No. 32473

BRAZIL
and
SPAIN

Agreement on social security (with exchanges of letters of 19 May and 3 June 1992). Signed at Madrid on 16 May 1991

Authentic texts: Portuguese and Spanish.

Registered by Brazil on 31 January 1996.

BRÉSIL
et
ESPAGNE

Accord de sécurité sociale (avec échanges de lettres en date des 19 mai et 3 juin 1992). Signé à Madrid le 16 mai 1991

Textes authentiques : portugais et espagnol.

Enregistré par le Brésil le 31 janvier 1996.

[TRANSLATION — TRADUCTION]

AGREEMENT[1] ON SOCIAL SECURITY BETWEEN THE FEDERATIVE REPUBLIC OF BRAZIL AND THE KINGDOM OF SPAIN

The Federative Republic of Brazil and the Kingdom of Spain,

Desiring to bring up to date the Agreement regulating relations between the two countries in the field of social security,

Have decided to conclude an Agreement on Social Security, as follows:

TITLE I. GENERAL PROVISIONS

Article 1

1. The terms listed below shall, for the purposes of this Convention, have the following meaning:

(*a*) "Contracting Parties" or "Parties" means the Federative Republic of Brazil and the Kingdom of Spain;

(*b*) "Legislation" means the laws, regulations and other provisions referred to in article 2 that are currently in force in the territories of either Contracting Party;

(*c*) "Competent authority" in respect of Brazil, means the Ministry of Labour and Social Security; in respect of Spain, it means the Ministry of Labour and of Social Welfare;

(*d*) "Institution" means the agency or authority responsible for applying the legislation referred to in article 2;

(*e*) "Competent institution" means the body or authority responsible in each specific case, in accordance with the applicable legislation;

(*f*) "Liaison body" means the agency responsible for ensuring coordination between institutions involved in the application of the Agreement and for informing the interested parties of the rights and obligations arising from it;

(*g*) "Worker" means any person who as a result of performing or having performed an activity on his or her own account or on someone else's account is or has been subject to the legislation referred to in article 2;

(*h*) "Insurance period" means any period defined as such by the legislation under which it was completed, as well as any period recognized by such legislation as equivalent to an insurance period;

(*i*) "Benefit payments" means all cash benefits, pensions, incomes, subsidies or indemnities provided for in the legislation referred to in article 2, including all complements, supplements or revaluations;

[1] Came into force on 1 December 1995, i.e., the first day of the second month following the date of the last of the notifications by which the Parties had informed each other of the completion of the constitutional requirements, in accordance with article 41.

(*j*) "Health benefits" means the provision of medical and pharmaceutical services intended to preserve or restore health in cases of ordinary or occupational disease, accidents regardless of their cause, pregnancy, childbirth and post-partum care;

(*k*) "Family member" means persons defined or recognized as such by the legislation under which the benefits are granted.

2. The meaning of other terms or expressions used in the Agreement shall be that assigned to them in the applicable legislation.

Article 2

1. This Convention shall apply:

A. In Brazil:

To the legislation concerning the general social security scheme with respect to:

(*a*) Medical, pharmaceutical and dental care, outpatient and hospital care;

(*b*) Temporary incapacity for work;

(*c*) Disability;

(*d*) Time of service;

(*e*) Old age;

(*f*) Death;

(*g*) Childbirth;

(*h*) Industrial accidents and occupational diseases;

(*i*) Family income.

B. In Spain:

To the legislation concerning the general scheme and the special schemes that make up the social security system, with respect to:

(*a*) Medical care in cases of maternity, ordinary or occupational diseases, or accidents, whether or not they are work-related;

(*b*) Benefit payments in cases of temporary incapacity for work, owing to maternity, ordinary or occupational diseases, or accidents, whether or not they are work-related;

(*c*) Disability;

(*d*) Old age;

(*e*) Death and survival;

(*f*) Family welfare;

(*g*) Industrial accidents and occupational diseases.

2. This Agreement shall also apply to any legal provisions which in future might supplement or amend the legislation referred to in the preceding paragraph.

3. This Agreement shall apply to the legal provisions establishing a new special social security scheme, should the Contracting Parties so decide.

