

No. 52382*

**Switzerland
and
United States of America**

Agreement on social security between the Swiss Confederation and the United States of America (with administrative arrangement). Bern, 3 December 2012

Entry into force: *1 August 2014, in accordance with article 30*

Authentic texts: *English and French*

Registration with the Secretariat of the United Nations: *Switzerland, 9 January 2015*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Suisse
et
États-Unis d'Amérique**

Convention de sécurité sociale entre la Confédération suisse et les États-Unis d'Amérique (avec arrangement administratif). Berne, 3 décembre 2012

Entrée en vigueur : *1^{er} août 2014, conformément à l'article 30*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat des Nations Unies : *Suisse, 9 janvier 2015*

** Numéro de volume RTNU n'a pas encore été établie pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

**AGREEMENT ON SOCIAL SECURITY
BETWEEN
THE SWISS CONFEDERATION
AND
THE UNITED STATES OF AMERICA**

The Government of the Swiss Confederation and

the Government of the United States of America,

*Being desirous of regulating the relationship between their two countries in the field of
Social Security, have agreed as follows:*

PART I
Definitions and Laws

ARTICLE 1
Definitions

1. For the purposes of this Agreement:
 - a. "Territory" means, as regards the United States, the States thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam and American Samoa, and as regards Switzerland, the territory of the Swiss Confederation;
 - b. "National" means, as regards the United States, a national of the United States as defined in Section 101, Immigration and Nationality Act, as amended, and as regards Switzerland, a person of Swiss nationality;
 - c. "Laws" means the laws and regulations specified in Article 2 of this Agreement;
 - d. "Competent Authority" means, as regards the United States, the Commissioner of Social Security, and as regards Switzerland, the Federal Social Insurance Office;
 - e. "Agency" means, as regards the United States, the Social Security Administration, and as regards Switzerland, a compensation fund of the Old-Age and Survivors Insurance and the other bodies responsible for the administration of Disability Insurance;

- f. "Period of coverage" means a period of payment of contributions or a period of earnings from employment or self-employment, as defined or recognized as a period of coverage by the laws under which such period has been completed, or any similar period insofar as it is recognized by such laws as equivalent to a period of coverage;
- g. "Benefits" means any benefit provided for in the laws specified in Article 2 of this Agreement;
- h. "Family members" and "survivors" mean, in relation to Switzerland, family members and survivors, whose rights are derived from a national of a Contracting State, from a refugee or from a stateless person;
- i. "Stateless person" means a person defined as a stateless person in Article 1 of the Convention Relating to the Status of Stateless Persons dated September 28, 1954;
- j. "Refugee" means a person defined as a refugee in Article 1 of the Convention Relating to the Status of Refugees dated July 28, 1951, and the Protocol to that Convention dated January 31, 1967; and
- k. "Personal Data" means any information relating to a specific (identified or identifiable) person, as well as any information which can be used to distinguish or trace an individual's identity. This includes, but is not limited to, the following: any individual identifier; citizenship, statelessness or refugee status; benefits, eligibility, or other claims information; contact information; medical information or lay information used in a medical determination; information about marital, familial or personal relationships; and information pertaining to work, financial or economic status.

2. Any term not defined in this Article shall have the meaning assigned to it in the applicable laws.

ARTICLE 2

Material Scope

1. For the purposes of this Agreement, the applicable laws are:
 - a. as regards Switzerland,
 - the Federal law on old-age and survivors' insurance;
 - the Federal law on disability insurance; and
 - b. as regards the United States of America, the laws governing the Federal old-age, survivors, and disability insurance program:
 - Title II of the Social Security Act and regulations pertaining thereto, except sections 226, 226A and 228 of that title, and regulations pertaining to those sections,
 - Chapters 2 and 21 of the Internal Revenue Code of 1986 and regulations pertaining to those chapters.
2. Laws within the meaning of paragraph 1 shall not include treaties or other international agreements or supranational legislation on Social Security concluded between one Contracting State and a third State or laws or regulations promulgated for their specific implementation.