

No. 19262

**BRAZIL
and
URUGUAY**

**Social Security Agreement. Signed at Montevideo on
27 January 1978**

*Authentic texts: Portuguese and Spanish.
Registered by Brazil on 11 November 1980.*

**BRÉSIL
et
URUGUAY**

**Convention relative à la sécurité sociale. Signée à
Montevideo le 27 janvier 1978**

*Textes authentiques: portugais et espagnol.
Enregistrée par le Brésil le 11 novembre 1980.*

[TRANSLATION—TRADUCTION]

SOCIAL SECURITY AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL AND THE GOVERNMENT OF THE EASTERN REPUBLIC OF URUGUAY

The Government of the Federative Republic of Brazil and the Government of the Eastern Republic of Uruguay,

Desiring to establish rules for governing relations between the two States in the matter of social security, and

Bearing in mind article XXII of the Treaty of friendship, co-operation and trade, signed by the two Governments on 12 July 1975,

Have decided to conclude the following Social Security Agreement:

CHAPTER I. GENERAL PROVISIONS

Article 1. This Agreement shall apply, in the Contracting States, to the social security legislation governing the benefits existing in the respective countries in the manner, on the terms and to the extent herein established.

Article 2. This Agreement shall be implemented by the social security institutions of the Contracting Countries as provided in the administrative arrangements which shall supplement it.

Article 3. 1. This Agreement shall apply equally to Uruguayan workers in Brazil and to Brazilian workers in Uruguay, who shall have the same rights and the same obligations as nationals of the Contracting State in whose territory they reside.

2. This Agreement shall also apply to the workers of any other nationality currently or previously employed in Brazil or in Uruguay, when they reside in one of the Contracting States.

Article 4. 1. The provisions of article 3 shall be subject to the following exceptions:

- (a) A worker in an enterprise having its main office in one of the Contracting States who is sent to the territory of the other State for a limited period shall continue to be subject to the legislation of the State of origin for a maximum period of 12 months. This situation may continue, in exceptional cases, for a longer period, with the prior express consent of the competent authority of the other State;
- (b) The airborne personnel of airlines and the travelling personnel of road transport enterprises shall continue to be subject solely to the legislation in force in the State in whose territory the enterprise concerned has its main office;
- (c) The crew of a vessel registered in one of the Contracting States shall be subject to the legislation in force in that State. All other persons employed by

¹ Came into force on 1 October 1980, i.e., the first day of the month following the month of the exchange of the instruments of ratification, which took place at Brasilia on 11 September 1980, in accordance with article 20 (2).

the vessel for loading and unloading, repairing and custodial duties shall be subject to the legislation of the State within whose jurisdiction the vessel falls;

(d) Members of diplomatic or consular missions and international organizations, and other staff or employees of such missions, together with their household staff, shall be subject to the legislation, treaties and conventions applicable to them in social security matters.

Article 5. 1. Acquired entitlement to the cash benefits to which this Agreement applies shall be asserted to the full extent *vis-à-vis* the insurance authority of the State of origin in accordance with the legislation of that State, in cases where the worker moves definitively or temporarily to the territory of the other Contracting State.

2. Entitlements pending shall be subject to the legislation of the Contracting State in which claims thereto are asserted.

3. A worker who, by reason of moving from one Contracting State to the other State, has had the benefits to which he is entitled under this Agreement suspended may, upon his request, receive them again without prejudice to the regulations in force in the Contracting States concerning the lapse and extinction of social security entitlements.

CHAPTER II. SPECIAL PROVISIONS

Article 6. 1. Medical, pharmaceutical and dental care shall be provided to any person covered by the social insurance scheme of one of the Contracting Parties when he moves into the territory of the other State, temporarily or definitively, provided that the competent body of the State of origin recognized the entitlement and authorizes the benefit.

2. The scope and form of the care referred to in paragraph 1 shall be determined in accordance with the social security legislation of the Contracting State where such care is provided. Its duration shall be as specified in the legislation of the State of origin.

3. The costs of the health care provided shall be borne by the State of origin. The Contracting States shall determine by mutual agreement the amount to be considered for reimbursement and shall establish the procedure therefor.

Article 7. 1. Qualifying periods of service completed in either Contracting State may be aggregated for the purpose of granting benefits, provided that they do not overlap.

