

ADMINISTRATIVE ARRANGEMENT  
FOR THE IMPLEMENTATION OF THE AGREEMENT  
ON SOCIAL SECURITY BETWEEN  
THE REPUBLIC OF INDIA  
AND  
THE PORTUGUESE REPUBLIC

For the purpose of implementing the Agreement on Social Security between the Republic of India and the Portuguese Republic, signed in New Delhi on the 4<sup>th</sup> day of March, 2013 hereinafter referred to as the "Agreement".

The Indian and Portuguese competent authorities, in accordance with Article 13 (1) (a) of the Agreement, have reached the following Arrangement:

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**TITLE I  
General provisions**

**Article 1  
Definitions**

For the purposes of this Administrative Arrangement, hereafter Arrangement, the terms and expressions used in it shall have the meaning assigned to them in Article 1 of Agreement.

**Article 2  
Liaison agencies**

1. In accordance with Article 13 (1) (d) of the Agreement, the following bodies shall be designated as "liaison bodies":

- a) For the Republic of India, the "Employees' Provident Fund Organisation".
- b) For the Portuguese Republic, the "Direcção-Geral da Segurança Social" (General-Directorate for Social Security);

2. The liaison bodies shall, namely:

- a) Establish, by mutual agreement, the model forms as well as the procedures necessary for the implementation of the Agreement and of this Arrangement;
- b) Take measures in order to inform the persons concerned of their rights and of the appropriate procedures for the exercise of those rights;
- c) Exchange statistics on the number of certificates issued under Article 5 of this Arrangement and on the payments made to beneficiaries under the Agreement. These statistics will be furnished annually electronically. These statistics will include the number of beneficiaries and total amount of the benefits.

**Article 3**  
**Electronic Exchange of Information**

Notwithstanding Article 2 (2) (a) the competent institutions will agree upon on an electronic exchange of data as soon as possible, in case the necessary legal and technical requirements in both countries are being met.

**Article 4**  
**Rules on the aggregation of periods of insurance**

For the aggregation of periods of insurance completed under the legislation of both Parties by virtue of the Agreement, the competent institution shall apply the following rules:

- a) Where a period of insurance completed under a compulsory insurance under the legislation of a Party wholly or partly coincides with a period of insurance completed under a voluntary insurance under the legislation of the other Party, only the period completed under the compulsory insurance shall be taken into account by the competent institution;
- b) Where a period of insurance, other than an equivalent period, completed under the legislation of a Party coincides with an equivalent period completed under the legislation of the other Party, only the period of insurance in the part where it does not coincide shall be taken into account by the competent institution;
- c) Any period treated as equivalent simultaneously, wholly or partly, under the legislations of both Parties shall be taken into account only by the institution of the Party below whose legislation the insured person was last compulsorily insured prior to the said period in the part where it does not coincide;
- d) In the case mentioned in *subparagraph c)*, where the insured person has not been compulsorily insured under the legislation of a Party before the said period, the latter shall be taken into account by the competent institution of the Party under whose legislation the person was compulsorily insured for the first time after the period in question;

- e) Where it is not possible to determine accurately the period of time in which certain periods of insurance were completed under the legislation of a Party, such periods shall be presumed not to overlap with periods of insurance completed under the legislation of the other Party and shall, where advantageous, be taken into account.

## TITLE II

### Implementation of the provisions of the Agreement concerning the determination of the legislation applicable

#### Article 5

##### Formalities in cases of posting pursuant to Article 8 (1) to (3) of the Agreement

1. In the cases covered by Article 8 (1) to (3) of the Agreement, the competent authority or the competent institution where the worker is insured shall send to the employer or to the worker, according to whether he is an employed or self-employed worker, at his request, a certificate stating that he remains subject to the legislation which they administers, indicating the anticipated period of posting.
2. The certificate referred to in paragraph 1 contains all information regarding the worker and his employer, as well as the duration of the period of posting, the name and address of the undertaking or body where the work shall be performed, the stamp of the competent authority or of the competent institution and the date of issue.
3. If the worker ceases the posting before the date established for its term, the undertaking which normally employs him shall communicate this new situation to the competent authority or institution of the Party in which the worker is insured, which immediately informs the competent authority or institution of the other Party.
4. In the case of justified doubt regarding authenticity or correctness of a certificate, the competent institutions of both countries get into direct negotiations to resolve the issue.

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**TITLE III**  
**Implementation, of the provisions of the Agreement**  
**concerning invalidity, old age and survivors pensions**

**Article 6**

**Submission of claims for benefits – implementation of Articles 11 and 12**  
**of the Agreement**

1. In order to receive invalidity, old age and survivors pensions under Articles 11 and 12 of the Agreement, a worker or his survivor residing in Portugal or in India, shall submit the claim to the competent institution of the Party in whose territory the person concerned resides, in accordance with the procedures provided for by the legislation administered by that institution.
2. Where a claimant resides in the territory of a third State, he shall submit the claim to the competent institution of the Party to whose legislation the worker was last subject.
3. If the claim is submitted to an institution other than those referred to in paragraphs 1 and 2 of this Article, this institution shall immediately forward the claim to the institution to which it should have been submitted, indicating the date in which the claim was received.
4. The date mentioned in *paragraph 3* shall be considered as the date on which the claim was submitted to the latter institution.

**Article 7**

**Documents and informations**

The submission of claims referred to in Article 6 of the Arrangement shall be subject to the following rules:

- a) The claim must be accompanied by the required supporting documents and must be made on the form provided for by the legislation:
  - i) Of the Party in whose territory the claimant resides in the case referred to in paragraph 1 of that Article 6;

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- ii) Of the Party to which the worker was last subject in the case referred to in paragraph 2 of the same Article 6.
- b) The accuracy of the information supplied by the claimant must be established by official documents attached to the claim form, or confirmed by the competent bodies of the Party to which the institution that received the claim belongs;
- c) The claimant shall indicate, as far as possible, the institution or institutions of both Parties with which the worker has been insured, as well as the employer or employers for whom he has worked in those Parties.

**Article 8**

**Forms to be used for the investigation of claims**

- 1. When investigating claims for benefits the institution that receives the claim shall use a liaison form and forward it in duplicate to the competent institution of the other Party.
- 2. The transmission of the liaison form shall take the place of the supporting documents as long as the data contained in the form are authenticated by the sending institution which shall certify that the original documents contained in the file match the data given in the form.

**Article 9**

**Procedures to be followed by the competent institutions**

- 1. The institution that receives the claim shall enter on the form provided for in Article 7 of the Arrangement the date on which the claim was submitted, the periods of insurance completed by the worker under the legislation which it administers, as well as the possible rights arising from those periods.
- 2. When the claim concerns invalidity benefits the institution referred to in paragraph 1 shall enclose to the liaison form the medical reports (certificates) available for the application of its own legislation.

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- 3. The competent institution of the other Party shall complete the liaison form by indicating the periods of insurance completed under the legislation which it administers and the possible rights acquired by the claimant, if necessary, resorting to the aggregation of periods of insurance provided for in Article 11 of the Agreement. This institution shall, without delay, return a copy of the form thus completed to the institution that received the claim.
  
- 4. On receipt of the copy of the liaison form, the institution that received the claim, after having determined the entitlement to benefits, if necessary, resorting to the aggregation of periods of insurance provided for in Article 11 of the Agreement, shall notify its decision to the competent institution of the other Party.

**Article 10**

**Notification of decisions**

The competent institution of either Parties shall notify the claimant of its decision, specifying the grounds and the time limits for appeal and send a copy to the competent institution of the other Party.

**Article 11**

**Currency conversion**

For the purposes of Article 12 (6) of the Agreement, the conversion of the pension amounts in the currencies with legal course of both Parties shall be made at the official rate of exchange of the day in which that provision shall apply.

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**TITLE IV**

**Miscellaneous provisions**

**Article 12**

**Duty of information**

The competent institutions of either Party shall immediately inform the competent institutions of the other Party of all facts that they take notice, which are relevant for the application of the Agreement and of the present Arrangement, namely those related to the maintenance of the right to the benefits.

**Article 13**

**Determination of the degree and group of invalidity**

In order to determine the degree and group of invalidity, the institutions of both Parties shall take into account the medical reports and the information of an administrative nature obtained by the institution of the other Party, reserving, however, the right to have the claimant examined by a doctor of its own choice.

**Article 14**

**Reinstatement of the payment of benefits**

When, after the suspension of a benefit granted under the legislation of a Party, the person concerned recovers his right to the same benefit whilst residing in the territory of the other Party, the institutions concerned shall exchange all relevant information with a view to the resumption of the payment of the said benefit.

**Article 15**

**Payment of benefits**

The cash benefits due by the competent institutions of the Parties shall be paid directly to the person concerned, regardless of his residence being in one or the other Party, without the deduction to that amount of postal and bank fees which shall be borne by the institution responsible for payment.



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**Article 16**

**Life and civil status certification**

The competent institutions of both Parties may ask the person concerned, directly or through the institution of the place of residence, for a life and civil status certificate, as well as other documents necessary to verify the right to or the maintenance of the benefits.

**Article 17**

**Claims, declarations or appeals submitted in the Party other than the competent one – implementation of Article 16 of the Agreement**

For the purposes of Article 16 of the Agreement, the authority or institution of the Party which has received the claim, declaration or appeal, shall forward it without delay to a corresponding authority or institution of the other Party, indicating the date of receipt.

**Article 18**

**Joint committee**

Without prejudice to Article 21 of the Agreement, the competent authorities may establish a technical joint committee in order to deal with any administrative questions or questions of interpretation arising from the provisions of this Arrangement or those of the Agreement.

**Article 19**

**Entry into force**

This Arrangement shall enter into force on the day of its signature and will take effect on the date of entry into force of the Agreement and shall have the same duration that of the latter.

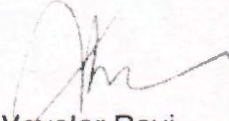
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DONE in New Delhi on the 4<sup>th</sup> day of March, 2013, in two originals each in the English, Hindi and Portuguese languages, all texts being equally authentic.

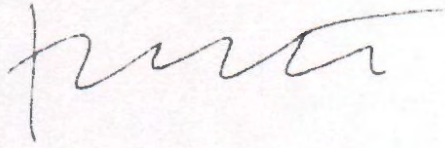
In case of any divergence of interpretation of the Portuguese and the Hindi texts, the English text shall prevail.

For the Competent Authority  
Of Republic of India

for the Competent Authority  
of the Portuguese Republic



Vayalar Ravi  
Minister of Overseas Indian  
Affairs



Paulo Sacadura Cabral PORTAS  
Minister of State and of the Foreign  
Affairs