

**Administrative Arrangement  
for the Implementation of the Agreement on Social Security  
between the Republic of the Philippines and the Swiss Confederation  
of September 17, 2001**

Pursuant to paragraph 1 of article 23 of the Agreement on Social Security of September 17, 2001, between the Republic of the Philippines and the Swiss Confederation, hereinafter referred to as "the Agreement", the competent authorities, being

the President and CEO of the Social Security System for the Republic of the Philippines

and

the Federal Social Insurance Office for the Swiss Confederation

have agreed as follows:

*Bl*

*CS*

**CERTIFIED TRUE COPY:**  
*[Signature]*  
**FELIX R. YRABDOLAZA**  
Acting Director  
Central Records Division  
Department of Foreign Affairs

NOV 21 2001

**Part I  
General Provisions**

**Article 1**

The terms used in this Administrative Arrangement shall have the same meaning as in the Agreement.

**Article 2**

The liaison agencies designated in accordance with article 23 of the Agreement shall be:

A. in the Republic of the Philippines

The International Affairs and Branch Expansion Division, Social Security System.

B. in Switzerland

The Swiss Compensation Office in Geneva (hereinafter referred to as the "Swiss Compensation Office") for old-age, survivors' and disability insurance.

**Article 3**

1. The competent authorities of both Parties or, with their consent, the liaison agencies shall by mutual agreement determine the forms required for the implementation of the Agreement and this Administrative Arrangement.

2. To facilitate the implementation of the Agreement and this Administrative Arrangement, the liaison agencies to the extent possible shall agree upon measures for introducing and continuing electronic exchanges of data.

**Part II  
Provisions on coverage**

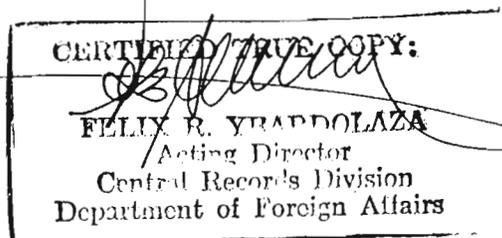
**Article 4**

1. In the cases referred to in article 8 of the Agreement, the competent institutions of the Party whose legislation remains applicable and which are designated in the following paragraph shall upon application certify that the person concerned is subject to that legislation.

2. The certificate referred to in paragraph 1 above shall be prepared on the form provided for that purpose:

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- a. in the Republic of the Philippines by the International Affairs and Branch Expansion Division;
  - b. in Switzerland by the competent compensation office for old-age, survivors' and disability insurance.
3. Applications for an extension of a detachment shall, before the expiry of the certificate, be submitted to the competent authority of the Party from whose territory the person has been sent. If that authority approves the application, it shall communicate with the authority of the other Party by an exchange of letters and notify its decision to the claimant and the institutions concerned in his country.

#### Article 5

1. For the purpose of exercising the right of election provided for in paragraphs 2 and 3 of article 10 of the Agreement,
- a. persons employed in the Republic of the Philippines shall give notice of their choice to the Federal Compensation Office in Berne;
  - b. persons employed in Switzerland shall give notice of their choice to the International Affairs and Branch Expansion Division.
2. After the exercise of the option the competent institution of the Party whose legislation has been opted to be applicable shall provide the persons concerned with a certificate confirming that they are subject to that legislation.

#### Article 6

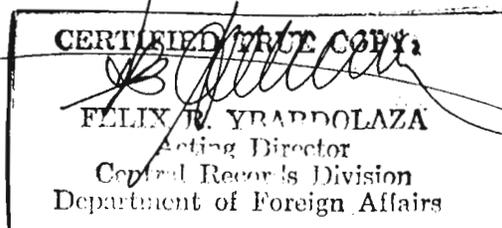
In the cases referred to in paragraph 1 of article 11 of the Agreement the persons concerned shall register at the beginning of their employment or when the Agreement comes into force if they are already employed at that time, with the competent institution of the Party in whose territory they are employed.

