

# CONVENTION ON SOCIAL SECURITY BETWEEN THE KINGDOM OF SWEDEN AND THE STATE OF ISRAEL<sup>1</sup>

The Kingdom of Sweden and the State of Israel, desirous of regulating the relations between the two states in the field of social security. Have agreed to conclude the following Convention:

## PART I - GENERAL PROVISION

### Article 1

1. For the purpose of the present Convention,

- (1) “**Israel**” means the State of Israel and “**Sweden**” the Kingdom of Sweden;
- (2) “**Legislation**” means current laws, ordinances and administrative regulations as specified in Article 2;
- (3) “**Competent authority**” means in relation to Israel the Minister of Labour and Social Affairs and in relation to Sweden the Government or the authority nominated by the Government;
- (4) “**Insurance institution**” means the body or authority responsible for the implementation of the legislation specified in Article 2;
- (5) “**Competent insurance institution**” means the insurance institution which is competent under the applicable legislation;
- (6) “**Liaison body**” means an institution for liaison and information between the insurance institutions of the two Contracting Parties with a view to simplifying the implementation of this Convention and for the information of the persons affected concerning their rights and obligations under the Convention;
- (7) “**Member of the family**” means a member of the family according to the legislation of the Contracting Party, in whose territory the institution is based, at whose expense the benefits are granted;
- (8) “**Periods of insurance**” means contribution periods, periods of employment or other periods recognized as periods of insurance or comparable periods by the legislation under which they were completed, including calendar years for which pension points have been credited under the Swedish social insurance scheme for the purpose of a supplementary pension on the basis of

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employment or other gainful activity during the year in question or a portion thereof;

(9) “**Cash benefit**”, “**Pension**”, “**Annuity**”, or “**Compensation**” means a cash benefit, pension, annuity or compensation under the applicable legislation, including all the constituent parts thereof which are financed out of public funds as well as all increases and additional payments.

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

## **Article 2**

1. This Convention shall apply

A. in relation to Sweden, to the legislation on

- (a) health insurance and parental insurance,
- (b) basic pension,
- (c) supplementary pension insurance,
- (d) general children’s allowances,
- (e) work injury insurance.
- (f) unemployment insurance and assistance,

B. in relation to Israel, to the National Insurance Law (Consolidated Version) 5728 - 1968 as far as it applies to the following branches:

- (a) old age and survivor’s insurance.
- (b) invalidity insurance,
- (c) work injury insurance,
- (d) maternity insurance,
- (e) children’s insurance,
- (f) unemployment insurance.

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

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

4. This Convention shall not apply to legislation extending the application of the legislation specified in paragraph 1 of this Article to new groups of persons, if the competent authority in the state concerned notifies the competent authority in the other state without undue delay that no such extension of the Convention is intended.

### **Article 3**

Except where otherwise provided in this Convention, the following persons who are resident in the territory of a Contracting Party shall be equated with nationals of that Contracting Party in the implementation of its legislation:

- (a) nationals of the other Contracting Party;
- (b) refugees, as referred to in Article 1 of the convention of 28 July 1951 relating to the Status of Refugees and the Protocol of 31 January 1967 to the said Convention;
- (c) stateless persons, as referred to in Article 1 of the Convention of 28 September 1954 relating to the Status of Stateless Persons;
- (d) other persons with regard to rights which they derive from a national of a Contracting Party or from a refugee or stateless person referred to in this Article.

### **Article 4**

1. Except where otherwise provided in this Convention, pensions and other cash benefits, with the exception of unemployment benefits, may not be reduced, modified, suspended or withdrawn on account of the recipient residing in the territory of the other Contracting Party.
2. Except where otherwise provided in this Convention pensions and other cash benefits under the legislation of one Contracting Party shall be granted to nationals of the other Contracting Party who reside in a third state under the same conditions and to the same extent as to nationals of the first Contracting Party residing in this third state.

## **PART II - PROVISIONS CONCERNING APPLICABLE LEGISLATION**

### **Article 5**

Except where otherwise provided in Articles 6 and 7 the persons covered by this Convention shall be subject to the legislation of the Contracting Party in whose territory they reside or as regards insurance branches specified in Article 2 paragraph 1 which do not depend on residence, to the legislation of the Contracting Party in whose territory they are employed.

### **Article 6**

1. If a person employed in the territory of a Contracting Party is posted by his employer to the territory of the other Contracting Party to perform work on behalf of the same employer, he shall continue to be subject to the legislation of the former Party as though he were still employed in the territory of that Party,

provided that his posting is not expected to last more than thirty-six calendar months.

2. Travelling personnel employed by transport undertakings or by air lines, and working in the territories of both the Contracting Parties, shall come under the legislation of the Contracting Party in whose territory the undertaking has its head office. If, however, the employee is resident in the territory of the other Contracting Party, the legislation of that Contracting Party shall apply.

3. The legislation of the Contracting Party, whose flag a vessel is flying, shall apply to the crew of the vessel and the other persons who are employed on board on a permanent basis. If, however, a person employed on board a ship flying the flag of one Contracting Party is paid in respect of this occupation by an undertaking having its principal place of business, or by a person having his place of residence, in the territory of the other Contracting Party, he shall be subject to the legislation of the latter Party. In relation to Israel the second sentence applies also where a ship flies the flag of a third country but has a crew which is paid by an undertaking having its principal place of business or by a person resident in Israel,

4. An employee who is to be subject to the legislation of a Contracting Party under the provisions of this Article shall, as well as the members of his family accompanying him, for such purposes be considered to be resident in that Contracting Party.

#### **Article 7**

1. This Convention does not affect the provisions of the Vienna Convention on Diplomatic Relations or the general principles of customary international law regarding consular privileges and immunities with respect to the legislation specified in paragraph 1 of Article 2.

2. The provisions of paragraph 1 of Article 6 shall apply without limitation in time to government and other public employees, except those referred to in paragraph 1 of this Article, when they are posted to the territory of the other Contracting Party.

#### **Article 8**

1. The competent authorities of the two Contracting Parties may agree on exceptions from the provisions of Articles 5-7 in the interest of certain persons or groups of persons.

2. The provisions of paragraph 4 of Article 6 shall apply, *mutatis mutandis*, to cases referred to in this Article.

## PART III - SPECIAL PROVISION

### Chapter 1 - Maternity and childbirth

#### **Article 9**

1. If a person has completed periods of insurance amounting to at least eight weeks under the legislation of one Contracting Party, periods of insurance, previously completed under the legislation of the other Contracting Party shall, if necessary, be taken into account for the establishment of that person's entitlement to a benefit as if these periods had been completed under the legislation of the first Contracting Party.
2. When calculating the benefit in accordance with paragraph 1, only income accrued in the territory of the Contracting Party which pays the benefit shall be taken into account.

#### **Article 10**

1. A woman who is insured for hospitalization in case of confinement according to the legislation of one Contracting Party shall, when temporarily staying in the territory of the other Contracting Party, receive the corresponding benefit according to the legislation of that Party.
2. The provisions of paragraph 1 do not apply to a woman who goes from one country to the other for the specific purpose of receiving such benefit.

### Chapter 2 - Old age, invalidity and survivors

#### **Article 11 - Application of Swedish legislation**

1. Nationals of Israel as well as persons designated in Article 3 (b)-(d) of this Convention, who do not fulfil the conditions of the Swedish legislation which apply to them as regards entitlement to a basic pension shall, whether they reside in Sweden or elsewhere be entitled to a basic pension according to the rules applying to Swedish nationals residing abroad.
2. Handicap allowances which are not supplements to a basic pension, care allowances for handicapped children, pension supplements and such pension benefits which are subject to income tests, are payable to persons designated in paragraph 1, provided that they reside in Sweden, applying mutatis mutandis the rules contained in that paragraph.

## **Article 12**

Where a national of one of the Contracting Parties or a person designated in Article 3 (b)-(d) of this Convention does not have sufficient Swedish periods of insurance to satisfy the requirements for entitlement to a basic pension in accordance with the provisions applicable to Swedish nationals residing abroad, periods of insurance completed under the legislation of Israel shall be taken into account in so far as they do not coincide with Swedish periods of insurance.

## **Article 13**

The transitory provisions under Swedish legislation regarding the calculation of a basic pension for persons born 1929 or earlier are not affected by Article 11 of this Convention, nor are the provisions regarding Swedish nationals' entitlement to basic pension while residing outside of Sweden affected by Article 4 of this Convention.

## **Article 14**

1. Where periods of insurance have been completed both under the Swedish supplementary pensions scheme and under the legislation of Israel, these periods shall, when necessary, be added together for the acquisition of a right to a supplementary pension in so far as they do not coincide.
2. When computing the amount of a supplementary pension only periods of insurance covered by Swedish legislation will be taken into account.
3. The transitory provisions under Swedish legislation concerning the calculation of supplementary pension for persons born 1923 or earlier are not affected by this Convention.

