

**AGREEMENT ON SOCIAL SECURITY BETWEEN THE REPUBLIC OF
THE PHILIPPINES AND THE SWISS CONFEDERATION**

**The Government of the Republic of the Philippines and The Swiss
Federal Council, Resolved to co-operate in the field of social
security, Have decided to conclude an agreement for this
purpose, and Have agreed as follows:**

PART I

GENERAL PROVISIONS

ARTICLE 1

DEFINITIONS

1. For the purpose of this Agreement, the term:

(a) "Party" means the Republic of the Philippines, hereinafter referred to as the Philippines, or Switzerland;

(b) "territory" means

as regards the Philippines, the territory of the Republic of the Philippines
as regards Switzerland, the territory of the Swiss Confederation;

(c) "national" means

as regards the Philippines, a Filipino citizen;

as regards Switzerland, a Swiss citizen;

(d) "competent authority" means

as regards the Philippines: the President and CEO of the Social Security
System;

as regards Switzerland: the Federal Social Insurance Office;

(e) "competent institution" means

as regards the Philippines: the Social Security System;

as regards Switzerland: the institution which has the task of
implementing the legislation specified in paragraph 1(b) or Article 2;

(f) "legislation" means the laws and regulations specified in Article 2;

(g) "insurance period" means, as regards a Party, a period of
contributions or equivalent period used to acquire the right to benefit
under the legislation of that Party;

(h) "benefit" means, as regards a Party, any cash benefit, pension or allowance for which provision is made in the legislation of that Party and includes supplements or increases applicable to such a cash benefit, pension or allowance;

(i) "old-age benefit" means

as regards the Philippines: the retirement benefits awarded under the legislation specified in paragraph 1(a) of Article 2;

as regards Switzerland: the old-age benefits awarded under the legislation specified in paragraph 1(b)(i) of Article 2;

(j) "survivors' benefit" means

as regards the Philippines: the death benefits payable to the surviving spouse under the legislation specified in paragraph 1(a) of Article 2;

as regards Switzerland: the survivors' benefits awarded under the legislation specified in paragraph 1(b)(i) of Article 2;

(k) "disability benefit" means

as regards the Philippines: the disability benefits payable under the legislation specified in paragraph 1(a) of Article 2;

as regards Switzerland: the disability benefits awarded under the legislation specified in paragraph 1(b)(ii) of Article 2;

(l) "reside" means to stay ordinarily;

(m) "domicile" means the place in which a person is staying with the intention of permanent stay.

as regards the Philippines: the disability benefits payable under the legislation specified in paragraph 1(a) of Article 2;

as regards Switzerland: the disability benefits awarded under the legislation specified in paragraph 1(b)(ii) of Article 2;

2. Any term not defined in this Article has the meaning assigned to it in the applicable legislation.

ARTICLE 2

LEGISLATION TO WHICH THE AGREEMENT APPLIES

1. This Agreement shall apply to the following legislation:

(a) with respect to the Philippines: the Social Security Law as it relates to retirement, disability and death benefits;

(b) with respect to Switzerland:

(i) the Federal Law on old-age and survivor's insurance,

(ii) the Federal Law on disability insurance.

2. Subject to paragraph 3, this Agreement shall also apply to laws and regulations which amend, supplement, consolidate or supersede the legislation specified in paragraph 1.

3. This Agreement shall, however, apply:

(a) to laws and regulations on a new branch of Social Security only if agreed between the Parties;

(b) to laws and regulations which extend the existing schemes to new categories of persons only if the Party amending its legislation does not forward a contrary notification to the other Party within six months of the date of the coming into force of such laws and regulations.

ARTICLE 3

PERSONS TO WHOM THE AGREEMENT APPLIES

1. Unless otherwise provided, this Agreement shall apply to:

(a) nationals who are or have been subject to the legislation of the Philippines or Switzerland, as well as their family members and survivors whose rights are derived from a national of a Party;

(b) refugees in conformity with the Convention on the Status of Refugees of 28 July 1951 and the Protocol of 31 January 1967 to that Convention, and stateless persons in accordance with the Convention on the Status of Stateless Persons of 28 September 1954, who are or have been subject to the legislation of the Philippines or Switzerland, as well as their family members and survivors whose rights are derived from these persons, as long as they reside in the territory of one of the Parties, more favorable national provisions shall not be affected;

(c) family members and survivors of persons who have been subject to the legislation of a Party, regardless of the latter person's nationality, if the family members or survivors are nationals of a Party, or stateless persons or refugees who reside in the territory of one Party.

