

AGREEMENT  
Between  
the State of Israel  
and  
the Republic of Italy on  
Social Security

The Government of the State of Israel and the Government of the Republic of Italy; being- desirous of regulating the relationship between the two States in the field of Social Security have agreed as follows:

PART I  
General Provisions

Article 1  
Definitions

1. For the purpose of this Agreement:

- a) "Contracting Parties" means the State of Israel and the Republic of Italy, hereinafter referred to as Israel and Italy;
- b) "Legislation" means, the laws, decrees and regulations, relative to the Social Security systems of each Contracting Party specified in Article 2 of this Agreement;
- c) "Competent Authority" means: in relation to the State of Israel: the Minister of Social Affairs and social Services, in relation to the Republic of Italy: the Ministry of Labor and Social Policy;
- d) "Institution" means the institution responsible for implementing the legislation specified in Article 2 of this Agreement;
- e) "Competent Institution" means the institution with which the person concerned is insured or which is responsible for providing benefits under the applicable legislation;
- f) "Benefit" means any payment in cash, or other benefit under the legislation defined in Article 2 of this Agreement including any additional amount, increase or supplement payable in addition to that benefit under the legislation of a Contracting Party, unless otherwise specified in this Agreement;
- g) "Period of Insurance" means a period of employment or self-employment, or contributions or residence, as defined or recognized as a period of insurance in the legislation under which such period has been or is deemed to have been completed, or any similar period in so far as it is recognized in the legislation of a Contracting Party as equivalent to a period of insurance;
- h) "Residence" means habitual residence, which is lawfully established;
- i) "Stay" means temporary sojourn;
- j) "Family member" means: The persons defined or recognized as such by the legislation applied by the Competent institution.

2. Other words and expressions used in this Agreement shall have the meanings respectively assigned to them in the legislation applied.

## Article 2

### Applicable Legislation

1. This Agreement shall apply to the legislation:

A. In relation to Israel: the National Insurance Law (Consolidated version) 5755-1995 insofar as it applies to the following branches of insurance:

- a) Old age and survivors' insurance;
- b) Invalidity insurance

B. In relation to Italy: general mandatory insurance for disability, oldage and survivors of employees, the relevant special schemes for the self-employed (craftsmen, tradesmen, farmers, tenants and sharecroppers ) and the separate scheme of this insurance;

The schemes excluding and replacing the general mandatory insurance schemes established for certain categories of workers, insofar as these refer to benefits or risks covered by the legislation indicated at the above subparagraphs.

2. Unless otherwise indicated in paragraph 4 of this Article, this Agreement shall also apply to future legislation codifying, replacing, amending or complementing the legislation referred to in paragraph 1 of this Article.

3. With the entry into force of this Agreement, the Competent Authorities shall notify each other of their legislation in the fields of Social Security referred to in paragraph 1. The Competent Authorities shall notify each other the amendments to their legislation.

4. This Agreement shall apply to legislation which extends or amends the application of the legislation specified in paragraph 1 of this Article to new groups of beneficiaries, if the Competent Authority of the Contracting Party concerned so decides and gives notice to that effect to the other Contracting Party.

5. This Agreement shall not apply to legislation introducing a new branch or a new scheme of social security.

6. The present Agreement does not apply to the legislation of the two Contracting States relating to the social pension and to other non-contributory benefits provided with public funds, or relating to supplementing the minimum benefit, except as provided by art. 13.5 and 16.4.

## Article 3

### Personal Scope

Unless otherwise provided, this Agreement shall apply to all persons who are or have been subject to the legislation referred to in Article 2 of this Agreement, as well as to family members and survivors of such persons.

## Article 4

### Equal Treatment

Unless otherwise provided in this Agreement, the following persons shall, while residing in the territory of either Contracting Party, have the same rights and obligations under the legislation of that Contracting Party as its own nationals:

- a) nationals of the other Contracting Party;
- b) refugees, as referred to in the Convention relating to the Status of Refugees of 28 July 1951 and the Protocol of 31 January 1967 to that Convention;
- c) stateless persons, as referred to in the Convention relating to the Status of Stateless Persons of 28 September 1954;
- d) family members and survivors of the persons mentioned under subparagraphs a) - c) with regard to rights which they derive from such persons.
- e) in relation to the Italian Contracting Party :EU nationals

## Article 5

### Export of Benefits

Unless otherwise provided in this Agreement, pensions and other cash benefits shall not be reduced, modified, suspended or withdrawn because the person resides or stays in the territory of the other Contracting Party.

