

No. 29457

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**AUSTRIA**

**and**

**FEDERAL REPUBLIC OF GERMANY**

**Agreement on unemployment insurance (with final protocol and additional protocol signed at Bonn on 23 November 1951). Signed at Innsbruck on 19 May 1951**

**Second Agreement on unemployment insurance, amending the above-mentioned Agreement. Signed at Nuremberg on 31 October 1953**

**Termination**

*Authentic texts: German.*

*Registered by Austria on 19 January 1993.*

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**AUTRICHE**

**et**

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif à l'assurance chômage (avec protocole final et protocole additionnel signé à Bonn le 23 novembre 1951). Signé à Innsbruck le 19 mai 1951**

**Deuxième Accord relatif à l'assurance chômage, modifiant l'Accord susmentionné. Signé à Nuremberg le 31 octobre 1953**

**Abrogation**

*Textes authentiques : allemand.*

*Enregistrés par l'Autriche le 19 janvier 1993.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE REPUBLIC OF AUSTRIA AND THE  
FEDERAL REPUBLIC OF GERMANY ON UNEMPLOYMENT  
INSURANCE

The Federal President of the Republic of Austria and  
The President of the Federal Republic of Germany,

Desiring to regulate the mutual relations between the two States in the matter of unemployment insurance, have agreed to conclude an Agreement and for this purpose have appointed as their plenipotentiaries:

The Federal President of the Republic of Austria: Dr. Josef Hammerl, Department Head, Federal Ministry of Social Affairs, Vienna;

The President of the Federal Republic of Germany: Mr. Julius Scheuble, Ministerialdirektor, Federal Ministry of Labour, Bonn,

who, having exchanged their full powers, found in good and due form, have agreed as follows:

*Article 1*

## SUBJECT-MATTER COVERED

This Agreement shall apply in the Republic of Austria to:

- (a) Unemployment insurance (*Arbeitslosenversicherung*);
- (b) Emergency assistance (*Notstandhilfe*);

In the Federal Republic of Germany to:

- (a) Unemployment insurance (*Arbeitslosenversicherung*);
- (b) Unemployment relief (*Arbeitslosenfürsorge*);

and in the case of the two countries, sickness insurance for unemployed persons (*Krankenversicherung der Arbeitslosen*), short-term workers' relief (*Kurzarbeiterunterstützung*) and productive unemployment relief.

*Article 2*

## EQUAL TREATMENT OF NATIONALS

Nationals of the two Contracting States shall be accorded equal treatment with regard to rights and obligations under unemployment insurance and emergency assistance (unemployment relief). Regulations of one Contracting State which provide for different treatment of nationals and aliens shall not apply to nationals of the other Contracting State.

<sup>1</sup> Came into force on 1 January 1953, i.e., at the beginning of the second month following the date of the exchange of the instruments of ratification, which took place at Bonn on 20 November 1952, in accordance with article 19 (2).

### Article 3

#### UNEMPLOYMENT INSURANCE

1. Employment which is engaged in the territory of one of the Contracting States and is subject to compulsory unemployment insurance shall, in the territory of the other Contracting State when a claim has been lodged for unemployment insurance benefits, be calculated on the basis of the qualifying period provided that such employment is subject to compulsory unemployment insurance also in that territory; this shall also apply to employment engaged in prior to the entry into force of this Agreement.

2. The contributory period and the amount of the unemployment benefit and of the unemployment allowance as well as the procedure shall be governed by the regulations of the Contracting State in which the unemployed person may lodge the claim.

### Article 4

#### OBLIGATION TO CONTRIBUTE TO UNEMPLOYMENT INSURANCE

1. The obligation to contribute to unemployment insurance and the payment of such contributions shall be governed by the regulations of the Contracting State in which the obligation to contribute to sickness or employee insurance is established in accordance with the Agreement between the Republic of Austria and the Federal Republic of Germany on Social Insurance of 21 April 1951.<sup>1</sup>

2. The highest administrative authorities of the two Contracting States may agree on exceptions to the principle set forth in paragraph 1 of this article.

