AGREEMENT BETWEEN THE REPUBLIC OF AUSTRIA AND THE UNITED NATIONS ON SOCIAL SECURITY

Having regard to Sections 27 and 28 of the Agreement between the Republic of Austria and the United Nations regarding the Seat of the United Nations in Vienna, signed on 29 November 1995, the Republic of Austria and the United Nations have agreed as follows:

PART I

Definitions

Article 1

In this Agreement:

1. The expression the “United Nations” means the offices of the United Nations established at the Vienna International Centre;

2. The expression “Director-General” means the Director-General of the United Nations Office at Vienna or any officer designated to act on his behalf;

3. The expression “Seat Agreement” means the Agreement between the Republic of Austria and the United Nations regarding the Seat of the United Nations in Vienna, which was signed on 29 November 1995, as amended from time to time;

4. The expression “officials” means the Director-General and all members of the staff of the United Nations except those who are locally recruited and assigned to hourly rates;

5. The expression “Pension Fund” means the United Nations Joint Staff Pension Fund;

6. The abbreviation “ASVG” means the General Social Insurance Act, Federal Gazette No. 189/1955, as amended from time to time;

7. The abbreviation “AlVG” means the Unemployment Insurance Act of 1977, Federal Gazette No. 609/1977, as amended from time to time.

PART II

Scope of insurance

Article 2

(1) On taking up their appointment with the United Nations or after the completion of three years of continuous service with the United Nations, officials shall have the right in accordance with the provisions of Article 4 to participate in any of the branches of the social insurance provided for in the ASVG and in the unemployment insurance provided for in the AlVG.

(2) The insurance under paragraph (1) shall have the same legal effect in each of the selected branches as compulsory insurance.

Article 3

(1) Insurance under Article 2 (1) shall take effect on the day on which the official takes up his/her appointment with the United Nations, if a written declaration to participate is made within seven days of taking up the appointment, otherwise on the day following the date on which the declaration is made.

(2) Insurance under Article 2 (1) shall cease on the date on which the official's appointment with the United Nations terminates.

(3) Notwithstanding the provisions of paragraph (2), insurance under Article 2 (1) shall cease as of the effective date of an official's assignment to duty outside Austria for a period of more than three months, unless the insurance is maintained by submission of a written declaration.

(4) In the case of termination of the insurance under paragraph (3), the former insurance may be resumed with the same scope of coverage upon completion of the official's assignment according to the terms of paragraph (1).

(5) On becoming participants in the Pension Fund or after the completion of three years of continuous service with the United Nations, officials shall have the right, according to the terms of Article 4, to terminate their insurance in each of the selected branches of the social insurance provided for in the ASVG and in the unemployment insurance provided for in the AlVG.

Article 4

Officials may avail themselves of

1. the right under Article 2 (1) within three months of taking up their appointment with the United Nations or within three months after the completion of three years of continuous service with the United Nations,

2. the right under Article 3 (3) before taking up their assignment,

3. the right under Article 3 (4) within one month of completing their assignment,

4. the right under Article 3 (5) within three months of becoming participants in the Pension Fund or within three months after the completion of three years of continuous service with the United Nations.

Article 5

Throughout the duration of the insurance in the selected branches under Article 2 (1) the official shall be responsible for the payment of the entire contributions in accordance with the provisions of the ASVG and the AlVG.

PART III

Effects of becoming a participant in or separating from the Pension Fund

Article 6

(1) When an official becomes a participant in the Pension Fund, the contributions that he/she has paid to the Austrian pension insurance scheme for insurance periods to be taken into account, shall, upon his/her application, be refunded to him/her increased by the adjustment factor under the ASVG applicable for the year of payment of the contributions. Such application shall be made, within eighteen months from the date on which the official becomes a participant in the Pension Fund, to the competent pension insurance institution.

(2) The date for determining the insurance periods to be taken into account and for determining the competent pension insurance institution shall be the day the official became a participant in the Pension Fund, if it is the first day of a month, otherwise the first day of the following month.

