

**No. 11229**

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**BRAZIL  
and  
LUXEMBOURG**

**Convention on social security. Signed at Rio de Janeiro on 16  
September 1965**

*Authentic texts : Portuguese and French.*

*Registered by Brazil on 21 July 1971.*

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**BRÉSIL  
et  
LUXEMBOURG**

**Convention sur la sécurité sociale. Signée à Rio de Janeiro le 16  
septembre 1965**

*Textes authentiques : portugais et français.*

*Enregistrée par le Brésil le 21 juillet 1971.*

[TRANSLATION — TRADUCTION]

CONVENTION ON SOCIAL SECURITY<sup>1</sup> BETWEEN THE  
UNITED STATES OF BRAZIL AND THE GRAND DUCHY  
OF LUXEMBOURG

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The Government of the United States of Brazil and the Government of the Grand Duchy of Luxembourg,

Convinced of the desirability of regulating co-operation between the two countries in the matter of social security, which would contribute significantly to the strengthening of the bonds of traditional friendship uniting the two countries,

Have decided to sign this Convention and, for that purpose, have appointed as their Plenipotentiaries:

The President of the Republic of the United States of Brazil : His Excellency Mr. Vasco Tristão Leitão da Cunha, Minister of State for Foreign Relations, and His Excellency Mr. Arnaldo Lopes Sussekind, Minister of State for Labour and Social Welfare;

His Royal Highness the Grand Duke of Luxembourg : His Excellency Mr. Pierre Werner, Minister for Foreign Affairs;

Who, having exchanged their full powers, found in good and due form, have agreed as follows :

GENERAL PROVISIONS

*Article 1*

The purpose of this Agreement is to regulate social security for nationals of the High Contracting Parties on the basis of equal treatment.

*Article 2*

The Convention applies to sickness, maternity, invalidity, old age, death, and industrial accident insurance as well as to family allowances (not including birth grants provided on a non-contributory basis).

*Article 3*

1. Nationals of either of the Parties who ordinarily work in the territory of one of them shall be governed by the legislation of that Party.

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<sup>1</sup> Came into force on 1 August 1967, i.e. the first day of the second month following the month in which the instruments of ratification were exchanged at Luxembourg (on 14 June 1967), in accordance with article 12.

2. However, technicians and skilled workers who are assigned by an enterprise established in the territory of one Party to work in the territory of the other for a period of not more than 36 months shall remain subject to the social security legislation of their country of origin with regard to both contributions and benefits, without prejudice to their being subject to the legislation of the receiving country. The same shall apply to trainees and, in general, workers sent for vocational training to the territory of the other Party.

#### *Article 4*

Nationals of one Party who are entitled to cash benefits shall receive such benefits in full and without restriction as long as they reside in the territory of either Party.

#### PROVISIONS RELATING SPECIFICALLY TO THE APPLICATION OF THE CONVENTION BY LUXEMBOURG

#### *Article 5*

1. For the purposes of the acquisition, maintenance or recovery of the right to invalidity, old age and death pensions, Luxembourg institutions shall take into account, in favour of nationals of either Party, invalidity, old age and death insurance periods completed under Brazilian legislation.

2. In such cases, the parts of the pension which are not calculated on the basis of the duration of the insurance shall be allowed only in the proportion which the insurance periods actually completed under Luxembourg legislation bear to the total of the periods counted towards the acquisition of the right to the pension.

#### *Article 6*

Persons in receipt of invalidity, old age or death benefits awarded by Brazilian institutions or of Luxembourg benefits awarded under article 5, who are nationals of either Party, shall, if they reside in Luxembourg, be affiliated, for purposes of health care and funeral benefits for themselves and members of their families, with the Luxembourg sickness insurance fund designated by the competent administrative authority, under conditions established by the latter.

#### *Article 7*

Within 12 months following the entry into force of this Convention, nationals of either Party who have ceased to be affiliated with Luxembourg insurance and have become affiliated with Brazilian insurance may exercise

the right to continue the former and, where appropriate, to cover optional periods thereunder, without prejudice to their affiliations with Brazilian insurance.

#### SPECIAL PROVISIONS

##### *Article 8*

1. The competent administrative authorities :

- (a) may make any administrative arrangements necessary for the application of this Convention, and, in particular, with a view to facilitating relations between the insurance institutions of the Parties, may jointly appoint centralizing bodies;
- (b) shall communicate to each other full information concerning measures taken for the application of this Convention;
- (c) shall communicate to each other, as soon as possible, all necessary information concerning changes in their legislation.

2. The following shall be considered competent administrative authorities for the purposes of this Convention :

- For the Republic of the United States of Brazil, the Minister of Labour and Social Welfare;
- For the Grand Duchy of Luxembourg, the Minister of Labour and Social Security.

##### *Article 9*

For the purposes of this Convention, the competent authorities and bodies of the Parties shall assist one another as though the matter were one affecting the application of their own legislation.

##### *Article 10*

1. The institutions liable for benefits under this Convention shall be held to discharge their liability by payment in the currency of their own country.

2. Transfers required for the implementation of this Convention shall be effected in accordance with agreements on the subject in force between the two Parties at the time of the transfer.

3. In the event that measures are taken by either of the Parties with a view to imposing restrictions on currency exchange, arrangements shall be made immediately, by agreement between the two Governments, to facilitate, in so far as possible, transfers of sums owed by either Party under the provisions of this Convention.

*Article 11*

1. Any difficulties connected with the application of this Convention shall be settled by agreement by the competent administrative authorities of the two Parties.

2. If it is not possible to reach a solution by this method, the dispute shall be referred to an arbitral body which shall resolve it according to the fundamental principles and the spirit of the Convention. The Governments of the two Parties shall, by agreement, determine the composition and the rules of procedure of that body.

## FINAL AND TRANSITIONAL PROVISIONS

*Article 12*

This Convention shall be ratified and the instruments of ratification shall be exchanged at Luxembourg as soon as possible; it shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged.

*Article 13*

1. This Convention is concluded for a term of one year. It shall be tacitly renewed from year to year unless notice of termination is given three months before the expiry of the current term.

2. In the event of the termination of this Convention, any rights acquired in accordance with its provisions shall be maintained.

IN WITNESS WHEREOF, the Plenipotentiaries of the Contracting Parties have signed the Convention and have thereto affixed their seals.

DONE at Rio de Janeiro, on 16 September 1965, in duplicate in the Portuguese and French languages, both texts being equally authentic.

For the Government  
of the United States of Brazil :

ARNALDO LOPES SUSSEKIND  
VASCO TRISTÃO LEITÃO DA CUNHA

For the Government  
of the Grand Duchy of Luxembourg :

PIERRE WERNER