

**No. 20196**

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**BRAZIL  
and  
URUGUAY**

**Administrative Arrangement for implementing the Social  
Security Agreement between Brazil and Uruguay.  
Signed at Brasília on 11 September 1980**

*Authentic texts: Portuguese and Spanish.*

*Registered by Brazil on 31 July 1981.*

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**BRÉSIL  
et  
URUGUAY**

**Accord administratif pour l'application de la Convention  
relative à la sécurité sociale entre le Brésil et l'Uruguay.  
Signé à Brasília le 11 septembre 1980**

*Textes authentiques : portugais et espagnol.*

*Enregistré par le Brésil le 31 juillet 1981.*

## [TRANSLATION — TRADUCTION]

ADMINISTRATIVE ARRANGEMENT<sup>1</sup> FOR IMPLEMENTING THE SOCIAL SECURITY AGREEMENT BETWEEN BRAZIL AND URUGUAY<sup>2</sup>

Pursuant to article 22 of the social security Agreement between the Federative Republic of Brazil and the Eastern Republic of Uruguay of 27 January 1978,<sup>2</sup> ratified in Brazil by Legislative Decree No. 67 of 5 October 1978 and in Uruguay by Act No. 14.895 of 23 May 1979, the competent authorities of the Contracting States hereby conclude the following administrative arrangement for implementing the above-mentioned social security Agreement.

## PART I. GENERAL PROVISIONS

*Article I. (DEFINITIONS)*

For the purpose of implementing the social security Agreement, the following shall have the meanings indicated:

- (1) Competent authority: the Minister of State for Social Welfare and Assistance of Brazil and the Minister of Labour and Social Security of Uruguay;
- (2) Liaison body: the agency responsible for facilitating implementation of the social security Agreement, serving as an essential link between the insurance authorities;
- (3) Insurance authorities: the bodies which administer one or more social security schemes;
- (4) Workers: persons covered by social security legislation;
- (5) Beneficiaries: persons who receive social security benefits;
- (6) Periods of service: the time taken into account to qualify for social security benefits under the legislation of the contracting States.

*Article II. (INSURANCE AUTHORITIES)*

For the purpose of implementing the social security Agreement. The insurance authorities shall be,

- (1) In Brasil:
  - The National Social Insurance Institute (INPS)—for granting and administering benefits (cash payments), rehabilitation and occupational retraining;
  - The National Institute of Social Insurance Medical Care (INAMPS)—for providing health care (medical, dental, pharmaceutical, ambulatory and hospital);
  - The Financial Administration Institute for Social Welfare and Assistance (IAPAS)—for collecting, supervising and recovering social insurance contributions.

<sup>1</sup> Came into force on 1 October 1980, the date of the entry into force of the Agreement on social security, in accordance with article XXIV.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1205, p. 87.

(2) In Uruguay:

- The State organs and bodies and parastatal institutions in their respective fields— for benefits in respect of retirement and pensions, sickness, common accidents, accidents at work, occupational diseases and family entitlements.

*Article III. (LIAISON BODIES)*

In order to facilitate implementation of the social security Agreement, the following liaison bodies are hereby established in accordance with article 19 thereof:

- In Brazil: the National Social Insurance Institute (INPS);
- In Uruguay: the Directorate of Social Security (DGSS).

PART II. SPECIAL PROVISIONS

TEMPORARY TRANSFERS

*Article IV. (PROCEDURE)*

(1) In the cases specified in article 4, paragraph 1 (a), of the Agreement, an enterprise which sends a worker in its employ to the other country for a period of not more than 12 (twelve) months, shall issue a certificate (form No. UB-1) stating that during his temporary employment in the territory of that State the enterprise will continue to apply, in respect of the said worker, the legislation of the country in which it has its main office.

(2) The certificate shall be issued in 5 (five) copies and shall be submitted by the enterprise to the liaison body of the State in which it has its main office; the liaison body shall indicate on the certificate the date of its submission. The liaison body shall send one of the copies to the insurance authority of its country, return 2 (two) copies to the enterprise, one of which shall be given to the worker, and forward to the liaison body of the other State the two remaining copies, one to be delivered to the insurance authority of that country and the other to the enterprise employing the transferred worker.

(3) Where a worker leaves the employ of the sending enterprise before completing the period for which he was transferred, the enterprise shall so inform the insurance authority of the State in which it has its main office. The authority shall pass on this information to the liaison body in its country, and that body shall in turn inform its counterpart in the other State of the expiry of the certificate specified in paragraph 1.

(4) Where the enterprise which transferred the worker to the other country considers that his assignment will exceed the period of 12 (twelve) months, it may request, on one occasion only, an extension so as to ensure that the worker continues to be subject to the legislation of his State of origin. In such a case, the enterprise shall submit to the liaison body in its country an application for an extension (form No. UB-2), in which it shall indicate the period requested so that the liaison body may transmit it to its counterpart in the other State.

(5) The enterprise shall submit the application specified in paragraph 4 in duplicate within 45 (forty-five) days of the expiry of the 12- (twelve-) month period. Otherwise the worker shall automatically remain subject, from the date of expiry of the 12- (twelve-) month period, to the legislation of the State in whose territory he continues to work.

