SCHEDULE

Articles 1, 2 and 3

Convention on Social Security Coordination between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation

CONVENTION ON SOCIAL SECURITY COORDINATION BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE SWISS CONFEDERATION

The United Kingdom of Great Britain and Northern Ireland ("United Kingdom") and The Swiss Confederation ("Switzerland") (together "the States" and individually "the State")

NOTING that the United Kingdom withdrew from the European Union on 31 January 2020 and ceased applying the Free Movement of Persons Agreement with effect from 1 January 2021,

RECOGNISING the importance of the coordination of social security rights enjoyed by persons moving between both States to work, to stay or to reside, as well as the rights enjoyed by their family members and survivors,

Have agreed as follows:

TITLE I

GENERAL PROVISIONS

ARTICLE 1

Definitions

For the purposes of this Convention, the following definitions apply:

- (a) "activity as an employed person" means any activity or equivalent situation treated as such for the purposes of the social security legislation of the State in which such activity or equivalent situation exists;
- (b) "activity as a self-employed person" means any activity or equivalent situation treated as such for the purposes of the social security legislation of the State in which such activity or equivalent situation exists;
- (c) "assisted reproduction services" means any medical, surgical or obstetric services provided for the purpose of assisting a person to carry a child;
- (d) "benefits in kind" means:
 - (i) for the purposes of Chapter 1 of Title III, benefits in kind provided for under the legislation of a State which are intended to supply, make available, pay directly or reimburse the cost of medical care and products and services ancillary to that care;

 (ii) for the purposes of Chapter 2 of Title III, all benefits in kind relating to accidents at work and occupational diseases as defined in point (i) and provided for under the States' accidents at work and occupational diseases schemes; (c) "civil servant" means a person considered to be such or treated as such by the State to which the administration employing them is subject; (f) "competent authority" means, in respect of each State, the Minister, Ministers or other equivalent authority responsible for social security schemes throughout or in any part of the State in question; (g) "competent institution" means: (i) the institution with which the person concerned is insured at the time of the application for benefit; or (ii) the institution from which the person concerned is or would be entitled to benefits if that person or a member or members of their family resided in the State in which the institution is situated; or (iii) the institution designated by the competent authority of the State concerned; or (iv) in the case of a scheme relating to an employer's obligations in respect of the matters to which this Convention applies under Article 6, either the employer or the insurer involved or, in default thereof, the body or authority designated by the competent authority of the State concerned; (b) "competent State" means the State in which the competent institution is situated; (i) "death grant" means any one-off payment in the event of death, excluding the lump-sum benefits referred to in paragraph (y); (i) "death grant" means all benefits in kind or in cash intended to meet family expenses; (k) "family benefit" means all benefits, or enable another person to receive social security benefits, or enable another person to receive social security benefits, or enable another person to receive social security benefits, or enable another person to receive social security benefits, or enable another person	 relating to accidents at work and occupational diseases as defined in point (i) and provided for under the States" accidents at work and occupational diseases schemes; (c) "civil servant" means a person considered to be such or treated as such by the State to which the administration employing them is subject; (f) "competent authority" means, in respect of each State, the Minister, Ministers or other equivalent authority responsible for social security schemes throughout or in any part of the State in question; (g) "competent institution" means: (i) the institution with which the person concerned is insured at the time of the application for benefit; or (ii) the institution from which the person concerned is or would be entitled to benefits if that person or a member or members of their family resided in the State in which the institution is situated; or (iii) the institution designated by the competent authority of the State concerned; or (iv) in the case of a scheme relating to an employer's obligations in respect of the body or authority designated by the competent authority of the State suthority of the State concerned; (b) "competent State" means the State in which the competent institution is situated; (i) "death grant" means any one-off payment in the event of death, excluding the lump-sum benefits referred to in paragraph (y); (j) "electronic exchange" means a system for the exchange of social security information using transmission by electronic means; (k) "family benefit" means all benefits in kind or in cash intended to meet family expenses; (i) "resive social security benefits, or enable another person to receive 		
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	benefits under the legislation of the State or States concerned or under the provisions of this Convention are not met; or
	 avoid paying social security contributions, or enable another person to avoid paying social security contributions, when such contributions are required under the legislation of the State or States concerned or under the provisions of this Convention;
(m)	"frontier worker" means any person pursuing an activity as an employed or self-employed person in a State and who resides in the other State to which that person returns as a rule daily or at least once a week;
(n)	"home base" means the place from where the crew member normally starts and ends a duty period or a series of duty periods, and where, under normal conditions, the operator/airline is not responsible for the accommodation of the crew member concerned;
(0)	"institution" means, in respect of each State, the body or authority responsible for applying all or part of the legislation;
(p)	"institution of the place of residence" and "institution of the place of stay" mean, respectively, the institution which is competent to provide benefits in the place where the person concerned resides and the institution which is competent to provide benefits in the place where the person concerned is staying, in accordance with the legislation administered by that institution or, where no such institution exists, the institution designated by the competent authority of the State concerned;
(q)	"insured person" means, in relation to the matters to which Chapters I and 3 of Title III apply, any person satisfying the conditions required under the legislation of the State competent under Title II to have the right to benefits, taking into account the provisions of this Convention;
(r)	"legal residence" means residence or stay in accordance with the relevant State's immigration laws;
(s)	"legislation" means, in respect of each State, laws, regulations and other statutory provisions and all other implementing measures relating to the matters to which this Convention applies under Article 6, but excludes contractual provisions other than those which serve to implement an insurance obligation arising from the laws and regulations referred to in this paragraph or which have been the subject of a decision by the public authorities which makes them obligatory or extends their scope, provided that the State concerned makes a declaration to that effect, notified to the Joint Administrative Committee;
(1)	"liaison body" means any body designated by a competent authority for one or more of the branches of social security referred to in Article 6 of

	this Convention to respond to requests for information and assistance for the purposes of the application of this Convention and which has to fulfil the tasks assigned to it under Title IV of Annex 1;	
(u)	"long-term care benefit" means a benefit in kind or in cash the purpose of which is to address the care needs of a person who, on account of impairment, requires considerable assistance, including but not limited to assistance from another person or persons to carry out essential activities of daily living for an extended period of time in order to support their personal autonomy; this includes benefits granted for the same purpose to a person providing such assistance;	
(v)	"member of the family" means:	
	 (A) any person defined or recognised as a member of the family or designated as a member of the household by the legislation under which benefits are provided; 	
	(B) with regard to benefits in kind pursuant to Chapter 1 of Title III, any person defined or recognised as a member of the family or designated as a member of the household by the legislation of the State in which that person resides;	
	(ii) if the legislation of a State which is applicable under point (i) does not make a distinction between the members of the family and other persons to whom it is applicable, the spouse, minor children and dependent children who have reached the age of majority shall be considered members of the family;	
	(iii) if, under the legislation which is applicable under points (i) and (ii), a person is considered a member of the family or member of the household only if that person lives in the same household as the insured person or pensioner, this condition shall be considered satisfied if the person in question is mainly dependent on the insured person or pensioner;	
(w)	"national of a European Union Member State" means a national of a Member State of the European Union according to the laws of the relevant Member State;	
(x)	"obligation of professional secrecy" means an obligation to protect such information effectively through appropriate security, technical and organisational measures and prevent unauthorised access, unauthorised modification and unauthorised disclosure of such information;	
(y)	"pension" covers not only pensions but also lump-sum benefits which can be substituted for them and payments in the form of reimbursement	

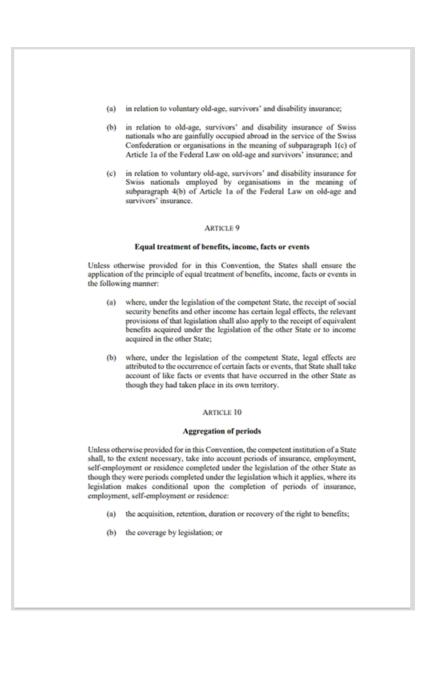
	of contributions and, subject to the provisions of Title III, revaluation increases or supplementary allowances;
(z)	"period of employment" or "period of self-employment" mean periods so defined or recognised by the legislation under which they were completed, and all periods treated as such, where they are regarded by that legislation as equivalent to periods of employment or to periods of self-employment;
(aa)	"period of insurance" means periods of contribution, employment or self-employment as defined or recognised as periods of insurance by the legislation under which they were completed or considered as completed, and all periods treated as such, where they are regarded by that legislation as equivalent to periods of insurance;
(bb)	"period of residence" means periods so defined or recognised by the legislation under which they were completed or considered as completed;
(cc)	"personal data" means any data concerning or relating to an identified or identifiable natural person;
(dd)	"refugee" has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees, signed in Geneva on 28 July 1951;
(ce)	"registered office or place of business" means the registered office or place of business where the essential decisions of the undertaking are adopted and where the functions of its central administration are carried out;
(fl)	"residence" (except in Article 3) means the place where a person habitually resides;
(gg)	"special non-contributory cash benefits" means those non-contributory cash benefits which:
	(i) are intended to provide either:
	(A) supplementary, substitute or ancillary cover against the risks covered by the branches of social security referred to in Article 6(1), and which guarantee the persons concerned a minimum subsistence income having regard to the economic and social situation in the State concerned; or
	(B) solely specific protection for the disabled, closely linked to the said person's social environment in the State concerned, and

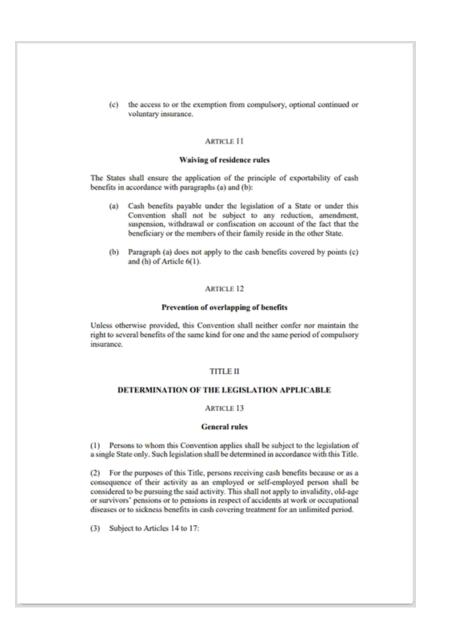
		(ii) where the financing exclusively derives from compulsory taxation intended to cover general public expenditure and the conditions for providing and for calculating the benefits are not dependent on any contribution in respect of the beneficiary. However, benefits provided to supplement a contributory benefit shall not be considered to be contributory benefits for this reason alone;
	(hh)	"special scheme for civil servants" means any social security scheme which is different from the general social security scheme applicable to employed persons in the State concerned and to which all, or certain categories of, civil servants are directly subject;
	(ii)	"stateless person" has the meaning assigned to it in Article 1 of the Convention relating to the Status of Stateless Persons, signed in New York on 28 September 1954;
	(jj)	"stay" means temporary residence;
	(kk)	"Swiss national" means a Swiss citizen according to the Federal Constitution of the Swiss Confederation;
	(11)	"United Kingdom national" means:
		a British citizen;
		 a person who is a British subject by virtue of Part IV of the British Nationality Act 1981 and who has the right of abode in the United Kingdom and is therefore exempt from United Kingdom immigration control;
		(iii) a British overseas territories citizen who acquires their citizenship from a connection with Gibraltar.
		ARTICLE 2
		Persons covered
(1)	As a	pplied by Switzerland, this Convention shall apply to:
	(a)	United Kingdom nationals, Swiss nationals, nationals of a European Union Member State, stateless persons and refugees, in each case who are or have been subject to the legislation of either or both of the States; and
	(b)	the members of the family and survivors of the persons described in point (a).

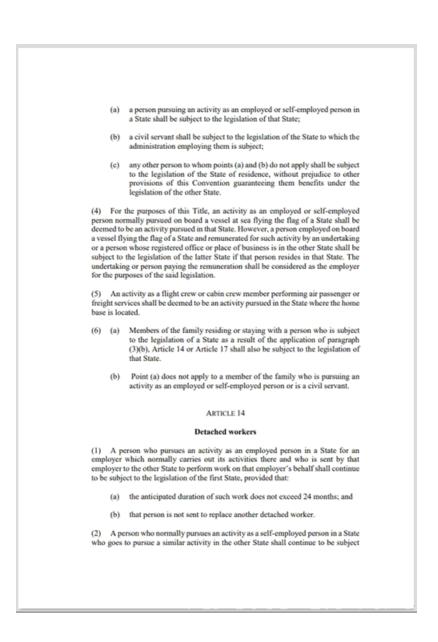
Convent	otwithstanding paragraph I, Switzerland shall apply the provisions of this ion, insofar as they relate to a determination of the applicable legislation for oses of Title II, to:
(a	 persons who are or have been subject to the legislation of either or both of the States; and
(b) the members of the family and survivors of the persons described in point (a).
3) A:	applied by the United Kingdom, this Convention shall apply to:
(a)	persons who are or have been subject to the legislation of either or both the States; and
(b) the members of the family and survivors of the persons described in point (a).
	stwithstanding paragraph 3, the United Kingdom shall apply the provisions onvention (except Article 19), insofar as they relate to benefits in kind, only
(a)	 United Kingdom nationals, Swiss nationals, nationals of a European Union Member State, stateless persons and refugees, in each case who are or have been subject to the legislation of either or both of the States; and
(b) the members of the family and survivors of the persons described in point (a).
	ARTICLE 3
	Legally residing
	is Convention shall apply to persons legally residing in Switzerland or the Kingdom.
	ragraph 1 of this Article shall not affect entitlements to cash benefits which previous periods of legal residence of persons covered by Article 2.
	ARTICLE 4
	Cross border situations
	nvention shall not apply to a person whose situation is confined in all respects ithin Switzerland, or within the United Kingdom.

