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Social security agreement between Switzerland and Kosovo





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1 Agreement summary

Signed on 8 June 2018, the [bilateral social security agreement between the Swiss Confederation and the Republic of Kosovo](#) came into force on 1 September 2019. The purpose of the agreement is to ensure that Swiss and Kosovo nationals receive equal treatment, wherever possible, in respect of their social security entitlements and to determine to which national social security system a person is subject to.

The agreement sets out the requirements that a person must satisfy in order to receive Swiss or Kosovo old-age, survivors' and disability pensions, as well as rehabilitation measures from the Swiss disability insurance scheme. The agreement also sets out the rules on exporting these benefits.

The purpose of this leaflet is simply to provide an overview of how Switzerland and Kosovo coordinate their social security systems. Only the relevant legal provisions and international agreements shall apply in the settlement of individual claims.

2 Material scope

Which Swiss legal provisions are covered by the agreement?	The agreement covers the Federal Act on the Old-Age and Survivors' Insurance (OASI) and the Federal Act on Disability Insurance (DI).
Which legal provisions in Kosovo are covered by the agreement?	The agreement covers legislation on Kosovo's state-funded pension system as well as the Kosovo pension savings trust act (FKPK).

3 Personal scope

Who is covered by the agreement?	The agreement applies to Kosovo and Swiss nationals, as well as their immediate family members (spouse and children) and surviving dependants.
Are third-state nationals covered by the agreement?	Certain provisions may also apply to third-state nationals, i.e. individuals who are not Swiss or Kosovo nationals. For example, the provisions on workers who are posted temporarily to one of the contracting States by their employer, which has its headquarters in the other contracting State, apply equally to third-state nationals (posting).

4 Basic principles: equal treatment, export and totalisation

What does equality of treatment mean?	<p>Equality of treatment is a guiding principle of the agreement.</p> <p>What this means in practice is that Kosovo nationals shall be treated in the same way as Swiss nationals with respect to the entitlements and obligations under the Swiss social security schemes covered by the agreement.</p> <p>Likewise, Swiss nationals shall be treated in the same way as Kosovo nationals with respect to the entitlements and obligations under the Kosovo social security schemes covered by the agreement.</p>
Are there exceptions?	<p>There are a number of clear-cut exceptions to the equal treatment principle.</p> <p>For example, only Swiss nationals living abroad (outside EU/EFTA Member States) may join the voluntary OASI/DI scheme.</p> <p>In addition, some benefits may not be exported, neither for Swiss nationals nor for Kosovo nationals.</p>
What does export mean?	This means that Swiss and Kosovo nationals are entitled to receive their pension even though they no longer live in the State that pays out this benefit.

What does totalisation mean? Taking into account Swiss insurance periods (totalisation) facilitates a person's entitlement to Kosovo benefits.

If a benefit that is due under Kosovo's social security legislation depends on a certain minimum insurance or contribution period, the periods completed in Switzerland are taken into account so that the person is able to complete the minimum insurance period for entitlement to the given benefit (see section 8 on entitlement to a Kosovo pension).

Entitlement to a Swiss old-age pension is exclusively based on contributions paid into the Swiss social security system. If certain conditions are met, insurance periods accumulated in Kosovo are taken into account by Switzerland in order to complete the minimum insurance period (three years) for entitlement to a Swiss disability pension (see section 7).

These include periods of insurance accomplished before the entry into force of the agreement.

However, the calculation and the amount of a pension from one of the contracting States are determined solely by the contributions paid in that State.

5 Affiliation/compulsory insurance cover

Place of work principle – What does that mean? Individuals are subject to the legal provisions on compulsory insurance cover in the contracting State on whose territory they work (principle of being subject to the social security legislation of the country of employment).

This means that a Kosovo employee working exclusively in Switzerland is in principle subject to Swiss social security legislation and must therefore contribute to the compulsory Swiss social security schemes. Self-employed persons must also pay contributions to the relevant compulsory social security schemes in the State where they work.

Individuals who are gainfully employed in both Switzerland and Kosovo are subject to the compulsory social security schemes in the two States. However, the social security system of each State will consider only the income earned on its territory.

I work for an airline/on a sea-going vessel. Aircrews who are employed by an airline which has its headquarters and operates in Switzerland or Kosovo are subject to the social security legislation of the country where the airline is headquartered.

However, if these employees live in the other contracting State or work for a branch of the airline based there, they are subject to the social security obligations of that State.

The crew of a vessel sailing under the flag of one of the contracting States to the agreement are, in principle, subject to the social security legislation of the flag State. However, if the employer has its headquarters or place of business in the other contracting State, then the crew member is subject to the social security legislation of that State.

Which social security contributions are compulsory in Switzerland?	Individuals who are subject to compulsory insurance in Switzerland must contribute to the old-age, survivors' and disability insurance schemes, the accident insurance scheme, the unemployment insurance scheme (for employees), as well as the compensation for loss-of-income/maternity insurance scheme. The employer registers its employees with its OASI compensation fund and deducts the employees' compulsory insurance contributions directly from their salary. An overview of contribution rates can be found at the following website (in French, German or Italian).
What about health insurance?	As a general rule, anyone taking up residence in Switzerland must take out health insurance cover with an authorised Swiss insurer within three months of arriving in Switzerland. A list of current premiums by health insurance fund and by canton/region can be found at: www.priminfo.ch .
What about occupational pensions?	The agreement does not apply to the Federal Act on Occupational Old Age, Survivors' and Disability Pension Provision (OPA). Swiss legislation states that employees who pay compulsory OASI contributions become liable for compulsory OPA contributions when meeting a number of requirements (minimum qualifying age and salary in particular).

6 Postings – an exception to the rule

Maintaining affiliation to the legislation of the State of origin	<p>Employees who are posted temporarily to Kosovo by their Swiss employer remain subject to Swiss social security legislation and therefore must continue to contribute to the compulsory Swiss social security schemes (including health and accident insurance). They are exempted from contributions to the Kosovo social security schemes covered by the agreement.</p> <p>Likewise, employees who are posted temporarily to Switzerland by their employer in Kosovo remain subject to the social security legislation of Kosovo.</p>
What does temporarily mean?	As a rule, a person may be posted for a maximum of five years.
What conditions apply?	<p>In the interests of worker protection, a posting presupposes that the person concerned is already insured under the social security system of the posting State before taking up employment in the host State. At the end of their posting period, the employee must return to gainful employment in Switzerland; in principle, the employer must intend to continue to employ the worker after their posting has ended.</p> <p>A direct employment relationship between employee and employer must continue to exist for the entire duration of the posting. In particular, an employer who posts a worker abroad must retain the sole power to terminate the employment contract and to broadly define the type of work that the posted employee will perform. The posted employee must work in the interests and on behalf of their employer, but the salary of the employee does not have to be paid directly by the latter.</p>

Certificate of posting/coverage	<p>The employer applies to the competent insurance institution in the posting State (State of origin) for a certificate of posting (also called a 'certificate of coverage').</p> <p>This certificate confirms that the posted worker continues to be subject to the social security legislation of the State of origin for the duration of their posting. As such, the person is exempt from contributions to the compulsory social security schemes in the host State that are covered by the agreement.</p>
Competent insurance institutions	<p>In Switzerland, the competent insurance institutions are the OASI compensation offices. Since 1 January 2018, all OASI compensation offices, the Federal Social Insurance Office (FSIO) and many employers exchange social security information electronically via ALPS (<i>Applicable Legislation Platform Switzerland</i>). All employee posting applications must be submitted via this platform.</p> <p>Employers who already have access to ALPS continue to submit their posting applications via this platform. Employers who have yet to use ALPS need to contact their OASI compensation office, which will submit the application via ALPS on their behalf or provide them with the necessary ALPS login details.</p>
Can the posting be extended?	<p>If the duration of the posting exceeds the five-year limit, the competent authorities in the posting State must submit a posting extension application (special agreement). The posting may be extended for no more than one additional year (maximum posting period, including extension: six years).</p> <p>In Switzerland, the Federal Social Insurance Office is the competent authority (www.bsv.admin.ch). All applications must be submitted via ALPS. The process is largely the same as for certificate of posting applications: employers who already have access to ALPS continue to submit their applications via the platform; employers who have yet to use ALPS need to contact their OASI compensation office, which will submit the application via ALPS on their behalf or provide them with the necessary ALPS login details.</p>
What about family members?	<p>Non-working family members (spouse and children) accompanying the posted worker from the posting State to the host State remain subject to the social security legislation of the State of origin. They also remain covered by the health insurance of the State of origin for the duration of the posting. For postings from Switzerland to Kosovo, they remain covered by the Swiss OASI and DI schemes.</p>

More detailed information on postings can be found in the fact sheet [“Social security for posted workers. Contracting States, outside EU/EFTA”](#).

