

**No. 9090**

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**ARGENTINA  
and  
PORTUGAL**

**Social Security Agreement. Signed at Lisbon, on 20 May 1966**

*Official texts : Spanish and Portuguese.*

*Registered by Argentina on 6 May 1968.*

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et  
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**Accord relatif à la sécurité sociale. Signé à Lisbonne, le  
20 mai 1966**

*Textes officiels espagnol et portugais.*

*Enregistré par l'Argentine le 6 mai 1968.*

[TRANSLATION — TRADUCTION]

No. 9090. SOCIAL SECURITY AGREEMENT<sup>1</sup> BETWEEN  
THE ARGENTINE REPUBLIC AND PORTUGAL.  
SIGNED AT LISBON, ON 20 MAY 1966

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The President of the Argentine Republic and the President of the Portuguese Republic, desiring to harmonize relations between the two countries in the matter of social security, have decided to conclude an agreement and, for this purpose, have appointed as their plenipotentiaries :

The President of the Argentine Republic :

Mr. Enrique S. Rabinovitz Hantover, Under-Secretary for Social Security;

The President of the Portuguese Republic :

Dr. Alberto Marciano Gorjão Franco Nogueira, Minister for Foreign Affairs;

who, having exchanged their powers, found in good and due form, have agreed on the following provisions :

PART ONE

GENERAL PROVISIONS

*Article 1*

This Agreement shall apply to the legislation concerning :

1. In Portugal :

- (a) the general social security scheme covering sickness, maternity, invalidity, old age and death insurance;
- (b) the industrial accident and occupational disease insurance scheme;
- (c) the special provident schemes for certain categories, in so far as they relate to the risks or benefits covered by the schemes specified in the preceding sub-paragraphs, especially the scheme for the personnel of the concessionary public transport companies.

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<sup>1</sup> Came into force on 27 October 1967, i.e., thirty days after the exchange of the instruments of ratification, which took place at Buenos Aires on 27 September 1967, in accordance with article 31.

2. In Argentina :

- (a) the invalidity, old age and death benefits of the social security scheme;
- (b) the compensation and other benefits payable in respect of industrial accidents and occupational diseases;
- (c) compulsory maternity insurance;
- (d) the medical services (prevention, cure and rehabilitation) of the National Social Welfare Institute (Instituto Nacional de Previsión Social) and the benefits and compensatory payments granted for such purposes.

*Article 2*

1. This Agreement shall also apply to all future laws or regulations by which the legislation specified in article 1 may be amended or supplemented.

2. It shall not, however, apply to laws or regulations extending existing schemes to new categories of workers or to laws or regulations instituting new branches of social security if one of the Contracting States notifies the others of its objection within a period of three months from the date of their official publication.

*Article 3*

The legislation specified in article 1, in force in Argentina and Portugal, shall apply respectively to Portuguese citizens in the Argentine Republic and to Argentine citizens in Portugal, who shall have the same rights and obligations as nationals of the Contracting State in whose territory they are.

*Article 4*

Article 3 shall be subject to the following exceptions :

(a) A citizen of one of the two Contracting States who is sent by an enterprise situated in one of them to the territory of the other shall remain subject to the legislation of the first-mentioned State if his employment in the territory of the other State does not exceed a period of twelve months. If the duration of such employment exceeds that period, he may remain subject to the legislation of the Contracting State in which the enterprise

has its main office, provided that the competent authority of the other State gives its express consent.

(b) The aircrews of an air transport enterprise having its main office in one of the two Contracting States and operating in the territory of the other State shall remain subject to the legislation of the State in whose territory the enterprise has its domicile.

(c) The crew of a vessel registered in one of the Contracting States shall be subject to the legislation of that State. All other persons employed by the vessel for loading and unloading, repairing and custodial duties shall be subject to the legislation of the State to whose jurisdiction the vessel belongs.

(d) Nationals of either of the two Contracting States who, through their work, participate in activities resulting from artistic or cultural co-operation between persons or enterprises of the two States shall be subject to the legislation of the State in which the activity in question is carried out, even if the persons to whom this sub-paragraph refers stay in the said territory for less than twelve months.

(e) Members of diplomatic and consular missions of the two Contracting States, with the exception of honorary consuls, shall be subject to the legislation of the sending State.

Other officials, employees and workers employed in such missions or in the personal service of members of such missions shall also be subject to the legislation of the employing State, unless they elect, within three months of their recruitment, to be subject to the legislation of the Contracting State in whose territory they are employed. Should they already be so employed on the date of the entry into force of this Agreement, the period of three months shall be reckoned from that date.

The competent authorities of both Contracting States may decide in each case whether the persons referred to in the preceding sub-paragraph may exercise their option after expiry of the period specified.

