

AGREEMENT ON SOCIAL SECURITY
BETWEEN
THE REPUBLIC OF THE PHILIPPINES AND THE SWISS CONFEDERATION

*The Government of the Republic of the Philippines
and
The Swiss Federal Council,
Resolved to co-operate in the field of social security,
Have decided to conclude an agreement for this purpose, and
Have agreed as follows:*

PART I**GENERAL PROVISIONS****Article 1
Definitions**

For the purpose of this Agreement, the term:

- (a) "Party" means the Republic of the Philippines, hereinafter referred to as the Philippines, or Switzerland;
- (b) "territory" means

as regards the Philippines, the territory of the Republic of the Philippines
as regards Switzerland, the territory of the Swiss Confederation;
- (c) "national" means

as regards the Philippines, a Filipino citizen;
as regards Switzerland, a Swiss citizen
- (d) "competent authority" means
as regards the Philippines: the President and CEO of the Social Security System;
as regards Switzerland: The Federal Social Insurance Office;
- (e) "competent institution" means

as regards the Philippines: the Social Security System;
as regards Switzerland: the institution which has the task of implementing the
legislation specified in paragraph 1(b) of Article 2;
- (f) "legislation" means the laws and regulations specified in Article 2;
- (g) "insurance period" means, as regards a Party, a period of contributions or
equivalent period used to acquire the right to benefit under the legislation of that
Party;
- (h) "benefit" means, as regards a Party, any cash benefit, pension or allowance for
which provision is made in the legislation of that Party and includes
supplements or increases applicable to such a cash benefit, pension or
allowance;
- (i) "old-age benefit" means

as regards the Philippines: the retirement benefits awarded under the
legislation specified in paragraph 1 (a) of Article 2;

as regards Switzerland: the old-age benefits awarded under the legislation specified in paragraph 1(b)(i) of Article 2;

(j) “survivors’ benefit” means

as regards the Philippines: the death benefits payable to the surviving spouse under the legislation specified in paragraph 1(a) of Article 2;
as regards Switzerland: the survivors’ benefits awarded under the legislation specified in paragraph 1(b)(i) of Article 2;

(k) “disability benefit” means

as regards the Philippines: the disability benefits payable under the legislation specified in paragraph 1 (a)of Article 2;
as regards Switzerland: the disability benefits awarded under the legislation specified in paragraph 1 (b)(ii) of Article 2;

(l) “reside” means to stay ordinarily;

(m) “domicile” means the place in which a person is staying with the intention of permanent stay.

2. Any term not defined in this Article has the meaning assigned to it in the applicable legislation.

Article 2

Legislation to Which the Agreement Applies

1. This Agreement shall apply to the following legislation:

(a) With respect to the Philippines: the Social Security Law as it relates to retirement, disability and death benefits;

(b) With respect to Switzerland:

(i) the Federal Law on old-age and survivors’ insurance,
(ii) the Federal Law on disability insurance.

2. Subject to paragraph 3, this Agreement shall also apply to laws and regulations which amend, supplement, consolidate or supersede the legislation specified in paragraph 1.

3. This Agreement shall, however, apply:

(a) to laws and regulations on a new branch of Social Security only if agreed between the Parties;

- (b) to laws and regulations which extend the existing schemes to new categories of persons only if the Party amending its legislation does not forward a contrary notification to the other Party within six months of the date of the coming into force of such laws and regulations.

Article 3 Persons to Whom the Agreement Applies

1. Unless otherwise provided, this Agreement shall apply to:
 - (a) nationals who are or have been subject to the legislation of the Philippines or Switzerland, as well as their family members and survivors whose rights are derived from a national of a Party;
 - (b) refugees in conformity with the Convention on the Status of Refugees of 28 July 1951 and the Protocol of 31 January 1967 to that Convention, and stateless persons in accordance with the Convention on the Status of Stateless Persons of 28 September 1954, who are or have been subject to the legislation of the Philippines or Switzerland, as well as their family members and survivors whose rights are derived from these persons, as long as they reside in the territory of one of the Parties, more favorable national provisions shall not be affected;
 - (c) family members and survivors of persons who have been subject to the legislation of a Party, regardless of the latter person's nationality, if the family members or survivors are nationals of a Party, or stateless persons or refugees who reside in the territory of one Party.
2. With reference to Articles 6, 7, 8, 9 paragraphs 1 to 3, Article 10 paragraphs 3 and 4, Articles 12 and 13, and Part IV, this Agreement shall also apply to any other person, regardless of his nationality.

