

No. 14551

**FEDERAL REPUBLIC OF GERMANY
and
ISRAEL**

**Convention on social security (with final protocol). Signed
at Jerusalem on 17 December 1973**

Authentic texts: German and Hebrew.

Registered by the Federal Republic of Germany on 16 January 1976.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
ISRAËL**

**Accord relatif à la sécurité sociale (avec protocole final).
Signé à Jérusalem le 17 décembre 1973**

Textes authentiques : allemand et hébreu.

Enregistré par la République fédérale d'Allemagne le 16 janvier 1976.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE STATE OF ISRAEL ON SOCIAL SECURITY

The Federal Republic of Germany and the State of Israel,
Desiring to regulate their relations in the area of social security,
Have agreed as follows:

SECTION I. GENERAL PROVISIONS

Article 1. For the purposes of this Convention:

1. "Territory" means, in relation to the Federal Republic of Germany, the area in which the Basic Law for the Federal Republic of Germany is in force; in relation to the State of Israel, the territory of the State of Israel;

2. "National" means, in relation to the Federal Republic of Germany, a German within the meaning of the Basic Law for the Federal Republic of Germany; in relation to the State of Israel, an Israeli national;

3. "Legislation" means the laws, ordinances, regulations and other acts of a generally legislative nature relating to the branches of social security specified in article 2, paragraph (1);

4. "Competent public authority" means, in relation to the Federal Republic of Germany, the Federal Minister of Labour and Social Affairs; in relation to the State of Israel, The Minister of Labour;

5. "Insurance authority" means the Institute or authority responsible for the application of legislation specified in article 2, paragraph (1);

6. "Competent insurance authority" means the insurance authority which is competent under the applicable legislation;

7. "Employment" means an employment or occupation within the meaning of the applicable legislation;

8. "Contribution period" means a period in respect of which contributions have been paid or are deemed to have been paid under the legislation of a Contracting State;

9. "Equivalent period" means a period assimilated to a contribution period;

10. "Insurance period" means a contribution period or an equivalent period;

11. "Cash benefit" means a cash benefit or pension, including any increase therein and any supplement or additional allowance payable therewith.

Article 2. (1) Except as otherwise provided in this Convention, it shall apply to:

1. The German legislation concerning:

(a) sickness insurance and protection of working mothers, in so far as it relates to the granting of cash benefits and benefits in kind by the sickness insurance authority;

¹ Came into force on 1 May 1975, i.e., the first day of the second month that followed the date of the exchange of the instruments of ratification, which took place at Bonn on 24 March 1975, in accordance with article 37.

- (b) accident insurance;
 - (c) pensions insurance and the supplementary insurance scheme for iron and steel workers;
2. The Israeli legislation concerning:
- (a) maternity insurance;
 - (b) insurance in respect of industrial accidents and occupational diseases;
 - (c) old-age and survivors' insurance.

(2) Legislation within the meaning of paragraph (1) shall not include legislation which arises for a Contracting State out of international treaties or out of legislation of the European Communities, or which serves for their implementation, except in so far as it contains provisions concerning insurance liability.

Article 3. (1) Except as otherwise provided in this Convention, the following shall, as regards the application of the legislation of a Contracting State, be assimilated to nationals of that State if they are normally resident in the territory of a Contracting State:

- (a) nationals of the other Contracting State;
- (b) refugees within the meaning of article 1 of the Convention relating to the Status of Refugees of 28 July 1951¹ and the Protocol of 31 January 1967² to that Convention;
- (c) other persons in respect of rights which they derive from a national of a Contracting State.

(2) Benefits under the legislation of a Contracting State shall be provided to nationals of the other Contracting State who are normally resident outside the territories of the Contracting States under the same conditions as to nationals of the first-mentioned Contracting State who are normally resident outside those territories.

Article 4. (1) Except as otherwise provided in this Convention, the legislation of a Contracting State under which the acquisition of entitlement to benefits or the granting of benefits or the payment of cash benefits is conditional upon residence in the country concerned shall not apply to persons referred to in article 3, paragraph (1), who are resident in the territory of the other Contracting State. The foregoing shall apply *mutatis mutandis* to persons other than those referred to in article 3, paragraph (1), except in relation to the payment of pensions or lump-sum cash benefits under the legislation specified in article 2, paragraph (1), subparagraphs 1 (b) and (c) and 2 (b) and (c).

(2) The provisions of paragraph (1) shall not affect legislation concerning the adoption of measures for maintaining, improving or restoring capacity for work under the legislation specified in article 2, paragraph (1), subparagraphs 1 (c) and 2 (c).

Article 5. Except as otherwise provided in articles 6 to 10, the obligation of employed persons to participate in an insurance scheme shall be governed by the legislation of the Contracting State in whose territory they are employed; this shall apply even where the employer is in the territory of the other Contracting State.

¹ United Nations, *Treaty Series*, vol. 189, p. 137.

² *Ibid.*, vol. 606, p. 267.

Article 6. A person normally employed by an enterprise in a Contracting State who is sent by that enterprise to the other Contracting State to work there on its behalf shall remain subject to the legislation of the first-mentioned Contracting State, as if he were still employed in its territory, for the duration of his employment in the other Contracting State; this shall apply even where the enterprise has a branch in the territory of the other Contracting State.

Article 7. (1) The crew of a seagoing vessel shall be subject to the legislation of the Contracting State whose flag the vessel flies.

(2) An employed person normally resident in the territory of a Contracting State who is temporarily employed on board a seagoing vessel flying the flag of the other Contracting State by an employer having his principal place of business in the territory of the first-mentioned Contracting State who is not the owner of the vessel shall be subject to the legislation of the first-mentioned Contracting State as if he were employed in its territory.

Article 8. The provisions of articles 5 to 7 shall apply *mutatis mutandis* to persons who are assimilated to employed persons under legislation specified in article 2.

Article 9. (1) A national of a Contracting State who is employed by that Contracting State or by a member or employee of an official mission of that Contracting State in the territory of the other Contracting State shall be subject to the legislation of the first-mentioned Contracting State.

(2) An employed person referred to in paragraph (1) who was normally resident in the country of employment prior to the commencement of his employment may, within three months from the commencement of his employment, opt to be subject to the legislation of the country of employment. The exercise of this option shall be declared to the employer. The legislation opted for shall apply as from the date of the declaration.

(3) The provisions of paragraphs (1) and (2) shall apply *mutatis mutandis* to employed persons referred to in paragraph (1) who are employed by any other public employer.

Article 10. At the joint request of the employed person and the employer, or at the request of a person assimilated to an employed person referred to in article 8, the competent public authority of the Contracting State whose legislation should apply under articles 5 to 9 may grant exemption from that legislation when the person in question becomes subject to the legislation of the other Contracting State. The nature and circumstances of the employment shall be taken into account in the decision. The competent public authority of the other Contracting State shall be given an opportunity to express its views before the decision is taken. If the employed person is not employed in the territory of the last-mentioned Contracting State, he shall be deemed to be employed at the place where he was last previously employed. If he was not previously employed in that territory, he shall be deemed to be employed at the place where the competent public authority of that Contracting State has its seat.

SECTION II. SPECIAL PROVISIONS

Chapter 1. MATERNITY BENEFITS

Article 11. (1) So far as entitlement to benefits and the duration of benefits are concerned, insurance periods and periods of receipt of benefits completed under

the legislation of both Contracting States shall be aggregated, provided that they do not overlap.

(2) The provisions of paragraph (1) shall apply *mutatis mutandis* to benefits which may be granted at the discretion of an insurance authority.

Article 12. The provisions of article 4, paragraph (1), shall not apply to any person as long as benefits may be claimed for that person under the legislation of the Contracting State in whose territory the person concerned is resident.

Article 13. (1) As regards the application of article 4, paragraph (1), benefits in kind shall be provided:

- in the Federal Republic of Germany: by the General Local Sickness Fund (Allgemeine Ortskrankenkasse) competent for the place of residence;
- in the State of Israel: by the National Insurance Institute.

(2) The legislation to which the insurance authority of the place of residence is subject shall apply to the provision of benefits in kind, with the exception of legislation concerning the duration of benefits and the number of dependants to be taken into account and the relevant legislation concerning the procedure for settling disputes relating to benefits.