## PART II

### Applicable Legislation

## Article 6

### General Provisions

Unless otherwise provided in this part

1. A person who is employed in the territory of one of the Contracting Parties shall be subject only to the legislation of that Contracting Party, regardless of the Contracting Party in whose territory he resides or in whose territory the registered office of the employer is located, unless otherwise provided for in this Agreement.
2. A person employed in the territory of both Contracting Parties shall be subject to the legislation of the Contracting Party in the territory of which he resides.
3. A person who is self-employed in the territory of one or both Contracting Parties and who is a resident of one of the Contracting Parties shall be subject to the legislation of the Contracting Party in which he resides. Such person shall be treated as if he exercised all his professional activities in the territory of the Contracting Party to whose legislation he is subject.

4. Persons who are not gainfully occupied are subject to the legislation of the Contracting Party in whose territory they reside.

5. This Agreement 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.

6. Civil servants and persons treated as such and persons employed by a public institution of the Contracting Party shall be subject to the legislation of the Contracting Party in whose administration they are employed, provided that they were subject to the legislation of that Contracting Party prior to the employment.

## Article 7

### Special Provisions

1. A person who:

a) is employed by an employer whose registered place of business is in the territory of a Contracting Party,

b) is covered under the legislation of that Contracting Party, and

c) is sent to work in the territory of the other Contracting Party for the same employer for a period not exceeding 24 months

shall continue to be subject to the legislation of the former Contracting Party as if he continued to be resident and employed in the territory of that Contracting Party.

2. If the posting period referred to under Paragraph 1, Subparagraph c) of this Article continues beyond 24 months, the Competent Authorities or the Competent Institutions of the two Contracting Parties may agree that the employee remains subject only to the legislation of the first Contracting Party for a new additional period not longer than two years.

3. The travelling personnel of a transport undertaking or of an airline operating in the territories of both Contracting Parties shall be subject to the legislation of the Contracting Party in whose territory the undertaking has its registered place of business. If, however, the employee is resident in the territory of the other Contracting Party, the legislation of that Contracting Party shall apply.

4. A person employed on board a vessel flying the flag of a Contracting Party shall be subject to the legislation of that Contracting Party provided that the employer's registered place of business is situated in the territory of the Contracting Party. The above mentioned applies also when a vessel flies the flag of a third country but has a crew paid by an undertaking having its registered place of business in one of the Contracting Parties or by a person resident in one of the Contracting Parties.

## Article 8

### Exceptions to Articles 6 and 7

The Competent Authorities or the institutions authorized by them may agree in writing on exceptions to the provisions of Articles 6 and 7 in the interest of certain persons or categories of persons.

## Article 9

### Applications of Articles 6 - 8 to Family Members

1. Family members accompanying the person referred to in Article 6, paragraph 6 and living with him, are subject to the legislation of the same Contracting Party as that person.
2. Family members accompanying the employee referred to in Article 7, paragraph 1 and living with him, are subject to the legislation of the same Contracting Party as the employee.
3. When agreeing on the exceptions under Article 8 to the provisions of Articles 6 and 7, the persons accompanying the employee and living with him are subject to the legislation of the same Contracting Party in regard to which the exception has been agreed upon.
4. The provisions of paragraphs 1, 2 and 3 shall not apply, if the family member is subject to the legislation of the other Contracting Party on the basis of his own employment.

## Article 10

### Insurance Contributions

The insurance contributions concerning a person covered by this Agreement shall be payable according to the legislation of the Contracting Party to which he is subject according to this Agreement.

## PART III

### Special Provisions Concerning the Various Categories of Benefits

#### Chapter 1

#### Old Age, Invalidity and Survivors' Pensions

#### Article 11

#### Provision of Pensions

Unless otherwise provided in this Agreement, when providing pensions on the basis of this Agreement, the Competent Institutions of the Contracting Parties shall apply their respective legislation.

#### Article 12

#### Periods of Insurance of Less than Twelve Months

- 1) Where the total duration of the periods of insurance completed under the legislation of one of the Contracting Parties is less than twelve months and where, on the basis solely of those

periods, no right of benefit exists under that legislation, the institution of the Party concerned shall not be bound to grant a benefit in respect of the said periods.

2) In pursuance of paragraph 1 of this Article the Competent Institution of the other Contracting Party shall take into account these periods for the entitlement to, maintenance of and re-entitlement to benefits as well as the determination of the actual amount as if those periods had been completed under the legislation it applies.

## Application of Israeli Legislation

### Article 13

#### Old Age and Survivors' Benefits

1. When a national of a Contracting Party or a person designated in Article 4 b)-d) of the Agreement has been insured in Israel but does not have sufficient Israeli periods of insurance for entitlement to an old age or survivors' pension, periods of insurance completed under the legislation of Italy shall be taken into account as far as they do not overlap with Israeli periods of insurance. The Israeli Competent Institution shall take into account only periods of insurance completed under the legislation of Italy after 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 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 Competent 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 upon the beneficiary having been a resident of Israel or of Italy immediately prior to attaining the age entitling him to an old age pension.