Article 4 Equality of Treatment

1. Unless otherwise provided in this Agreement, nationals of one Party as well as their family members and survivors shall, in the application of the legislation of the other Party, receive equal treatment with the nationals of that Party or their family members or survivors. This applies accordingly to refugees and stateless persons as well as their family members and survivors mentioned in Article 3, paragraph 1 (a).
2. Paragraph 1 shall not apply to:
 - (a) Swiss legislation on voluntary old-age, survivors' and disability insurance;

- (b) Swiss legislation on old-age, survivors' and disability insurance of Swiss nationals who are gainfully occupied abroad in the service of the Swiss Confederation or organizations in the meaning of Article 1, paragraph 1, subparagraph (c) of the Federal Law on old-age and survivors' insurance.

Article 5 Export of Benefits

1. Unless otherwise provided in this Agreement, benefits payable under the legislation of a Party to any person described in Article 3, paragraph 1 (a), including benefits acquired by virtue of this Agreement, shall not be subject to any reduction, modification, suspension, cancellation or confiscation by reason only of the fact that the person resides in the territory of the other Party.
2. Paragraph 1 shall not apply to ordinary pensions for insured persons with a disability less than fifty percent provided under Swiss disability insurance as well as to the extraordinary pensions and helplessness allowances provided under Swiss old-age, survivors' and disability insurance.
3. Any benefit which, under this Agreement, is payable by one Party in the territory of the other Party, shall also be payable to a national of the other Party residing outside the territory of either Party as well as to his family members and survivors with respect to rights derived from that national, under the same conditions and to the same extent as under the national legislation of the former Party they would be paid to a national of that Party or to his family members and survivors in respect to rights they derive from a national.

PART II PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

Article 6 General Rule

Unless otherwise provided in this Agreement and subject to Articles 7 to 12, an employed person who works in the territory of a Party shall, in respect of that work, be subject only to the legislation of that Party.

Article 7 Self-employed Persons

A self-employed person who ordinarily resides in the territory of a Party and who works for his own account in the territory of the other Party or in the territories of both

Parties, shall, in respect of that work, be subject only to the legislation of the first Party.

Article 8 Detached Persons

1. An employed person who is subject to the legislation of a Party and who is temporarily detached to the territory of the other Party to perform services for the same employer shall, in respect of these services, be subject only to the legislation of the first Party during the term of his detachment as though these services were performed in its territory.
2. However, if the time required to complete the work exceeds twenty-four (24) months, the legislation of the first Party may continue to apply provided that the competent institutions of both Parties give their prior approval.
3. An employee of a public service or public corporation who is detached by one Party to the territory of the other Party shall be subject to the legislation of the Party which detached him.

Article 9 Traveling Personnel Employed in International Transport

1. A person working in the territory of both Parties as traveling personnel for an international carrier which, on behalf of others or on its own account, transports passengers or goods by air, and which has its registered office in the territory of one Party, shall, with respect to such work, be subject only to the legislation of this Party.
2. However, if such person is employed by a branch or permanent agency which the undertaking has in the territory of one Party other than the Party in whose territory it has its registered office, he shall, with respect to such work, be subject only to the legislation of the Party in whose territory the branch or permanent agency is located.
3. Notwithstanding the preceding two paragraphs, if the person is employed wholly or mainly in the territory of the Party where he is a resident, he shall be subject to the legislation of that Party, even if the undertaking which employs him has neither its registered office nor a branch or permanent agency in that territory.
4. A national of one of the Parties who is a member of the crew of a sea-going vessel flying the flag of a Party and a resident either Party shall be insured in accordance with the legislation of the Party of legal residence.