4. This Agreement shall apply to any legal provisions enacted in one of the Contracting Parties, to extend the legislation in force to new groups of persons, provided that the competent authority of the other Party raises no objection to such measures within three months after receiving notification of such provisions.

Article 3

This Agreement shall apply to persons who are or have been subject to the legislation of one or both Contracting Parties and to their family members or dependants.

Article 4

Without prejudice to the provisions of this Agreement, all persons envisaged in article 3 shall be subject to the obligations embodied in the legislation of the Parties referred to in article 2 and may be entitled to the benefits of such legislation on the same terms as the nationals of that Party.

Article 5

1. The contributory benefit payments made under this Agreement shall not be subject to reduction, modification, suspension or withdrawal solely by virtue of the fact that the beneficiary resides in the territory of the other Party or in a third country, unless this Agreement provides otherwise.

2. Contributory benefit payments that are owed by one of the Contracting Parties under this Agreement shall be made to the beneficiaries even if they are in the territory of the other Party or of a third country.

3. Should either of the Contracting Parties enact provisions restricting the transfer of foreign exchange, the two Parties shall immediately take all necessary measures to guarantee the effective exercise of the rights arising from this Agreement.

TITLE II. PROVISIONS CONCERNING APPLICABLE LEGISLATION

Article 6

1. Individuals to whom this Agreement applies shall be subject only to the social security legislation of the Contracting Party in whose territory they work, except in the cases provided for in article 7.

2. Own-account or independent workers who may be covered in respect of their work by the legislation of both Parties shall be subject only to the legislation of the Party in whose territory they reside.

Article 7

The principle laid down in article 6 shall be subject to the following exceptions:

1. Workers who are employed by an enterprise in either of the Contracting Parties and are sent by that enterprise to the territory of the other Party to work for a limited period of time shall be subject to the legislation of the former Party as if they were still working in its territory, provided that the period of their assignment has not expired and that the duration of the temporary work is not expected to exceed three years. If, for unforeseeable reasons, the duration of the work to be performed exceeds three years, the legislation in force in the former Party may

continue to apply for a period of two years, subject to the authorization of the competent authority of the latter Party. Independent workers who normally work on their own account in the territory of one Party and who engage in work on their own account in the territory of the other Party shall continue to be subject to the legislation of the former Party, provided that the duration of such work is not expected to exceed two years.

2. Airline flight personnel shall be subject solely to the legislation in force in the Party in which the airline has its head office.

3. Crew members of a ship registered in one of the Contracting Parties shall be subject to the legislation of that Party.

Notwithstanding the provisions of the preceding paragraph, persons who work for a third party on board a ship registered in one of the Contracting Parties and who are paid for such work by an enterprise or a person whose main domicile is in the territory of the other Contracting Party shall be subject to the legislation of the latter Party if they reside in its territory. The enterprise or person paying the remuneration shall be considered an entrepreneur for the purposes of such legislation.

4. Persons employed in ports for the purpose of loading, unloading or repairing, or supervising such work, shall be subject to the legislation of the Contracting Party within whose territory the port lies.

5. Staff members of missions and consular offices shall be governed by the provisions of the Vienna Convention on Diplomatic Relations of 18 April 1961[1] and the Vienna Convention on Consular Relations of 24 April 1963.[2]

6. Notwithstanding the above, the administrative, technical and service staff of the diplomatic missions and consular offices of either of the Parties may choose between the legislation of the accrediting State or that of the other State, provided that:

(*a*) They are not public officials of the accrediting Party;

(*b*) They are nationals of the accrediting State;

(*c*) They exercise this option within three months of the entry into force of this Agreement or, depending on the case, within three months of their engagement in the territory of the Party in which they work.

7. Personnel in the private service of members of missions or consular offices shall have the same right of choice as referred to in the preceding paragraph, subject only to the requirements set forth in its subparagraphs (*b*) and (*c*).

8. The competent authorities of both Contracting Parties may decide by agreement to add to, eliminate or amend the exceptions set out in the preceding paragraphs.

[1] United Nations, *Treaty Series*, vol. 500, p. 95.
[2] *Ibid.*, vol. 596, p. 261.

