

AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF MALTA
AND
THE SOCIALIST PEOPLE'S LIBYA ARAB JAMAHIRIYA
ON SOCIAL SECURITY

In view of their desire to strengthen the bonds of friendship and to promote the existing mutual relations between them, in the field of Social Security, the Socialist People's Libyan Arab Jamahiriya and the Government of the Republic of Malta have agreed as follows –

ARTICLE ONE

For the purposes of this agreement –

- a) "legislation" means any Acts, Regulations or Procedures in force from time to time in their countries of both contracting parties concerning Social Security;
- b) "competent authority" means the Social Security Fund in the case of the SPI.AJ and the Ministry responsible for Social Security in the case of the Republic of Malta.
- c) "competent institutions" means those institutions in the countries of both contracting parties which are responsible for the administration of the Social Security legislation in force in their respective countries;
- d) "employee" means any citizen of one of the two contracting countries who is employed in the country of the other contracting party;
- e) "country of origin" means the country to which the employee belongs;
- f) "country of employment" means the country in which the employee is being employed;

ARTICLE TWO

The principle of reciprocity shall rule in connection with the provisions of this agreement.

ARTICLE THREE

Employees who are engaged in any employment shall be subject to the legislation in force in the country of employment except for the payment of contributions payable on pensions and lump sum gratuities.

ARTICLE FOUR

Employees or their relatives are not entitled to pension and lump sum gratuities, that are covered by the relative contribution in this respect, from the Social Security institutions of the country of employment.

ARTICLE FIVE

When Social Security contributions covering short term cash benefits do not exist, the employer or the competent institutions, as the case may be, in the respective countries of the contracting parties shall, in accordance with the legislation in force in the respective countries, compensate the employees that are subject to this Agreement for the unpaid salary or wage due to sickness or injury on duty or maternity, as the case may be.

ARTICLE SIX

Any company or establishment in one of the contracting parties to this agreement which is carrying out a project in the territory of the other contracting party to this agreement shall submit a certificate to the Social Security institution of the country where the project is being carried out listing all the names of the employees that are subject to this agreement. The secured wage appertaining to each employee, the date of commencement of employment, the expected duration of such employment, the date of birth of such employees, and their respective signatures.

ARTICLE SEVEN

All outstanding issues under the agreement signed on 5th 1972 corresponding to 27 Sha' ban 1392, shall be regulated in accordance with the Protocol, appended to this Agreement, signed by the two parties on Friday 6th May 1988 corresponding to 20 Ramadan 1397 M.R

ARTICLE EIGHT

The provisions of this agreement shall not apply to those categories of employees who, in any case, are not liable to the payment of Social Security contributions in their country of origin.

ARTICLE NINE

Employers having employees covered by this agreement shall have to cooperate in the fields of Industrial Health and Safety, prevention against job injuries and diseases, with competent institutions and organization in the countries of employment.

ARTICLE TEN

For the implementation of this agreement, the competent authority or the Social Security Institutions in each country shall:

1. Agree on the necessary procedures for implementation.
2. Make direct contacts between them to put the above procedures into effect.
3. Exchange administrative assistance free of charge.
4. Exchange texts of legislation pertaining to Social Security, and their modifications at the earliest possible.

ARTICLE ELEVEN

Any disagreement between the two parties in the implementation of this agreement shall be settled by an ad hoc committee made up of four members, two of which are to be appointed by each party.

ARTICLE TWELVE

The ratification of this agreement shall be subject to any rules or procedures in force in the countries of both contracting parties at the time of its being signed and shall be valid for three years starting from the first day of the Gregorian Month following the exchange of the instruments of the agreement for ratification. On the expiry of the said three-year period, the agreement shall automatically be renewed for further periods of three years unless one of the contracting parties notifies the other contracting party in writing of its termination at least three months before the date of its expiry.

ARTICLE THIRTEEN

Upon the commencement of this agreement, the Social Insurance Agreement signed between the two countries on the 5th October 1972, corresponding to 27 Sha' ban 1392 and the relative administrative arrangements agreed upon between the two countries shall cease to be valid.

ARTICLE FOURTEEN

This agreement is being made and duly signed in two original copies in the Arabic and the English Languages both equally authoritative and authentic.

Done in Valletta on 6th May 1988 corresponding to 20 Ramadan 1397.

For the Socialist People's
Libyan Arab Jamahiriya

Ibrahim Guider

For the Government of the
Republic of Malta

Louis Galea