Article 10
Persons in Government Service

1. A national of one Party who is detached by that State to the territory of the other Party as members of a diplomatic mission or consular post shall be subject to the legislation of the first Party.
2. A national of one Party who is employed in the territory of the other Party to provide services at a diplomatic mission or a consular post of the first Party shall be insured in accordance with the legislation of the second Party. Within six months after the commencement of their employment or after the entry into force of this Agreement, he may opt for the legislation of the first Party to be applicable.
3. Paragraph 2 applies accordingly to:
 - (a) A national of a third State being employed in the territory of one Party by a diplomatic mission or a consular post of the other Party;
 - (b) A national of one Party and a national of a third State being employed in the territory of the other Party in the personal service of a national of the first Party referred to in paragraphs 1 and 2.
4. If a diplomatic mission or a consular post of one Party employs in the territory of the other Party, a person who is insured in accordance with the legislation of this Party, it shall perform the obligations which are generally imposed on employers by the legislation of the second Party. This applies accordingly to a national mentioned in paragraph 1 or 2 employing persons in his personal service. Paragraphs 1 to 4 shall not apply to the honorary members of consular posts or their employees.

Article 11
Persons in a Third State's Service

1. A national of one Party being employed in the territory of the other Party by a diplomatic mission or a consular post of a third State, who is not insured either in accordance with the legislation of this State nor in accordance with the legislation of the first Party, shall be insured in accordance with the legislation of the second Party.
2. Paragraph 1 applies accordingly to the spouse and the children of the persons mentioned in this paragraph and residing with these persons in the territory of the second Party, provided that they are not already insured in accordance with the legislation of this State.

Article 12
Derogation from the Provisions on Coverage

The competent authorities of both Parties may, by mutual consent, derogate from the provisions of Articles 6 to 10 with respect to any person or category of persons.

Article 13
Accompanying Family Members

1. Where in application of Articles 8 to 10 or 12 a person remains subject to the legislation of one Party while he is gainfully employed in the territory of the other Party, the same applies to the spouse and the children of this person residing with that person in the territory of the second Party, provided that they are not gainfully employed themselves in the territory of this Party.
2. Where in the application of paragraph 1 the Swiss legislation applies to the spouse and children, they are insured in the Swiss old-age, survivors' and disability insurance.

PART III
PROVISIONS CONCERNING BENEFITS

Chapter I
Provisions Concerning Philippine Benefits

Article 14
Totalization of Insurance Periods

1. If a person is not entitled to the payment of a benefit because he has not accumulated sufficient insurance periods under the legislation of the Philippines, the competent institution of the Philippines which determines entitlement to benefits under its legislation shall take into account periods of insurance which are creditable under the Swiss legislation, provided that the periods do not overlap.
2. The competent institution of the Philippines shall not apply the provisions of paragraph 1 if the person, on whose account benefits are computed, has sufficient periods of insurance to satisfy the requirements for entitlement to benefits under its legislation.
3. This Agreement shall not prevent the application of the legislation of the Philippines concerning the payment of benefits that is more favorable to the persons listed in Article 3 paragraph 1(a).

Article 15
Periods under the Legislation of a Third Party

If a person is not entitled to the payment of a Philippine benefit on the basis of the insurance periods under the legislation of both Parties, totalized as provided in Article 14, the entitlement of that person to the payment of that benefit shall be determined by totalizing these periods and insurance periods under the legislation of a third Party with which the Philippines is bound by a social security instrument which provides for totalizing periods of insurance.

Article 16
Minimum Period Required for Totalization

Notwithstanding any other provision of this Agreement, if the total duration of the insurance periods accumulated by a person under the legislation of the Philippines is less than one year, the competent institution of the Philippines shall not be required to apply Article 14 and 15 of this Agreement.

Article 17
Benefit Payable Under the Legislation of the Philippines

If a person is not entitled to the payment of a benefit solely on the basis of the insurance periods completed under the legislation of the Philippines, but is entitled to the payment of benefit through totalization as provided under Article 14 and 15, the competent institution of the Philippines shall calculate the amount of benefit payable to that person in the following manner:

- (a) It shall first determine the amount of the theoretical benefit which would be payable under the legislation of the Philippines solely on the basis of the minimum insurance periods required under that legislation;
- (b) It shall then multiply the theoretical benefit by the fraction represented by the insurance periods actually completed under the legislation of the Philippines, in relation to the total insurance periods completed under the legislation of the Philippines and of only those periods creditable under the Swiss legislation or under the legislation of a third Party as provided for under the Swiss legislation or under the legislation of a third Party as provided for under Article 15 which are required to satisfy the minimum requirements for entitlement to that benefit under the legislation of the Philippines.