(6) The liaison body of the receiving country shall notify its counterpart in the other State of the decision taken by the competent authority on the application for extension.

(7) Where several workers are sent together by the same enterprise to work temporarily in the territory of another State, a group certificate shall be issued.

#### OLD AGE, INVALIDITY AND DEATH BENEFITS

##### *Article V. (PROCEDURE)*

(1) Insured persons wishing to claim benefits under chapter II, articles 7 to 11, of the Agreement shall submit the respective application (form No. UB-3) in duplicate to the competent insurance authority of their country of residence.

(2) The insurance authority which received the application shall immediately send a copy to its counterpart in the other State.

(3) The insurance authority of the other country shall inform its counterpart in the first State whether the insured person has completed qualifying periods of service in that country. Where such is the case, it shall forward 2 (two) copies of the form, specifying the periods which the insured person may claim. Where such is not the case, it shall return the application with a note to the effect that the insured person has not completed qualifying periods of service and shall state the reason. This information shall be transmitted to the applicant by the insurance authority to which the application was submitted.

(4) The insurance authority of the first State, upon receipt of the application and without waiting for the information referred to in paragraph 3, shall determine whether the insured person has completed qualifying periods of service in that country.

(5) Upon receipt of the documentation, the insurance authority to which the application was first submitted shall aggregate the periods of service completed in both States and shall determine whether the insured person is entitled to benefits under its regulations. This decision shall be communicated to the insurance authority of the other country, to which one copy of the form shall be returned.

(6) The insurance authority of the second State shall, in turn, take a decision on the application and forward to its counterpart in the other country a copy of its decision.

(7) The insured person shall be notified of both decisions by the insurance authority which first dealt with the application and that authority shall communicate the date of such notification to the insurance authority of the other State.

##### *Article VI. (AGGREGATION OF INSURANCE PERIODS)*

(1) The periods of service to be taken into account for the purposes of aggregation shall be those considered as such under the legislation of each of the Contracting States in which they were completed.

(2) Where such qualifying periods of service have been completed simultaneously in both countries, for the sole purpose of aggregation one half of each simultaneous period of service shall be deemed to have been completed in each of the two States.

(3) The periods of service qualifying for purposes of aggregation shall be all those considered as such under the legislation of the Contracting State in which they were completed, even though a benefit has been awarded in respect of them.

*Article VII.* (APPORTIONMENT OF BENEFITS)

The benefits which insured persons may obtain under the legislation of either of the two States as a result of the aggregation of the periods of which account is taken shall be determined in the following manner:

- (1) Each of the insurance authorities shall determine beforehand the amount of the benefits as if all the insurance periods of which account has been taken in both States had been completed under its own legislation;
- (2) On the basis of that amount, each of the insurance authorities shall establish the sum it shall be required to pay, which shall be calculated in the proportion which the period taken into account bears in relation to the aggregated period;
- (3) The benefits so determined shall be paid directly to the beneficiary by each of the insurance authorities in the corresponding proportion.

*Article VIII.* (DEGREE OF INCAPACITY AND PAYMENT OF INVALIDITY BENEFITS)

(1) The degree of incapacity shall be assessed and determined by the competent insurance authority of the country in which the worker is employed or has most recently been employed.

(2) Such insurance authority, with the consent of the insured person, may request from the insurance authority of the other State any medical records and documents that it may consider necessary.

(3) The insurance authority referred to in paragraph 1 shall be responsible for the payment of invalidity benefits.

(4) Where entitlement to or the amount of an invalidity benefit depends on the aggregation of periods of service completed in both countries, the amount of the benefit shall be determined and paid on a *pro rata* basis by the insurance authorities of each of the countries in accordance with article VII. Where, in such a case, the applicant is not entitled to such benefit in one of the States, the insurance authority of the other country shall pay only in the ratio of the completed period to the aggregated period.

(5) In no case shall separate invalidity benefits, deriving from the same disability, be awarded in both States.

*Article IX.* (SUCCESSORS)

(1) Each insurance authority shall be responsible for determining the status of successor in accordance with the legislation of its country.

(2) Where entitlement to or the amount of a benefit depends on the aggregation of periods of service completed in both countries, the amount of the benefit shall be determined and paid on a *pro rata* basis by the insurance authorities of each of the two countries in accordance with article VII. Where, in such a case, the applicant is not entitled to the benefit in one of the States, the insurance authority of the other country shall pay only in the ratio of the completed period to the aggregated period.

*Article X.* (MINIMUM BENEFITS)

(1) Where the amount of the benefit determined in accordance with article VII, paragraph 1, is less than the minimum provided for under the legislation of each State, each insurance authority shall raise the amount up to the said minimum, applying for that purpose the procedure indicated in article VII, paragraph 2.

(2) Where the minimum benefit provided for under the legislation of each State is raised after the award, each insurance authority shall pay the proportional share determined by following the procedure laid down in article VII, paragraph 2, in respect of the new minimum.