(3) The contributions to be refunded shall be due six months after the pension insurance institution has received the application. In the event of a delay in payment, interest shall be payable on the amount involved on the basis of the ASVG adjustment factor for the year in which the application is received by the pension insurance institution.

(4) On refund of the contributions, all claims and entitlements under the Austrian pension insurance scheme in respect of the insurance periods for which contributions have been refunded shall lapse; also, any claims to periodic benefits shall automatically lapse, but the pension and any additional allowances shall still be due for the month following receipt by the insurance institution of the application provided for in paragraph (1).

Article 7

(1) If upon the date on which his/her appointment with the United Nations terminates an official or his/her survivors are not entitled to periodic benefits from the Pension Fund, the said official or his/her survivors eligible for a benefit under the Austrian pension insurance scheme may, within eighteen months after the date on which his/her appointment terminates, transfer the amount provided for in paragraph (2) to the *Pensionsversicherungsanstalt*. Within the same period the

official or his/her survivors eligible for a benefit under the Austrian pension insurance scheme may also repay to the pension insurance institution concerned the contributions refunded to the official under Article 6.

(2) For every month of service with the United Nations during which the former official participated in the Pension Fund and which is not already taken into account as a contributory month under the Austrian pension insurance scheme, the amount to be transferred shall be 20.25 per cent of the monthly pensionable remuneration to which the official was entitled in the month preceding the date on which the appointment terminates; nevertheless that part of the remuneration which exceeds thirty times the maximum daily contributory basis under the Austrian pension insurance scheme in effect at the time when the appointment terminates shall not be taken into account. The amount of the contributions to be repaid under paragraph (1), second sentence, shall be increased by application of the adjustment factor valid at the time when the appointment terminates for the year in which the contributions were refunded.

(3) The percentage referred to in paragraph (2) shall be adjusted by the same amount as the percentage applicable for contributions in the Austrian pension insurance scheme for employees.

(4) The full months taken into account in establishing the amount transferred shall be considered as contributory months of compulsory insurance in the Austrian pension insurance scheme. Through repayment of the contributions, insurance periods, including any increased-benefit insurance, which had lapsed owing to the refund of the contributions under Article 6 (4), shall be restored.

(5) In so far as the amount which the former official or his/her survivors eligible for a benefit under the Austrian pension insurance scheme receive from the Pension Fund instead of periodic benefits falls below the amount to be transferred provided for under paragraph (2), the amount to be transferred by the official or his/her survivors eligible for a benefit under the Austrian pension insurance scheme may be limited to that amount. In this case the first completed months that are not fully covered in the amount shall be disregarded.

PART IV

Miscellaneous Provisions

Article 8

The Federal Ministers responsible for the implementation of this Agreement and the Director-General shall take the administrative steps required for the implementation of this Agreement.

Article 9

In order to simplify the implementation of social insurance in respect of its officials, the United Nations shall take steps to ensure that the necessary notifications are made and the contributions to be paid by the official under Article 5 are transferred to the *Wiener Gebietskrankenkasse*.

Article 10

The declarations required to be made by the official under Article 3 shall be transmitted by the United Nations on behalf of the official to the *Wiener Gebietskrankenkasse*.

Article 11

Without prejudice to its confidential character the United Nations shall, upon request, provide the Austrian insurance institutions with the information necessary for the implementation of this Agreement.

Article 12

No provision of this Agreement shall be interpreted as restricting the provisions of Sections 27 and 28 of the Seat Agreement.

Article 13

For the settlement of differences between the Republic of Austria and the United Nations concerning the interpretation or implementation of this Agreement, the provisions of Section 46 of the Headquarters Agreement shall apply.

PART V

Transitional Provisions

Article 14

(1) Officials participating in any branch of the social insurance provided for in the ASVG or in the unemployment insurance provided for in the AlVG on account of their service with the United Nations at the time of entry into force of this Agreement shall have the right within three months of that date to terminate their

insurance in any branch by means of a written declaration to become effective on the last day of the month in which the declaration is made.