## **Article 15 - Application of Israeli Legislation - Old age and survivors**

1. Where a national of one of the Contracting Parties or a person designated in Article 3 (b)-(d) of this Convention has been insured in Israel for at least twelve consecutive months but does not have sufficient Israeli periods of insurance for entitlement to an old age or survivor's pension, periods of insurance completed under the legislation of Sweden shall be taken into account as far as they do not coincide with Israeli periods of insurance. No account shall be taken of any insurance period completed under the legislation of Sweden before 1 April 1954.
2. If the beneficiary or his survivor qualifies for the benefit when periods of insurance completed under the legislation of both Contracting Parties are added together, the Israeli competent insurance institution shall determine the benefit as follows:
  - (a) The Israeli benefit which is payable to a person who has completed the qualifying periods of insurance according to Israeli legislation shall be taken into account as a theoretical sum.

- (b) On the basis of the above theoretical sum the insurance institution shall calculate the partial benefit payable according to the ratio between the length of Israeli periods of insurance which the person has completed under the legislation of Israel and the total of all insurance periods completed by him under the legislation of both Contracting Parties.
3. The right to an old age pension shall be conditional on the beneficiary having been a resident of Israel or Sweden immediately before attaining the age entitling him to an old age pension.
  4. The right to a survivor's pension shall be conditional on the beneficiary and the deceased having been residents of Israel or of Sweden at the time of the death, or the deceased having received an old age pension immediately before his death.
  5. Vocational training and subsistence allowance for widows and orphans are payable to persons designated in paragraph 1 only if they reside in Israel and for as long as they are actually present in Israel.
  6. Funeral grant shall not be payable in respect of a person who died outside Israel and was not a resident of Israel on the day of his death.

#### **Article 16 - Invalidity**

1. A person covered by this Convention shall be entitled to an invalidity benefit if he has been insured as a resident in Israel for at least twelve consecutive months immediately prior to becoming an invalid.
2. Special services for handicapped, subsistence allowances for handicapped children of an insured person, professional rehabilitation for a handicapped person, vocational training and a subsistence allowance for his spouse are payable to such a person as mentioned above provided he is resident in Israel and for as long as he is actually present in Israel.
3. A person covered by this Convention who resides outside Israel and is entitled to an Israeli invalidity pension shall continue to receive the pension that he was awarded even if there is an increase in the degree of his invalidity, as a result of an aggravation of his invalidity or the addition of a further cause of invalidity arising abroad.

### **Chapter 3 - Work Injuries**

#### **Article 17**

1. The right to benefits due to an accident at work shall be determined according to the legislation applying to the beneficiary at the time of the accident, as provided in Articles 5-8.
2. Compensation for a further accident at work shall be established by the competent institution according to the reduction of work capacity which has been

caused by the further accident and in accordance with the legislation which the said institution has to apply.

3. If in accordance with the legislation of one of the Contracting Parties, previous occupational accidents or diseases are taken into account when determining the degree of disablement, the competent insurance institution takes into account for the same purpose previous occupational accidents or diseases due to work in the territory of the other Contracting Party, in the same manner as if the legislation of the first Contracting Party had been applicable.

#### **Article 18**

1. Benefits in connection with an occupational disease are determined according to the legislation of the Contracting Party whose legislation was applicable when the beneficiary worked in the occupation involving the risk of the occupational disease, even if the disease was first established in the territory of the other Contracting Party.

2. Should the beneficiary have worked in such occupation in the territories of both Contracting Parties, the legislation of the Party in whose territory the beneficiary was most recently occupied shall be applied.

3. If an occupational disease has led to the award of a benefit under the legislation of a Contracting Party, compensation for an aggravation of the disease occurring in the territory of the other Contracting Party shall also be paid according to the legislation of the former Party. This shall not apply, however, if the aggravation is attributable to activity in work involving a risk of the disease in the territory of the other Contracting Party

#### **Article 19**

1. When a person, who is insured under the legislation of one Contracting Party, needs urgent medical care as a consequence of an occupational accident occurring in the territory of the other Contracting Party, such care shall be supplied by the insurance institution of that Contracting Party.

2. The cost of the urgent care provided in accordance with paragraph 1 shall be borne by the insurance institution providing it.

### **Chapter 4 - Unemployment**

#### **Article 20**

1. If the legislation of both Contracting Parties has applied to a person, periods of insurance or employment which are to be taken into consideration according to both Contracting Parties' legislation shall be added together for the acquisition of right to unemployment benefit in so far as these periods do not coincide.



2. The application of paragraph 1 presupposes that the person concerned has been employed in the Contracting Party under whose legislation he is claiming the benefit for at least 100 days during the last twelve months before submitting the claim. Paragraph 1 applies, however, even when his employment was terminated before the expiration of 100 days, if it was terminated through no fault of the employee and had been intended to last for a longer period.