CHAPTER II

Provisions Concerning Swiss Benefits

Article 18

Rehabilitation Measures

1. A national of the Philippines who, immediately prior to eligibility for rehabilitation measures has been liable to pay contributions to the Swiss old-age, survivors' and disability insurance, shall be entitled to such measures as long as he stays in Switzerland. Article 19 applies by analogy to this paragraph.
2. A national of the Philippines, who, immediately prior to eligibility for rehabilitation measures has not been liable to pay contributions to the Swiss old-age, survivors' and disability insurance but who is insured in Switzerland, shall be entitled to such measures as long as he is domiciled in Switzerland, if, immediately prior to eligibility for the measures he has resided in Switzerland without interruption for at least one full year. Minor children shall moreover also be entitled to such measures if they are domiciled in Switzerland and if they have either been born disabled there or have resided there without interruption since birth.
3. A national of the Philippines residing in Switzerland who leaves Switzerland for a period not exceeding three months shall not be deemed to have interrupted his residence in Switzerland within the meaning of paragraph 2.
4. A child born disabled in the Philippines to a mother who stayed there for not more than two months before the birth shall be treated as a child born disabled in Switzerland. In the case of a congenitally handicapped child, Swiss disability insurance shall also be responsible for meeting expenses incurred in the Philippines during the first three months after the birth to the same extent as it would have been required to meet these in Switzerland.
5. Paragraph 4 shall apply by analogy to a child born disabled outside the territory of the Parties; in such a case, the Swiss disability insurance shall be responsible for meeting expenses incurred in a third State only if the measures had to be awarded there on an emergency basis due to the state of health of the child.

Article 19

Continuation of Disability Insurance Coverage

For the purpose of entitlement to ordinary pension under Swiss legislation on disability insurance, a national of the Philippines shall remain insured for one year after the interruption of work resulting in disability, provided he had to give up his gainful activity in Switzerland due to an accident or illness and his disability has been determined in Switzerland. This person must continue to pay contributions to Swiss old-age, survivors' and disability insurance as if he had his domicile in Switzerland.

Article 20

Lump sum Indemnity

1. If a national of the Philippines or his survivor who does not reside in Switzerland is entitled to an ordinary partial pension under the Swiss old-age and survivors' insurance which is equal to not more than 20 percent of the corresponding, ordinary full pension, he shall be granted instead of the partial pension a lump sum indemnity equal to the actuarial value of the pension payable under Swiss legislation when the insured event occurs. If a national of the Philippines or his survivor who received such a partial pension permanently leaves Switzerland, he shall also be granted an appropriate indemnity which corresponds to the actuarial value of that pension at the time of departure.
2. If the ordinary partial pension is equivalent to more than 20 percent but not more than 30 percent of the corresponding ordinary full pension, a national of the Philippines or his survivor who does not reside in Switzerland or who is permanently leaving Switzerland may opt between having the pension paid or a lump sum indemnity. This option shall be made during the course of the procedure to determine the pension if the entitled person is staying outside Switzerland when the insured event occurs, or when leaving the country, if he already received a pension in Switzerland.
3. In the case of married couple of which both spouses have been insured under the Swiss insurance, the lump sum indemnity is paid to one spouse only when the other spouse is also entitled to a pension.
4. Paragraphs 1 to 3 shall apply by analogy to ordinary pensions of the Swiss disability insurance provided that the person, who has entitlement, has achieved the age of 55 years and the Swiss insurance does not provide for any further verification of the fulfillment of the conditions concerning the disability of that person.
5. Once the lump sum indemnity had been paid out by the Swiss insurance, no further claims can be asserted against that institution in respect of contributions paid to it before.