(2) Officials, who took up their appointment with the United Nations prior to the date of entry into force of this Agreement, shall have the possibility within three months of that date of exercising the right under Article 2 (1).

(3) Article 10 shall apply mutatis mutandis to cases covered by paragraphs (1) and (2).

Article 15

(1) In the case of officials who were participants in the Pension Fund on 1 July 1996 or who are participants at the time of entry into force of this Agreement, and who prior to those respective dates have completed at least 12 insurance months in the Austrian pension insurance scheme, the periods of service with the United Nations, during which the official had participated in the Pension Fund prior to entry into force of this Agreement shall be treated, where necessary, as contributory periods of compulsory insurance for the purpose of determining eligibility for benefits under the Austrian pension insurance scheme.

(2) If eligibility for benefit under the Austrian pension insurance scheme exists only through application of paragraph (1), the competent Austrian pension insurance institution shall determine the benefit exclusively on the basis of the Austrian insurance periods and also taking into account the following provisions:

1. Benefits or parts thereof, the amount of which does not depend on the duration of insurance periods completed, shall be calculated in proportion to the ratio between the duration of Austrian insurance periods to be taken into account for the calculation and the period of 30 years, but shall not exceed the full amount;

2. Where periods after the event insured against are to be taken into account for the calculation of invalidity or survivors' benefits, such periods shall be taken into account only in proportion to the ratio between the duration of Austrian insurance periods to be taken into account for the calculation and two-thirds of the number of full calendar months between the date on which the person concerned reached the age of 16 and the date on which the event insured against occurred, but shall not exceed the full period;

3. Subparagraph 1 shall not apply:

   (a) With regard to benefits deriving from increased-benefit insurance;

   (b) With regard to income-dependent benefits or parts of benefits designed to ensure a minimum income.

Article 16

In the case of officials whose participation in the Pension Fund commenced after the date of entry into force of this Agreement, periods during which such officials participated in the Pension Fund shall be considered as "neutral" periods in the Austrian pension insurance scheme as laid down in the relevant provisions of the ASVG.

Article 17

In the case of officials serving with the United Nations at the time of entry into force of this Agreement whose appointment terminates within five years of that date, Article 7 (2) shall apply with the exception that a percentage of 7 per cent shall be applied in place of the percentage amount provided for in that Article.

PART VI

Final Provisions

Article 18

(1) This Agreement shall enter into force on the first day of the third month following an Exchange of Notes between the representative of the Republic of Austria and the Director-General, duly authorized to that effect.

(2) Upon entry into force of this Agreement, the Exchange of Notes dated 27 July 1982 between the Republic of Austria and the United Nations whereby the Social Security Agreement dated 15 December 1970 between the Government of the Republic of Austria and the United Nations Industrial Development Organization applying, mutatis mutandis, to officials of other offices of the United Nations seated in Austria, shall cease to be in force.

Article 19

(1) This Agreement shall apply, mutatis mutandis, to other offices of the United Nations established in the Republic of Austria.

Article 20

This Agreement shall cease to be in force:

1. By mutual consent of the Republic of Austria and the United Nations;

2. If the permanent Seat of the United Nations is removed from the territory of the Republic of Austria. In that case, the United Nations and the competent Austrian authorities shall take joint action for the orderly termination and liquidation of all arrangements made under this Agreement.

Article 21

The termination of this Agreement shall not impair the rights which the officials concerned or former officials have acquired there under for themselves or for their dependants.

DONE at Vienna on the 23rd of April 2010 in duplicate in German and English languages, both texts being equally authentic. In the case of a dispute concerning the interpretation of this Agreement, the English text shall prevail.

For the Republic of Austria:	For the United Nations:
Rudolf Hundstorfer m.p.	Antonio Maria Costa m.p.