Information on social security schemes **not** covered by the agreement (e.g. health care and accident insurance) can be found in the fact sheet [“Social Security for posted workers – Non-contracting States”](#).

7 Swiss old-age, survivors' and disability benefits

Retirement age in Switzerland	The statutory retirement age in Switzerland is 64 for women and 65 for men.
Old-age benefits – Work periods in Switzerland and Kosovo	Kosovo and Swiss nationals who have worked both in Switzerland and Kosovo, and have therefore contributed to both social security systems, receive partial pensions from each State provided that they meet the relevant legal requirements of each State. The amount they receive will depend heavily on their insurance record in each State.
Who can claim old-age and survivors' benefits?	<p>Kosovo nationals can claim a regular Swiss old-age pension (full- or partial) under the same conditions as Swiss nationals. This applies equally to Swiss survivors' pensions (widow's/widower's/orphan's pension).</p> <p>To qualify for a Swiss old-age pension, the claimant must have contributed to the Swiss old-age insurance scheme for at least one year. Survivors can claim a survivors' pension provided that the deceased had paid contributions to the Swiss social security system for a minimum period of one year.</p>
Can old-age and survivors' pensions be exported?	<p>Under Swiss legislation, Swiss nationals may draw a regular Swiss pension regardless of the country in which they live.</p> <p>In accordance with the agreement, Kosovo nationals can claim a Swiss pension under the same conditions that apply to Swiss nationals. OASI pensions can therefore be exported worldwide.</p>
A lump-sum payment instead of a pension?	<p>Kosovo nationals or their survivors who do not reside in Switzerland and who qualify for a Swiss old-age and survivors' pension which is not more than 10% of the full regular pension receive a one-off lump-sum payment instead of a partial pension. If the old-age or survivors' pension is more than 10% but less than 20% of the full regular OASI pension, they can choose between a partial pension or a one-off lump-sum payment.</p> <p>Once the one-off lump sum has been paid, it is no longer possible to make further claims against the Swiss OASI/DI schemes in respect of paid contributions or corresponding insurance periods.</p>
Occupational pensions?	The agreement does not cover Swiss occupational old-age, survivors' and disability insurance. Under the relevant federal legislation (OPA), Swiss and foreign nationals receive equal treatment, i.e. the payment of pensions and other benefit entitlements abroad depend on the statutes and internal regulations of the claimant's pension fund. If a person has paid occupational pension contributions while working in Switzerland, they may request that their accumulated retirement assets are paid out in cash (termination benefit) provided that they are relocating from Switzerland to a State that is not a member of either the EU or EFTA. They must submit their application to the competent pension fund or termination benefits institution (insurance company or bank).
Disability benefits	Swiss disability insurance legislation provides for the payment of cash benefits (pensions and daily allowances) and rehabilitation measures.

What are rehabilitation measures?	Rehabilitation measures are provided by the Swiss disability insurance scheme with a view to improving the working capacity of individuals with a disability. These measures can be occupational (career counselling, initial vocational training and retraining), medical, or involve the provision of aids (e.g. wheelchair).
Entitlement to and export of rehabilitation measures	The agreement facilitates the access of Kosovo nationals living in Switzerland to rehabilitation measures provided under the Swiss disability insurance (DI) scheme.
a) Persons liable to pay contributions	Kosovo nationals who are paying compulsory Swiss old-age, survivors' and disability insurance contributions immediately prior to the onset of their disability may qualify for rehabilitation measures provided that they continue to reside in Switzerland. Rehabilitation measures cannot be exported.
b) Persons not liable to pay contributions, but insured under the OASI/DI schemes	Kosovo nationals who are not subject to compulsory insurance obligations immediately prior to the onset of their disability but who are insured under the Swiss old-age, survivors' and disability insurance schemes may qualify for rehabilitation measures provided that they meet certain requirements. This might be the case for a spouse who is not in gainful employment but whose wife/husband pays OASI contributions which are at least twice the minimum contribution rate. To qualify, persons in this category must reside in Switzerland and have lived there without interruption for at least one year prior to the onset of their disability. Rehabilitation measures cannot be exported.
Right of disabled children to rehabilitation measures	<p>Minor children qualify for Swiss disability insurance rehabilitation measures provided that they live in Switzerland and were born disabled there, or have lived in Switzerland without interruption since their birth. Rehabilitation measures for minor children cannot be exported.</p> <p>The agreement contains specific provisions ensuring that disabled children born in Kosovo receive equal treatment in respect of their social security entitlements. In certain circumstances, the Swiss disability insurance scheme will cover the costs arising from a congenital illness.</p>
Entitlement to disability pensions	If a Kosovo national meets the qualifying requirements stipulated in Swiss disability insurance legislation (i.e. a minimum insurance period of three years as well as conditions pertaining to the degree of disability), they may be entitled to a Swiss DI pension, possibly a partial one (prorated to the contributions paid in Switzerland).