#### Article 7

In the cases referred to in paragraph 2 of article 13 of the Agreement, the persons concerned shall register with the cantonal compensation office of the canton in which they last resided.

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**Part III**  
**Provisions on benefits**

**Article 8**

1. A person residing in Switzerland who will claim benefits for retirement, death or disability under the Social Security Law of the Philippines shall submit directly his application to the Swiss compensation Office.
2. A person residing in the Philippines who claim benefits under the Swiss old-age, survivors' or disability insurance shall submit directly his application to the International Affairs and Branch Expansion Division.
3. A person residing in a third State who claim benefits under the Social Security Law of the Philippines for retirement, death or disability or the Swiss old-age, survivors' or disability insurance shall file his application with the competent institution directly or through one of the liaison agencies.
4. Application for benefits shall be submitted on the forms designated by the competent authorities or liaison agencies referred to in paragraph 1 of article 3.
5. The liaison agency receiving the application for benefits shall put the date of receipt on the form, verify that the application is complete, check whether all necessary proofs are attached and confirm on the form that the attached officials documents are valid. It shall forward the application together with the proofs and attached documents to the liaison agency of the other party. That liaison agency may request further information and certificates from the former liaison agency or obtain them directly from the claimants or their employers.

**Article 9**

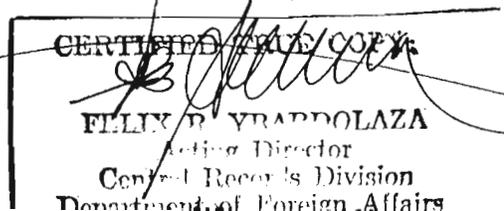
Upon request by the International Affairs and Branch Expansion Division, the Swiss Compensation Office shall provide it with the insurance periods completed under the Swiss legislation.

**Article 10**

1. In the case where nationals of the Philippines or their survivors have a right to choose between the payment of a pension or a lump sum in accordance with article 20 of the Agreement the Swiss Compensation Office shall inform them of the amount of the lump sum which can be granted instead of the pension, giving them at the same time particulars as to the insurance periods which are taken into account in assessing the amount of lump sum.
2. The entitled person must exercise his right to choose within 60 days from the date he has received the relevant information from the Swiss Compensation Office.

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3. If the person concerned does not exercise his right to choose within that period the Swiss Compensation Office shall grant him the lump sum.

#### Article 11

The competent institution shall inform directly the applicant of its decision on any claim to benefit together with particulars as to his rights of appeal and shall send a copy to the liaison agency of the other Party.

#### Article 12

The payment of any benefit shall be made by the competent institution directly to the beneficiary within the period prescribed by the legislation which the competent institution applies.

#### Article 13

Article 8, paragraph 1 and 3, and article 12 shall be by analogy applicable to the refund of the contributions provided by article 22 of the Agreement.

### Part IV

#### Miscellaneous provisions

#### Article 14

The liaison agencies of both Parties shall for each calendar year exchange statistics concerning the payments granted to beneficiaries pursuant to the Agreement. The statistics shall include the number of beneficiaries and the total benefits granted by types of benefit.

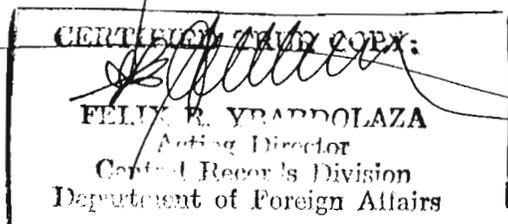
#### Article 15

1. Persons receiving benefits under the legislation of one Party who reside in the territory of the other Party shall either directly or through the liaison agencies inform the competent institution of all changes in their personal or family status, their state of health or their capacity to work and carry on gainful employment which may affect their rights or obligations under the legislation referred to in Article 2 of the Agreement and the provisions of the Agreement.

2. The institutions shall keep each other informed through the liaison agencies of all the changes referred to in paragraph 1 above which are notified to them.

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**Article 16**

1. Upon request, the institution of one Party shall without charge provide the institution of the other Party with all medical information and documents available to it concerning the disability of any person who has claimed or who draws a benefit.

