

**No. 31854**

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**SPAIN  
and  
MEXICO**

**Convention on social security (with administrative agreement  
of 28 November 1994). Signed at Madrid on 25 April  
1994**

*Authentic text: Spanish.*

*Registered by Spain on 31 May 1995.*

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**ESPAGNE  
et  
MEXIQUE**

**Convention de sécurité sociale (avec accord administratif du  
28 novembre 1994). Signée à Madrid le 25 avril 1994**

*Texte authentique : espagnol.*

*Enregistrée par l'Espagne le 31 mai 1995.*

[TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> ON SOCIAL SECURITY BETWEEN THE KINGDOM  
OF SPAIN AND THE UNITED MEXICAN STATES

The Kingdom of Spain and  
The United Mexican States,  
Wishing to increase cooperation in the area of social security,  
Considering the importance which the social security benefits provided for  
herein may hold for the workers of both Parties, and  
Recognizing the close ties of friendship between the two countries,  
Agree to adopt the following Convention:

TITLE I

GENERAL PROVISIONS

*Article 1*

DEFINITIONS

1. For the purposes of this Convention, the terms listed below have the following meanings:

(a) “Contracting Parties” means the Kingdom of Spain and the United Mexican States.

(b) “Territory” means, for Spain, Spanish territory and, for Mexico, its national territory as defined in article 42 of the Political Constitution of the United Mexican States.

(c) “Legislation” means the laws, regulations and other social security provisions in force in the territory of each of the Contracting Parties.

(d) “Competent authority” means, for Spain, the Ministry of Labour and Social Security and, for Mexico, the Mexican Social Security Institute.

(e) “Institution” means the body or authority responsible for implementing the legislation referred to in article 2 of this Convention.

(f) “Competent institution” means the institution having jurisdiction in each case, under the applicable legislation.

(g) “Liaison body” means the body responsible for coordination between the institutions of the two Contracting Parties which is involved in implementing this Convention and in informing interested parties about the rights and obligations deriving therefrom.

<sup>1</sup> Came into force on 1 January 1995, i.e., the first day of the second month following the date of receipt of the last of the notifications (of 5 August and 23 November 1994) by which the Contracting Parties had informed each other of the completion of the required procedures, in accordance with article 27 (3).

(h) “Worker” means any person who, as a result of engaging or having engaged in an activity for himself or for another person, is or has been subject to the legislation referred to in article 2 of this Convention.

(i) “Next of kin” or “beneficiary” means persons designated as such in the applicable legislation.

(j) “Insurance period” or “contribution period” means any period of time defined as such by the legislation of the Party to whose social security regime the worker has been subject.

(k) “Pension” or “unearned income” means any pensions or unearned income, as well as any increments or supplements thereto, covered by this Convention in conformity with article 2 thereof.

2. All other terms or expressions used in the Convention have the meanings assigned to them by the applicable legislation.

### *Article 2*

#### LEGISLATIVE SCOPE

1. This Convention shall apply:

(A) In Spain: To the general and special regimes of the social security system relating to contributory benefits, in the case of:

(a) Pensions and benefits resulting from industrial accidents and occupational diseases; and

(b) Disability and old age pensions, and disability, death and survivors’ benefits.

(B) In the United Mexican States: To the compulsory and voluntary regimes, envisaged in the Social Security Act and its regulations, in the case of:

(a) Pensions and benefits arising out of occupational risk insurance; and

(b) Pensions and benefits arising out of insurance against disability, old age, unemployment in later life, and death.

2. This Convention shall also apply to any future legal provisions supplementing or amending those listed in the preceding paragraph.

3. This Convention shall apply to any legal provisions establishing a new special social security regime or adding new categories of persons to a party’s existing regimes, when agreed to by the Parties.

4. The principles of this Convention may be extended to other social security areas or benefits by means of agreements between the competent authorities of the two Contracting Parties referred to in article 23, paragraph 1.

### *Article 3*

#### PERSONAL SCOPE AND EQUALITY OF TREATMENT

This Convention shall apply to workers who are nationals of one of the Contracting Parties and can demonstrate that they are or have been enrolled in the corresponding social security system, and to members of their families recognized

as beneficiaries under the applicable legislation, with no distinction being made by either Party between its own nationals, and those of the other Party.