3. When calculating unemployment benefit in cases where this Article applies, only income accrued in the territory of the Contracting Party which pays the benefit shall be taken into account.

#### **Article 21**

The duration of the period for which benefits can be paid to an unemployed person who is entitled to benefits under the legislation of one of the Contracting Parties pursuant to Article 20 is reduced, taking into account the period for which benefits have been paid to him by an institution in the other Contracting Party during the last twelve months immediately before the application was filed.

### **Chapter 5 - Children's allowances**

#### **Article 22**

1. Children's allowances are payable by the Contracting Party in whose territory the children reside.

2. Where entitlement to children's allowances exists according to the legislation of both Contracting Parties they shall be paid only by the Contracting Party in whose territory the children are present.

## **PART IV - MISCELLANEOUS PROVISIONS**

#### **Article 23**

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

#### **Article 24**

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

2. The authorities and insurance institutions of the Contracting Parties shall, for the purpose of applying this Convention, communicate directly with one another in English.

3. The authorities, insurance institutions and jurisdictions of a Contracting Party may not reject claims or other documents submitted to them by reason of the fact that they are written in a foreign language, provided they are written in the official language of the other Party or in English.

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

#### **Article 25**

The competent authorities of the two Contracting Parties shall inform each other as soon as possible of any amendments to the legislation specified in Article 2 of this Convention.

#### **Article 26**

The competent authorities of the two Contracting Parties shall keep each other informed of the measures taken to apply this Convention within their territories.

#### **Article 27**

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

#### **Article 28**

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

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

#### **Article 29**

1. Payments under this Convention may legitimately be made in the currency of the Contracting Party making the payment
2. Should currency restrictions be introduced by either of the Contracting Parties, the two Governments shall immediately and conjointly take steps to safeguard transfers between their territories of necessary amounts of money for the purpose of implementing this Convention.

#### **Article 30**

1. If an insurance institution in the territory of one of the Contracting Parties has made an advance payment, then an amount accruing for the same period as the advance payment according to the legislation of the other Contracting Party may be withheld. If an insurance institution of one of the Contracting Parties has paid an excessive rate of benefits for a period for which an insurance institution of the other Contracting Party is to pay a corresponding amount of compensation, then the excess payment may similarly be withheld.
2. The advance payment or excess amount shall be deducted from compensation relating to the same period which has been paid subsequently. If there is no such subsequent payment, or if the payment is not sufficient for the clearance required, full clearance or deduction for the remaining amount can be made from current benefit payments, though in the manner and subject to the restrictions laid down by the legislation of the Contracting Party which is to perform the clearance.

#### **Article 31**

1. Disputes arising in connection with the application of this Convention are to be resolved by negotiations between the competent authorities.
2. If the dispute has not been resolved within six months from the date when such negotiations were first requested, it shall be submitted to an arbitration tribunal whose constitution and procedure shall be decided upon by the Contracting Parties. The arbitration tribunal shall resolve the dispute in accordance with the basic principles and spirit of this Convention. The arbitration shall be final and binding for the Contracting Parties.

#### **Article 32**

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

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

3. Upon an application being received, a benefit granted prior to the entry into force of this Convention shall be recalculated in compliance with the provisions of the same. Such benefits may also be recalculated without any application being made. This recalculation may not result in any reduction of the benefit paid.

4. Provisions in the laws of the Contracting Parties concerning the prescription and the termination of the right to benefits shall not apply to rights arising out of the provisions of paragraphs 1-3 of this Article, always provided that the beneficiary submits his application for a benefit within two years after the date of entry into force of this Convention. If the application is submitted later than the time mentioned, benefits are paid out from the date of submission of the application, always provided that more generous provisions do not apply according to the legislation of the Contracting Party which has to pay the benefit and that the entitlement to benefit has not been prescribed or cancelled.

### **Article 33**

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

2. If the Convention is denounced, its provisions shall continue to apply to benefits which have already been acquired, notwithstanding any provisions that may have been enacted in the legislation of the two Contracting Parties concerning restrictions of the right to benefits in connection with residence in, or citizenship of, other countries. Any right to future benefits which may have been acquired by virtue of the Convention shall be settled by special agreement.

### **Article 34**

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

In witness whereof the undersigned, duly authorized by their respective governments, have signed this Convention.

Done in Stockholm, on 30 June 1982

For the Israeli Government  
Dvora Avineri

For the Swedish Government  
Bjorn sjoberg