(3) Persons and institutions that have concluded agreements with the insurance authorities referred to in paragraph (1) concerning the provision of benefits in kind to persons insured with those insurance authorities and their dependants shall be required also to provide benefits in kind to persons referred to in article 4, paragraph (1), under the same conditions as if they were insured with the insurance authorities referred to in paragraph (1) or were dependants of persons so insured and as if the agreements also applied to them.

(4) As regards the application of article 4, paragraph (1), cash benefits shall, at the request of the competent insurance authority, be paid by the insurance authority of the place of residence referred to in paragraph (1).

(5) The competent insurance authority shall refund to the insurance authority of the place of residence the amounts expended under the provisions of paragraphs (1) and (4), with the exception of administrative costs.

(6) The competent public authorities may, on the proposal of the insurance authorities concerned, agree that in the interests of administrative simplification the amounts expended shall in all cases, or in particular categories of cases, be refunded in lump sums.

Chapter 2. ACCIDENT INSURANCE

Article 14. (1) If the legislation of a Contracting State provides that, as regards entitlement to benefits by reason of an industrial accident (or occupational disease), previous industrial accidents (or occupational diseases) as defined in that legislation shall be taken into account, this shall also apply to previous industrial accidents sustained (or occupational diseases contracted) under the legislation of the other Contracting State, as if they had been covered by the legislation of the first-mentioned Contracting State. Casualties which are recognized under other provisions of public law as accidents or as occurrences giving entitlement to compensation shall be assimilated to the accidents (or diseases) to be taken into account.

(2) The insurance authority liable for compensation in respect of the later occurrence shall determine its benefit according to the degree of disability, resulting

from the industrial accident (or occupational disease), which it is required to take into account under its own national legislation.

Article 15. (1) As regards entitlement to benefits by reason of an occupational disease, the insurance authority of a Contracting State shall also take into account any employment exercised in the territory of the other Contracting State to which, in view of the nature of that employment, the disease may be attributed. If, as a result, there is an entitlement to benefits under the legislation of both Contracting States, benefits in kind and cash benefits, with the exception of the pension, shall be granted only under the legislation of the Contracting State in whose territory the beneficiary is normally resident. Each insurance authority shall grant only that part of the pension which corresponds to the ratio of the duration of the employment exercised in the territory of its own State to the duration of all employment to be taken into account under the first sentence of this paragraph.

(2) The provisions of paragraph (1) shall also apply to the granting of survivor's pensions and survivors' allowances.

Article 16. (1) The provisions of article 4, paragraph (1), shall apply in respect of benefits in kind to a person who has transferred his residence to the territory of the other Contracting State during medical treatment only if the competent insurance authority has consented to the change of residence in advance.

(2) Consent under paragraph (1) may be refused only on the ground of the state of health of the person concerned. It may be granted subsequently, if the person concerned has not obtained it in advance for reasonable cause.

Article 17. (1) Where an insurance authority of a Contracting State is required to grant benefits in kind to a person in the territory of the other Contracting State, they shall, without prejudice to the provisions of paragraph (3), be provided:

- in the Federal Republic of Germany: by the General Local Sickness Fund competent for the place of residence;
- in the State of Israel: by the National Insurance Institute.

(2) The legislation to which the insurance authority of the place of residence is subject shall apply to the provision of benefits in kind.

(3) Where, under paragraph (1), vocational assistance is to be granted, it shall be provided by the accident insurance authority in the territory of the State of residence under the legislation applicable to that authority. The competent insurance authority shall be the accident insurance authority which would be competent if the decision concerning entitlement to benefits were required to be taken under the legislation of that Contracting State.

(4) The accident insurance authority referred to in the second sentence of paragraph (3) may provide the benefits in lieu of the insurance authority referred to in paragraph (1).

(5) Except in dire emergencies, artificial parts of the body and other costly benefits in kind shall be provided only with the consent of the competent insurance authority. A dire emergency shall be deemed to exist in cases where provision of the benefit cannot be delayed without seriously endangering the life or health of the person concerned.

(6) The provisions of article 13, paragraph (3), shall apply *mutatis mutandis*.

(7) Cash benefits, with the exception of pensions, lump-sum settlements, nursing grants and death grants, shall be paid, at the request of the competent insurance authority, by the insurance authority referred to in paragraph (1).

Article 18. (1) The competent insurance authority shall refund to the insurance authority of the place of residence the amounts expended under the provisions of article 17, with the exception of administrative costs.