Recognition of insurance periods	<p>When the insurance periods completed in Switzerland do not entitle an individual to a regular Swiss disability insurance pension (minimum insurance period of three years), the insurance periods completed in Kosovo are taken into account (totalisation) provided that they do not overlap with the periods completed under Swiss legislation.</p> <p>When the insurance periods completed in Kosovo do not entitle a Swiss or Kosovo national to a regular Swiss disability insurance pension, the insurance periods completed in a third State (neither Switzerland nor Kosovo) with which Switzerland has concluded a social security agreement are taken into account (totalisation).</p> <p>Nevertheless, a <u>minimum insurance period of one year in Switzerland</u> remains necessary.</p> <p>The <u>amount</u> of the Swiss disability insurance pension is determined exclusively on the basis of the insurance periods completed under Swiss legislation. The calculation is made on the basis of this legislation.</p>
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Can disability pensions be exported?	<p>Regular Swiss DI pensions can be exported, provided the degree of disability is at least 50%. In other words, the DI pensions of Swiss and Kosovo nationals whose degree of disability is at least 50% can be exported worldwide.</p> <p>Swiss and Kosovo nationals whose degree of disability is less than 50% will only receive a Swiss DI pension if they reside in Switzerland.</p>
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You will find more information in the following booklet:
[“Social Security in Switzerland”](#).

8 Kosovo old-age, survivors' and disability benefits

Claiming a Kosovo pension	Individuals living in Switzerland submit their claim to the Swiss Compensation Office (SCO, see section 9).
Recognition of Swiss insurance periods	<p>Where the insurance periods completed in Kosovo do not entitle an individual to a Kosovo pension, the insurance periods completed in Switzerland are taken into account. Under certain circumstances, Swiss nationals can claim a Kosovo pension even if they have only been working in Kosovo for a few years.</p> <p>When the insurance periods completed in Switzerland do not entitle an individual to a Kosovo pension, the insurance periods completed in a third State (neither Switzerland nor Kosovo) with which Kosovo has concluded a social security agreement are taken into account.</p> <p>However, the agreement also stipulates several conditions that must be met before insurance periods completed abroad can be taken into account so as to facilitate entitlement to Kosovo old-age and disability benefits.</p>

Export of Kosovo benefits

In accordance with the agreement, Swiss nationals can claim a Kosovo pension under the same conditions that apply to Kosovo nationals. Kosovo pensions can, in principle, also be paid out to claimants who live in Switzerland. The export of Kosovo pensions to countries other than Switzerland is determined by the relevant Kosovo legislation.

Basic Kosovo state pensions, however, are only paid out to claimants who live in Kosovo (cf. the Final Protocol to the Bilateral Agreement).

9 Competent authorities, liaison bodies and contact points

Benefit claims

- **Individuals living in Switzerland** should submit their Kosovo benefit claims to the Swiss Compensation Office (SCO).
- **Individuals living in Kosovo** should submit their Swiss pension claims to the foreign pensions' division of the Pensions Department within the Ministry of Labour and Social Welfare in Kosovo.

Competent authorities and liaison bodies

Competent authority in Switzerland

Federal Social Insurance Office (FSIO)
Effingerstrasse 20
3003 Berne
www.bsv.admin.ch

Swiss liaison body for OASI/DI

Swiss Compensation Office (SCO)
Av. Edmond-Vaucher 18, Post office box 3100
1211 Geneva 2
www.zas.admin.ch

Kosovo liaison body for old-age, survivors' and disability insurance

Divisioni i Pensioneve të Jashtme
Departamenti i Pensioneve
Ministria e Punës dhe Mirëqenies Sociale
Rrg. "Pashko Vasa" – Baraka Nr. 1
10000 Prishtina
<https://mpms.rks-gov.net>

Contact points in Switzerland

Queries and requests should be directed at the following bodies in Switzerland:

Queries regarding the export of OASI/DI pensions	Swiss Compensation Office (SCO)
Questions relating to postings from Switzerland (posting certificate)	Competent compensation fund (see section 6)
Queries regarding extension of postings	Competent compensation fund (see section 6) and Federal Social Insurance Office (FSIO)