(f) Persons in the service of one of the Contracting States who are sent to the other shall remain subject to the legislation of the first-mentioned State.

#### *Article 5*

The competent authorities of the two Contracting States may, by agreement, add to, eliminate or alter the exceptions specified in article 4 in special cases or in respect of specific categories of employment.

*Article 6*

Citizens of Portugal or Argentina, who are entitled in the other Contracting State to cash benefits under invalidity, old age, death, or industrial accident and occupational disease insurance schemes shall retain that entitlement without any restriction whatsoever, on moving to the territory of their own State.

## PART TWO

## SPECIAL PROVISIONS

## (A) SICKNESS, OLD AGE AND DEATH BENEFITS

*Article 7*

1. In the event of the invalidity, old age or death of a citizen of Portugal or Argentina who is covered in both Contracting States by a social security scheme against such risks, the respective insurance authorities shall determine his entitlement to the relevant benefits by aggregating the qualifying periods completed in each State.

2. If, under the legislation of the Contracting States, entitlement to a benefit is dependent on qualifying periods completed in an occupation covered by a special social security scheme, only the periods completed in that occupation in each State shall be aggregated for the purpose of granting such benefits. If the State of which the worker is a national has no special social security scheme for that occupation, only the periods completed in that occupation under the social security scheme in force in that State shall be taken into account for the purpose of granting the said benefits in the other State. Nevertheless, if the insured person has not acquired entitlement to benefits under the special scheme, the periods completed under that scheme shall be deemed to have been completed under the general scheme.

3. In the cases provided for in paragraphs 1 and 2 of this article, each insurance authority shall determine, in accordance with its own legislation and on the basis of the aggregate qualifying periods completed in both States, whether the insured person qualifies for the benefits prescribed by such legislation.

*Article 8*

The benefits to which the insured persons to whom article 7 of this Agreement refers and their successors are entitled under the legislation of the

two Contracting States on the basis of the relevant aggregate qualifying periods shall be determined in the following manner :

(a) The insurance authority of each Contracting State shall determine the amount of the benefits to which the insured person would have been entitled if the aggregate qualifying periods had been completed under its legislation.

(b) The amount which each insurance authority shall pay shall be proportionate to that part of the aggregate period which is completed under the legislation of its own State.

(c) The benefit granted shall be the sum of the partial amounts so calculated and payable by each insurance authority.

#### *Article 9*

Where benefits to be granted by the insurance authorities of both States are less than the fixed minimum level for such benefits in the State in which they are to be paid, the insurance authority of that State shall grant such additional entitlement as is necessary to bring them up to that level and this shall be payable in the proportions established in the preceding article.

#### *Article 10*

Where the insured person is unable, having regard to the aggregation referred to in article 8, to satisfy simultaneously the conditions laid down in the legislation of the two Contracting States, his entitlement to the benefits in question shall be determined, with respect to the legislation of each of them, to the extent that he satisfies those conditions.

#### *Article 11*

An insured person may waive the application of the provisions of this Agreement, in which case the benefits shall be determined and paid separately by the insurance authority of each Contracting State in conformity with its legislation, irrespective of the qualifying period completed in the other State.

### (B) MATERNITY, SICKNESS, INDUSTRIAL ACCIDENT AND OCCUPATIONAL DISEASE BENEFITS

#### *Article 12*

Citizens of Portugal and Argentina shall be entitled to benefits under the maternity insurance schemes in force in each State. For that purpose qualifying periods for such benefits shall, if necessary, be aggregated.

*Article 13*

1. Citizens of Portugal and Argentina may qualify for benefits under the sickness insurance schemes established in either Contracting State. To that end their entitlement to benefits shall be governed by the legislation of the State concerned, qualifying periods being aggregated, where appropriate.

2. The provisions of the foregoing paragraph shall not apply if the interval between the qualifying periods completed in the two States exceeds sixty days.

*Article 14*

Where the legislation of one of the Contracting States provides that, for the purpose of assessing the degree of disability in a case of industrial accident or occupational disease, industrial accidents sustained or occupational diseases contracted at an earlier date shall be taken into account, industrial accidents sustained and occupational diseases contracted at an earlier date under the legislation of the other State shall also be taken into account as if they had been sustained or contracted under the legislation of the first-mentioned State.

## PART THREE

## MISCELLANEOUS AND INTERIM PROVISIONS

*Article 15*

For the purposes of this Agreement :

- (a) "Competent authorities" mean the Ministers or Secretaries of State within whose competence the schemes specified in article 1 fall;
- (b) "Insurance authority" means the body responsible for implementing the social security legislation in whole or in part;
- (c) "Social security legislation" means laws, decrees, regulations and provisions concerning social security;
- (d) "Qualifying period" means the period prescribed or taken into account in determining entitlement to benefits.

*Article 16*

Whatever the insurance authorities of the two States are liable to pay cash benefits under this Agreement, they shall do so in their own currencies.

Transfers arising out of this obligation shall be effected in accordance with the payments agreements in force between the two States.

*Article 17*

1. The competent authorities and the insurance authorities of the two Contracting States shall assist one another free of charge in matters relating to the application of this Agreement.

2. Medical examinations required by the insurance authority of one of the Contracting States in respect of insured persons who are in the territory of the other State shall be carried out by the insurance authority of the latter State, at the request and on behalf of the former State.

*Article 18*

1. Any exemption from fees, charges or duties relating to social security provided for by the legislation of one of the two Contracting States shall also apply, for the purposes of this Agreement, to nationals of the other State.

2. Certificates and documents required to be submitted under this Agreement shall not need to be certified or legalized by diplomatic or consular authorities.

*Article 19*

For the purpose of implementing this Agreement the competent authorities and the insurance authorities of the two Contracting States shall communicate directly with one another and with the insured persons or their agents.

*Article 20*

The diplomatic and consular authorities of both Contracting States may, without special instructions, represent citizens of their own States *vis-à-vis* the competent social security authorities and insurance authorities of the other State.

*Article 21*

Applications and certificates submitted to the competent authorities or the insurance authorities of one of the two Contracting States shall be treated as if they had been submitted to the corresponding authorities of the other State.



*Article 22*

Appeals which should be submitted to an authority competent to receive them in one of the two Contracting States shall be deemed to have been submitted within the time-limit even if they have been submitted to the corresponding authority of the other State, provided they are submitted within the time-limit prescribed by the legislation of the State in which the appeal is to be heard.

*Article 23*

The competent authorities of the two Contracting States shall by agreement adopt such legislation as is necessary for implementing this Agreement and such control regulations as they deem necessary.

*Article 24*

1. The following liaison bodies shall be established with a view to facilitating the implementation of this Agreement :

- (a) In Portugal : the Central Social Security Fund for Migrant Workers (Caixa Central de Segurança Social dos Trabalhadores Migrantes);
- (b) In Argentina : the National Social Welfare Institute (Instituto Nacional de Previsión Social).

2. The competent authorities of each Contracting State may establish other liaison bodies.

*Article 25*

The competent authorities of the two Contracting States shall inform each other of any changes made in their social security legislation.

*Article 26*

The competent authorities and the insurance authorities of the two Contracting States shall inform each other, through their respective liaison bodies, of any administrative measures taken by them for the implementation of this Agreement.

*Article 27*

1. The competent authorities of the two Contracting States shall settle by agreement any differences of opinion or disputes which may arise in the implementation of this Agreement.

2. If the difference of opinion or dispute cannot be settled in this manner, it shall be settled in accordance with an arbitration procedure established by agreement between the two Contracting States. The arbitral awards shall be final and binding.

#### *Article 28*

1. Qualifying periods completed prior to the entry into force of this Agreement shall be taken into account in its implementation.

2. None of the benefits covered by this Agreement shall be payable in respect of periods prior to the date of its entry into force.

#### *Article 29*

This Agreement shall remain in force for a period of three years from the date of its entry into force. It shall be tacitly extended from year to year unless notice of termination is given in writing by the Government of one of the two Contracting States not later than three months before its expiry.

#### *Article 30*

1. In the event of termination of this Agreement, its provisions shall apply to any rights acquired, provided application for recognition of those rights is made within one year after the date of termination.

2. Situations affected by rights which are in course of acquisition on the date of termination of this Agreement shall be determined by agreement between the two Contracting States.

#### *Article 31*

1. This Agreement shall be ratified and the instruments of ratification shall be exchanged at Buenos Aires.

2. The Agreement shall enter into force thirty days after the exchange of instruments of ratification.

3. The competent authorities of the two Contracting States shall conclude any administrative agreements required for the implementation of this Agreement.

IN WITNESS WHEREOF the aforementioned plenipotentiaries have signed and sealed this Agreement, in two copies, one in the Spanish and one in the Portuguese languages, both texts being equally authentic.

DONE at Lisbon, the capital of Portugal, this twentieth day of May, one thousand nine hundred and sixty six.

For the Government  
of the Argentine Republic:  
Enrique S. RABINOVITZ HANTOVER  
Under-Secretary for Social Security

For the Government  
of the Portuguese Republic:  
Alberto Marciano GORJÃO  
FRANCO NOGUEIRA  
Minister for Foreign Affairs