days of their transfer of residence, or such longer period as may be fixed by mutual agreement between the Contracting Parties. The benefit shall be paid by the institution of the place of residence, in accordance with the provisions of the legislation which that institution applies, the cost being borne by the competent institution of the first Party, (Alternative I) for a period not exceeding any period which may be prescribed by the legislation of that Party.

- (Alternative I) for a period not exceeding any period which may be prescribed by the legislation of that Party
  - (Alternative II) for a period not exceeding the shortest of the periods fixed by the legislation of each of the two Contracting Parties concerned.
  - (Alternative III) for a period not exceeding that prescribed by mutual agreement between the Contracting Parties.
2. Without prejudice to the provisions of the preceding paragraph, an unemployed person who, during his last employment, was resident in the territory of a Contracting Party other than the competent State shall receive benefit in accordance with the following provisions :
- (a)
- (i) a frontier worker who is partially or incidentally unemployed in the undertaking which employs him shall receive benefit in accordance with the provisions of the legislation of the competent State, as if he were resident in the territory of that State, regard being had, where appropriate, to the provisions of Article 4; such benefit shall be paid by the competent institution;
  - (ii) a frontier worker who is wholly unemployed shall receive benefit in accordance with the provisions of the Contracting Party in whose territory he resides, as if he had been subject to that legislation during his last employment, regard being had, where appropriate, to the provisions of Article 4; such benefit shall be paid by the institution of the place of residence at its own cost;
- (b)
- (i) a worker, other than a frontier worker, who becomes partially, incidentally or wholly unemployed and remains available to his employer or to the employment services in the territory of the competent State, shall receive benefit in accordance with the provisions of the legislation of the competent State, as if he were resident in the territory of that State, regard being had, where appropriate, to the provisions of Article 4; such benefit shall be paid by the competent institution;
  - (ii) a worker, other than a frontier worker, who becomes wholly unemployed makes himself available to the employment services in the territory of the Contracting Party where he resides, or returns to that territory, shall receive benefit in accordance with the provisions of the legislation of that Party, as if he had been subject to that legislation during his last employment, regard being had, where appropriate, to the provisions of Article 4; such benefit shall be paid by the institution of the place of residence at its own cost;
  - (iii) however, if the worker referred to in subparagraph (b) (ii) of this paragraph has become entitled to benefit from the competent institution of the Contracting Party to whose legislation he was last subject, he shall receive benefit in accordance with the provisions of the preceding paragraph, as if he had transferred his residence to the territory of the Contracting Party referred to in subparagraph (b) (ii) of this paragraph, for a period not exceeding the period laid down in the preceding paragraph.
3. As long as an unemployed person is entitled to benefit by virtue of subparagraph (a) (i) or subparagraph (b) (i) of the preceding paragraph, he shall not be entitled to benefit under the legislation of the Contracting Party in the territory of which he resides.



### 3. Family Benefit

#### ALTERNATIVE I - FAMILY ALLOWANCES

##### ARTICLE 22

1. Persons who are subject to the legislation of a Contracting Party, regard being had, where appropriate, to the provisions of Article 3, shall receive, in respect of the members of their family who are resident in the territory of another Contracting Party, the family allowances provided under the legislation of the first Party, as if these members of the family were resident in the territory of that Party.
2. The family allowances shall be paid in accordance with the provisions of the legislation of the Contracting Party to which the beneficiary is subject, even if the person or body corporate to whom these allowances are payable is resident or is located in the territory of another Contracting Party. In that case, by agreement between the competent institution and the institution of the place of residence of the members of the family, the family allowances may also be paid through the latter institution, on behalf of the competent institution.

#### ALTERNATIVE II - FAMILY BENEFIT

##### ARTICLE 23

###### (ALTERNATIVE A)

1. Persons who are subject to the legislation of a Contracting Party shall receive, regard being had, where appropriate, to the provisions of Article 3, in respect of the members of their family who reside in the territory of another Contracting Party, the family benefit provided under the legislation of the latter party, as if the said persons were subject to its legislation.
2. The family benefit shall be paid to the members of the family by the institution of their place of residence, in accordance with the provisions of the legislation which that institution applies, at the expense of the competent institution, in an amount not exceeding the amount of the benefit due by the latter institution.

###### (ALTERNATIVE B)

Where the members of the family of a person who works or resides in the territory of a Contracting Party reside in the territory of another Contracting Party, family benefits shall be paid to them by and at the expense of the institution of their place of residence.