#### *Article 4*

##### PRESERVATION OF ACQUIRED RIGHTS, AND PAYMENT OF PENSIONS AND BENEFITS ABROAD

1. Pensions and benefits recognized by the Contracting Parties on the basis of the legislation referred to in article 2 shall not be reduced, modified, suspended or withheld simply because the pensioner or beneficiary is living or residing in the territory of the other Contracting Party and shall be paid to him in that territory. However, this does not mean that such pensions or benefits may not be assigned in the cases provided for in the legislation of each Contracting Party.

2. Where one Contracting Party owes pensions or benefits to nationals of the other Contracting Party residing in a third country, such pensions or benefits shall be paid in the same way as to the nationals of that Contracting Party residing in that third country.

#### TITLE II

##### PROVISIONS CONCERNING APPLICABLE LEGISLATION

#### *Article 5*

##### GENERAL RULE CONCERNING THE PRINCIPLE OF INSURANCE COVERAGE

Persons to whom this Convention is applicable shall be subject wholly and exclusively to the social security legislation of the Contracting Party in whose territory they are working, without prejudice to the provisions of article 6.

#### *Article 6*

##### SPECIAL RULES CONCERNING THE PRINCIPLES OF INSURANCE COVERAGE

In addition to the general rule set forth in the preceding article, the following special rules and exceptions shall apply:

1. A worker who is employed by a company based in the territory of one of the Contracting Parties and who is sent by that company to the territory of the other Contracting Party to perform work of a temporary nature shall remain subject to the legislation of the first Contracting Party, provided that the foreseeable duration of the work for which he has been sent does not exceed two years and that he has not been sent to replace another person whose period of assignment has ended.

A self-employed worker who normally works in the territory of the Contracting Party in which he is insured shall remain subject to its legislation when he works in the territory of the other Contracting Party for a period not exceeding two years.

Workers referred to in this paragraph may, however, opt to join the national social security regime in force in the territory of the Contracting Party in which they are working.

2. In cases where the worker has not opted to join the social security regime of the Contracting Party in whose territory he is working, if owing to unforeseen

circumstances the duration of the work referred to in the preceding paragraph exceeds two years, the worker shall remain subject to the legislation of the first Contracting Party for a further period not exceeding two additional years, provided that the competent authority of the other Contracting Party, or the body to which it delegates this power, gives its approval.

3. Airline flight personnel working in the territory of both Contracting Parties shall be subject to the legislation of the Party in whose territory the airline has its principal place of business.

4. Workers employed on board vessels shall be subject to the legislation of the Contracting Party whose flag the vessel is flying.

Nevertheless, when the worker is paid for such work by a person or company domiciled in the territory of the other Contracting Party, he shall be subject to the legislation of the latter Contracting Party if he resides in its territory; the person or company paying him shall be considered to be his employer for the purposes of applying that legislation.

5. Workers employed in the loading, unloading or repair of vessels and in port security services shall be subject to the legislation of the Contracting Party to whose territory the port belongs.

6. This Convention shall not affect the provisions of the Vienna Convention on Diplomatic Relations of 18 April 1961<sup>1</sup> or the Vienna Convention on Consular Relations of 24 April 1963.<sup>2</sup>

7. Persons sent by one of the Contracting Parties to the territory of the other Contracting Party on cooperation missions shall remain subject to the social security legislation of the sending country, unless otherwise stipulated in cooperation agreements.

8. The competent authorities of the two Contracting Parties, or the bodies designated by them may, by mutual agreement, establish new exceptions, or modify those set out in the preceding paragraphs, in favour of certain persons or categories of persons.

### TITLE III

#### PROVISIONS CONCERNING PENSIONS AND BENEFITS

##### CHAPTER I

#### PENSIONS FOR DISABILITY, OLD AGE AND UNEMPLOYMENT IN LATER LIFE, AND DISABILITY, DEATH AND SURVIVORS' BENEFITS

##### *Article 7*

#### PAYMENT OF PENSIONS AND BENEFITS

A worker who has been successively or alternately subject to the legislation of both Contracting Parties shall be entitled to the pensions and benefits regulated in this chapter under the following conditions:

<sup>1</sup>United Nations, *Treaty Series*, vol. 500, p. 95.

<sup>2</sup>*Ibid.*, vol. 596, p. 261.