2. With reference to Articles 6, 7, 8, 9 paragraphs 1 to 3, Article 10 paragraphs 3 and 4, Articles 12 and 13, and Part IV, this Agreement shall also apply to any other person, regardless of his nationality.

ARTICLE 4

EQUALITY OF TREATMENT

1. Unless otherwise provided in this Agreement, nationals of one Party as well as their family members and survivors shall, in the application of the legislation of the other Party, receive equal treatment with the nationals of that Party or their family members or survivors. This applies accordingly to refugees and stateless persons as well as their family members and survivors mentioned in Article 3, paragraph 1(a).

2. Paragraph 1 shall not apply to:

(a) Swiss legislation on voluntary old-age, survivors' and disability insurance;

(b) Swiss legislation on old-age, survivor's and disability insurance of Swiss nationals who are gainfully occupied abroad in the service of the Swiss Confederation or organizations in the meaning of Article 1, paragraph 1, subparagraph (c) of the Federal Law on old-age and survivors' insurance.

ARTICLE 5

EXPORT OF BENEFITS

1. Unless otherwise provided in this Agreement, benefits payable under the legislation of a Party to any person described in Article 3, paragraph 1(a), including benefits acquired by virtue of this Agreement, shall not be subject to any reduction, modification, suspension, cancellation or confiscation by reason only of the fact that the person resides in the territory of the other Party.

2. Paragraph 1 shall not apply to ordinary pensions for insured persons with a disability less than fifty percent provided under Swiss disability insurance as well as to the extraordinary pensions and helplessness allowances provided under Swiss old-age, survivors' and disability insurance.

3. Any benefit which, under this Agreement, is payable by one Party in the territory of the other Party, shall also be payable to national of the other Party residing outside the territory of either Party as well as to his family members and survivors with respect to rights derived from that national, under the same conditions and to the same extent as under the national legislation of the former Party they would be paid to a national of that Party or to his family members and survivors in respect to rights they derive from a national.

PART II

PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

ARTICLE 6

GENERAL RULE

1. Unless otherwise provided in this Agreement and subject to Articles 7 to 12, an employed person who works in the territory of a Party shall, in respect of that work, be subject only to the legislation of that Party.

ARTICLE 7

SELF-EMPLOYED PERSONS

1. A self-employed person who ordinarily resides in the territory of a Party and who works for his own account in the territory of the other Party or in the territories of both Parties, shall, in respect of that work, be subject only to the legislation of the first Party.

ARTICLE 8

DETACHED PERSONS

1. An employed person who is subject to the legislation of a Party and who is temporarily detached to the territory of the other Party to perform services for the same employer shall, in respect of these services, be subject only to the legislation of the first Party during the term of his detachment as though these services were performed in its territory.
2. However, if the time required to complete the work exceeds twenty-four (24) months, the legislation of the first Party may continue to apply provided that the competent institutions of both Parties give their prior approval.
3. An employee of a public service or public corporation who is detached by one Party to the territory of the other Party shall be subject to the legislation of the Party which detached him.

ARTICLE 9

TRAVELLING PERSONNEL EMPLOYED IN INTERNATIONAL TRANSPORT

1. A person working in the territory of both Parties as travelling personnel for an international carrier which, on behalf of others or on its own account, transports passengers or goods by air, and which has its registered office in the territory of one Party, shall, with respect to such work, be subject only to the legislation of this Party.
2. However, if such person is employed by a branch or permanent agency which the undertaking has in the territory of one Party other than the Party in whose territory it has its registered office, shall, with respect to such work, be subject only to the legislation of the Party in whose territory the branch or permanent agency is located.
3. Notwithstanding the preceding two paragraphs, if the person is employed wholly or mainly in the territory of the Party where he is a resident, he shall be subject to the legislation of that Party, even if the undertaking which employs him has neither its registered office nor a branch or permanent agency in the territory.
4. A national of one of the Parties who is a member of the crew of a sea-going vessel flying the flag of a Party and a resident of either Party shall be insured in accordance with the legislation of the Party of legal residence.

ARTICLE 10

PERSONS IN GOVERNMENT SERVICE

1. A national of one Party who is detached by that State to the territory of the other Party as members of diplomatic mission or consular post shall be subject to the legislation of the first Party.
2. A national of one Party who is employed in the territory of the other Party to provide services at a diplomatic mission or a consular post of the first Party shall be insured in accordance with the legislation of the second Party. Within six months after the commencement of the employment or after the entry into force of this Agreement, he may opt for the legislation of the first Party to be applicable.
3. Paragraph 2 applies accordingly to: