

No. 34224. Austria and Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization

AGREEMENT BETWEEN THE REPUBLIC OF AUSTRIA AND THE PREPARATORY COMMISSION FOR THE COMPREHENSIVE NUCLEAR TEST-BAN TREATY ORGANIZATION REGARDING THE SEAT OF THE COMMISSION. VIENNA, 18 MARCH 1997 [*United Nations, Treaty Series, vol. 1998, I-34224.*]

AGREEMENT BETWEEN THE REPUBLIC OF AUSTRIA AND THE PREPARATORY COMMISSION FOR THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY ORGANIZATION CONCERNING SOCIAL SECURITY. VIENNA, 11 JANUARY 2013*

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N° 34224. Autriche et Commission préparatoire pour l'Organisation du Traité d'interdiction complète des essais nucléaires

ACCORD ENTRE LA RÉPUBLIQUE D'AUTRICHE ET LA COMMISSION PRÉPARATOIRE POUR L'ORGANISATION DU TRAITÉ D'INTERDICTION COMPLÈTE DES ESSAIS NUCLÉAIRES CONCERNANT LE SIÈGE DE LA COMMISSION. VIENNE, 18 MARS 1997 [*Nations Unies, Recueil des Traités, vol. 1998, I-34224.*]

ACCORD ENTRE LA RÉPUBLIQUE D'AUTRICHE ET LA COMMISSION PRÉPARATOIRE DE L'ORGANISATION DU TRAITÉ D'INTERDICTION COMPLÈTE DES ESSAIS NUCLÉAIRES RELATIF À LA SÉCURITÉ SOCIALE. VIENNE, 11 JANVIER 2013*

Entrée en vigueur : 1^{er} octobre 2013, conformément à l'article 19

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN
THE REPUBLIC OF AUSTRIA
AND THE PREPARATORY COMMISSION FOR THE COMPREHENSIVE
NUCLEAR-TEST-BAN TREATY ORGANIZATION
CONCERNING SOCIAL SECURITY**

The Republic of Austria and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization having regard to Sections 30 and 31 of the Agreement between the Republic of Austria and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization regarding the Seat of the Commission, signed on 18 March, 1997, have agreed as follows:

PART I

Definitions

Article 1

In this Agreement:

1. “Commission” means the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (“CTBTO”), having the status of an international organization, and includes any subsidiary organs established by the Commission for the exercise of its functions and the fulfilment of its purposes;
2. “Executive Secretary” means the Executive Secretary of the Commission or any officer designated to act on his or her behalf;
3. “Seat Agreement” means the Agreement between the Republic of Austria and the Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization regarding the Seat of the Commission, signed on 18 March, 1997, as amended from time to time;
4. “Officials” means the Executive Secretary and all staff members of the Commission, except those who are locally recruited and assigned to hourly rates;
5. “Provident Fund” means the Commission’s Provident Fund;
6. “ASVG” means the General Social Insurance Act, Federal Gazette No. 189/1955, as amended from time to time;
7. “AIVG” 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. As of the effective date of their appointment with the Commission or after the completion of three years of continuous service with the Commission, officials shall have the right, in accordance with the provisions of Article 4 hereunder, to participate in any of the branches of social insurance under the ASVG and in the unemployment insurance under the AIVG.
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 as of the effective date of the official's appointment with the Commission, if a written declaration of intention to participate is made within seven days of taking up the appointment, otherwise on the day following that on which the declaration has been made.
2. Insurance under Article 2.1 shall cease on the date on which the official separates from service at the Commission.
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 Provident Fund or after the completion of three years of continuous service with the Commission, 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 AIVG.

Article 4

Officials may avail themselves of:

1. the right under Article 2.1 within three months of the effective date of their appointment with the Commission or within three months after the completion of three years of continuous service with the Commission;
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 Provident Fund or within three months after the completion of three years of continuous service with the Commission.

Article 5

Throughout the duration of the insurance, officials shall be responsible for the payment of the entire contributions in accordance with the relevant provisions of the ASVG and AIVG.

PART III

Participation in the Provident Fund and Separation from the Provident Fund

Article 6

1. When an official becomes a full participant in the Provident Fund the contributions that he or she has paid to the Austrian pension insurance scheme for insurance periods to be taken into account, shall, upon application by the official, be refunded to him or her increased by the adjustment factor under the ASVG applicable for the year of payment of the contribution. Such application shall be made, within eighteen months from the date on which the official becomes a participant in the Provident Fund, to the competent pension insurance institution.
2. The date taken for determining the insurance periods to be taken into account and for determining the competent pension insurance institution shall be the day on which the official became a participant in the Provident Fund, if it is the first day of the month, otherwise the first day of the month following that day.
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 pension insurance institution has received the application.

4. On refund of the contributions, all claims and entitlements under the Austrian pension insurance scheme in respect of insurance periods for which contributions have been returned 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 he/she separates from service at the Commission the official or his or her survivors are not entitled to periodic benefits from the Provident Fund, the said official or his or her survivors eligible for a benefit under the Austrian pension insurance scheme may, within eighteen months after the date on which his or her appointment terminates, transfer the amount provided for in paragraph 2 to the *Pensionsversicherungsanstalt*. Within the same period the official or his or her survivors eligible for a benefit 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 Commission during which the former official participated in the Provident 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% of the monthly pensionable remuneration to which the official was entitled in the month preceding the date on which the official separates from service with the Commission, 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 official separates from service with the Commission 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 contribution under Article 6.4 shall be restored.
5. In so far as the amount which the former official or his or her survivors eligible for a benefit under the Austrian pension insurance scheme receive from the Provident Fund instead of periodic benefits falls below the amount to