### 4. Non-contributory Invalidity, Old-age and Survivors' Benefit

##### ARTICLE 24

(Alternative I) Where the provisions of Article 8 are not applicable, and where the beneficiary of non-contributory invalidity, old-age or survivors' benefit, the amount of which does not depend on the length of the periods of residence completed, is resident in the territory of a Contracting Party other than the one under whose legislation he is entitled to benefit, the benefit may be calculated in accordance with the following provisions :

- (a) in the case of invalidity or death, in proportion to the ratio of the number of years of residence completed by the person concerned or the deceased under the said legislation between the date on which he reached the age of 15 or a higher age fixed by mutual agreement between the Contracting Parties concerned and the date of incapacity for work followed by invalidity or of death, to two-thirds of the number of years separating those two dates, disregarding any years subsequent to pensionable age;
- (b) in the case of old-age, in proportion to the ratio of the number of years of residence completed by the person concerned under the said legislation between the date on which he reached the age of 15 or a higher age fixed by mutual agreement between the

Contracting Parties concerned and the date on which he reached the pensionable age, to 30 years.

(Alternative II) Where the provisions of Article 8 are not applicable, and where the legislation of a Contracting Party provides for both contributory and non-contributory invalidity, old-age or survivors' benefits, the non-contributory invalidity, old-age or survivors' benefits whose amount does not depend on the length of the periods of residence are paid to the beneficiary who is resident in the territory of another Contracting Party in the same proportion that the contributory benefits to which that beneficiary is entitled bear to the total amount of the contributory benefits to which he would be entitled if he had completed the total duration of the periods required for entitlement.

## V. Regulation of Undue Plurality

### ARTICLE 25

- Provisions in the legislation of a Contracting Party for the reduction, suspension or suppression of benefits where there is undue plurality with other benefits or other income, or because the person otherwise entitled is in employment or in an occupational activity, shall apply also to a beneficiary even in respect of benefits acquired under the legislation of another Contracting Party or of income obtained or employment or occupational activity undertaken in the territory of another Contracting Party. However, in applying this rule no account shall be taken of benefits of the same nature awarded in respect of invalidity, old-age, survivors or occupational disease by the institutions of two or more contracting Parties in accordance with the provisions of Article 8 or Article 18, subparagraph (b).

### ARTICLE 26

- Where a person in receipt of benefit under the legislation of one Contracting Party is also entitled to benefit under the legislation of one or more of the other Contracting Parties, the following rules shall apply :
  - (a) where the application of the provisions of the legislation of two or more Contracting Parties would entail the concomitant reduction, suspension or suppression of such benefits, none of them may be reduced, suspended or suppressed to an extent greater than the amount which would be obtained by dividing the sum affected by the reduction, suspension or suppression in accordance with the legislation under which benefit is due by the number of benefits subject to reduction, suspension or suppression to which the beneficiary is entitled;
  - (b) notwithstanding the foregoing, where the benefits concerned are invalidity, old-age or survivors' benefits paid in conformity with the provisions of Article 8 by the institution of a Contracting Party, that institution shall take account of the benefits, income or remuneration entailing the reduction, suspension or suppression of the benefits due from it solely for the purposes of the reduction, suspension or suppression of the benefits due from it solely for the purposes of the reduction, suspension or suppression of the amount referred to in paragraph 2 or paragraph 5 of Article 8, but not for the calculation of the theoretical amount referred to in paragraphs 3 and 4 of the said Article 8; however, account shall be taken of such benefits, income or remuneration only to the extent of that fraction of their amount corresponding to the ratio of the periods completed, as prescribed in Article 8, paragraph 5.

### ARTICLE 27

- Where a person has a claim to medical care or sickness benefit under the legislation of two or more Contracting Parties, such benefit may be provided solely under the legislation of the Party in the territory of which he resides or, if he does not reside in the territory of one of those Parties, solely under the legislation of the Party to which this person or the person through whom entitlement to the said benefits arises was last subject.

## ARTICLE 28

- Where a person has a claim to maternity benefit under the legislation of two or more Contracting Parties, such benefit may be provided solely under the legislation of the Party in the territory of which the birth took place or, if the birth did not take place in the territory of one of those Parties, solely under the legislation of the Party to which this person or the person through whom entitlement to the said benefits arises was last subject.

## ARTICLE 29

1. Where death occurs in the territory of a Contracting Party, the right to a death grant acquired under the legislation of that Party may be alone recognised, to the exclusion of any right acquired under the legislation of any other Contracting Party.
2. Where death occurs in the territory of a Contracting Party and the right to a death grant has been acquired solely under the legislation of two or more other Contracting Parties, the right acquired under the legislation of the Contracting Party to which the deceased was last subject may be alone recognised, to the exclusion of any right acquired under the legislation of any other Contracting Party.
3. Where death occurs outside the territory of the Contracting Parties and the right to death grant has been acquired under the legislation of two or more Contracting Parties, the right acquired under the legislation of the Contracting Party to which the deceased was last subject may be alone recognised, to the exclusion of any right acquired under the legislation of any other Contracting Party.