4. The right to a survivors' pension shall be conditional upon the beneficiary and the deceased having been residents of Israel or of Italy at the time of death, or the deceased having received an old age pension immediately before his death.

5. Vocational training allowance 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 who was not a resident of Israel on the day of his death.

## Article 14

### Invalidity Benefits

1. A person covered by this Agreement shall be entitled to an invalidity benefit if he has been insured as a resident in Israel 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 Agreement 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.

## Application of the Legislation of Italy

### Article 15

#### Invalidity, Old Age and Survivors' Pensions

- (1) Where the legislation of Italy makes entitlement to, maintenance of and re entitlement to benefits conditional upon the completion of periods of insurance, the institution which applies that legislation shall, where necessary, take into account periods of insurance completed under the legislation of Israel, in so far as they do not overlap, as if they were periods of insurance completed under Italian legislation.
- (2) Where the right to receive benefits under Italian legislation is conditional upon the completion of a certain period in an occupation covered by a special scheme or in a specified occupation or employment, only periods completed, under the Israeli legislation, under the scheme concerned or, in the absence of such a scheme, in the same occupation or employment, as appropriate, shall be taken into account for determining entitlement to such benefits.

### Article 16

#### Calculation of cash benefits

- (1) If entitlement to benefits under the Italian legislation is to be acquired without regard to the provisions of Article 15 of this Agreement, the Italian Competent Institution shall calculate the benefits to be awarded solely on the basis of the periods completed under the legislation it applies.
- (2) If the person concerned acquires the right to benefits under the Italian legislation only through application of Article 15 of this Agreement, the Italian Competent Institution shall calculate the benefits as follows:

- a. the Competent Institution shall calculate the theoretical amount taking into account all the insurance periods completed under the legislation of both Contracting Parties as if they had been completed solely under the legislation which that institution applies;
- b. on the basis of the amount calculated as referred to above, the actual amount of benefit shall be computed as a proportion between the insurance periods completed exclusively according to its legislation and the total insurance periods taken into account for calculating the benefit.

(3) Where benefits under the Italian legislation are calculated on the basis of earnings or contributions paid under its legislation, the Competent Institution shall take into account the earnings or contributions paid exclusively under the legislation it applies.

(4) If the legislative requirements established in Italian legislation are met, the Competent Institution implements up to the minimum those benefits to which the beneficiary is entitled based on art. 15 only if the beneficiary resides in Italy.

## PART IV

### Miscellaneous Provisions

#### Article 17

#### Administrative Arrangement and Information Exchange

The Competent Authorities shall:

- a) Agree on the procedure for the implementation of this Agreement by means of an Administrative Arrangement;
- b) Exchange information concerning measures taken for the application of this Agreement;
- c) Exchange information concerning all changes in their respective legislation which may affect the application of this Agreement;
- d) Designate liaison bodies to facilitate and accelerate the implementation of this Agreement by means of the Administrative Arrangement.

#### Article 18

#### Administrative Assistance

1. The Competent Authorities and institutions of the Contracting Parties shall assist each other in implementing this Agreement as if they were enforcing their own laws. This Administrative Assistance shall be free of charge, unless the Competent Authorities otherwise agree on reimbursement of certain costs.

2. The authorities and institutions of the Contracting Parties may communicate directly with each other and with the persons concerned or with their representatives.

3. On request of Italian authorities and institutions, the Competent Authorities and institutions of Israel shall communicate the necessary data and information to implement art. 4e).

## Article 19

### Data Protection

Any data pertaining to individual persons which in the course of the application of this Agreement are transmitted by one Contracting Party to the other shall be confidential and used exclusively for determining the entitlement to benefits under this Agreement which are specified in the request for information or related to them. All exchange of data between the Contracting Parties shall be subject to the legislation of both Contracting Parties.

## Article 20

### Exemption from Taxes, Charges and Authentication

1. When the legislation of a Contracting Party provides that any claim or document is exempt, wholly or partly, from taxes, stamp duties, fees for court proceedings or registration fees, as far as the application of the legislation of that Contracting Party is concerned, the exemption shall be extended to apply also to claims and documents which are submitted under the legislation of the other Contracting Party to this Agreement.

2. Documents and certificates which are presented for purposes of this Agreement shall be exempt from authentication by diplomatic or consular authorities.

## Article 21

### Submission of Claims

1. Claims, notifications and appeals submitted to the Competent Institution of one Contracting Party shall be deemed to have been submitted to the Competent Institution of the other Contracting Party on the same date.

2. A claim for a benefit payable under the legislation of one Contracting Party shall be deemed to be a claim for the corresponding benefit payable under the legislation of the other Contracting Party, provided that the claim concerned is sent without delay to the Competent Institution of the other Contracting Party.