TITLE III. PROVISIONS CONCERNING BENEFITS

CHAPTER I. SICKNESS-MATERNITY

Article 8

If the legislation of one Contracting Party makes the acquisition, maintenance or recovery of entitlement to sickness or maternity benefits contingent on the completion of insurance periods, the competent institution shall, when necessary, take into account insurance periods completed under the legislation of the other Contracting Party, insofar as they do not overlap, as if they were periods completed under its own legislation.

Article 9

Workers who are entitled to sickness or maternity benefits under the legislation of one Party and whose state of health requires immediate care during a stay in the territory of the other Party shall receive:

(*a*) Health benefits for the time and during the period established by the legislation applied by the competent institution; such benefits shall be provided by the institution of the country of temporary abode, in accordance with the procedures and content of its own legislation and at the expense of the competent institution.

The above provision shall be applicable to the workers' family members;

(*b*) Benefit payments made by the competent institution in accordance with the applicable legislation.

Article 10

Workers referred to in article 7 who meet the requirements of the legislation applied by the competent institution of one Contracting Party shall receive the following in the territory of the other Party:

(*a*) Health benefits paid for by the competent institution and provided by the institution of the other Party, in accordance with the procedures and content of its legislation.

This same entitlement shall apply to the dependent family members accompanying such workers;

(*b*) Benefit payments made by the competent institution in accordance with the applicable legislation.

Article 11

1. Family members of workers who are insured in one Contracting Party and reside in the territory of the other Contracting Party shall receive health benefits from the institution of the place of residence. The content and modalities of such benefits shall be those envisaged in the applicable legislation, and shall be provided, for a period to be determined by the competent institution, in accordance with its own legislation and at its own expense.

2. The above provision shall not apply when the worker's family members are entitled to such benefits under the legislation of the country in whose territory they reside.

Article 12

1. Recipients of retirement or pension benefits under the legislation of both Contracting Parties who are entitled to health benefits under both legislations shall receive these benefits from the institution of the place in which they reside temporarily or permanently in accordance with the applicable legislation and at that institution's expense. The same rule shall apply to the family members or dependants of insured persons who are entitled to such benefits.

When a recipient of retirement or pension benefits resides temporarily or permanently in the territory of one Party and the family members or dependants reside in the territory of the other Party, health benefits shall be granted by, and at the expense of, the competent institutions of the place of temporary or permanent residence of the beneficiaries.

2. Recipients of retirement or pension benefits under the legislation of only one Contracting Party who are entitled to health benefits under that legislation shall receive these benefits when they reside in the territory of the other Contracting Party. Benefits shall be provided to the insured persons and to their family members or dependants who live with them by the institution of the place of residence in accordance with its own legislation and at the expense of the competent institution.

3. Recipients of retirement or pension benefits under the legislation of only one of the Contracting Parties who are entitled to health benefits under the legislation of the aforesaid Party and who reside temporarily in the territory of the other Party, as well as their family members or dependants, shall, in case of immediate need, receive the health benefits provided by the institution of the place of temporary residence in accordance with the provisions of the applicable legislation and at the expense of the competent institution.

Article 13

Expenses incurred for health benefits provided by the institution of one Party on behalf of the institution of the other Party shall be reimbursed in the manner prescribed in the agreements envisaged in article 35 of this Agreement.

Article 14

The supply by the institution of the place of temporary or permanent residence of prostheses, orthoses and technical aids, rehabilitation treatment and other benefits to be listed in the administrative agreement envisaged in article 35 of this Agreement must be authorized, except in cases of emergency, by the competent institution. Such authorization shall not be necessary when the cost of benefits is established as a lump sum or when the cost of the benefit requested is no more than the amount agreed upon by the competent authorities of the two Parties.

Article 15

Sickness benefit payments shall be made to workers by the competent institution of the Party whose legislation is applicable under articles 6 and 7 of this Agreement.

CHAPTER II. DISABILITY, OLD AGE, SUPERANNUATION AND SURVIVORS' BENEFITS PAYMENTS

Article 16

Workers who have been subject consecutively or alternately to the legislation of both Contracting Parties shall be entitled to the benefits regulated in this chapter, as follows:

1. The competent institution of each Party shall establish entitlement to the pension, taking into account only the periods of insurance accrued in that Party.