2. If the institution of one Party requests a medical examination of any person who has claimed or who draws a benefit, the institution of the other Party shall arrange the requested examination in the territory in which the person concerned resides in accordance with the regulations applicable to it and at the expense of the institution making the request.

3. The costs referred to in paragraph 2 above shall be reimbursed upon presentation of a detailed statement of costs with vouchers. The details of the repayment procedure shall be fixed by mutual agreement between the liaison agencies.

**Article 17**

If the person claiming or receiving a disability pension under the legislation of one Party resides in the territory of the other Party, the competent institution can at any time request the liaison agency of this Party to carry out medical examinations or other informations required by the legislation of the first Party.

**Article 18**

The administrative costs for the implementation of the Agreement and this Administrative Arrangement shall be borne by the institutions charged with the implementation.

**Article 19**

This Administrative Arrangement comes into force simultaneously with the Agreement and remains effective for the same duration.

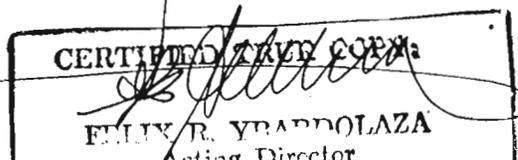
Done at Berne on 17<sup>th</sup> September, 2001 in two original copies, one in English and one in French.

President and CEO of the  
Social Security System of the  
Republic of the Philippines:

*Concepcion A. de Jesus*

For the  
Federal Social Insurance

*U. V. Bromballe Steine*



**Signature of the Agreement on social security  
between the Republic of the Philippines and the Swiss Confederation**

**Common declaration of the Delegations  
on the application of article 24 paragraph 3 concerning data protection**

**On the day of signature of the Agreement, both delegations have agreed as follows:**

When personal data are transmitted on the basis of the Agreement, the following provisions are applicable for the processing and protection of these data. The national and international legislation concerning data protection in force in the contracting Parties shall also apply.

- a. Data may be transmitted to the competent institution of the receiving Party only for the purpose of implementing the Agreement and the legislation to which it refers. The receiving Party may use them only for the purpose indicated. This Party may, however, in accordance with its own legislation, use the data for other purposes if they concern social security, including related judicial procedure. Any subsequent transmission of the data to third parties is subject to the agreement of the institution that originally provided them.
- b. On the request of the contracting Party that provided the data, the recipient shall inform it of their use and the results obtained.
- c. The institution that provides the data undertakes to ensure their exactness and that their contents are in proportion to the purpose indicated. In this respect, any restrictions concerning the transmission of data stipulated under national legislation must be respected. If inadequate data or data which should not have been transmitted are sent, the recipient shall be informed immediately and shall rectify the situation or destroy the data in question.
- d. The institution that transmits the data undertakes to inform, when appropriate, the persons concerned of the transmission of their data.
- e. The transmitted personal data shall be kept only as long as the purpose for which they were transmitted requires; it shall not be assumed that their destruction may damage the interests of the persons concerned, relating to social security, that should be protected.
- f. The transmitter and the recipient of the data undertake to keep a record of the transmission of personal data, their receipt and their subsequent processing.
- g. The transmitter and the recipient of the data undertake to protect all personal data provided against any non-authorized access, non-authorized modification or non-authorized communication.

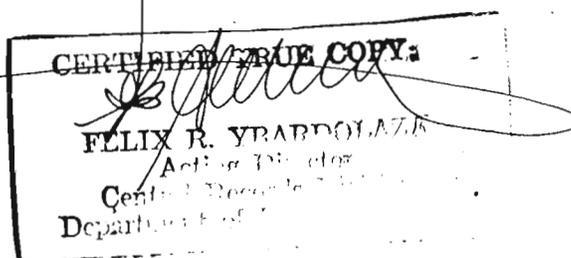
Berne, 17 September 2001

For the Philippine delegation:

Cayri A. de Mesa

For the Swiss delegation:

M. V. Blomelace Steiner



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