(2) The competent public authorities may, on the proposal of the insurance authorities concerned, agree that in the interests of administrative simplification the amounts expended shall in all cases, or in particular categories of cases, be refunded in lump sums.

Article 19. A pension may be commuted into a lump sum by reason of the fact that the beneficiary is normally resident in the territory of the other Contracting State only if the beneficiary so requests.

Chapter 3. PENSIONS INSURANCE (OLD AGE AND DEATH)

Article 20. (1) Where there are reckonable insurance periods under the legislation of both Contracting States, insurance periods which are reckonable under the legislation of the other Contracting State and which do not overlap shall also be taken into account for the purpose of the acquisition of entitlement to benefits under the applicable legislation. The foregoing shall apply *mutatis mutandis* to benefits which may be granted at the discretion of the insurance authority. The extent to which insurance periods are reckonable shall be governed by the legislation which determines reckonability.

(2) Where, irrespective of whether the provisions of paragraph (1) are taken into account, an entitlement to a pension exists under the legislation of both Contracting States and, under the applicable legislation, an insurance period of less than 12 months is reckonable for the purpose of calculating the pension, no entitlement to a pension may be asserted under the last-mentioned legislation. In such cases, without prejudice to the provisions of article 21, paragraph (1), the insurance periods irrespective of their chronological position, shall for the purpose of calculation of the pension be assimilated to the insurance periods reckonable under the legislation of the other Contracting State.

Article 21. (1) The insurance periods which are to be taken into account for the purposes of calculating pensions under the applicable legislation shall constitute the bases for computation.

(2) Where an entitlement to benefits which are granted in consideration of the children of the claimant or of children assimilated thereto exists under the legislation of both Contracting States, only one half of the amount of the benefits shall be granted under the legislation of each State. This shall apply even if the benefits are included in a survivor's pension, as part of the latter benefit, or are granted in addition to a survivor's pension. Where the entitlement to such benefits exists only under the legislation of one of the Contracting States, only one half of the amount of the benefits shall be granted if the conditions for entitlement are fulfilled only when the provisions of article 20, paragraph (1), are taken into account.

Article 22. The following provisions shall apply to the German insurance authority:

(1) Israeli insurance periods which are to be taken into account under the provisions of article 20, paragraph (1), shall be taken into account in that branch of the insurance system whose insurance authority is competent to determine benefits solely under German legislation. Where, in accordance with the foregoing, the miners' pensions insurance scheme is competent, insurance periods which are to be taken into account under Israeli legislation shall be taken into account in the miners' pensions insurance scheme if they were completed in mining operations underground.

(2) Where the obligation to participate in an insurance scheme depends on the fact that fewer than a specified number of contributions have been paid, contribution periods which are to be taken into account under Israeli legislation shall be taken into account for the purpose of deciding whether there is an obligation to participate in an insurance scheme.

(3) As regards the reckoning of intervals in respect of which no lump-sum payment is made and the addition of a supplementary period, compulsory contributions which are to be taken into account under Israeli legislation shall be assimilated to the compulsory contributions to be taken into account under German legislation.

(4) If the conditions for entitlement to a pension are fulfilled only when the provisions of article 20, paragraph (1), are taken into account, only one half of that part of the pension which pertains to the supplementary period and of other parts thereof which are not calculated on the basis of the duration of the insurance periods to be taken into account shall be granted.

SECTION III. MISCELLANEOUS PROVISIONS

Chapter 1. OFFICIAL AND LEGAL ASSISTANCE

Article 23. (1) The insurance authorities, associations of insurance authorities, public authorities and courts of the Contracting States shall assist one another in the implementation of the legislation specified in article 2, paragraph (1), and of this Convention as if they were applying the legislation applicable to themselves. Such assistance shall, with the exception of out-of-pocket expenses, be free of charge.

(2) The first sentence of paragraph (1) shall also apply to medical examinations. The cost of such examinations, travel expenses, loss of earnings, the cost of hospitalization for observation and other out-of-pocket expenses, with the exception of postage, shall be refunded by the requesting agency. The cost shall not be refunded if the medical examination is in the interest of the competent insurance authorities of both Contracting States.

Article 24. (1) Enforceable court orders and enforceable instruments issued by the insurance authorities or public authorities of a Contracting State in matters concerning contributions and other social insurance requirements shall be recognized in the other Contracting State.