2. The calculation of such periods shall be governed by the legislation of the country in which the respective services have been provided.

Article 8. 1. Each insurance authority shall determine, in accordance with its own regulations and taking into account the aggregate of the periods completed in both Contracting States, whether the person concerned meets the requirements for the award of the benefit.

2. Where such requirements are met, the authority shall determine the amount of the benefit as if all the periods had been completed under its own regulations and shall calculate its part of the costs in terms of the periods completed exclusively under those regulations.

Article 9. Where a worker, after aggregation of the periods, does not meet the requirements simultaneously under the legislations of the two Contracting States, his entitlement shall be determined under each legislation according to the extent to which these requirements are met.

Article 10. An insured person may opt for recognition of his entitlements under article 7 or, separately, under the legislation of one of the Contracting States, independently of the periods completed in the other State.

Article 11. 1. Periods of service completed before the date of entry into force of this Agreement shall be considered only where the insured persons have periods of service after that date.

2. The provisions of this article shall not affect application of the regulations governing time limitation or expiry in force in each Contracting State.

Article 12. 1. Workers who have completed, in the State of origin, the waiting period necessary for granting sickness or maternity benefits shall be guaranteed, unless they are covered by the legislation of the receiving State, entitlement to such benefits on the terms laid down in the legislation, and at the expense, of the State of origin.

2. Where workers are already covered by the social security scheme of the receiving State, such entitlement shall be granted to them if the waiting period is covered by the aggregate of qualifying periods of service. In such a case the benefits shall be payable by the receiving State in accordance with its legislation.

3. In no case shall entitlement to maternity benefits deriving from the same case be recognized in both Contracting States.

CHAPTER III. FINAL PROVISIONS

Article 13. 1. The insurance authorities of the Contracting States shall pay cash benefits in the currency of their own State.

2. Cash transfers for the payment of benefits shall be effected as agreed upon between the Contracting States.

Article 14. Medical examinations requested by the insurance authority of a Contracting State in respect of beneficiaries who are in the territory of the other State shall be carried out by the insurance authority of the latter State on behalf of the first-mentioned insurance authority.

Article 15. Social security cash benefits granted under the legislation of one or both Contracting States shall not be subject to reduction, suspension or withdrawal solely by virtue of the fact that the insured person resides in the other Contracting State.

Article 16. 1. There shall be no need for documents which have to be issued for the purposes of this Agreement to be officially translated, certified or legalized by diplomatic or consular officials or to be officially registered provided that they are transmitted through one of the liaison bodies.

2. Correspondence between the competent authorities, liaison bodies and insurance authorities shall be written in the respective official language.

Article 17. Applications, appeals and other documents which, even though intended for consideration in one of the Contracting States, are submitted in the

other State within the time-limits prescribed by the legislation of the first-named State shall be deemed valid.

Article 18. The consular authorities of the Contracting States may, without special instructions, represent nationals of their own State *vis-à-vis* the competent social security authorities and insurance authorities of the other State.

Article 19. 1. For the purpose of implementing this Agreement, the competent authority of each Contracting State may establish liaison bodies by informing the competent authority of the other Contracting State accordingly.

2. For the purposes of this Agreement “competent authority” shall mean the Minister of State for Social Insurance and Assistance of Brazil and the Minister of State for Labour and Social Security of Uruguay.

Article 20. 1. Each of the Contracting States shall notify the other of the completion of the formalities established under its relevant constitutional provisions.

2. This Agreement shall enter into force on the first day of the month following the exchange of the instruments of ratification.

Article 21. 1. This Agreement shall remain in force for an indefinite period, unless it is denounced in writing by either of the Contracting States. Such denunciation shall not take effect until six months after the date of notification.

2. Regulations concerning situations arising from entitlements which are being acquired on the date of expiry of this Agreement shall be drawn up by mutual agreement between the Contracting States.

Article 22. Implementation of this Agreement shall be regulated by administrative arrangements, the drafting of which may be assigned by the competent authorities to a joint commission composed of delegations of the Contracting States.

DONE at Montevideo on 27 January 1978, in four originals, two in Portuguese and two in Spanish, the texts being equally authentic.

For the Government
of the Federative Republic of Brazil:

[Signed]

ANTONIO F. AZEREDO DA SILVEIRA

For the Government
of the Eastern Republic of Uruguay:

[Signed]

ALEJANDRO ROVIRA