### Article 5

#### EMERGENCY ASSISTANCE (UNEMPLOYMENT RELIEF)

Nationals of one Contracting State who are permanent residents in the territory of the other Contracting State shall receive emergency assistance (unemployment relief assistance (*Arbeitslosenfürsorgeunterstützung*)) under the same conditions and to the same extent as nationals of the other Contracting State. An unemployed person, however, may only receive emergency assistance (unemployment relief assistance) in the other Contracting State, if in one of the Contracting States he has exhausted the entitlement to unemployment benefits (unemployment assistance) or has engaged in more than negligible salaried employment for at least 13 weeks during the last two years prior to submission of the claim.

### Article 6

#### TRANSFER OF FAMILY ALLOWANCES

Where a person receiving unemployment benefits (unemployment assistance) or emergency assistance (unemployment relief assistance) is entitled to allowances for family members who are permanent residents in the territory of the other Con-

<sup>1</sup> United Nations, *Treaty Series*, vol. 1702, No. I-29456.

tracting State, a claim may be made to transfer such allowances provided that there is no family-allowance entitlement for family members under the legislation of the other Contracting State.

#### *Article 7*

#### RELOCATION

1. If an unemployed national of one Contracting State relocates to the territory of the other Contracting State, he may claim unemployment insurance benefits and emergency assistance (unemployment relief) benefits in the other Contracting State only upon the consent of the receiving labour office.

2. Periods for which benefits were already provided in the other Contracting State on the basis of the last qualifying period shall count towards the contributory period for which there is an entitlement.

#### *Article 8*

#### FRONTIER COMMUTERS

1. Frontier commuters may claim unemployment benefits (unemployment assistance) and emergency assistance (unemployment relief assistance) in general only in the Contracting State in whose territory their place of residence is situated.

2. Unemployment benefits (unemployment assistance) and emergency assistance (unemployment relief assistance) may be claimed in the other Contracting State if the labour office in the place of residence and the labour office in the last place of employment so agree. Article 7, paragraph 2, shall be applied.

3. Notwithstanding the provisions of paragraph 1 of this article, the legislation of the Contracting State in which the frontier commuter is engaged in part-time employment shall apply in the granting of part-time employment assistance.

4. Within the meaning of paragraph 1 of this article, frontier commuters are persons who, while retaining their residence in the frontier region of one of the two Contracting States to which they return daily or weekly, are employed in the frontier region of the other State.

5. Within the meaning of paragraph 4 of this article, the territory situated on each side of the frontier and extending, in general, to a depth of ten kilometres shall be considered the frontier region. A list of the Austrian and German communes situated in the said region shall be drawn up jointly by the highest administrative authorities of the two Contracting States.

#### *Article 9*

#### SETTLEMENT OF ACCOUNTS

There shall be no settlement of accounts for contributions and benefits between the two Contracting States. The provisions relating to sickness insurance under the Agreement between the Republic of Austria and the Federal Republic of Germany on Social Insurance of 21 April 1951 shall not thereby be affected.

*Article 10*

## PAYMENT TRANSACTIONS

1. The authorities and offices that are obliged to provide benefits under this Agreement shall, with the effect of discharging their obligation, pay cash benefits in their national currency.

2. Transfers in accordance with article 6 of this Agreement shall be effected in accordance with the payment agreements applicable at the time between the two Contracting States.

3. Where, under the legislation of one of the two Contracting States, certain formal requirements must be fulfilled in order to send payments abroad, the legislation applicable to nationals shall apply in the same way to persons and offices which, on the basis of this Agreement, are to receive or make payments.

*Article 11*

## ADMINISTRATIVE ASSISTANCE

The insurance authorities, associations and public authorities in the field of unemployment insurance and social insurance of the two Contracting States shall, in implementation of this Agreement, provide mutual assistance to one another to the same extent as in domestic transactions. Such mutual assistance shall be free of charge.

*Article 12*

## EXEMPTION FROM TAXES, CHARGES AND LEGALIZATION

1. Exemptions from taxes and charges under the unemployment and social-insurance legislation of one of the Contracting States shall also apply to persons and offices of the other State.

2. Records, documents and instruments of all kinds required to be submitted in implementation of this Agreement shall not require legalization by diplomatic or consular authorities.

*Article 13*

## DIRECT COMMUNICATION

The insurance authorities, associations and public authorities in the field of unemployment insurance and social insurance of the two Contracting States shall, in implementation of this Agreement, communicate directly with one another and with the insured persons and their representatives.

*Article 14*

## DELETED