ARTICLE 5
Territorial scope
The provisions of this Convention shall apply, on the one hand, to the United Kingdom and Gibraltar and, on the other hand, to Switzerland. Accordingly, references in this Convention to the "United Kingdom" shall include Gibraltar.
ARTICLE 6
Matters covered
(1) This Convention shall apply to the following branches of social security:
(a) sickness benefits;
(b) maternity and equivalent paternity benefits;
(c) invalidity benefits;
(d) old-age benefits;
(e) survivors' benefits;
(f) benefits in respect of accidents at work and occupational diseases;
(g) death grants;
 unemployment benefits.
(2) Unless otherwise provided for in Annex 4, this Convention shall apply to general and special social security schemes, whether contributory or non- contributory, and to schemes relating to the obligations of an employer or ship- owner.
(3) The provisions of Title III shall not, however, affect the legislative provisions of either State concerning a ship-owner's obligations.
(4) This Convention shall not apply to:
 (a) special non-contributory cash benefits which are listed in Part 1 of Annex 2:
 (b) social and medical assistance;
(c) benefits in relation to which a State assumes the liability for damages to persons and provides for compensation, such as those for victims of war and military action or their consequences; victims of crime, assassination
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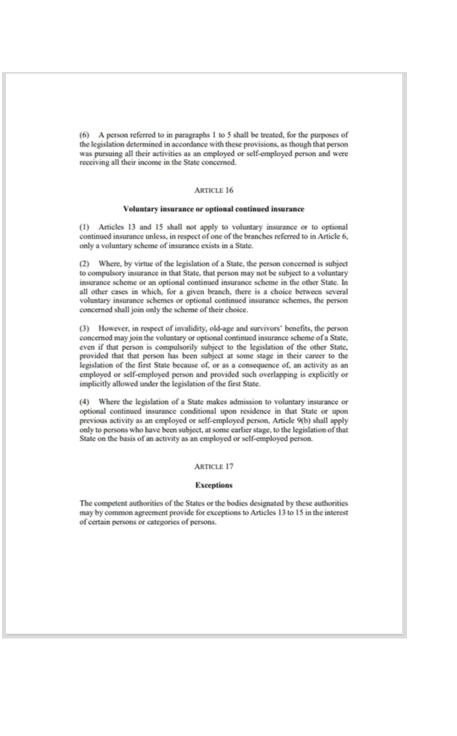
 or terrorist acts; victims of damage occasioned by agents of the State in the course of their duties; or victims who have suffered a disadvantage for political or religious reasons or for reasons of descent; (d) long-term care benefits which are listed in Part 2 of Annex 2; (e) assisted reproduction services; (f) payments which are connected to a branch of social security listed in paragraph 1 and which are: (i) paid to meet expenses for heating in cold weather; and (i) listed in Part 3 of Annex 2; (g) family benefits; (h) Swiss old-age, survivors' and invalidity benefits under the statutory occupational benefit plans. <i>LRICLE 7</i> Matomship with other agreement (1) This Convention shall apply without prejudice to the Agreement between the Swiss Confederation and the United Kingdom of Great Britan and Northerr Ireland or Steroury 2019. (a) Nothing in this Convention shall be construed as requiring either State to at 	
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in a manner inconsistent with its obligations under agreements with third countries.	
ARTICLE 8	
Equality of treatment	
(1) Unless otherwise provided for in this Convention, as regards the matters to which this Convention applies under Article 6, persons to whom this Convention applies shall enjoy the same benefits and be subject to the same obligations under the legislation of a State as the nationals thereof.	
(2) This provision does not apply to the exportability of cash benefits covered by point (c) of Article 6(1).	
(3) This provision does not apply to the Swiss legislation:	



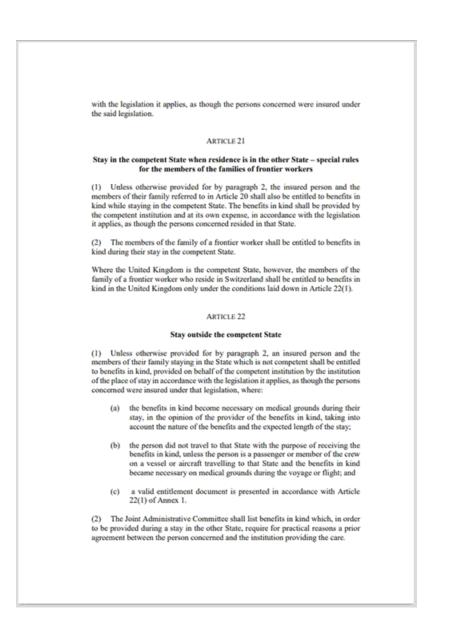




to the legislation of the first State, provided that the anticipated duration of such activity does not exceed 24 months. ARTICLE 15 Pursuit of activities in both States (1) A person who normally pursues an activity as an employed person in both States shall be subject to the legislation of the State of residence, provided they pursue a substantial part of their activity there. (2) Where a person does not pursue a substantial part of the activity described in paragraph 1 in the State of residence, the legislation applicable to that person shall be determined as follows: (a) if the person is employed by one or more employers, all of which have their registered office or place of business in one State, they shall be subject to the legislation of that State; (b) if the person is employed by two or more employers, which have their registered office or place of business in both States, they shall be subject to the legislation of the State which is not their State of residence; (c) if the person is employed by one or more employers, none of which have a registered office or place of business in either State, they shall be subject to the legislation of their State of residence. (b) if the person is employed by one or more employers, none of which have a registered office or place of business in either State, they shall be subject to the legislation of their State of residence. (c) if the person is employed by one or more employed person in both states shall be subject to the legislation of their State of residence. (d) the legislation of their State of residence, provided they pursue a substantial part of their activity there; or (e) the legislation of their State of residence, provided they pursue a substantial part of their activity as an employed person and an other state in which they carry out their activity as an employed person, or, if that substantial part of their activity as an employed person, or, if the person is employed person in both States shall be subject to the legislation of he State in w		
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ARTICLE 23

Travel with the purpose of receiving benefits in kind – authorisation to receive appropriate treatment outside the State of residence

(1) Unless otherwise provided for in this Convention, an insured person travelling to the other State with the purpose of receiving benefits in kind during the stay shall seek authorisation from the competent institution.

(2) An insured person who is authorised by the competent institution to go to the other State with the purpose of receiving the treatment appropriate to their condition shall receive the benefits in kind provided, on behalf of the competent institution, by the institution of the place of stay, in accordance with the legislation it applies, as though that person were insured under the said legislation. The authorisation shall be accorded where the treatment in question is among the benefits provided for by the legislation in the State where the person concerned resides and where that person cannot be given such treatment within a time limit which is medically justifiable, taking into account their current state of health and the probable course of their illness.

(3) Paragraphs 1 and 2 apply *mutatis mutandis* to the members of the family of an insured person.

ARTICLE 24

Cash benefits

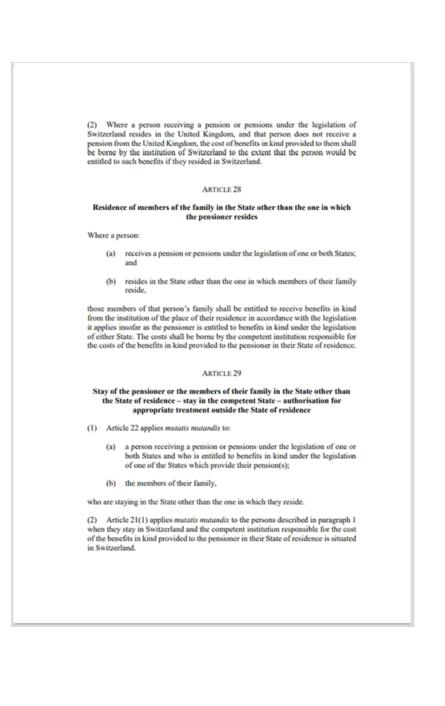
(1) An insured person and members of their family residing or staying in the State which is not competent shall be entitled to cash benefits provided by the competent institution in accordance with the legislation it applies.

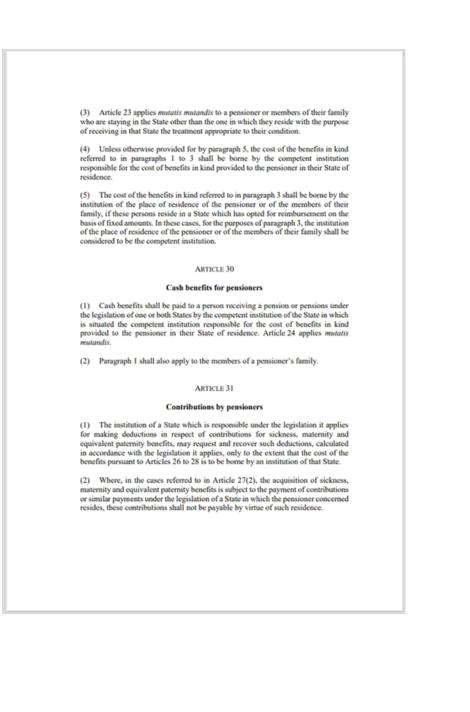
(2) The competent institution of a State whose legislation stipulates that the calculation of cash benefits shall be based on average income or on an average contribution basis shall determine such average income or average contribution basis exclusively by reference to the incomes confirmed as having been paid, or contribution bases applied, during the periods completed under the said legislation.

(3) The competent institution of a State whose legislation provides that the calculation of cash benefits shall be based on standard income shall take into account exclusively the standard income or, where appropriate, the average of standard incomes for the periods completed under the said legislation.

(4) Paragraphs 2 and 3 apply *mutatis mutandis* to cases where the legislation applied by the competent institution lays down a specific reference period which corresponds in the case in question either wholly or partly to the periods which the person concerned has completed under the legislation of the other State.

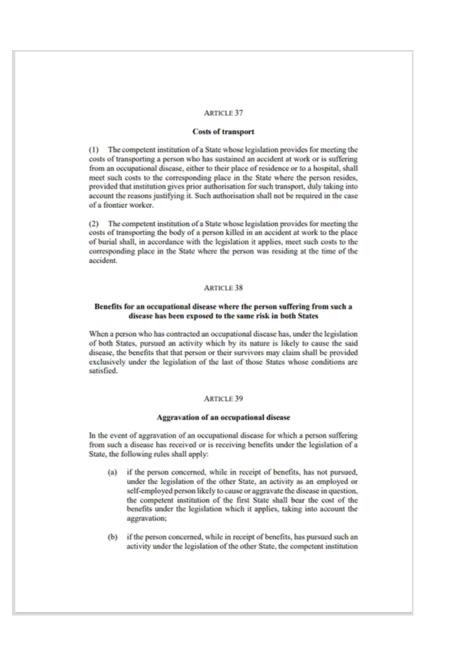


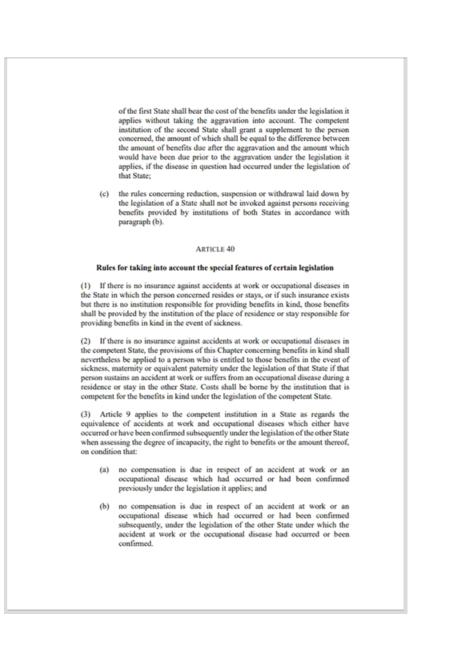




Section 3
Common provisions
ARTICLE 32
General provisions
Articles 26 to 31 shall not apply to a pensioner or the members of their family who are entitled to benefits under the legislation of a State on the basis of an activity as an employed or self-employed person. In such a case, the person concerned shall be subject, for the purposes of this Chapter, to Articles 20 to 24.
ARTICLE 33
Prioritising of the right to benefits in kind – special rule for the right of members of the family to benefits in the State of residence
(1) Unless otherwise provided for by paragraph 2, where a member of the family has an independent right to benefits in kind based on the legislation of either State or under this Chapter such right shall take priority over a derivative right to benefits in kind for members of the family.
(2) Where the independent right in the State of residence exists directly and solely on the basis of the residence of the person concerned in that State, a derivative right to benefits in kind shall take priority over the independent right.
Article 34
Family members residing in the United Kingdom
Notwithstanding Article 20, Articles 26 to 28 and Article 33, the members of the family residing in the United Kingdom of a person for whom Switzerland is the competent State under the terms of Title II of this Convention, or of an employed or self-employed person, a civil servant or a pensioner who resides in Switzerland and is insured under the Swiss sickness insurance scheme, or of a person for whom Switzerland is the competent State under Articles 27 to 28, are entitled to benefits in kind as though they were insured solely under the legislation of the United Kingdom and have no derivative right to benefits in kind in Switzerland.

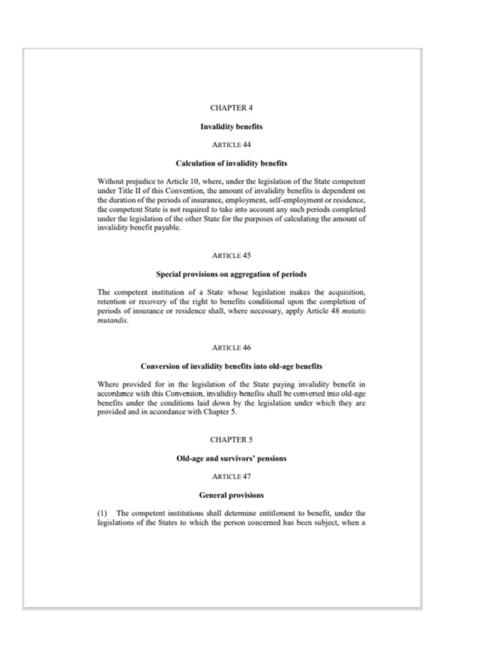
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<text><list-item><list-item></list-item></list-item></text>	Reimbursements between institutions
effected in accordance with Annex 1, either on production of proof of actual expenditure, or on the basis of fixed amounts, as appropriate. (3) The States, and their competent authorities, may provide for other methods of reimbursement or waive all reimbursement between the institutions coming under their jurisdiction. CHAPTER 2 Benefits in respect of accidents at work and occupational diseases ARTICLE 36 1) Without prejudice to any more favourable provisions in paragraphs 2 and 3 of this Article, Articles 20, 21(1), 22(1) and 23(1) shall also apply to benefits relating to accidents at work or occupational diseases. (2) A person who has sustained an accident at work or has contracted an occupational diseases provided, on behalf of the competent institution, by the institution of the place of residence or stays in a State other than the competent state shall be entitled to the special benefits in kind of the scheme covering accidents at work and occupational diseases provided, on behalf of the competent institution, by the institution of place of residence or stay in a accordance with the legislation which it applies, as though that person were insured under that legislation.	
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(4) Article 24 also applies to benefits falling within this Chapter.	for in Article 23(1) to a person who has sustained an accident at work or who has contracted an occupational disease and is entitled to benefits chargeable to that institution, where the treatment appropriate to their condition cannot be given in the State in which that person resides within a time limit which is medically justifiable, taking into account that person's current state of health and the probable course of
	(4) Article 24 also applies to benefits falling within this Chapter.





ARTICLE 41 Reimbursements between institutions (1) Article 35 applies to benefits falling within this Chapter, and reimbursement shall be made on the basis of actual costs. (2) The States, or their competent authorities, may provide for other methods of reimbursement or waive all reimbursement between the institutions under their jurisdiction. CHAPTER 3 Death grants ARTICLE 42 Right to grants where death occurs in, or where the person entitled resides in, the State which is not the competent State (1) When an insured person or a member of their family dies in the State which is not the competent State, the death shall be deemed to have occurred in the competent State. (2) The competent institution shall be obliged to provide death grants payable under the legislation it applies, even if the person entitled resides in the State which is not the competent State (3) Paragraphs 1 and 2 shall also apply when the death is the result of an accident at work or an occupational disease. ARTICLE 43 Provision of benefits in the event of the death of a pensioner (1) In the event of the death of a pensioner who was entitled to a pension under the legislation of one State, or to pensions under the legislations of both States, when that pensioner was residing in a State other than that of the institution responsible for the cost of benefits in kind provided under Article 27, the death grants payable under the legislation administered by that institution shall be provided at its own expense as though the pensioner had been residing at the time of their death in the State in which that institution is situated.

(2) Paragraph 1 applies mutatis mutandis to the members of the family of a pensioner.

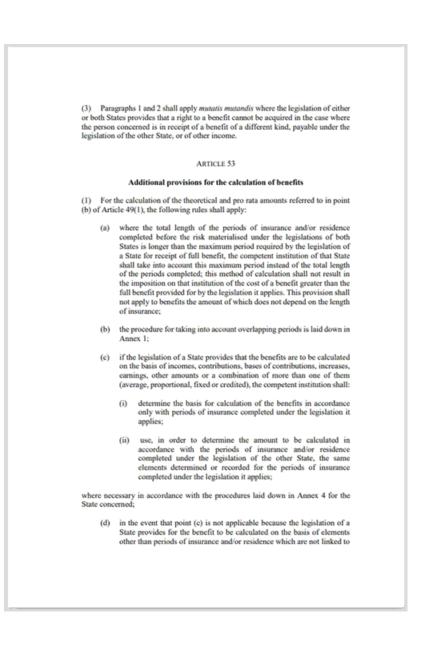


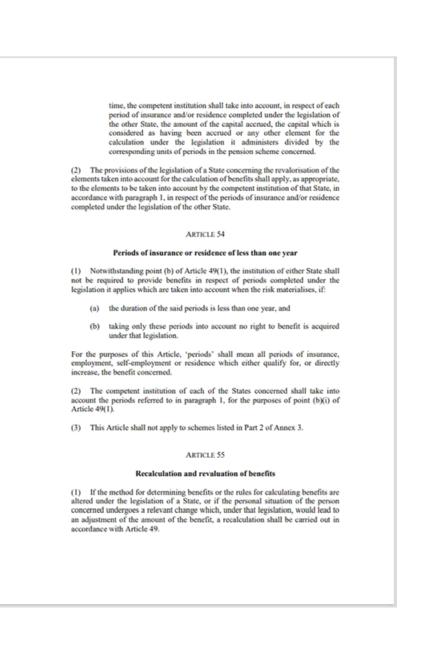
request for award has been submitted, unless the person concerned expressly requests deferment of the award of old-age benefits under the legislation of one or both States. (2) If at a given moment the person concerned does not satisfy, or no longer satisfies, the conditions laid down by the legislations of the States to which that person has been subject, the institutions applying legislation the conditions of which have been satisfied shall not take into account, when performing the calculation in accordance with points (a) or (b) of Article 49(1), the periods completed under the legislations the conditions of which have not been satisfied, or are no longer satisfied, where this gives rise to a lower amount of benefit. (3) Paragraph 2 applies mutatis mutandis when the person concerned has expressly requested deferment of the award of old-age benefits. A new calculation shall be performed automatically as and when the conditions (4) (4) A new calculation shart be performed automatically as and when the containous to be fulfilled under the other legislations are satisfied or when a person requests the award of an old-age benefit deferred in accordance with paragraph 1, unless the periods completed under the other legislations have already been taken into account by virtue of paragraphs 2 or 3. ARTICLE 48 Insurance when the risk materialises Where the legislation or specific scheme of a State makes the acquisition, retention or recovery of the right to benefits conditional upon the person concerned being insured at the time of the materialisation of the risk, this condition shall be regarded as having been satisfied if that person has been previously insured under the legislation or specific scheme of that State and is, at the time of the materialisation of the risk, insured under the legislation of the other State for the same risk or, failing that, if a benefit is due under the legislation of the other State for the same risk. The latter condition shall, however, be deemed to be fulfilled in the cases referred to in Article 54. ARTICLE 49 Award of benefits (1) The competent institution shall calculate the amount of the benefit that would be due: under the legislation it applies, only where the conditions for entitlement to benefits have been satisfied exclusively under national law (independent benefit);

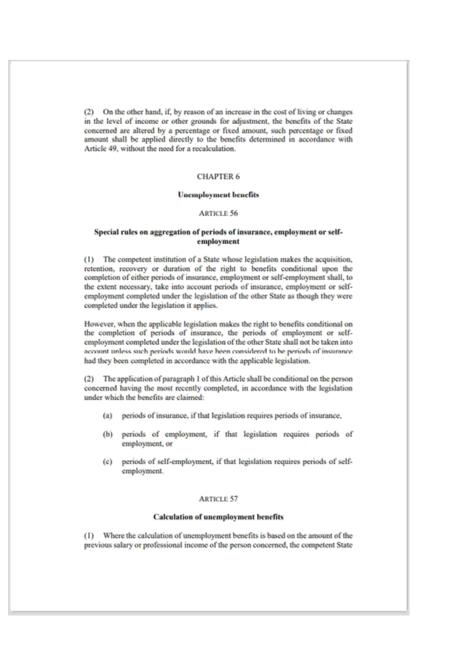
(b)	by calculating a theoretical amount and subsequently an actual amount (pro rata benefit), as follows:
	(i) the theoretical amount of the benefit is equal to the benefit which the person concerned could claim if all the periods of insurance and/or of residence which have been completed under the legislation of the other State had been completed under the legislation it applies on the date of the award of the benefit. If, under this legislation, the amount does not depend on the duration of the periods completed, that amount shall be regarded as being the theoretical amount;
	(ii) the competent institution shall then establish the actual amount of the pro rata benefit by applying to the theoretical amount the ratio between the duration of the periods completed before materialisation of the risk under the legislation it applies and the total duration of the periods completed before materialisation of the risk under the legislations of both States concerned.
calculated to reducti	ere appropriate, the competent institution shall apply, to the amount I in accordance with points (a) and (b) of paragraph 1, all the rules relating on, suspension or withdrawal, under the legislation it applies, within the vided for by Articles 50 to 52.
institution	person concerned shall be entitled to receive from the competent of each State the higher of the amounts calculated in accordance with and (b) of paragraph 1.
invariably benefit, c	ere the calculation pursuant to point (a) of paragraph 1 in one State results in the independent benefit being equal to or higher than the pro rata alculated in accordance with point (b) of paragraph 1, the competent a shall waive the pro rata calculation, provided that:
(a)	such a situation is set out in Part 1 of Annex 3;
(b)	no legislation containing rules against overlapping, as referred to in Articles 50 and 52, is applicable unless the conditions laid down in Article 52(2) are fulfilled; and
(c)	Article 54 is not applicable in relation to periods completed under the legislation of the other State in the specific circumstances of the case.
to scheme to the cale cases, the	withstanding paragraphs 1, 2 and 3, the pro rata calculation shall not apply is providing benefits in respect of which periods of time are of no relevance rulation, subject to such schemes being listed in Part 2 of Annex 3. In such person concerned shall be entitled to the benefit calculated in accordance egislation of the State concerned.

	ARTICLE 50	
	Rules to prevent overlapping	
the basis of	werlapping of old-age and survivors' benefits calculated or provided on periods of insurance or residence completed by the same person shall be to be overlapping of benefits of the same kind.	
	apping of benefits which cannot be considered to be of the same kind neaning of paragraph 1 shall be considered to be overlapping of benefits at kind.	
prevent over of a benefit	following provisions shall be applicable for the purposes of rules to rlapping laid down by the legislation of a State in the case of overlapping in respect of old-age or survivors with a benefit of the same kind or a different kind or with other income:	
	the competent institution shall take into account the benefits or incomes acquired in the other State only where the legislation it applies provides for benefits or income acquired abroad to be taken into account;	
	the competent institution shall take into account the amount of benefits to be paid by the other State before deduction of tax, social security contributions and other individual levies or deductions, unless the legislation it applies provides for the application of rules to prevent overlapping after such deductions, under the conditions and the procedures laid down in Annex 1;	
	the competent institution shall not take into account the amount of benefits acquired under the legislation of the other State on the basis of voluntary insurance or continued optional insurance;	
	if a State applies rules to prevent overlapping because the person concerned receives benefits of the same or of a different kind under the legislation of the other State or income acquired in the other State, the benefit due may be reduced solely by the amount of such benefits or such income.	
	ARTICLE 51	
	Overlapping of benefits of the same kind	
overlap, the	e benefits of the same kind due under the legislation of both States rules to prevent overlapping laid down by the legislation of either State applicable to a pro rata benefit.	

 (a) a benefit the amount of which does not depend on the duration of period: of insurance or residence; or (b) a benefit the amount of which is determined on the basis of a credited period deemed to have been completed between the date on which the risk materialised and a later date, overlapping with: (i) a benefit of the same type, except where an agreement has beer concluded between the States to avoid the same credited period being taken into account more than once; or (ii) a benefit referred to in point (a). ARTICLE 52 Overlapping of benefits of a different kind (1) If the receipt of benefits of a different kind or other income requires the application of the rules to prevent overlapping provided for by the legislation of the States concerned regarding: (a) two or more independent benefits, the competent institutions shall divide the amounts of the benefit or benefits or other income, as they have beer taken into account, by the number of benefits subject to the said rules; however, the application of this subparagraph cannot deprive the person concerned of their status as a pensioner for the purposes of the other chapters of this Title unde the conditions and the procedures laid down in Annex 1; (b) one or more pro rata benefits, the competent institutions shall take into account the benefit or benefits not overlapping as a function or the stipulated for applying the rules to prevent overlapping as a function or the stipulated for applying the rules to prevent overlapping as a function or the stipulated for applying the rules to prevent overlapping as a function or the stipulated for applying the rules to prevent overlapping as a function or the stipulated for applying the rules to prevent overlapping as a function or the stipulated for applying the rules to prevent overlapping as a function or the stipulated for applying the rules to prevent overlapping as a function or the stipulated for applying the
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account the benefit or benefits and/or other income and all the elements stipulated for applying the rules to prevent overlapping as a function of
the ratio between the periods of insurance or residence established for the calculation referred to in point (b)(ii) of Article 49(1);
(c) one or more independent benefits and one or more pro rata benefits, the competent institutions shall apply <i>mutatis mutandis</i> point (a) as regards independent benefits and point (b) as regards pro rata benefits.
(2) The competent institution shall not apply the division stipulated in respect of independent benefits, if the legislation it applies provides for account to be taken of benefits of a different kind or other income and all other elements for calculating par of their amount determined as a function of the ratio between periods of insurance or residence referred to in point (b)(ii) of Article 49(1).







shall take into account the salary or professional income received by the person concerned based exclusively on their last activity as an employed or self-employed person under the legislation of the competent State.

(2) Where the legislation applied by the competent State provides for a specific reference period for the determination of the salary or professional income used to calculate the amount of benefit, and the person concerned was subject to the legislation of the other State for all or part of that reference period, the competent State shall only take into account the salary or professional income received during their last activity as an employed or self-employed person under that legislation.

TITLE IV

MISCELLANEOUS PROVISIONS

ARTICLE 58

Cooperation

(1) The competent authorities of the States shall notify the Joint Administrative Committee of any changes to their legislation concerning the branches of social security covered by Article 6(1) which are relevant to or may affect the implementation of this Convention.

(2) The competent authorities of the States shall communicate to each other measures taken to implement this Convention that are not notified under paragraph 1.

(3) For the purposes of this Convention, the authorities and institutions of the States shall lend one another their good offices and act as though implementing their own legislation. The administrative assistance given by those authorities and institutions shall, as a rule, be free of charge. However, the Joint Administrative Committee shall establish the nature of reimbursable expenses and the limits above which their reimbursement is due.

(4) The authorities and institutions of the States may, for the purposes of this Convention, communicate directly with one another and with the persons involved or their representatives.

(5) The institutions and persons covered by this Convention shall have a duty of mutual information and cooperation to ensure the correct implementation of this Convention.

The institutions, in accordance with the principle of good administration, shall respond to all queries within a reasonable period of time and shall in this connection provide the persons concerned with any information required for exercising the rights conferred on them by this Convention. The persons concerned must inform the institutions of the competent State and of the State of residence as soon as possible of any change in their personal or family situation which affects their right to benefits under this Convention.

(6) Failure to respect the obligation of information referred to in the third subparagraph of paragraph 5 may result in the application of proportionate measures in accordance with national law. Nevertheless, these measures shall be equivalent to those applicable to similar situations under domestic law and shall not make it impossible or excessively difficult in practice for claimants to exercise the rights conferred on them by this Convention.

(7) The authorities, institutions and tribunals of one State may not reject applications or other documents submitted to them on the grounds that they are written in an official language of the States.

ARTICLE 59

Preventing and combatting fraud and error

(1) The States, through their competent authorities, undertake to prevent and combat fraud and error in respect of contributions or benefits due under this Convention.

(2) For the purpose of preventing and combatting fraud and error the liaison bodies of the States may share information, which may include the dates of death of the beneficiaries of a pension or benefit paid in accordance with the legislation of one State and who reside in the territory of the other State.

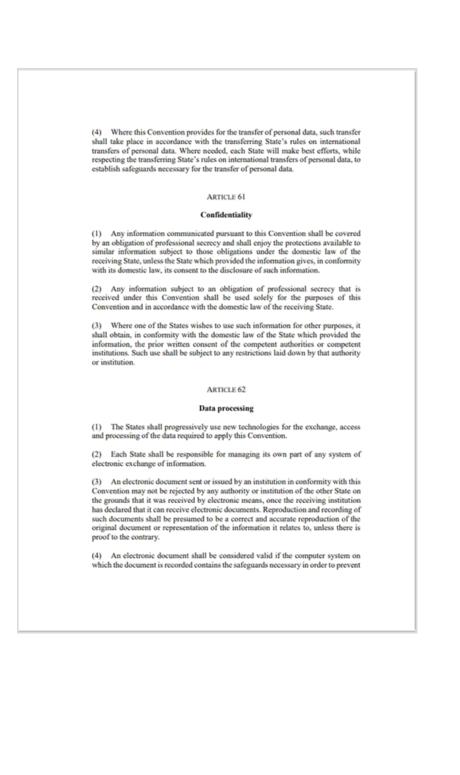
ARTICLE 60

Protection of personal data

 Any personal data received under this Convention shall be protected as such in accordance with the receiving State's domestic law.

(2) Any personal data received under this Convention shall be used solely for the purposes of this Convention and in accordance with the domestic law of the receiving State.

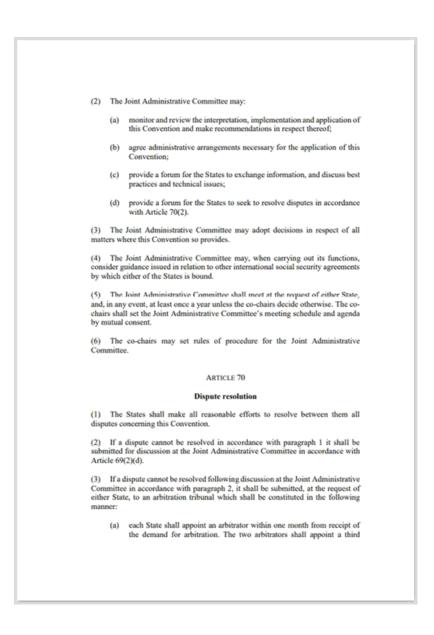
(3) Where one of the States wishes to use such personal data for other purposes, it shall obtain, in conformity with the domestic law of the State which provided the personal data, the prior written consent of the competent authorities or competent institutions. Such use shall be subject to any restrictions laid down by that authority or institution.

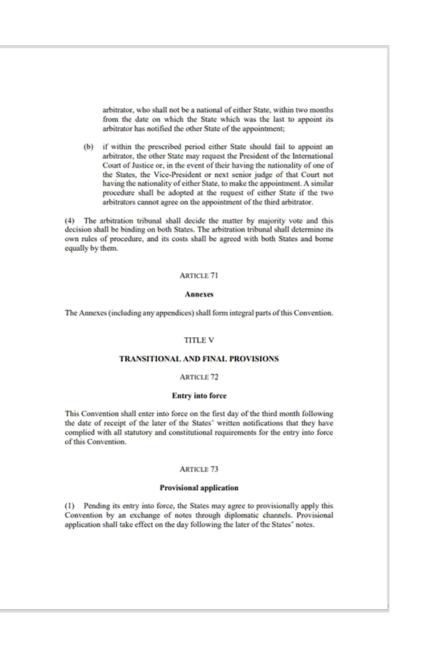


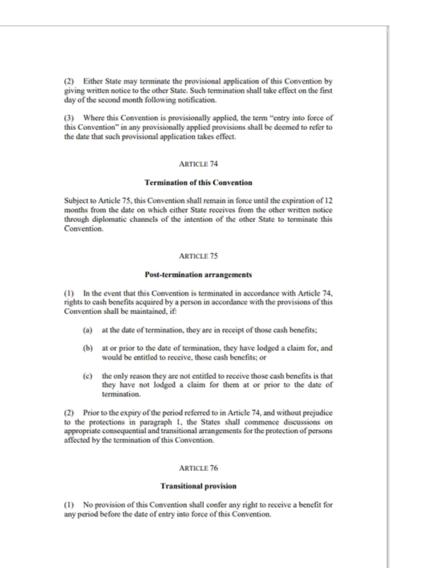


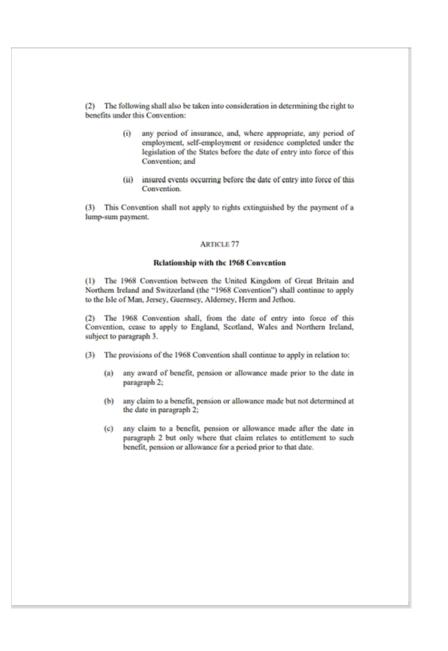
	ARTICLE 66
	Collection of contributions and recovery of benefits
a State by procedures contributic of benefits (2) Enfo the collect benefits pr and enfore the laws ar the collect declared er	ection of contributions due to a State and recovery of benefits provided by it not due may be effected in the other State in accordance with the and with the guarantees and privileges applicable to the collection of ns due to the corresponding institution of the latter State and the recovery provided by it but not due. recable decisions of the judicial and administrative authorities relating to ion of contributions, interest and any other charges or to the recovery of ovided but not due under the legislation of one State shall be recognised ed at the request of the other State within the limits and in accordance with al procedures applicable to similar decisions of the latter State concerning ion of contributions and the recovery of benefits. Such decisions shall be inforceable in that State insofar as the legislation and any other procedures
(3) Clair settlement	te so require. ms of an institution of one State shall in enforcement, bankruptcy or proceedings in the other State enjoy the same privileges as the legislation r accords to claims of the same kind.
(4) The shall be go	procedure for implementing this Article, including costs reimbursement, verned by Annex 1 or, where necessary and as a complementary measure, of agreements between the States.
	ARTICLE 67
	Rights of institutions
injury resu responsibl	person receives benefits under the legislation of a State in respect of an liting from events occurring in the other State, any rights of the institution e for providing benefits against a third party liable to provide ion for the injury shall be governed by the following rules:
(a)	where the institution responsible for providing benefits is, under the legislation it applies, subrogated to the rights which the beneficiary has against the third party, such subrogation shall be recognised by each State;
(b)	where the institution responsible for providing benefits has a direct right against the third party, each State shall recognise such rights.
injury rest	person receives benefits under the legislation of one State in respect of an liting from events occurring in the other State, the said legislation which the cases in which the civil liability of employers or of their employees

is to be excluded shall apply with regard to the said person or to the competent institution Paragraph 1 shall also apply to any rights of the institution responsible for providing benefits against employers or their employees in cases where their liability is not excluded. (3) Where, in accordance with Articles 35(3) or 41(2), the States or their competent authorities have concluded an agreement to waive reimbursement between institutions under their jurisdiction, or, where reimbursement does not depend on the amount of benefits actually provided, any rights arising against a liable third party shall be governed by the following rules: (a) where the institution of the State of residence or stay grants benefits to a person in respect of an injury sustained in its territory, that institution, in accordance with the provisions of the legislation it applies, shall exercise the right to subrogation or direct action against the third party liable to provide compensation for the injury; (b) for the application of point (a): the person receiving benefits shall be deemed to be insured with the institution of the place of residence or stay, and (ii) that institution shall be deemed to be the institution responsible for providing benefits; (c) paragraphs 1 and 2 shall remain applicable in respect of any benefits not covered by the waiver agreement or a reimbursement which does not depend on the amount of benefits actually provided. ARTICLE 68 Implementation of legislation Special provisions for implementing the legislation of a State are referred to in Annex ARTICLE 69 Establishment and role of the Joint Administrative Committee (1) The competent authorities of the States shall establish a joint committee to be called the Joint Administrative Committee. The Joint Administrative Committee shall comprise representatives of each State. It shall be co-chaired by a representative of each State.









In witness whereof th	e undersigned, duly a	uthorised by their respective	2
Governments, have signe	d this Convention.		
Done in duplicate at LON	DON on 9 SEPTEMBER	2021 in the English and German	
languages, each text bein	a ample authentic	Logi mure angust and orthun	
languages, each text bein	g equally addrenite.		
For the United Kingdo		For the Swiss Confederation:	
For the United Kingde Britain and Northern	m of Great	For the Swiss Confederation:	
Britain and Northern	reland:		
NIGEL ADAM	S	ALAIN BERSET	

ANNEX 1: IMPLEMENTING PART

TITLE I: GENERAL PROVISIONS

CHAPTER 1

ARTICLE I

Definitions

For the purposes of this Annex the following definitions, in addition to those contained in Article I of this Convention, apply:

- (a) "Administrative arrangements" means the arrangements necessary for the application of this Convention agreed from time to time by the Joint Administrative Committee under Article 69(2)(b) of this Convention;
- (b) "document" means a set of data, irrespective of the medium used, structured in such a way that it can be exchanged electronically and which must be communicated in order to enable the operation of this Convention;
- (c) "Joint Administrative Committee" means the committee established under Article 69 of this Convention;
- (d) "transmission by electronic means" means the transmission of data using electronic equipment for the processing (including digital compression) of data and employing wires, radio transmission, optical technologies or any other electromagnetic means.

CHAPTER 2

PROVISIONS CONCERNING COOPERATION AND EXCHANGES OF DATA

ARTICLE 2

Scope and rules for exchanges between institutions

(1) For the purposes of this Annex, exchanges between authorities of the States and institutions and persons covered by this Convention shall be based on the principles of public service, efficiency, active assistance, rapid delivery and accessibility, including e-accessibility, in particular for the disabled and the elderly.

(2) The institutions shall without delay provide or exchange all data necessary for establishing and determining the rights and obligations of persons to whom this

Convention applies. Such data shall be transferred between the States directly by the institutions themselves or indirectly via the liaison bodies.

(3) Where a person has mistakenly submitted information, documents or claims to an institution in the territory of a State other than that in which the institution designated in accordance with this Annex is situated, the information, documents or claims shall be resubmitted without delay by the former institution to the institution of the other State designated in accordance with this Annex, indicating the date on which they were initially submitted. That date shall be binding on the latter institution. The institutions of the States shall not, however, be held liable, or be deemed to have taken a decision by virtue of their failure to act as a result of the late transmission of information, documents or claims by States' institutions.

(4) Where data are transferred indirectly via the liaison body of the State of destination, time limits for responding to claims shall start from the date when that liaison body received the claim, as if it had been received by the institution in that State.

ARTICLE 3

Scope and rules for exchanges between the persons concerned and institutions

(1) The States shall ensure that the necessary information is made available to the persons concerned in order to inform them of the provisions introduced by this Convention and this Annex to enable them to assert their rights. They shall also provide for user-friendly services.

(2) Persons to whom this Convention applies shall be required to forward to the relevant institution the information, documents or supporting evidence necessary to establish their situation or that of their families, to establish or maintain their rights and obligations and to determine the applicable legislation and their obligations under it.

(3) To the extent necessary for the application of this Convention and this Annex, the relevant institutions shall forward the information and issue the documents to the persons concerned without delay and in all cases within any time limits specified under the legislation of the State in question.

(4) The relevant institution shall notify the claimant residing or staying in the other State of its decision directly or through the liaison body of the State of residence or stay. When refusing the benefits, it shall also indicate the reasons for refusal, the remedies and periods allowed for appeals. A copy of this decision shall be sent to other involved institutions.

ARTICLE 4

Forms, documents and methods of exchanging data

(1) Subject to Appendix 1, the structure, content and format of forms and documents issued on behalf of the States for the purposes of implementing this Convention shall be agreed by the States through the Joint Administrative Committee.

(2) The transmission of data between the institutions or the liaison bodies may, subject to the approval of the States through the Joint Administrative Committee, be carried out by way of electronic exchange. To the extent the forms and documents referred to in paragraph 1 are transmitted by electronic exchange, they shall respect the rules applicable to that system.

(3) Where the transmission of data between institutions or the liaison bodies is not carried out by way of electronic exchange, the relevant institutions and liaison bodies shall use the arrangements appropriate to each case, and favour the use of electronic means as far as possible.

(4) In their communications with the persons concerned, the relevant institutions shall use the arrangements appropriate to each case, and favour the use of electronic means as far as possible.

ARTICLE 5

Legal value of documents and supporting evidence issued in the other State

(1) Documents issued by the institution of one State and showing the position of a person for the purposes of the application of this Convention and this Annex, and supporting evidence on the basis of which the documents have been issued, shall be accepted by the institutions of the other State for as long as they have not been withdrawn or declared to be invalid by the issuing State.

(2) Where there is doubt about the validity of a document or the accuracy of the facts on which the particulars contained therein are based, the institution of the State that receives the document shall ask the issuing institution for the necessary clarification and, where appropriate, the withdrawal of that document. The issuing institution shall reconsider the grounds for issuing the document and, if necessary, withdraw it.

(3) Pursuant to paragraph 2, where there is doubt about the information provided by the persons concerned, the validity of a document or supporting evidence or the accuracy of the facts on which the particulars contained therein are based, the institution of the place of stay or residence shall, insofar as this is possible, at the request of the competent institution, proceed to the necessary verification of this information or document.

(4) Where no agreement is reached between the institutions concerned, the matter may be referred to the Joint Administrative Committee by the competent authorities of either State.

ARTICLE 6

Provisional application of legislation, granting of benefits and calculation of benefits and contributions

(1) Unless otherwise provided for in this Annex, where there is a difference of views between the institutions or authorities of the States concerning the determination of the applicable legislation, the person concerned shall be made provisionally subject to the legislation of one State, the order of priority being determined as follows:

- (a) the legislation of the State where the person actually pursues their employment or self-employment, if the employment or self-employment is pursued in only one of the States;
- (b) the legislation of the State of residence if the person concerned pursues employment or self-employment in both States, or if the person concerned is neither employed nor self-employed;
- (c) in all other cases, the legislation of the State the application of which was first requested if the person pursues an activity, or activities, in both States.

(2) Where there is a difference of views between the institutions or authorities of the States about which institution should provide the benefits in cash or in kind, the person concerned who could claim benefits if there was no dispute shall be entitled, on a provisional basis, to the benefits provided for by the legislation applied by the institution of that person's place of residence or, if that person does not reside on the territory of one of the States concerned, to the benefits provided for by the legislation applied by the institution to which the request was first submitted.

(3) Where no agreement is reached between the institutions or authorities concerned, the matter may be referred to the Joint Administrative Committee by the competent authorities of either State.

(4) Where it is established either that the applicable legislation is not that of the State of provisional membership, or the institution which granted the benefits on a provisional basis was not the competent institution, the institution identified as being competent shall be deemed retroactively to have been so, as if that difference of views had not existed, at the latest from either the date of provisional membership or of the first provisional granting of the benefits concerned. (5) If necessary, the institution identified as being competent and the institution which provisionally paid the cash benefits or provisionally received contributions shall settle the financial situation of the person concerned as regards contributions and cash benefits paid provisionally, where appropriate, in accordance with Title IV, Chapter 2 of this Annex.

(6) Benefits in kind granted provisionally by an institution in accordance with paragraph 2 shall be reimbursed by the competent institution in accordance with Title IV of this Annex.

(7) Unless otherwise provided for in this Annex, where a person is eligible for a benefit, or is liable to pay a contribution in accordance with this Convention, and the competent institution does not have all the information concerning the situation in the other State which is necessary to calculate definitively the amount of that benefit or contribution, that institution may award this benefit or calculate this contribution on a provisional basis, if such a calculation is possible on the basis of the information at the disposal of that institution.

(8) The benefit or the contribution concerned shall be recalculated once all the necessary supporting evidence or documents are provided to the institution concerned.

ARTICLE 7

Periods of insurance or residence

(1) Where the only reason that a period of insurance, employment, self-employment or residence would not be considered to be such a period for the purposes of this Convention is the fact that a person does not fall within the scope of this Convention, as applied by Switzerland under Article 2(1) of this Convention, by virtue of their nationality, that period will be considered as such for the application of this Convention by the United Kingdom in relation to benefits other than benefits in kind.

(2) This Article also applies to such periods completed by members of the family of a person who does not fall within the scope of this Convention, as applied by Switzerland under Article 2(1) of this Convention, by virtue of their nationality.

	CHAPTER 3
OTHE	R GENERAL PROVISIONS FOR THE APPLICATION OF THIS
	CONVENTION
	ARTICLE 8
	Other procedures between authorities and institutions
provided (competent authorities of the States may agree procedures other than those for by this Annex, provided that such procedures do not adversely affect or obligations of the persons concerned.
	v agreements concluded to this end shall be agreed by the States through Administrative Committee.
	ARTICLE 9
	Prevention of overlapping of benefits
legislation that woul reduction, concerned	anding other provisions in this Convention, when benefits due under the n of the States are mutually reduced, suspended or withdrawn, any amounts d not be paid in the event of strict application of the rules concerning , suspension or withdrawal laid down by the legislation of the State l shall be divided by the number of benefits subjected to reduction, n or withdrawal.
	ARTICLE 10
	Elements for determining residence
the determ institution concerned	ere there is a difference of views between the institutions of the States about nination of the residence of a person to whom this Convention applies, these as shall establish by common agreement the centre of interests of the person f, based on an overall assessment of all available information relating to acts, which may include, as appropriate:
(a)	the duration and continuity of presence in the territory of the States;
(b)	that person's situation, including:
	 the nature and the specific characteristics of any activity pursued, in particular the place where such activity is habitually pursued, the stability of the activity, and the duration of any work contract;
	(ii) that person's family status and family ties;

- (iii) the exercise of any non-remunerated activity;
- (iv) in the case of students, the source of that student's income;
- (v) that person's housing situation, in particular how permanent it is;
- (vi) the State in which that person is deemed to reside for taxation purposes.

(2) Where the consideration of the various criteria based on relevant facts as set out in paragraph 1 does not lead to agreement between the institutions concerned, the person's intention, as it appears from such facts and circumstances, especially the reasons that led the person to move, shall be considered to be decisive for establishing that person's actual place of residence.

(3) The centre of interest of a student who goes to the other State to pursue a fulltime course of study shall not be considered as being in the State of study for the entire duration of the course of study in that State, without prejudice to the possibility of rebutting this presumption.

(4) Paragraph 3 applies mutatis mutandis to the family members of the student.

ARTICLE 11

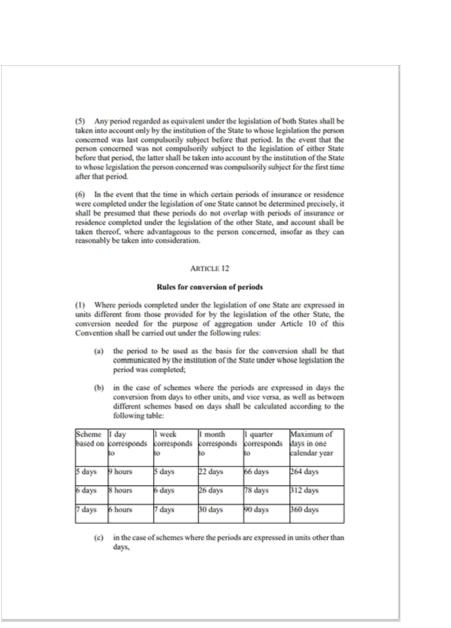
Aggregation of periods

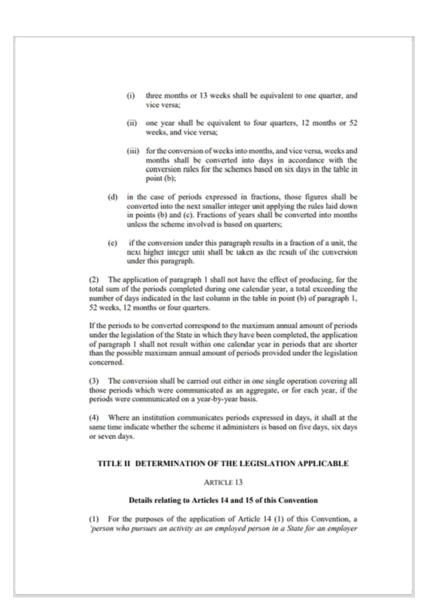
(1) For the purposes of applying Article 10 of this Convention the competent institution shall contact the institutions of the other State to whose legislation the person concerned has also been subject in order to determine all the periods completed under their legislation.

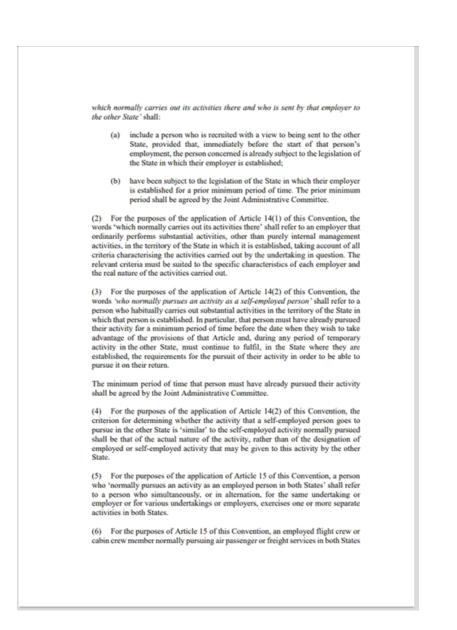
(2) The respective periods of insurance, employment, self-employment or residence completed under the legislation of a State shall be added to those completed under the legislation of the other State, insofar as necessary for the purposes of applying Article 10 of this Convention, provided that these periods do not overlap.

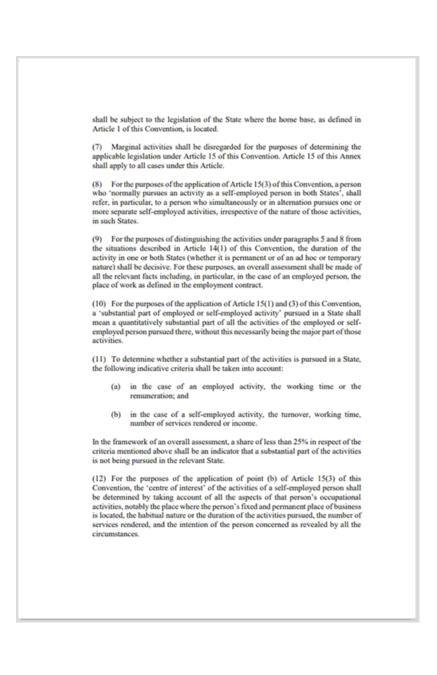
(3) Where a period of insurance or residence which is completed in accordance with compulsory insurance under the legislation of a State coincides with a period of insurance completed on the basis of voluntary insurance or continued optional insurance under the legislation of the other State, only the period completed on the basis of compulsory insurance shall be taken into account.

(4) Where a period of insurance or residence other than an equivalent period completed under the legislation of a State coincides with an equivalent period on the basis of the legislation of the other State, only the period other than an equivalent period shall be taken into account.









(13) For the determination of the applicable legislation under paragraphs 10, 11 and 12, the institutions concerned shall take into account the situation projected for the following 12 calendar months.

ARTICLE 14

Procedures for the application of Article 13(3)(b) and Article 13(4) and Article 14 of this Convention (on the provision of information to the institutions concerned)

(1) Unless otherwise provided for by Article 15 of this Annex, where a person pursues their activity outside the competent State, the employer or, in the case of a person who does not pursue an activity as an employed person, the person concerned shall inform the competent institution of the State whose legislation is applicable thereof, whenever possible in advance. That institution shall issue the attestation referred to in Article 17(2) of this Annex to the person concerned and shall without delay make information concerning the legislation applicable to that person, available to the institution designated by the competent authority of the State in which the activity is pursued.

(2) An employer within the meaning of Article 13(4) of this Convention who has an employee on board a vessel flying the flag of the other State shall inform the competent institution of the State whose legislation is applicable thereof, whenever possible in advance. That institution shall, without delay, make information concerning the legislation applicable to the person concerned, pursuant to Article 13(4) of this Convention, available to the institution designated by the competent authority of the State whose flag the vessel on which the employee is to perform the activity is flying.

ARTICLE 15

Procedure for the application of Article 15 of this Convention

 A person who pursues activities in both States shall inform the institution designated by the competent authority of the State of residence thereof.

(2) The designated institution of the place of residence shall without delay determine the legislation applicable to the person concerned, having regard to Article 15 of this Convention and Article 13 of this Annex. That initial determination shall be provisional. The institution shall inform the designated institutions of each State in which an activity is pursued of its provisional determination.

(3) The provisional determination of the applicable legislation, as provided for in paragraph 2, shall become definitive within two months of the institutions designated by the competent authorities of the State(s) concerned being informed of it, in accordance with paragraph 2, unless the legislation has already been definitively determined on the basis of paragraph 4, or at least one of the institutions concerned informs the institution designated by the competent authority of the State of residence by the end of this two-month period that it cannot yet accept the determination or that it takes a different view on this.

(4) Where uncertainty about the determination of the applicable legislation requires contacts between the institutions or authorities of both States, at the request of one or more of the institutions designated by the competent authorities of the State(s), or of the competent authorities themselves, the legislation applicable to the person concerned shall be determined by common agreement, having regard to Article 15 of this Convention and the relevant provisions of Article 13 of this Annex.

Where there is a difference of views between the institutions or competent authorities concerned, those bodies shall seek agreement in accordance with the conditions set out above and Article 6 of this Annex shall apply.

(5) The competent institution of the State whose legislation is determined to be applicable either provisionally or definitively shall without delay inform the person concerned.

(6) If the person concerned fails to provide the information referred to in paragraph 1, this Article shall be applied at the initiative of the institution designated by the competent authority of the State of residence as soon as it is appraised of that person's situation, possibly via another institution concerned.

ARTICLE 16

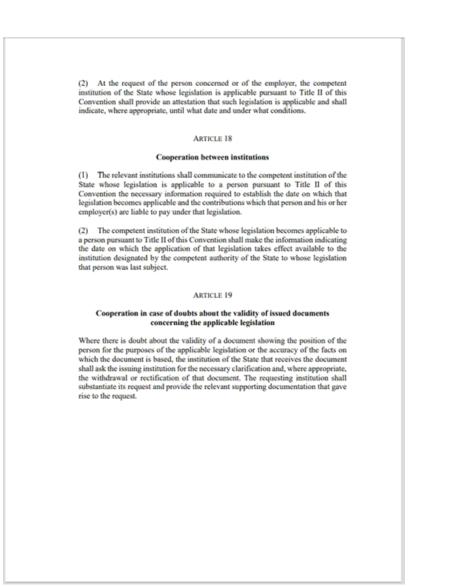
Procedure for the application of Article 17 of this Convention

A request by the employer or the person concerned for exceptions to Articles 13 to 15 of this Convention shall be submitted, whenever possible in advance, to the competent authority or the body designated by the authority of the State, whose legislation the employee or person concerned requests be applied.

ARTICLE 17

Provision of information to persons concerned and employers

(1) The competent institution of the State whose legislation becomes applicable pursuant to Title II of this Convention shall inform the person concerned and, where appropriate, their employer(s) of the obligations laid down in that legislation. It shall provide them with the necessary assistance to complete the formalities required by that legislation.



TITLE III SPECIAL PROVISIONS CONCERNING THE VARIOUS CATEGORIES OF BENEFITS

CHAPTER 1

SICKNESS, MATERNITY AND EQUIVALENT PATERNITY BENEFITS

ARTICLE 20

General implementing provisions

(1) The competent authorities or institutions shall ensure that any necessary information is made available to insured persons regarding the procedures and conditions for the granting of benefits in kind where such benefits are received in the territory of a State other than that of the competent institution.

(2) The competent authorities or institutions shall ensure that any necessary information, including but not limited to information related to receipt of benefits and contribution history, is made available to insured persons to assist in the granting of benefits in the other State.

(3) Notwithstanding point (a) of Article 9 of this Convention, a State may become responsible for the cost of benefits in accordance with Article 25 of this Convention only if, either the insured person has made a claim for a pension under the legislation of that State, or in accordance with Articles 26 to 31 of this Convention, they receive a pension under the legislation of that State.

ARTICLE 21

Residence in a State other than the competent State

Procedure and scope of right

(1) For the purposes of the application of Article 20 of this Convention, the insured person or members of that person's family shall be obliged to register promptly with the institution of the place of residence. Their right to benefits in kind in the State of residence shall be certified by a document issued by the competent institution upon request of the insured person or upon request of the institution of the place of residence.

(2) The document referred to in paragraph 1 shall remain valid until the competent institution informs the institution of the place of residence of its cancellation.