Article 21

Extraordinary Pension

1. A national of the Philippines shall be entitled to receive extraordinary pension under Swiss old-age, survivors' and disability insurance under the same conditions as Swiss nationals if he is domiciled in Switzerland, and if, immediately before the date from which he claims the pension, he has resided in Switzerland for a continuous period of not less than:

- (a) ten years in the case of an old-age pension;
 - (b) five years in the case of a survivors' pension, disability pension or an old-age pension which replaces a disability or survivors' pension.
2. For the purpose of paragraph 1:
- (a) no account shall be taken of any period during which the person concerned residing in Switzerland was exempted from the Swiss old-age, survivors' and disability insurance;
 - (b) n period of residence in Switzerland in the meaning of paragraph 1 shall not be regarded as interrupted if the absence from Switzerland is not more than three months in any calendar year. The period of three months may be extended in exceptional cases.
3. Indemnities in accordance with Article 20 paragraphs 1 to 4 shall not prevent the granting of extraordinary pension in accordance with paragraph 1. However, in such cases, the indemnity paid out shall be deducted from the amount of pensions to be paid out.

Article 22 **Refund of Contributions**

- 1. Instead of a Swiss pension, a national of the Philippines who has left Switzerland definitively for at least one year may, on application, obtain the refund of the contributions paid to the Swiss old-age and survivors' insurance. His survivor who has left Switzerland and is not a Swiss national may also apply for the refund. The refund is ruled by the Swiss legislation.
- 2. Once the refund has been paid, no further claims can be asserted against the Swiss insurance in respect of previous insurance periods.

PART IV **ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS**

Article 23 **Administrative Arrangement**

- 1. The competent authorities of the Parties shall establish, by means of an administrative arrangement, the measures necessary for the application of this Agreement.
- 2. The liaison agencies of the Parties shall be designated in that arrangement.

Article 24
Exchange of Information and Mutual Assistance

1. The competent authorities and institutions responsible for the application of this Agreement:
 - (a) shall, to the extent permitted by the legislation which they administer, communicate to each other any information necessary for the application of this Agreement;
 - (b) shall lend their good offices and furnish assistance to one another with regard to the determination or payment of any benefit under this Agreement, or the legislation to which this Agreement applies, as if the matter involved the application of their own legislation; and
 - (c) shall communicate to each other, as soon as possible, all information about the measures taken by them for the application of this Agreement or about changes in their respective legislation insofar as these changes affect the application of this Agreement.
2. The assistance referred to in subparagraph 1(b) shall be provided free of charge, subject to any provision contained in an administrative arrangement concluded pursuant to Article 23 for the reimbursement of certain types of expenses.
3. Where, under this Agreement or its Administrative Arrangement, the competent authorities or competent institutions of a Party communicate personal data to the competent authorities or competent institutions of the other Party, that communication shall be subject to the legal provisions governing protection of data laid down by the Party providing the data. Any subsequent transmission as well as the storage, alteration and destruction of the data shall be subject to the legal provisions on data protection of the receiving Party.
4. The use of personal data for purpose other than those of social security shall be subject to the approval of the person concerned or in accordance with the other guarantees provided for by national legal provisions.

Article 25
Medical Reports

When assessing the degree of disability, the institutions of each Party may, where appropriate, take account of information and medical reports provided by the institutions of the other Party. They shall, however, retain the right to have the insured person examined by a doctor of their choice.

Article 26
Exemption or Reduction of Taxes, Dues, Fees or Charges

1. Any exemption from or reduction of taxes, legal dues, consular fees or administrative charges for which provision is made in the legislation of a Party in connection with the issuing of any certificate or document required to be produced for the application of that legislation shall be extended to certificates or documents required to be produced for the application of the legislation of the other Party.
2. Any document of an official nature required to be produced for the application of this Agreement shall be exempted from any authentication by diplomatic or consular authorities and similar formalities.

Article 27
Language of Communication

1. For the application of this Agreement, the competent authorities and institutions of the Parties may communicate directly with one another as well as with any person, whenever it is necessary for the administration of this Agreement. Such communication may be made in any official language of either Party.
2. The competent authorities and institutions of a Party may not refuse to deal with requests or take account of other documents because they have been drawn up in an official language of the other Party.

Article 28
Submitting Claims, Notices or Appeals

1. Any claim, notice or appeal concerning the determination or payment of a benefit under the legislation of a Party which should, for the purposes of that legislation, have been presented within a prescribed period to a competent authority or institution of that Party, but which is presented within the same period to an authority or institution of the other Party, shall be treated as if it had been presented to the competent authority or institution of the first Party.
2. Subject to the second sentence of this paragraph, a claim for benefit under the legislation of a Party made after the date of entry into force of this Agreement shall be deemed to be a claim for the corresponding benefit under the legislation of the other Party, provided that the applicant:
 - (a) requests that it be considered an application under the legislation of the other Party, or
 - (b) provides information at the time of application indicating that insurance periods have been completed under the legislation of the other Party.