(2) Recognition may be refused only where it would be contrary to the public policy of the Contracting State in which recognition of the order or instrument is sought.

(3) Enforceable orders and instruments which are recognized in accordance with paragraph (1) shall be enforced in the other Contracting State. The enforcement procedure shall be governed by the legislation which would apply in the Contracting State in whose territory enforcement is sought to the enforcement of the correspond-

ing orders and instruments issued in that State. The copy of the order or instrument must contain a statement to the effect that it is enforceable (enforceability clause).

(4) Demands for payment made by insurance authorities in the territory of a Contracting State on the ground of arrears in contributions shall, in the event of distraint and in bankruptcy or composition proceedings in the territory of the other Contracting State, be given priority equal to that given to corresponding demands for payment in the territory of the last-mentioned Contracting State.

Article 25. (1) Where instruments or other papers required to be submitted to one of the agencies referred to in article 23, paragraph (1), of a Contracting State are wholly or partly exempt from legal dues or charges, including consular and administrative fees, such exemption shall also extend to instruments and other papers required to be submitted to a corresponding agency of the other Contracting State in implementation of the legislation specified in article 2, paragraph (1).

(2) Instruments which, in implementation of the legislation specified in article 2, paragraph (1), are required to be submitted to one of the agencies referred to in article 23, paragraph (1), of a Contracting State shall not require legalization or any other similar formality for use in dealing with agencies of the other Contracting State.

Article 26. The agencies referred to in article 23, paragraph (1), may, in implementation of the legislation specified in article 2, paragraph (1), and of this Convention, communicate directly in their official languages with one another and with the persons concerned and their representatives. Legislation concerning the use of interpreters shall not be affected. Judgements, decisions or other papers may be served on a person resident in the territory of the other Contracting State directly by registered letter with return receipt.

Article 27. (1) Where a claim to a benefit under the legislation of a Contracting State has been submitted to an agency in the other Contracting State which is empowered to receive a claim to a corresponding benefit under the legislation to which it is subject, the claim shall be deemed to have been submitted to the competent insurance authority. The foregoing shall apply *mutatis mutandis* to other claims and also to notices and appeals.

(2) A claim to benefits under the legislation of one of the Contracting States shall also be deemed to be a claim to a corresponding benefit under the legislation of the other Contracting State. The foregoing shall not apply if, under the legislation of the last-mentioned Contracting State, the claimant may determine the date by reference to which the conditions for the award of the benefit are deemed to be fulfilled.

Article 28. Career consular authorities of a Contracting State in the territory of the other Contracting State shall be entitled, upon request by the claimants, to take, without producing evidence of a power of attorney, such steps as may be necessary to ensure and uphold the rights of nationals of their State. They may, in particular, submit claims or delivery notices to, or lodge appeals with, the agencies referred to in article 23, paragraph (1), in the interests of such nationals.

Chapter 2. IMPLEMENTATION AND INTERPRETATION OF THE CONVENTION

Article 29. (1) The competent authorities may agree on the administrative measures necessary for implementing the Convention. They shall inform each other

of any changes in, and additions to, the legislation applicable to them specified in article 2.

(2) For the purpose of implementing the Convention, liaison offices are hereby established. The liaison offices are:

- in the Federal Republic of Germany:
 - for sickness insurance: the Federal Association of Local Sickness Funds (Bundesverband der Ortskrankenkassen), Bonn-Bad Godesberg;
 - for accident insurance: the Federation of Trade Associations (Hauptverband der gewerblichen Berufsgenossenschaften e.V.), Bonn;
 - for manual workers' pensions insurance: the Rhine Province *Land* Insurance Institute (Landesversicherungsanstalt Rheinprovinz), Düsseldorf;
 - for salaried workers' pensions insurance: the Federal Insurance Institute for Salaried Workers (Bundesversicherungsanstalt für Angestellte), Berlin;
 - for miners' pensions insurance: the Federal Miners' Insurance Association (Bundeskknappschaft), Bochum;
 - for the supplementary insurance scheme for iron and steel workers: the *Land* Insurance Institute for the Saar (Landesversicherungsanstalt für das Saarland), Saarbrücken;
- in the State of Israel:
 - the National Insurance Institute.

