

**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

be transferred provided for under paragraph 2, the amount to be transferred by the official or his or her survivors eligible for a benefit under the Austrian pension insurance scheme may be limited to that amount. In this case the first completed months that are not fully covered in the amount shall be disregarded.

PART IV

Miscellaneous provisions

Article 8

The Federal Ministers responsible for the implementation of this Agreement and the Executive Secretary shall take the administrative steps required for the implementation of this Agreement.

Article 9

In order to simplify the implementation of social insurance in respect of its officials, the Commission shall take steps to ensure that the necessary notifications are made and the contributions to be paid by the official under Article 5 are transferred to the *Wiener Gebietskrankenkasse*.

Article 10

The declarations required to be made by the official under Article 3 shall be transmitted by the Commission on behalf of the official to the *Wiener Gebietskrankenkasse*.

Article 11

Without prejudice to its confidential character, the Commission shall, upon request, provide the Austrian insurance institutions with the information necessary for the implementation of this Agreement.

Article 12

No provision of this Agreement shall be interpreted as restricting the provisions of Sections 30 and 31 of the Seat Agreement.

Article 13

For the settlement of differences between the Republic of Austria and the Commission concerning the interpretation or implementation of this Agreement, the provisions of Section 55 of the Seat Agreement shall apply.

PART V

Transitional provisions

Article 14

1. Officials participating in any branch of the social insurance provided for in the ASVG or in the unemployment insurance provided for in the AIVG on account of their service with the Commission at the time of entry into force of this Agreement shall have the right within three months of that date to terminate their insurance in any branch by means of a written declaration to become effective on the last day of the month on which the declaration is made.
2. Officials who took up their appointment with the Commission prior to the date of entry into force of this Agreement shall have the possibility within three months of that date of exercising the right under Article 2.1.
3. Article 10 shall apply *mutatis mutandis* to cases covered by paragraphs 1 and 2.

Article 15

1. In the case of officials who are participants in the Provident Fund at the time of entry into force of this Agreement, and who prior to that date have completed at least 12 insurance months in the Austrian pension insurance scheme, the periods of service with the Commission, during which the official had participated in the Provident Fund prior to entry into force of this Agreement, shall be treated, where necessary, as contributory periods of compulsory insurance for the purpose of determining eligibility for benefits under the Austrian pension insurance scheme.
2. Where entitlement to a benefit exists under Austrian legislation only by totalizing periods under paragraph 1, the competent Austrian institution shall determine the amount of the benefit in accordance with Regulation (EC) No. 883/2004, with periods of service with the Commission, during which the official had participated in the Provident Fund prior to entry into force of this Agreement, to be deemed periods of insurance in another Member State of the European Union.
3. As an exception from paragraph 2, child raising periods shall only be taken into account for the determination of the benefit in accordance with the Austrian legislation.

Article 16

In the case of officials whose participation in the Provident Fund commenced after the date of entry into force of this Agreement, periods during which such

officials participated in the Provident Fund shall be considered as “neutral” periods in the Austrian pension insurance scheme as laid down in the relevant provisions of the ASVG.

Article 17

In the case of officials serving with the Commission at the time of the entry into force of this Agreement whose appointment terminates until 31 October, 2015, Article 7.2 shall apply with the exception that a percentage of 7% shall be applied in place of the percentage amount provided for in that Article.

Article 18

This Agreement shall apply, *mutatis mutandis*, to officials of the Commission who are participants in the United Nations Joint Staff Pension Fund.

PART VI

Final provisions

Article 19

1. This Agreement shall enter into force on the first day of the third month after the month in which an Exchange of Notes between the representative of the Republic of Austria and the Executive Secretary, duly authorized to that effect has been made.
2. Without prejudice to Art. 2.1, officials who are Austrian nationals shall be exempt from the application of Austrian social insurance laws as from the entry into force of the Seat Agreement, provided that such officials are accorded equivalent social protection coverage by the Commission.

Article 20

This Agreement shall cease to be in force:

- (a) by mutual consent of the Republic of Austria and the Commission; or
- (b) if the Seat of the Commission is removed from the territory of the Republic of Austria; in that case, the Commission and the competent Austrian authorities shall take joint action for the orderly termination and liquidation of all arrangements made under this Agreement; or
- (c) upon the conclusion of the first session of the Conference of the States Parties of the Comprehensive Nuclear-Test-Ban Treaty Organization.

Article 21

The termination of this Agreement shall not impair the rights acquired thereunder.

DONE at Vienna, this 11th day of January 2013, in duplicate in the German and English languages, both texts being equally authentic. In the case of a dispute concerning the interpretation of this Agreement, the English text shall prevail.

For the Republic of Austria:

For the Preparatory Commission for the
Comprehensive Nuclear-Test-Ban
Treaty Organization:

Rudolf Hundstorfer m.p.

Tibor Tóth m.p.