## ARTICLE 30

- (Alternative I) Where, over the same period, family allowances are payable for the same members of the family under the provisions of Article 22 and under the legislation of the Contracting Party in the territory of which those members of the family reside, the right to family allowances payable under the legislation of the latter shall be suspended. However, in the case where a member of the family is engaged in an occupation in the territory of the said Party, that right shall be maintained, whereas the right to family allowances payable under the provisions of Article 22 shall be suspended.
- (Alternative II) Where, over the same period, family allowances are payable for the same members of the family under the provisions of Article 22 and under the legislation of the Contracting Party in the territory of which those members of the family reside, the right to family allowances payable under the provisions of Article 22 shall be suspended.

## VI. Miscellaneous Provisions

### ARTICLE 31

- Medical examinations prescribed by the legislation of one Contracting Party may be carried out, at the request of the institution which applies this legislation, in the territory of another Contracting Party, by the institution of the place of residence or temporary residence. In such event, they shall be deemed to have been carried out in the territory of the first Party.

### ARTICLE 32

1. F or the calculation of the amount of contributions due to the institution of a Contracting Party, account shall be taken, where appropriate, of any income received in the territory of any other Contracting Party.
2. The recovery of contributions due to the institution of one Contracting Party may be effected in the territory of another Contracting Party in accordance with the administrative procedures and subject to the guarantees and privileges applicable to the recovery of contributions due to a corresponding institution of the latter Party.

### ARTICLE 33

- Any exemption from, or reduction of, taxes, stamp duty, legal dues or registration fees provided for in the legislation of one Contracting Party in connection with certificates or documents required to be produced for the purposes of the legislation of that Party shall be extended to similar certificates and documents required to be produced for the purposes of the legislation of another Contracting Party or of these model provisions.

### ARTICLE 34

1. The competent authorities of the Contracting Parties may designate liaison bodies empowered to communicate directly with one another and, provided they are authorised to do so by the competent authorities of that Party, with the institutions of any Contracting Party.
2. Any institution of a Contracting Party, and likewise any person residing or temporarily residing in the territory of a Contracting Party, may approach the institution of another Contracting Party either directly or through the liaison bodies.

### ARTICLE 35

1. Any dispute which arises between two or more Contracting Parties concerning the interpretation or application of these model provisions shall be settled by means of direct negotiation between the competent authorities of the Contracting Parties concerned.
2. If the dispute cannot be so settled within a period of six months from the beginning of negotiations, it shall be submitted to a commission of arbitration; the composition and the procedure of this commission shall be determined by mutual agreement among the Contracting Parties concerned.
3. The decisions of the commission of arbitration shall be binding and final.

## VII. Provisions concerning the Maintenance of Rights in the Relations between or with Provident Funds

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### ALTERNATIVE I

#### ARTICLE 36

1. Where a person ceases to be subject to the legislation of a Contracting Party under which he has been registered with a provident fund, before the occurrence of a risk entitling him to obtain the payment of the amount credited to his account, he may, upon request, either withdraw the total amount or have it transferred to the institution to which he is affiliated in the territory of the Contracting Party to whose legislation he is now subject.
2. If this institution is itself a provident fund, the amount transferred shall be credited to the account opened by this institution in the name of the person concerned.
3. If the institution referred to in paragraph 1 of this Article is competent in respect of pensions, the amount transferred shall be paid to the institution concerned in order to enable the person concerned to buy back periods for the purpose of acquiring or improving his rights to benefits under the legislation applied by this institution.

The method of buying back periods shall be determined either in accordance with the provisions of that legislation or by mutual agreement between the Contracting Parties concerned.

## ARTICLE 37

Where a person ceases to be subject to the legislation of a Contracting Party under which he had been affiliated to a pensions scheme in order to move to the territory of another Contracting Party under whose legislation he is registered with a provident fund, before having acquired the right to a pension under the legislation of the first Party,

- (Alternative A) the pension rights in course of acquisition of this person for himself and his survivors are maintained until the conditions required for the receipt of the pension are satisfied. Failing this, the amount of the contributions paid by this person or on his behalf shall be transferred to the provident fund under conditions fixed by mutual agreement between the Contracting Parties concerned.
- (Alternative B) the amount of the contributions paid by this person or on his behalf shall be transferred to the provident fund under the conditions fixed by mutual agreement between the Contracting Parties concerned.

## ALTERNATIVE II

## ARTICLE 38

1. Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of the right to pension conditional upon the completion of periods of insurance, employment, occupational activity or residence, the institution which applies that legislation shall, for the purpose of adding periods together, take account of periods during which a person was registered with a provident fund and required to make contributions to that fund.
2. Where the person concerned satisfies the conditions for payment of a pension taking account of paragraph 1 of this Article, the amount of the pension shall be determined in accordance with Article 8 to 13.
3. Where the legislation of a Contracting Party makes the payment of amounts credited to a person's account under a provident fund conditional upon the completion of periods of contributions, the institution which applies that legislation shall, for the purpose of adding periods together, take account of periods of insurance, employment, occupational activity and residence completed under the legislation of a Contracting Party under which he was affiliated to a pensions scheme.

# VIII. Model Agreement for the Co-ordination of Bilateral or Multilateral Social Security Instruments

## ARTICLE 1

- For the purpose of this agreement-
  - (a) the term Contracting Party means any State Member of the International Labour Organisation that is bound by the agreement;
  - (b) the term legislation includes any social security rules as well as laws and regulations;
  - (c) the term refugee has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees of 28 July 1951 and in paragraph 2 of Article 1 of the Protocol relating to the Status of Refugees of 31 January 1967, without geographical limitation;
  - (d) the term stateless person has the meaning assigned to it in Article 1 of the Convention relating to the Status of Stateless Persons of 28 September 1954;
  - (e) the term instrument means any bilateral or multilateral instrument concerning the maintenance of rights in course of acquisition in social security that is binding or will be binding on two or more Contracting parties;

- (f) the term institution means any body or authority directly responsible for applying all or part of the legislation of a Contracting Party;
- (g) the term periods of insurance means periods of contribution, employment, occupational activity or residence which are defined or recognised as periods of insurance by the legislation under which they were completed, and such other periods as are regarded by that legislation as equivalent to periods of insurance;
- (h) the terms periods of employment and periods of occupational activity mean periods defined or recognised as such by the legislation under which they were completed, and such other periods as are regarded by that legislation as equivalent to periods of employment or periods of occupational activity, respectively;
- (i) the term periods of residence means periods of residence defined or recognised as such by the legislation under which they were completed;
- (j) the term benefits means all benefits in kind and in cash provided in respect of the contingency concerned, including death grants and--
  - (i) as benefits in kind, benefits aimed at the prevention of any contingency covered by social security, physical rehabilitation and vocational rehabilitation;
  - (ii) as benefits in cash, all components there of provided out of public funds, and all increases, revaluation allowances or supplementary allowances, and only benefits awarded for the purpose of maintaining or improving earning capacity, lump-sum benefits which may be paid in lieu of pensions and, where applicable, any payments made by way of refund of contributions.

## ARTICLE 2

- In the field governed by this agreement, coverage by the provisions of each instrument binding on two or more Contracting Parties shall be extended to the nationals of any other Contracting Party, as well as to the refugees and stateless persons resident in the territory of any Contracting Party.

## ARTICLE 3

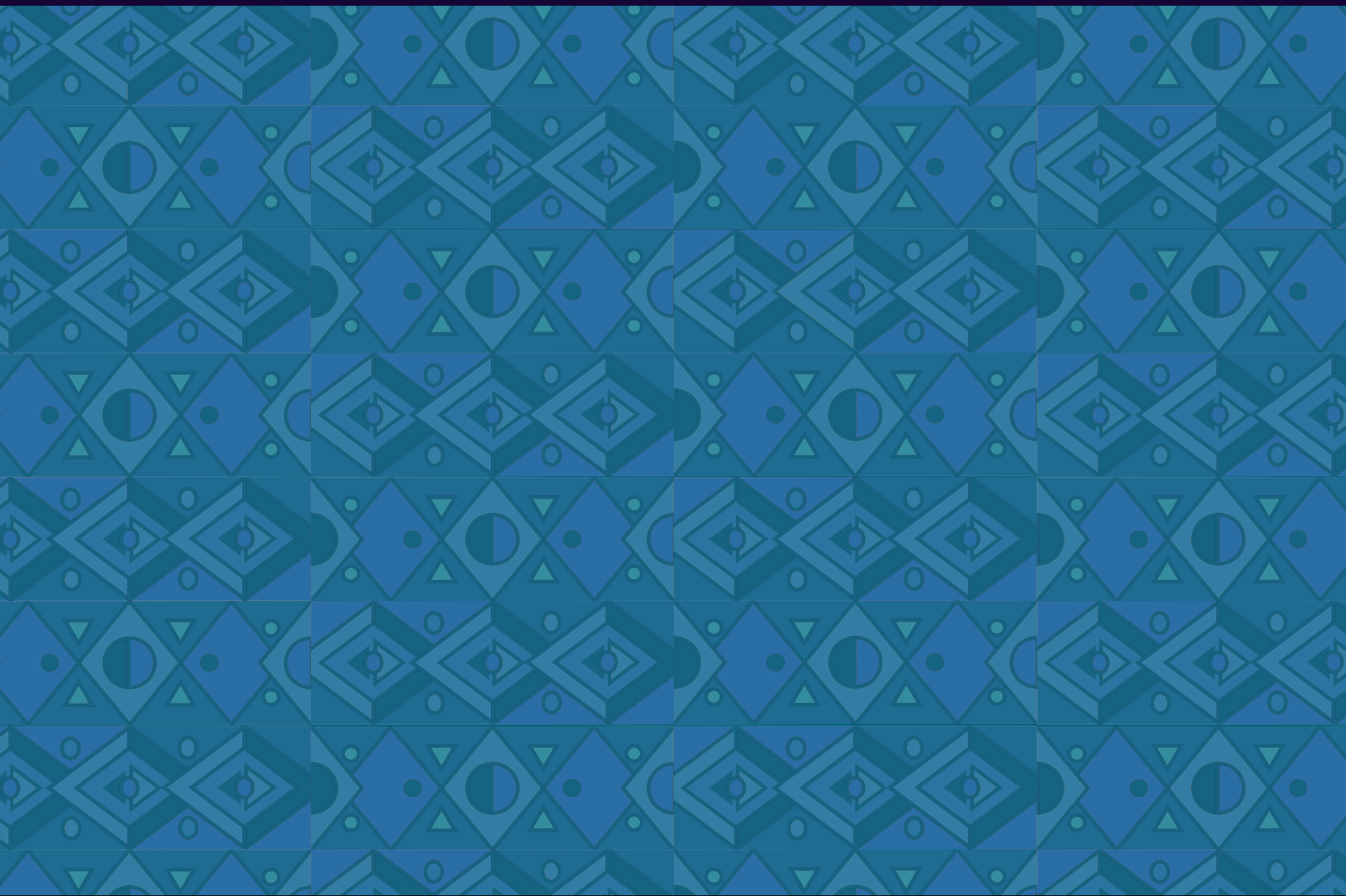
- This agreement shall be applicable to all persons covered by the provisions of two or more instruments.

## ARTICLE 4

1. The provisions of an instrument binding on two or more Contracting Parties, concerning the adding together of periods of insurance, employment, occupational activity or residence for the acquisition, maintenance or recovery of the right to benefit shall be applicable to corresponding periods completed under the legislation of any other Contracting Party bound with the said Parties by an instrument which also comprises provisions concerning the adding together of such periods, provided that the periods to be added together are not overlapping.
2. If, under the provisions of paragraph 1 of this Article, the institution of a Contracting Party should apply the provisions of two or more instruments which contain different modalities for the adding together of periods, this institution shall apply exclusively the provisions which are most favourable for the person concerned.
3. In the case of benefits which, under all relevant instruments, are awarded in conformity with the legislation of only one Contracting Party, the adding together referred to in paragraph 1 of this Article is carried out only to the extent necessary for the acquisition, maintenance or recovery of the right to the most favourable benefits provided for under this legislation.

## ARTICLE 5

1. If the provisions of Article 4 are applicable, invalidity, old-age and survivors' benefits are determined in conformity with the provisions of paragraphs 2 to 4 of this Article.
2. If all the relevant instruments have recourse to the method of apportionment, the institution of each Contracting Party shall apply the provisions of the instruments by which this Party is bound, regard being had to the adding together of periods carried out according to the provisions of Article 4, paragraphs 1 and 2; however, it shall only award the highest amount of the benefits determined under these instruments.
3. If all the relevant instruments have recourse to the method of integration, the institution of the Contracting Party which should award the benefits shall take into account for this purpose the provisions of Article 4.
4. If the relevant instruments have recourse respectively to the method of apportionment and the method of integration, the institution of each Contracting Party shall apply the provisions of the instruments by which this Party is bound, regard being had to the adding together of periods carried out according to the provisions of Article 4; however, only the benefits resulting from the application of the most favourable method shall be awarded to the person concerned.



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