Article 30. (1) Where a person who is to receive benefits under the legislation of a Contracting State in respect of an injury sustained in the territory of the other Contracting State is entitled, under the laws of the last-mentioned Contracting State, to claim damages for such injury from a third party, the claim for damages shall be transferred to the insurance authority of the first-mentioned Contracting State in accordance with the legislation applicable to that insurance authority.

(2) Where both an insurance authority of one of the Contracting States and an insurance authority of the other Contracting State are entitled to claim damages in respect of similar benefits as a result of the same injury, the insurance authority of one of the Contracting States shall, upon request by the insurance authority of the other Contracting State, also assert the claim of that insurance authority. The third party may discharge the claims of both insurance authorities by making payment to either one of them. The insurance authorities shall make the necessary internal arrangements to divide the payment between them in proportion to the benefits payable by each of them.

Article 31. Payments to be made by an insurance authority to an insurance authority of the other Contracting State shall be effected in the currency of the second Contracting State. In the cases referred to in articles 24 and 30, payments to be made by an insurance authority to an insurance authority of the other Contracting State shall be effected in the currency of the first Contracting State.

Article 32. (1) Where the insurance authority of a Contracting State has erroneously paid cash benefits, the amount paid in error may be withheld, for account of the insurance authority, from the subsequent payment of a corresponding benefit under the legislation of the other Contracting State.

(2) Where the insurance authority of a Contracting State has made an advance payment in consideration of an entitlement to a benefit under the legislation of the

other Contracting State, the amount paid shall be withheld, for account of that insurance authority, from the benefit.

(3) Where a person is entitled under the legislation of a Contracting State to a cash benefit in respect of a period for which he or his dependants have been granted benefits by a public assistance authority of the other Contracting State, the cash benefit shall, upon request by the public assistance authority entitled to compensation, be withheld for its account as if it were a public assistance authority having its seat in the territory of the first-mentioned Contracting State.

Article 33. (1) Any disputes between the two Contracting States concerning the interpretation or application of the Convention shall, so far as possible, be settled by the competent public authorities.

(2) Where a dispute cannot be settled in this manner, it shall, upon request by a Contracting State, be submitted to an arbitral tribunal.

(3) The arbitral tribunal shall be constituted *ad hoc*; each Contracting State shall appoint a member, and the two members shall agree on a national of a third State as chairman, who shall be appointed by the Governments of both Contracting States. The members shall be appointed within two months, and the chairman within three months, after one of the Contracting States has informed the other that it wishes to submit the dispute to an arbitral tribunal.

(4) If the time-limits referred to in paragraph (3) are not adhered to, either Contracting State may, in the absence of any other agreement, request the President of the International Court of Justice to make the necessary appointments. If the President is a national of a Contracting State or is unable to act for any other reason, the Vice-President shall make the appointments. If the Vice-President is also a national of a Contracting State or is also unable to act, the next most senior member of the Court who is not a national of a Contracting State shall make the appointments.

(5) The arbitral tribunal shall take its decisions by majority vote, on the basis of the treaties existing between the parties and of general international law. Its decisions shall be binding. Each Contracting State shall defray the expenses of its member and the costs of its representation in the arbitral proceedings; the expenses of the chairman and other costs shall be shared equally by the Contracting States. The arbitral tribunal may make some other ruling concerning costs. In all other respects, the arbitral tribunal shall establish its own rules of procedure.

SECTION IV. TRANSITIONAL AND FINAL PROVISIONS

Article 34. (1) Except as otherwise provided herein, this Convention shall not create any entitlement to benefits in respect of periods prior to the date of its entry into force.

(2) For the purpose of the application of this Convention, relevant facts arising under the legislation of the Contracting States prior to the date of its entry into force shall also be taken into account.

(3) The fact that earlier decisions have become final shall not preclude the application of the Convention.

(4) Pensions determined before the date of entry into force of this Convention may, in consideration thereof, be revised *ex officio*. In such cases, without prejudice to the provisions of article 27, paragraph (2), the date on which the insurance authority initiates the procedure shall be deemed to be the date of submission of the claim under the legislation of the other Contracting State.

(5) If the revision under paragraph (4) would result in no pension or in a smaller pension than was last paid in respect of periods prior to the date of entry into force of this Convention, the pension shall continue to be granted at the rate previously paid.