*Article XI. (APPLICABLE LAW)*

In order to determine entitlement to benefits under the Agreement, the insurance authority of each country shall apply the law in force on the date of the latest cessation of employment, even where such cessation occurs in the other State, or on the date of death, as appropriate, unless the law provides otherwise.

*Article XII. (BENEFITS PRIOR TO THE ENTRY INTO FORCE OF THE AGREEMENT)*

Recipients of old-age, invalidity or death benefits, awarded or to be awarded on the basis of periods of service completed before the date of entry into force of the Agreement, may have the benefit amended or altered or the entitlement adjusted or upgraded by so applying, but only if they have accumulated periods of service after that date and also satisfy the other requirements established for that purpose by the legislation of each of the Contracting States.

MATERNITY AND SICKNESS BENEFITS

*Article XIII. (CONDITIONS ATTACHING TO ENTITLEMENT)*

(1) Workers who have completed, in the State of origin, the waiting period necessary for granting sickness and 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.

*Article XIV. (MEDICAL CARE)*

For the purpose of implementing article 6 of the Agreement, all and any care relating to sickness, with the exception of emergency assistance, shall require prior authorization by the insurance authority through the liaison body, which shall determine the procedure.

PART III. FINAL PROVISIONS

*Article XV. (APPLICABILITY OF ENTITLEMENTS)*

The entitlements established in article I of the Agreement shall apply subject to the specific provisions set forth in the Agreement.

*Article XVI. (OPTIONAL APPLICATION OF THE AGREEMENT)*

Insured persons may choose to have their entitlements recognized either in accordance with the provisions of the Agreement or with the legislation of either State. Their choice shall be final.

*Article XVII.* (OBLIGATIONS OF BENEFICIARIES)

Recipients of social security benefits granted under the Agreement are under obligation to submit the reports required by the respective insurance authorities concerning their status *vis-à-vis* the relevant laws, and to inform them of any situation covered in the law which affects or may affect entitlement to full or partial benefits; this shall be done in conformity with the legislation in force in the respective countries.

*Article XVIII.* (NOTIFICATION OF NEW FACTS)

(1) Where beneficiaries report that they have resumed employment, the insurance authority of the country in which this is reported shall notify its counterpart in the other State accordingly.

(2) The same procedure shall be followed when the insurance authority of one of the States learns of the death of beneficiaries or of any other fact or circumstance which, in its opinion, affects or may affect full or partial entitlement to the benefit concerned.

*Article XIX.* (MEDICAL EXAMINATIONS)

The insurance authorities of either State may request their counterparts in the other State to carry out medical examinations and check-ups of their subscribers and beneficiaries living in such other State in order to determine their working or earning capacity. The costs of such examinations, together with associated travel, travel subsistence and other costs incurred, shall be paid by the insurance authority carrying out the examinations and reimbursed by the insurance authority which requested them. Reimbursement shall be effected in accordance with the rates and rules applied by the insurance authority which carried out the examinations and a statement specifying the costs incurred shall be presented for that purpose.

*Article XX.* (VERIFICATION AND AUTHENTICITY OF ALLEGED FACTS  
AND OF DOCUMENTS)

(1) The liaison bodies and insurance authorities of each country shall verify the truthfulness of alleged facts or deeds and the authenticity of the documents which the insured persons cite or submit, in accordance with the formalities in force in their respective States, and shall record their findings on the corresponding forms. This record, signed by a duly authorized person, shall constitute sufficient proof and, where appropriate, replace presentation of the original documents.

(2) The insurance authorities of each State shall acknowledge the facts or deeds the truthfulness or authenticity of which has been verified by the liaison body or insurance authority of the country in which the facts or deeds occurred.

*Article XXI.* (COMMUNICATIONS BETWEEN INSURANCE AUTHORITIES)

(1) All communications and exchanges of information between the insurance authorities of one State and their counterparts in the other country shall be effected through the respective liaison bodies.

(2) Every six months the respective liaison bodies shall submit to each other printouts of the payments of benefits effected during the period concerned.

*Article XXII. (FORMS)*

For the purpose of implementing the provisions of the Agreement and of this Arrangement, the following forms, and any others which may be deemed necessary, shall be used:

Form No. UB-1 — Certificate of temporary transfer;

Form No. UB-2 — Certificate of extension of temporary transfer;

Form No. UB-3 — Application for cash benefit.

*Article XXIII. (JOINT COMMISSION)*

The competent authorities may appoint their representatives on a joint commission pursuant to article 22 of the Agreement, if they consider this necessary.

*Article XXIV. (VALIDITY)*

This Arrangement shall enter into force on the date of the entry into force of the social security Agreement between Brazil and Uruguay.

DONE at Brasília, on 11 September 1980, in duplicate, in the Portuguese and Spanish languages, the texts being identical and equally authentic.

For the Government  
of the Federative Republic of Brazil:

[Signed]

RAMIRO SARAIVA GUERREIRO

[Signed]

JAIR SOARES

For the Government  
of the Eastern Republic of Uruguay:

[Signed]

ADOLFO FOLLE MARTÍNEZ