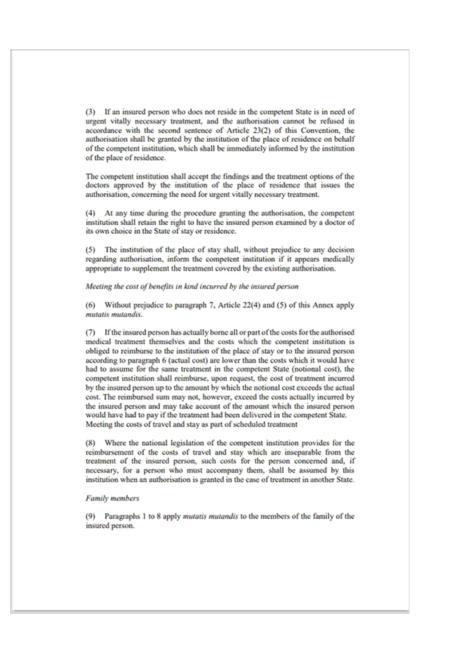
The institution of the place of residence shall inform the competent institution of any registration under paragraph 1 and of any change or cancellation of that registration.

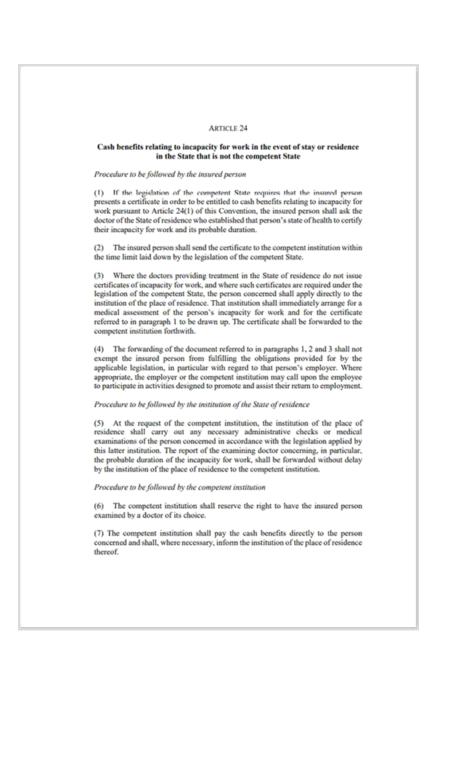
(3) This Article applies mutatis muta 27 and 28 of this Convention.	andis to the persons referred to in Articles 25,
Reimbursement	
(4) Where a person or the members of	of that person's family:
(a) have been issued with the o	locument referred to in paragraph 1;
(b) have registered that doeu residence in accordance wi	iment with the institution of the place of the paragraph 1; and
	by or on behalf of the person or members of esidence as part of an application for a permit le in that State,
	's family may apply to the institution of the (in whole or part, as the case may be) of the
State of residence shall determine that	fance with paragraph 1, the institution of the claim within three calendar months, starting shall make any reimbursement in accordance
than the period of time in respect of w	he document referred to in paragraph 1 is less hich the health fee has been paid, the amount on of the health fee which corresponds to the m issued.
(7) Where the health fee was paid by this Article applies, reimbursement ma	another person on behalf of a person to whom y be made to that other person.
AR	TICLE 22
Stay outside t	the competent State
Procedure and scope of right	
person shall present to the health care document issued by the competent inst in kind. If the insured person does not	n of Article 22 of this Convention, the insured provider in the State of stay an entitlement itution indicating their entitlement to benefits have such a document, the institution of the wise necessary, shall contact the competent
(2) That document shall satisfy the n	equirements in Appendix 1.

(3) The benefits in kind referred to in Article 22(1) of this Convention shall refer (c) The objects in kind refered to in Article 22(1) of this contention man refer to the benefits in kind which are provided in the State of stay, in accordance with its legislation, and which become necessary on medical grounds with a view to preventing an insured person from being forced to return, before the end of the planned duration of stay, to the competent State to obtain the necessary treatment. Procedure and arrangements for meeting the costs and providing reimbursement of benefits in kind (4) If the insured person has actually borne the costs of all or part of the benefits in kind provided within the framework of Article 22 of this Convention and if the legislation applied by the institution of the place of stay enables reimbursement of those costs to an insured person, they may send an application for reimbursement to the institution of the place of stay. In that case, that institution shall reimburse directly to that person the amount of the costs corresponding to those benefits within the limits of and under the conditions of the reimbursement rates laid down in its legislation. (5) If the reimbursement of such costs has not been requested directly from the institution of the place of stay, the costs incurred shall be reimbursed to the person concerned by the competent institution in accordance with the reimbursement rates administered by the institution of the place of stay or the amounts which would have been subject to reimbursement to the institution of the place of stay, if Article 44 of this Annex had applied in the case concerned. The institution of the place of stay shall provide the competent institution, upon request, with all necessary information about these rates or amounts. (6) By way of derogation from paragraph 5, the competent institution may undertake the reimbursement of the costs incurred within the limits of and under the conditions of the reimbursement rates laid down in its legislation, provided that the insured person has agreed to this provision being applied to them. (7) If the legislation of the State of stay does not provide for reimbursement pursuant to paragraphs 4 and 5 in the case concerned, the competent institution may reimburse the costs within the limits of and under the conditions of the reimbursement rates laid down in its legislation, without the agreement of the insured person. (8) The reimbursement to the insured person shall not, in any event, exceed the amount of costs actually incurred by them (9) In the case of substantial expenditure, the competent institution may pay the insured person an appropriate advance as soon as that person submits the application for reimbursement to it.

Family n	nembers
(10) Pa insured	ragraphs 1 to 9 apply <i>mutatis mutandis</i> to the members of the family of the person.
Reimbur	sement for students
(11) Wh	ere a person:
(a)	holds a valid entitlement document referred to in Appendix 1 issued by the competent institution;
(b)	has been accepted by a higher education institution in a State other than the competent State ("State of study") to pursue a full-time course of study leading to a higher education qualification recognised by that State, including diplomas, certificates or doctoral degrees at a higher education institution, which may cover a preparatory course prior to such education, in accordance with national law, or compulsory training;
(c)	does not exercise, or has not exercised, an activity as an employed or self-employed person in the State of study during the period to which the health fee relates; and
(d)	 a health fee has been paid by or on behalf of that person to the State of study as part of an application for a permit to enter, stay or reside for the purposes of pursuing a full-time course of study in that State;
	on may apply to the institution of the State of study for reimbursement (in part, as the case may be) of the health fee paid.
State of later that	here a claim is made in accordance with paragraph 11, the institution of the study shall process and settle that claim within a reasonable period but not a six calendar months starting on the day the claim was received and make bursement in accordance with this Article.
(a) of pa has been	here the period of validity of the entitlement document referred to in point ragraph 11 is less than the period of time in respect of which the health fee paid, the amount of the health fee reimbursed shall be the amount paid presponds to the period of validity of that document.
	here the health fee was paid by another person on behalf of a person to is Article applies, reimbursement may be made to that other person.
(15) Pa that pers	tragraphs 11 to 14 apply mutatis mutandis to the members of the family of on.
	is Article shall enter into force 12 months after the date of entry into force onvention.







(8) For the purposes of the application of Article 24(1) of this Convention, the particulars of the certificate of incapacity for work of an insured person drawn up in the State which is not competent on the basis of the medical findings of the examining doctor or institution shall have the same legal value as a certificate drawn up in the competent State.

(9) If the competent institution refuses the cash benefits, it shall notify its decision to the insured person and at the same time to the institution of the place of residence

Procedure in the event of a stay in a State other than the competent State

(10) Paragraphs 1 to 9 apply mutatis mutandis when the insured person stays in the State that is not the competent State.

CHAPTER 2

BENEFITS IN RESPECT OF ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES

ARTICLE 25

Right to benefits in kind and in eash in the event of residence or stay in the State that is not the competent State

 For the purposes of the application of Article 36 of this Convention, the procedures laid down in Articles 21 to 24 of this Annex apply *mutatis mutandis*.

(2) When providing special benefits in kind in connection with accidents at work and occupational diseases under the national legislation of the State of stay or residence, the institution of that State shall without delay inform the competent institution.

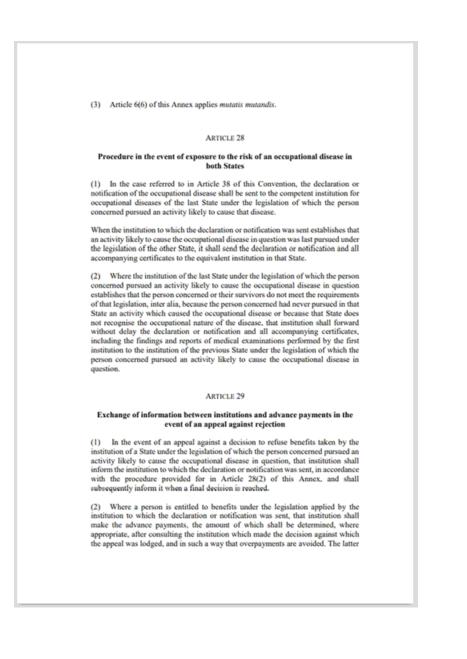
ARTICLE 26

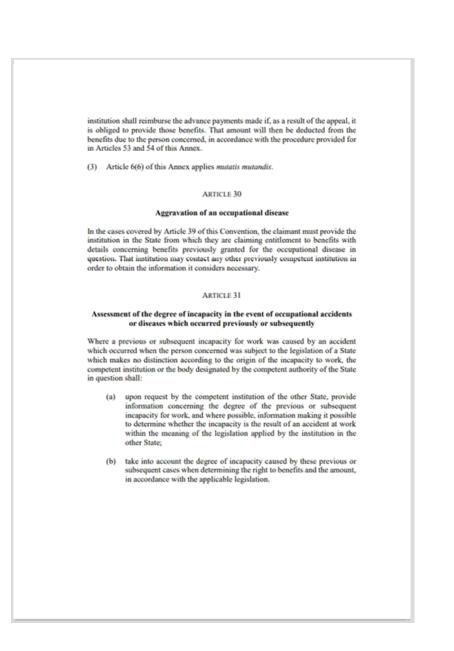
Procedure in the event of an accident at work or occupational disease which occurs in the State that is not the competent State

(1) If an accident at work occurs or an occupational disease is diagnosed for the first time in the State that is not the competent State, the declaration or notification of the accident at work or the occupational disease, where the declaration or notification exists under national legiclation, shall be carried out in accordance with the legislation of the competent State, without prejudice, where appropriate, to any other applicable legal provisions in force in the State in which the accident at work occurred or in which the first medical diagnosis of the occupational disease was made, which remain applicable in such cases. The declaration or notification shall be addressed to the competent institution.

(2) The institution of the State in the territory of which the accident at work occurred or in which the occupational disease was first diagnosed, shall notify the competent institution of medical certificates drawn up in the territory of that State. (3) Where, as a result of an accident while travelling to or from work which occurs in the territory of the State that is not the competent State, an inquiry is necessary in the territory of the first State in order to determine any entitlement to relevant benefits, a person may be appointed for that purpose by the competent institution, which shall inform the authorities of that State. The institutions shall cooperate with each other in order to assess all relevant information and to consult the reports and any other documents relating to the accident. (4) Following treatment, a detailed report accompanied by medical certificates relating to the permanent consequences of the accident or disease, in particular the injured person's present state and the recovery or stabilisation of injuries, shall be sent upon request of the competent institution. The relevant fees shall be paid by the institution of the place of residence or of stay, where appropriate, at the rate applied by that institution to the charge of the competent institution (5) At the request of the institution of the place of residence or stay, where appropriate, the competent institution shall notify it of the decision setting the date for the recovery or stabilisation of injuries and, where appropriate, the decision concerning the granting of a pension. ARTICLE 27 Disputes concerning the occupational nature of the accident or disease (1) Where the competent institution disputes the application of the legislation relating to accidents at work or occupational diseases under Article 36(2) of this Convention, it shall without delay inform the institution of the place of residence or stay which provided the benefits in kind, which will then be considered as sickness insurance benefits. When a final decision has been taken on that subject, the competent institution (2)shall, without delay, inform the institution of the place of residence or stay which provided the benefits in kind. Where an accident at work or occupational disease is not established, benefits in kind shall continue to be provided as sickness benefits if the person concerned is entitled to them.

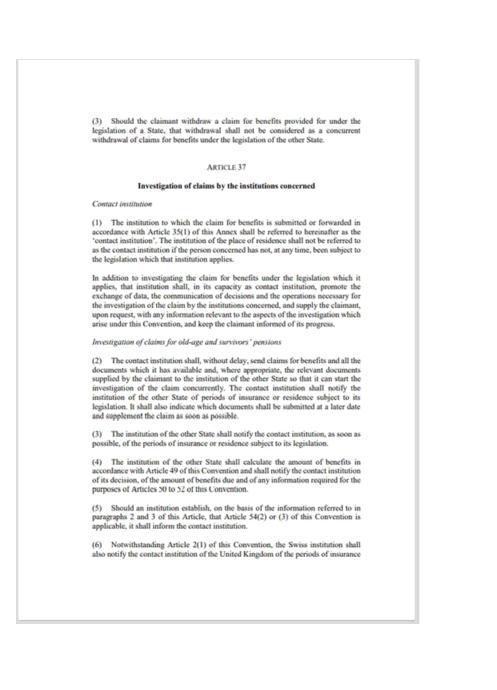
Where an accident at work or occupational disease is established, sickness benefits in kind provided to the person concerned shall be considered as accident at work or occupational disease benefits from the date on which the accident at work occurred or the occupational disease was first medically diagnosed.

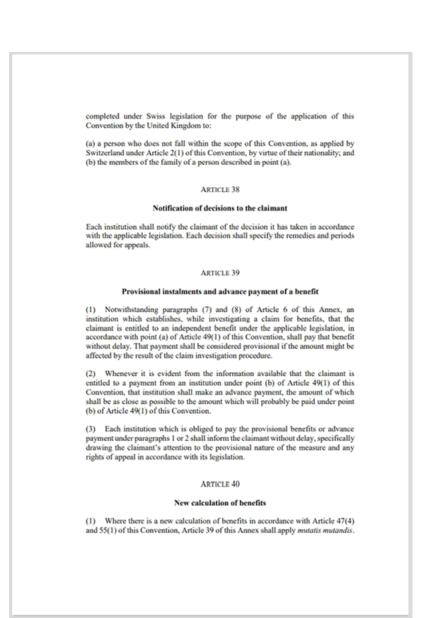


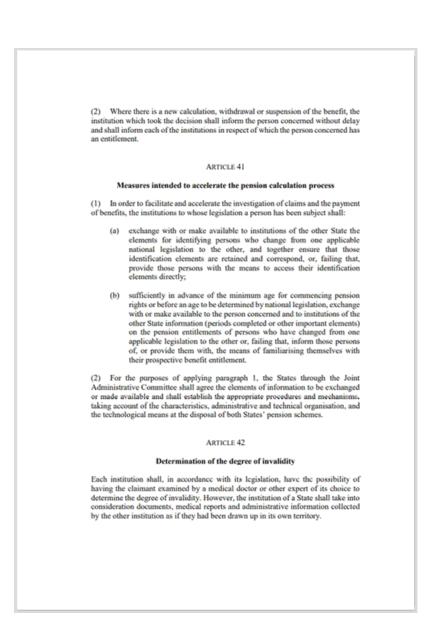


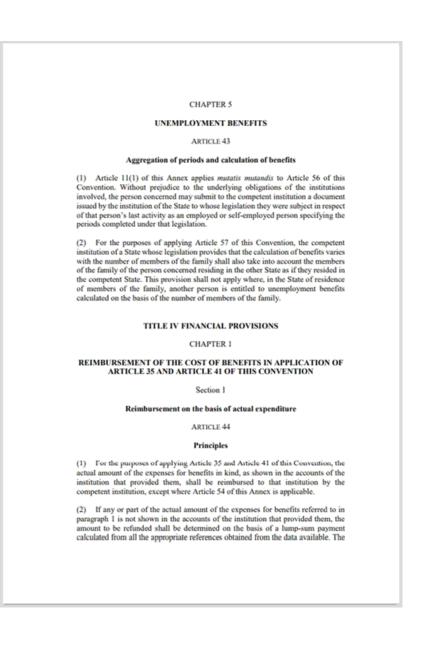
ARTICLE 32
Submission and investigation of claims for pensions or supplementary
allowances
In order to receive a pension or supplementary allowance under the legislation of a State, the person concerned or their survivors residing in the territory of the other State shall submit, where appropriate, a claim either to the competent institution or to the institution of the place of residence, which shall send it to the competent institution.
The claim shall contain the information required under the legislation applied by the competent institution.
CHAPTER 3
DEATH GRANTS
ARTICLE 33
Claim for death grants
For the purposes of applying Articles 42 and 43 of this Convention, the claim for death grants shall be sent either to the competent institution or to the institution of the claimant's place of residence, which shall send it to the competent institution. The claim shall contain the information required under the legislation applied by the competent institution.
CHAPTER 4
INVALIDITY BENEFITS AND OLD AGE AND SURVIVORS' PENSIONS
Article 34
Additional provisions for the calculation of the benefit
(1) For the purposes of calculating the theoretical amount and the actual amount of the benefit in accordance with Article 49(1)(b) of this Convention, the rules provided for in Article 11(3), (4), (5) and (6) of this Annex shall apply.
(2) Where periods of voluntary or optional continued insurance have not been taken into account under Article 11(3) of this Annex, the institution of the State under whose legislation those periods were completed shall calculate the amount corresponding to those periods under the legislation it applies. The actual amount of the benefit, calculated in accordance with Article 49(1)(b) of this Convention, shall

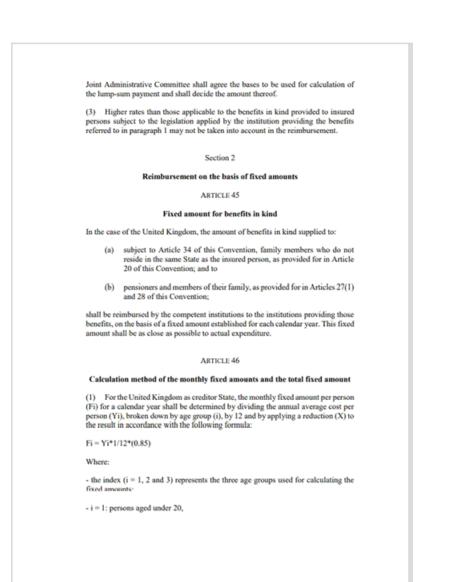












- i = 2: persons aged from 20 to 64,

- i = 3: persons aged 65 and over,

- Yi represents the annual average cost per person in age group $i,\ as$ defined in paragraph 2.

(2) The annual average cost per person (Yi) in age group i shall be obtained by dividing the annual expenditure on all benefits in kind provided by the institutions of the United Kingdom to all persons in the age group concerned subject to its legislation and residing within its territory by the average number of persons concerned in that age group in the calendar year in question.

(3) For the United Kingdom as debtor State, the total fixed amount for a calendar year shall be the sum of the products obtained by multiplying, in each age group i, the determined monthly fixed amounts per person by the number of months completed by the persons concerned in Switzerland in that age group.

The number of months completed by the persons concerned in Switzerland shall be the sum of the calendar months in a calendar year during which the persons concerned were, because of their residence in Switzerland, eligible to receive benefits in kind in that territory at the expense of the United Kingdom. Those months shall be determined from an inventory kept for that purpose by the institution of the place of residence, based on documentary evidence of the entitlement of the beneficiaries supplied by the competent institution.

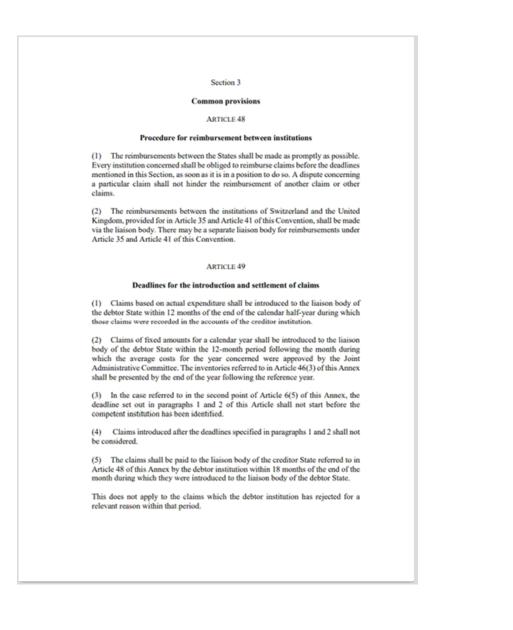
(4) The Joint Administrative Committee may agree a proposal containing any amendments which may prove necessary in order to ensure that the calculation of fixed amounts comes as close as possible to the actual expenditure incurred.

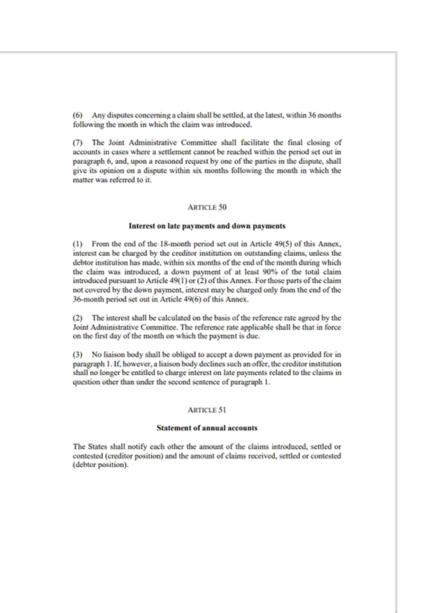
(5) The Joint Administrative Committee shall agree the methods for determining the elements for calculating the fixed amounts referred to in paragraphs 1 to 4.

ARTICLE 47

Notification of annual average costs

The annual average cost per person in each age group for a specific year shall be notified to the Joint Administrative Committee at the latest by the end of the second year following the year in question. If the notification is not made by this deadline, the annual average cost per person which the Joint Administrative Committee has last determined for a previous year will be taken.





CHAPTER 2 RECOVERY OF BENEFITS PROVIDED BUT NOT DUE, RECOVERY OF PROVISIONAL PAYMENTS AND CONTRIBUTIONS, OFFSETTING AND ASSISTANCE WITH RECOVERY Section 1 Principles ARTICLE 52 **Common provisions** For the purposes of applying Article 66 of this Convention and within the framework For the purpose of appring recovery of claims shall, wherever possible, be by way of offsetting either between the institutions of the States, or vis-à-vis the natural or legal person concerned in accordance with Articles 53 to 55 of this Annex. If it is not possible to recover all or any of the claim via this offsetting procedure, the remainder of the amount due shall be recovered in accordance with Articles 56 to 66 of this Annex. Section 2 Offsetting ARTICLE 53 Benefits received unduly If the institution of one State has paid undue benefits to a person, that institution may, within the terms and limits laid down in the legislation it applies, request the institution of the other State responsible for paying benefits to the person concerned to deduct the undue amount from arrears or ongoing payments owed to the person concerned regardless of the social security branch under which the benefit is paid. The institution of the latter State shall deduct the amount concerned subject to the conditions and limits applying to this kind of offsetting procedure in accordance with the legislation it applies in the same way as if it had made the overpayments itself, and shall transfer the amount deducted to the institution that has paid undue benefits. (2) By way of derogation from paragraph 1, if, when awarding or reviewing benefits in respect of invalidity benefits, old-age and survivors' pensions pursuant to Chapters 3 and 4 of Title III of this Convention, the institution of one State has paid to a person benefits of undue sum, that institution may request the institution of the other State responsible for the payment of corresponding benefits to the person concerned to deduct the amount overpaid from the arrears payable to the person

concerned. After the latter institution has informed the institution that has paid an undue sum of these arrears, the institution which has paid the undue sum shall within two months communicate the amount of the undue sum. If the institution which is due to pay arrears receives that communication within the deadline it shall transfer the amount deducted to the institution which has paid undue sums. If the deadline expires, that institution shall without delay pay out the arrears to the person concerned.

(3) If a person has received social welfare assistance in one State during a period in which they were entitled to benefits under the legislation of the other State, the body which provided the assistance may, if it is legally entitled to reclaim the benefits due to the person concerned, request the institution of the other State responsible for paying benefits in favour of the person concerned to deduct the amount of assistance paid from the amounts which that State pays to the person concerned.

This provision applies *mutatis mutandis* to any family member of a person concerned who has received assistance in the territory of one State during a period in which the insured person was entitled to benefits under the legislation of the other State in respect of that family member.

The institution of a State which has paid an undue amount of assistance shall send a statement of the amount due to the institution of the other State, which shall then deduct the amount, subject to the conditions and limits laid down for this kind of offsetting procedure in accordance with the legislation it applies, and transfer the amount without delay to the institution that has paid the undue amount.

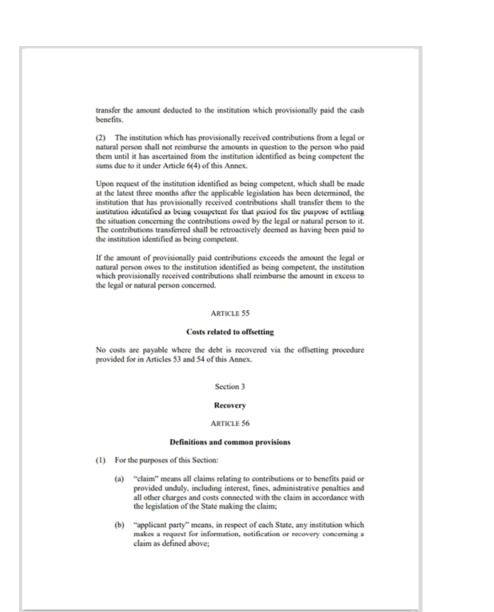
ARTICLE 54

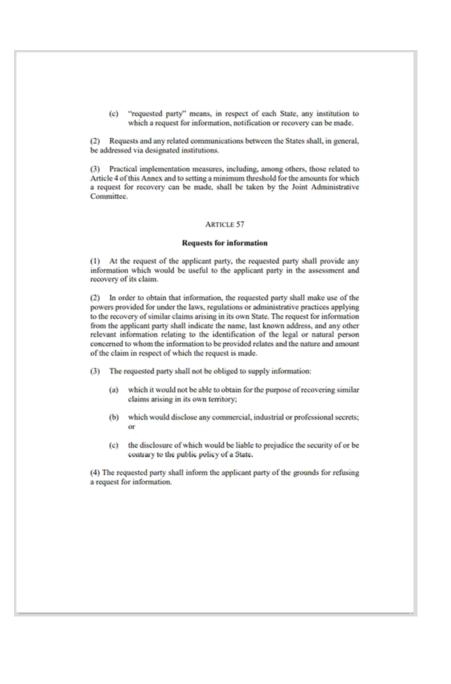
Provisionally paid benefits in cash or contributions

(1) For the purposes of applying Article 6 of this Annex, at the latest three months after the applicable legislation has been determined or the institution responsible for paying the benefits has been identified, the institution which provisionally paid the cash benefits shall draw up a statement of the amount provisionally paid and shall send it to the institution identified as being competent.

The institution identified as being competent for paying the benefits shall deduct the amount due in respect of the provisional payment from the arrears of the corresponding benefits it owes to the person concerned and shall without delay transfer the amount deducted to the institution which provisionally paid the cash benefits.

If the amount of provisionally paid benefits exceeds the amount of arrears, or if arrears do not exist, the institution identified as being competent shall deduct this amount from ongoing payments subject to the conditions and limits applying to this kind of offsetting procedure under the legislation it applies, and without delay





	ARTICLE 58
	Notification
accorda decision includin	he requested party shall, at the request of the applicant party, and in nee with the rules in force for the notification of similar instruments or as in its own territory, notify the addressee of all instruments and decisions, ag those of a judicial nature, which come from the State of the applicant party ich relate to a claim or to its recovery.
relevant which t instrum other rel	he request for notification shall indicate the name, address and any other t information relating to the identification of the addressee concerned to he applicant party normally has access, the nature and the subject of the ent or decision to be notified and, if necessary, the name, address and any levant information relating to the identification of the debtor and the claim to he instrument or decision relates, and any other useful information.
taken o	he requested party shall without delay inform the applicant party of the action n its request for notification and, particularly, of the date on which the nor instrument was forwarded to the addressee.
	ARTICLE 59
	Request for recovery
that are party to	t the request of the applicant party, the requested party shall recover claims the subject of an instrument permitting enforcement issued by the applicant the extent permitted by and in accordance with the laws and administrative is in force in the State of the requested party.
(2) TI	he applicant party may only make a request for recovery if:
(a	 it also provides to the requested party an official or certified copy of the instrument permitting enforcement of the claim in the State of the applicant party;
) the claim or instrument permitting its enforcement are not contested in
(b	its own State;
(c	 its own State; it has, in its own State, applied appropriate recovery procedures available to it on the basis of the instrument referred to in paragraph 1, and the

- (a) the name, address and any other relevant information relating to the identification of the natural or legal person concerned or to the identification of any third party holding that person's assets;
- (b) the name, address and any other relevant information relating to the identification of the applicant party;
- (c) a reference to the instrument permitting its enforcement, issued in the State of the applicant party;
- (d) the nature and amount of the claim, including the principal, interest, fines, administrative penalties and all other charges and costs due indicated in the currencies of the State(s) of the applicant and requested parties;
- the date of notification of the instrument to the addressee by the applicant party or by the requested party;
- (f) the date from which and the period during which enforcement is possible under the laws in force in the State of the applicant party;
- (g) any other relevant information.

(4) The request for recovery shall also contain a declaration by the applicant party confirming that the conditions laid down in paragraph 2 have been fulfilled.

(5) The applicant party shall forward to the requested party any relevant information relating to the matter which gave rise to the request for recovery, as soon as this comes to its knowledge.

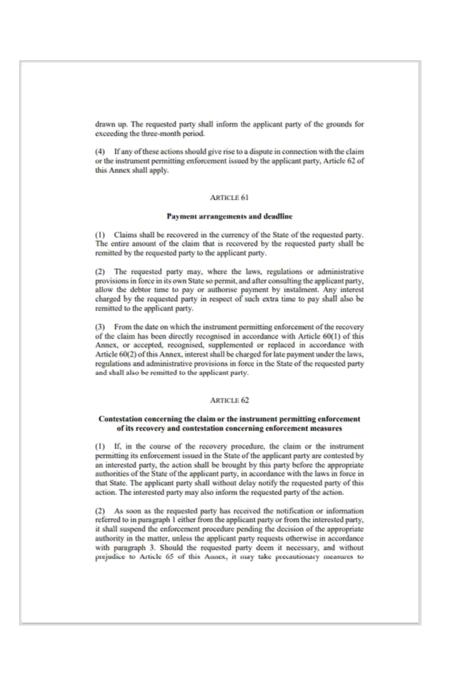
ARTICLE 60

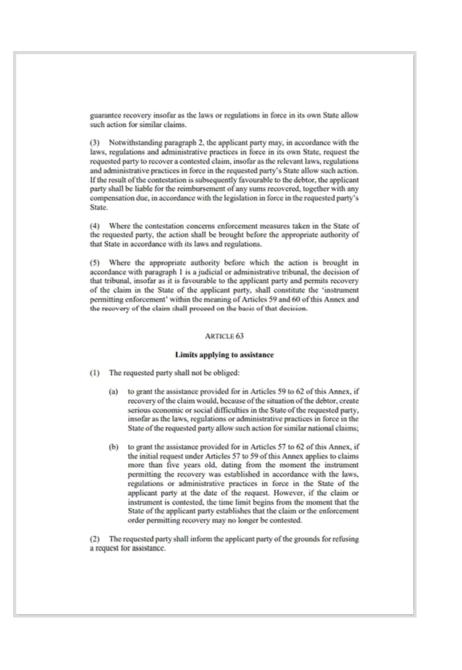
Instrument permitting enforcement of recovery

(1) In accordance with Article 66(2) of this Convention, the instrument permitting enforcement of the claim shall be directly recognised and treated automatically as an instrument permitting the enforcement of a claim of the State of the requested party.

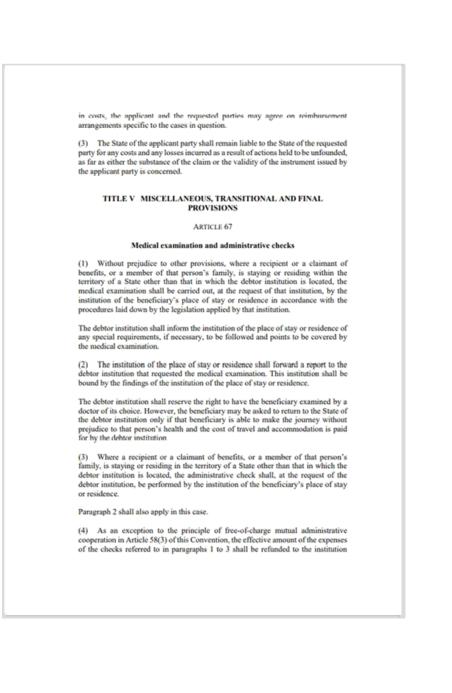
(2) Notwithstanding paragraph 1, the instrument permitting enforcement of the claim may, where appropriate and in accordance with the provisions in force in the State of the requested party, be accepted as, recognised as, supplemented with, or replaced by an instrument authorising enforcement in the territory of that State.

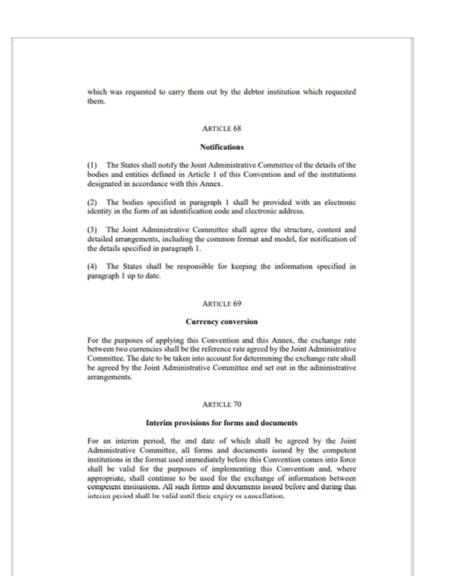
(3) Within three months of the date of receipt of the request for recovery, the State shall endeavour to complete the acceptance, recognition, supplementing or replacement, except in cases where paragraph 4 applies. States may not refuse to complete these actions where the instrument permitting enforcement is properly





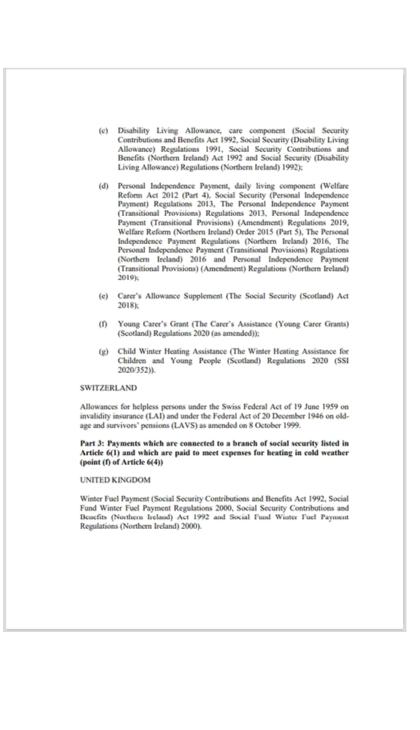
ARTICLE 64
Periods of limitation
 Questions concerning periods of limitation shall be governed as follows:
(a) by the laws in force in the State of the applicant party, insofar as they concern the claim or the instrument permitting its enforcement; and
(b) by the laws in force in the State of the requested party, insofar as they concern enforcement measures in the requested State.
(2) Periods of limitation according to the laws in force in the State of the requested party shall start from the date of direct recognition or from the date of acceptance, recognition, supplementing or replacement in accordance with Article 60 of this Annex.
(3) Steps taken in the recovery of claims by the requested party in pursuance of a request for assistance, which, if they had been carried out by the applicant party, would have had the effect of suspending or interrupting the period of limitation according to the laws in force in the State of the applicant party, shall be deemed to have been taken in the latter State, insofar as that effect is concerned.
ARTICLE 65
Precautionary measures
(1) Upon reasoned request by the applicant party, the requested party shall take precautionary measures to ensure recovery of a claim insofar as the laws and regulations in force in the State of the requested party so permit.
(2) For the purposes of implementing the first paragraph, the provisions and procedures laid down in Articles 59, 60, 62 and 63 of this Annex shall apply <i>mutatis</i> <i>mutandis</i> .
ARTICLE 66
Costs related to recovery
(1) The requested party shall recover from the natural or legal person concerned and retain any costs linked to recovery which it incurs, in accordance with the laws and regulations of the State of the requested party that apply to similar claims.
(2) Mutual assistance afforded under this Section shall, as a rule, be free of charge. However, where recovery poses a specific problem or concerns a very large amount





	APPENDIX 1	
Entitlement document (Articles 22 and 29(1) of this Convention and Article 22 of this Annex)		
	tlement documents valid for the purposes of Articles 22 and 29(1) of this in shall contain the following data:	
(a)	surname and forename of the document holder;	
(b)	personal identification number of the document holder;	
(c)	date of birth of the document holder;	
(d)	expiry date of the document;	
(c)	the code "UK" in lieu of the ISO code of the United Kingdom or the ISO code of Switzerland, as the case may be;	
(f)	identification number and acronym of the competent institution issuing the document;	
(g)	logical number of the document;	
(h)	in the case of a provisional document, the date of issue and date of delivery of the document, and the signature and stamp of the competent institution.	
States the	technical specifications of entitlement documents shall be agreed by both rough the Joint Administrative Committee in order to facilitate the e of the respective documents by institutions of the States providing the t kind.	
ANN	EX 2: CERTAIN BENEFITS TO WHICH THIS CONVENTION SHALL NOT APPLY	
Part 1: S	pecial non-contributory cash benefits (point (a) of Article 6(4))	
UNITED	KINGDOM	
(a)	State Pension Credit (State Pension Credit Act 2002 and State Pension Credit Act (Northern Ireland) 2002);	
ю	Income-based allowances for jobseekers (Jobseekers Act 1995 and Jobseekers (Northern Ireland) Order 1995);	

(c)	Disability Living Allowance, mobility component (Social Security Contributions and Benefits Act 1992 and Social Security Contributions and Benefits (Northern Ireland) Act 1992);
(d)	Personal Independence Payment, mobility component (Welfare Reform Act 2012 (Part 4) and Welfare Reform (Northern Ireland) Order 2015 (Part 5));
(e)	Employment and Support Allowance Income-related (Welfare Reform Act 2007 and Welfare Reform Act (Northern Ireland) 2007);
(f)	Best Start Foods payment (Welfare Foods (Best Start Foods) (Scotland) Regulations 2019 (SSI 2019/193));
(g)	Best Start Grants (pregnancy and baby grant, early learning grant, school-age grant) (The Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018 (SSI 2018/370));
(h)	Funeral Support Payment (Funeral Expense Assistance (Scotland) Regulations 2019 (SSI 2019/292));
(i)	Scottish Child Payment (The Scottish Child Payment Regulations 2020 (SSI 2020/351)).
SWITZER	RLAND
(a)	Supplementary benefits (Federal Supplementary Benefits Act of 6 October 2006) and similar benefits provided for under cantonal legislation.
(b)	Non-contributory mixed benefits in the event of unemployment, as provided for under cantonal legislation.
Part 2: L	ong-term care benefits (point (d) of Article 6(4))
UNITED	KINGDOM
(a)	Attendance Allowance (Social Security Contributions and Benefits Act 1992, Social Security (Attendance Allowance) Regulations 1991, Social Security Contributions and Benefits (Northern Ireland) Act 1992 and Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992);
	Carer's Allowance (Social Security Contributions and Benefits Act



,	ANNEX 3: CASES IN WHICH THE PRO RATA CALCULATION SHALL BE WAIVED OR SHALL NOT APPLY (Articles 49(4) and 49(5))
	art 1: Cases in which the pro rata calculation shall be waived pursuant to rticle 49(4)
1.32	NITED KINGDOM
Pe	Il applications for retirement pension, state pension pursuant to Part 1 of the ensions Act 2014, widows' and bereavement benefits, with the exception of those r which during a tax year beginning on or after 6 April 1975:
	(a) the person concerned had completed periods of insurance, employment or residence under the legislation of both States; and one (or more) of the tax years was not considered a qualifying year within the meaning of the legislation of the United Kingdom;
	(b) the periods of insurance completed under the legislation in force in the United Kingdom for the periods prior to 5 July 1948 would be taken into account for the purposes of point (b) of Article 49(1) of this Convention by application of the periods of insurance, employment or residence under the legislation of Switzerland.
an	II applications for additional pension pursuant to the Social Security Contributions of Benefits Act 1992, section 44, and the Social Security Contributions and enefits (Northern Ireland) Act 1992, section 44.
ST	WITZERLAND
(F	Il claims for old-age, survivors' and invalidity pensions under the basic scheme iederal Law on old-age and survivors' insurance and Federal Law on invalidity surance).
Pa	art 2: Cases in which Article 49(5) applies
U	NITED KINGDOM
se	raduated retirement benefits paid pursuant to the National Insurance Act 1965, ctions 36 and 37, and the National Insurance Act (Northern Ireland) 1966, sections s and 36.

ANNEX 4: SPECIAL PROVISIONS FOR THE APPLICATION OF THE LEGISLATION OF THE STATES (Articles 6(2), 53(1) and 68)			
UNITED	KINGDOM		
	ere, in accordance with United Kingdom legislation, a person may be a retirement pension if:		
(a)	the contributions of a former spouse are taken into account as if they were that person's own contributions; or		
(b)	the relevant contribution conditions are satisfied by that person's spouse or former spouse, then provided, in each case, that the spouse or former spouse is or had been exercising an activity as an employed or self- employed person, and had been subject to the legislation of both States, the provisions of Chapter 5 of Title III of this Convention shall apply in order to determine entitlement under United Kingdom legislation. In that case, references in Chapter 5 of Title III of this Convention to 'periods of insurance' shall be construed as references to periods of insurance completed by:		
	 a spouse or former spouse where a claim is made by: a married woman, or a person whose marriage has terminated otherwise than by the death of the spouse; or 		
	 a former spouse, where a claim is made by: a widower who immediately before pensionable age is not entitled to a widowed parent's allowance, or a widow who immediately before pensionable age is not entitled to a widow who immediately before pensionable age is not entitled to a widow's pension, or who is only entitled to an age-related widow's pension calculated pursuant to point (b) of Article 49(1) of this Convention, and for this purpose 'age-related widow's pension' means a widow's pension payable at a reduced rate in accordance with section 39(4) of the Social Security Contributions and Benefits Act 1992. 		
age or su diseases a staying in	the purposes of applying Article 11 of this Convention in the case of old- invivors' cash benefits, pensions for accidents at work or occupational and death grants, any beneficiary under United Kingdom legislation who is the territory of Switzerland chall, during that stay, be considered as if they the territory of Switzerland.		
(3) (a)	For the purpose of calculating an earnings factor in order to determine entitlement to benefits under United Kingdom legislation, for each week		