## Article 22

### Claims for Recovery

1. If the institution of a Contracting Party has paid a beneficiary a sum exceeding the entitlement of that beneficiary, the institution may, within the scope and terms of the applicable legislation, request the institution of the other Contracting Party to withhold a sum equivalent to the sum paid in excess from any sum payable by the latter institution to the beneficiary. Such

withholding by that institution shall be in compliance with the scope and terms of the applicable legislation as if reclaiming an excess sum paid by that institution itself. The institution shall transmit the sum it as withheld to the requesting institution.

2. If the institution of a Contracting Party has made advance payments for a period during which the beneficiary was entitled to benefits under the legislation of the other Contracting Party, this institution may request the institution of the other Contracting Party to withhold a sum equivalent to that advance from benefits payable by that institution to the beneficiary for the same period. Such withholding by that institution shall be in compliance with the scope and terms of the applicable laws, and the sum withheld shall be transmitted to the requesting institution.

## Article 23

### Languages Used in the Application

The Competent Authorities and institutions of the Contracting Parties may in application of this Agreement use the official languages of the Contracting Parties or the English language, as specified in the Administrative Arrangement referred to in subparagraph a) of Article 17.

## Article 24

### Currency and Method of Payment

1. Payment of any benefit in accordance with this Agreement may be made in the currency of the Contracting Party whose Competent Institution makes the payment.
2. If provisions designed to restrict the exchange, or exportation of currencies are introduced by either Contracting Party, the Competent Institutions of both Contracting Parties shall immediately take measures necessary to insure the transfer of sums payable under this Agreement.
3. When a beneficiary in the territory of one Contracting Party is receiving benefits under the legislation of the other Contracting Party, they shall be payable directly to the beneficiary by whatever method the Competent Institution of the latter Contracting Party deems appropriate.

## Article 25

### Settlements of Disputes

1. Disputes which arise in interpreting or applying this Agreement shall be resolved, to the extent possible, by the Competent Authorities.
2. Should the Competent Authorities be unable to resolve such disputes, pursuant to Paragraph 1, the contracting parties shall endeavor to do so by negotiations through diplomatic channels.

## PART V

### Transitional and Final Provisions

#### Article 26

##### Application of This Agreement to Periods of Time

##### Preceding Its Entry into Force

1. This Agreement shall not confer any rights to payment of benefit for any period prior to the date of entry into force of this Agreement.
2. When determining the right to benefits under this Agreement, any period of insurance completed prior to the entry into force of this Agreement shall be taken into account.
3. This Agreement may be applied even to contingencies that occurred prior to the entry into force of this Agreement.
4. Benefits granted prior to the entry into force of this Agreement may, upon application by the beneficiary, be re-determined to comply with the provisions of this Agreement. Such re-determination shall not result in any reduction in the amount of a benefit.
5. Any benefit which has not been awarded or which has been suspended by reason of the nationality of the person concerned or his residence in the territory of the other Contracting Party shall, on the application of that person, be awarded or resumed in accordance with this Agreement with effect from the date of entry into force of this Agreement, provided that the rights previously determined have not given rise to a lump-sum payment.
6. If the application referred to in Paragraphs 4 and 5 of this Article is submitted within two years of the date of entry into force of this Agreement, the rights under this Agreement shall be acquired as from that date. If the application referred to in Paragraphs 4 and 5 of this Article is submitted after the expiration of the two year period following the date of entry into force of this Agreement, rights which have not been forfeited or are not barred by limitation shall be acquired as from the date on which the application was submitted, except when more favorable provisions of the legislation of any of the Contracting Parties apply.

#### Article 27

##### Validity and Denunciation of the Agreement

1. This Agreement shall remain in force for an indefinite period.
2. Either Contracting Party may at any time denounce this Agreement. Such denunciation shall enter into force on the 31<sup>st</sup> of December after at least 12 months following the date of its notification in writing to the other Contracting Party through diplomatic channels.
3. If this Agreement is terminated, any right to benefits acquired in accordance with this Agreement shall be maintained.

Article 28  
Entry into Force

- a. This Agreement shall enter into force on the first day of the third month following the month in which the Contracting Parties will have communicated each other in writing through diplomatic channels that their respective national requirements necessary for the ratification have been fulfilled.
- b. Upon its entry into force, this Agreement shall terminate and replace the exchange of notes of 7 January 1987 which constituted an Agreement between the Italian Republic and the State of Israel concerning the application of social security legislation to workers from the country temporarily stationed in the other country.

In witness thereof the undersigned, being duly authorized thereto, have signed the present Agreement.

Done at \_\_\_\_\_ on \_\_\_\_\_ which corresponds to \_\_\_\_\_ in the Hebrew calendar, in two original alternates in Hebrew, Italian and English languages, each text being equally authentic. In case of divergence of interpretation, the English text shall prevail.

For the Government of the State of  
Israel

\_\_\_\_\_

For the Government of the Republic of  
Italy

\_\_\_\_\_