Article 35. The Final Protocol annexed hereto shall form an integral part of this Convention.

Article 36. This Convention shall also apply to *Land Berlin* provided that the Government of the Federal Republic of Germany has not made a contrary declaration to the Government of the State of Israel within three months from the date of entry into force of this Convention.

Article 37. (1) This Convention shall be ratified; the instruments of ratification shall be exchanged as soon as possible at Bonn.

(2) This Convention shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged.

Article 38. (1) The Convention is concluded for an indefinite period. Either Contracting State may denounce it, on three months' notice, as at the end of any calendar year.

(2) If, as a result of denunciation, the Convention ceases to have effect, its provisions shall continue to apply to entitlements to benefits acquired up to that time; restrictive legislation relating to the preclusion of an entitlement or the suspension or withdrawal of benefits owing to residence abroad shall not be taken into account in respect of such entitlements.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their Governments, have signed this Convention and have thereto affixed their seals.

DONE at Jerusalem on 17 December 1973 in two original copies, each in the German and Hebrew languages, both texts being equally authentic.

For the Federal Republic of Germany:
JESCO VON PUTTKAMER

For the State of Israel:
JOSEF ALMOGI

FINAL PROTOCOL TO THE CONVENTION BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE STATE OF ISRAEL ON SOCIAL SECURITY

At the time of signing the Convention on social security concluded this day between the Federal Republic of Germany and the State of Israel, the plenipotentiaries of the two Contracting States declared that agreement had been reached on the following:

1. *Ad article 2 of the Convention.* The provisions of section II, chapter 3, of the Convention shall not apply to the supplementary insurance scheme for iron and steel workers which exists in the Federal Republic of Germany.

2. *Ad article 3 of the Convention.* (a) Provisions concerning insurance liability treaties shall not be affected.

(b) Legislation of a Contracting State guaranteeing the participation of insured persons and employers in the autonomous organs of insurance authorities and associations and in establishing the *usus fori* in social security matters shall not be affected.

3. *Ad article 4 of the Convention.* The provisions of paragraph (1) shall not affect the German legislation concerning benefits in respect of:

- accidents sustained (or occupational diseases contracted) at a time when the person concerned was not insured under federal law;
- insurance periods not completed under federal law.

4. *Ad article 9 of the Convention.* In the case of persons who are employed on the date of entry into force of the Convention, the period prescribed in paragraph (2) shall begin on that date.

5. *Ad article 4 and section II, chapter 1, of the Convention.* (a) Only that legislation which relates to the insurance contingency of maternity shall be deemed to be legislation concerning sickness insurance within the meaning of article 2, paragraph (1), subparagraph 1 (a), of the Convention.

(b) The provisions of article 4, paragraph (1), of the Convention shall apply *mutatis mutandis* with respect to the amount which the pensions insurance authority furnishes towards the sickness insurance contribution.

6. *Ad article 14 of the Convention.* Where, under German legislation, the receipt of a pension under the pensions insurance scheme affects the amount of the entitlement to benefits under the accident insurance scheme, the receipt of a similar pension under Israeli legislation shall have the same effect.

7. *Ad section II, chapter 3, of the Convention.* As regards the application of German legislation, the provisions of section II, chapter 3, of the Convention shall apply *mutatis mutandis* to German nationals in respect of the insurance contingencies of occupational disability, incapacity for work and diminished capacity for mining occupations.

8. *Ad article 34, paragraph (1), of the Convention.* Pensions (including lump-sum settlements and the amounts specified in item 5 (b) of this Final Protocol) under the legislation specified in article 2, paragraph (1), subparagraphs 1 (b) and (c) and 2 (b) and (c), shall be determined and paid as provided in the Convention with effect from 1 January 1973.

9. As regards the application of the Convention, German legislation, in so far as it contains more favourable provisions relating to persons who have suffered injury because of their political views or for reasons of race, religion or opinion, shall not be affected.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their Governments, have signed this Final Protocol and have thereto affixed their seals.

DONE at Jerusalem on 17 December 1973 in two original copies, each in the German and Hebrew languages, both texts being equally authentic.

For the Federal Republic of Germany:
JESCO VON PUTTKAMER

For the State of Israel:
JOSEF ALMOGI