The foregoing sentence, however, shall not apply if the applicant requests that his claim to the benefit of the other Party be delayed.

3. In any case to which paragraph 1 or 2 applies, the authority or institution to which the claim, notice or appeal has been submitted shall transmit it without delay to the competent authority or institution of the other Party.

Article 29 Payment of Benefits

1. Payments made in the implementation of this Agreement can be validly realized in the currency of the country to which the competent institution obliged to pay belongs.
2. If a competent institution has to make payments to an institution of the other Party, such payments shall be made in the currency of the latter Party.
3. Should provisions which restrict the remittance of foreign currency be promulgated by either Party, the Parties shall immediately adopt measures necessary to ensure the payment of any sums due by either Party in accordance with the provisions of this Agreement.

Article 30 Resolution of Disputes

1. The competent authorities of the Parties shall resolve, to the extent possible, any disputes which arise in interpreting or applying this Agreement according to its spirit and fundamental principles.
2. The Parties shall consult promptly at the request of either Party concerning matters which have not been resolved by the competent authorities in accordance with paragraph 1.
3. Any dispute between the Parties concerning the interpretation of this Agreement which has not been resolved or settled by consultation in accordance with paragraph 1 or 2 shall, at the request of either Party, be submitted to arbitration by an arbitral tribunal.
4. Unless the Parties mutually determine otherwise, the arbitral tribunal shall consist of three arbitrators, of whom each Party shall appoint one and the two arbitrators so appointed shall appoint a third who shall act as president; provided that if the two arbitrators fail to agree, the President of the International Court of Justice shall be requested to appoint the president.
5. The arbitral tribunal shall determine its own procedures.
6. The decision of the arbitral tribunal shall be final and binding.

PART V
TRANSITIONAL AND FINAL PROVISIONS

Article 31
Transitional Provisions

1. Any insurance period completed before the date of entry into force of this Agreement shall be taken into account for the purpose of determining the right to a benefit under the Agreement; except that neither Party shall take into account periods of coverage occurring prior to the earliest date for which periods of coverage may be credited under its laws.
2. No provision of this Agreement shall confer any right to receive payment of a benefit for a period before the date of entry into force of this Agreement.
3. Subject to paragraph 2, a benefit shall be paid under this Agreement in respect of events which happened before the date of entry into force of this Agreement.
4. Rights of interested persons obtained before the effectivity of the Agreement and the payment of a pension or income may be reviewed upon request. The review shall have the effect of granting to the beneficiaries, starting from the effectivity of this Agreement, the same rights as if the Agreement has been in effect during the liquidation. The request for review should be submitted within a period of two years counted from the effectivity of the Agreement.
5. Any revision carried out by virtue of this Article shall not result in a reduction in the amount of benefit being paid before.
6. This Agreement shall not apply to rights settled by a lump sum payment or a refund of contributions.

Article 32
Entry into Force and Termination

1. This Agreement shall enter into force on the first day of the fourth month following the month in which each Party shall have received from the other Party written notification that it has complied with all statutory requirements for the entry into force of this Agreement.
2. This Agreement shall remain in force without any limitation on its duration. It may be denounced at any time by either Party giving 12 months' notice in writing to the other Party.

3. In the event of the termination of this Agreement, any right acquired by a person in accordance with its provisions shall be maintained and negotiations shall take place for the settlement of any rights then in course of acquisition by virtue of those provisions.
4. This Agreement may be amended in the future by supplementary agreements which from their entry into force shall be considered an integral part of this Agreement. Such supplementary agreements may be given retroactive effect if they so specify.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective governments, have signed this Agreement.

Done in two copies at Berne this 17th day of September, 2001 in the English and French languages, each text being equally authentic.

For the Government of the
Republic of the Philippines:

(ORIGINAL SIGNED)

For the Swiss Federal Council:

(ORIGINAL SIGNED)

**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 recipient 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:

For the Swiss delegation:

(ORIGINAL SIGNED)

(ORIGINAL SIGNED)