2. Likewise, the competent institution of each Party shall establish pension entitlement by aggregating to the insurance periods accrued in its own territory the insurance periods completed under the legislation of the other Party. If, after all the insurance periods have been aggregated, a person becomes eligible for a benefit, the amount to be paid shall be calculated as follows:

(*a*) An estimate shall be made of the amount of pension to which the person concerned would have been entitled if all the aggregated insurance periods had been completed under its own legislation (theoretical pension).

(*b*) The actual amount of the pension shall be established by applying to the theoretical pension, calculated according to the Party's own legislation, the ratio between the duration of the insurance period completed in the Party to which the institution calculating the pension belongs and the duration of the insurance periods completed in the two Parties (prorated pension).

(*c*) If the legislation of one of the Parties makes the granting of a full pension contingent on a maximum duration of insurance periods, the competent institution of that Party shall take into account, for purposes of aggregation, only such payment periods accrued in the other Party as may be necessary in order to gain entitlement to that pension.

3. Once entitlements have been determined under the procedures described in paragraphs 1 and 2 above, the competent institution in each Party shall recognize and pay the pension that is most favourable to the person concerned, independently of the decision taken by the competent institution of the other Party.

4. In recognizing benefits for time of service, the competent institution shall take into account the insurance periods accrued in the other Party, if necessary, and then apply the provisions of paragraph 2 of this article.

Article 17

If the legislation of one Contracting Party makes the granting of the benefits regulated in the preceding article contingent on the worker's having been subject to that legislation when the event giving rise to the benefit occurred, this condition shall be deemed to have been met if at the time of the event the worker was subject to the legislation of the other Party or was the recipient of a pension under that legislation.

Article 18

1. The provisions set forth in article 16, paragraph 2, shall not be applied by the competent institution of one of the Contracting Parties when the duration of the insurance periods or time worked under its legislation is less than one year if, when those periods are taken into account, the person concerned would not be eligible for benefits under the legislation of that Party.

2. The periods referred to in the preceding paragraph shall be taken into account by the institution of the other Party for purposes of applying the provisions of article 16, paragraph 2 (*a*), and the aforementioned periods shall be treated as if they had been completed in that Party for purposes of calculating and paying the benefits.

3. Notwithstanding the provisions of the preceding paragraph, if the person concerned has completed in each of the Parties insurance periods or work of less than one year and if, taking into account these periods only, no entitlement to benefits is acquired, these periods shall be aggregated in accordance with article 16, paragraph 2, provided that such aggregation would make the person concerned eligible for the benefit in one or both Parties.

Article 19

In determining the extent to which a worker is physically disabled, the competent institutions of each one of the Contracting Parties shall take into account the medical reports and administrative data issued by the institutions of the other Party. Nevertheless, each competent institution shall be entitled to have the insured person examined by a physician of its choice.

Article 20

If a worker has been subject to the legislations of both Contracting Parties, the periods completed after the entry into force of the Agreement shall be aggregated as follows:

1. When a period of obligatory insurance or a period legally recognized as such coincides with a period of voluntary insurance, only the period of obligatory insurance or the period legally recognized as such shall be taken into account.

2. When periods of voluntary or optional insurance coincide, account shall be taken of the period completed in the Party in which the worker last had obligatory insurance before the voluntary or optional period and, if there are no prior obligatory periods in either Party, in the Party in which the worker first completed obligatory periods after the voluntary or optional periods.

3. When in one Party it is not possible to determine exactly when some insurance periods were completed, or when the periods under consideration have been recognized as insurance periods by the legislation of either Party, it shall be assumed that such periods do not overlap with the insurance periods completed in the other Party.

Article 21

A. In Brazil:

1. In determining the governing bases or wages to be used in calculating pension benefits, the competent institution in Brazil shall apply its own legislation.

2. In cases where benefits are calculated by aggregating insurance periods which result in a final amount lower than the minimum amount established by the Brazilian social security system, the minimum amount shall be paid automatically.

B. In Spain:

1. In determining the bases of calculation or governing bases of a benefit to which entitlement has been acquired under the provisions of article 16, the competent institution shall apply its own legislation.

2. Notwithstanding the provisions of the preceding paragraph, when all or part of the contribution period to be used by the competent Spanish institution in calculating the governing base for the benefits consists of periods accrued under the Brazilian social security system, the Spanish institution shall determine the base as follows:

(*a*) The calculation shall be based on the actual contributions of the person concerned that were made during the years immediately preceding the last contribution paid to the Spanish social security system.

(*b*) The amount of pension to be paid shall be increased by the amount of the increases and revaluations calculated for each subsequent year up to the year preceding the event which gave rise to the benefit, for pensions of the same nature.

3. In cases where it is not possible, because of the time elapsed, to determine the bases of contribution of the worker, the governing base shall be established in accordance with Spanish legislation, taking into account, for insurance periods accrued in Brazil, the minimum base of contribution in force during those periods for workers of the same occupational category to which the worker last belonged in Spain.

Article 22

If the legislation of one of the Parties makes entitlement to or the granting of certain benefits contingent on the completion of insurance periods or employment arising from the exercise of an occupation that is subject to a special scheme or, in some cases, of a given occupation or employment, the periods completed under the legislation of the other Contracting Party shall be taken into account for purposes of determining benefits, provided they have been completed under a corresponding scheme or, if no such corresponding scheme exists, in the same occupation or in the same employment.

CHAPTER III. DEATH BENEFITS

Article 23

1. Death benefits shall be governed by the legislation that was applicable to the worker on the date of death, under the provisions of articles 6 and 7 of this Agreement.

The amount of benefits shall be calculated by aggregating, if necessary, the insurance periods completed by the worker in the other Party.

2. In the case of the death of a pensioner who is entitled to death benefits from both Parties, such benefits shall be governed by the legislation of the Party in which the pensioner was residing at the time of death.

If the pensioner was residing in a third country, the applicable legislation shall be that of the Party where the person last resided.

CHAPTER IV. CASH BENEFITS IN RESPECT OF INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 24

Entitlement to benefits arising from industrial accidents or occupational diseases shall be determined in accordance with the legislation of the Contracting Party to which the worker was subject on the date of the accident or on the date when the disease was contracted.

Article 25

For purposes of determining the degree of incapacity caused by an industrial accident or an occupational disease, account shall be taken of the effect of prior industrial accidents or occupational diseases the worker may have suffered, even if they occurred while the worker was subject to the legislation of the other Party.

Article 26

1. Benefits for occupational diseases shall be governed by the legislation of the Party that was applicable to the worker during the time he or she was performing the activity entailing the risk which caused the occupational disease, even if the disease is first diagnosed when he or she is subject to the legislation of the other Party.

2. In the case of workers who have consecutively or alternately performed the aforementioned activity while they were subject to the legislation of both Contracting Parties, their entitlements shall be determined in accordance with the legislation of the Party to which they were last subject while performing the activity.

3. Where an occupational disease has given rise to the granting of benefits by one of the Parties, this Party shall be liable for any aggravation of the disease that may occur while the worker is subject to the legislation of the other Party, unless the worker has performed an activity entailing the same risk while subject to the legislation of the latter Party, in which case the latter Party shall be liable for payment of the benefit.

If, as a result of the above situation, the new benefit should be lower than the one the worker was receiving from the former Party, the former Party shall guarantee the worker a supplement equal to the difference.

CHAPTER V. FAMILY BENEFITS

Article 27

Family benefits shall be granted by the Party to whose legislation workers are subject or from which they are receiving a pension.

TITLE IV. MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

CHAPTER I. MISCELLANEOUS PROVISIONS

Article 28

When, under the legislation of one of the Parties, the fact that a person receives social security benefits or some other type of income or carries out a gainful activity has legal implications for the person's entitlement to a benefit or for the granting

of a benefit, such situations shall have legal effects even if they occur or have occurred in the territory of the other Party.

Article 29

Benefit payments made in application of the rules set forth in Title III, chapters II and IV, shall be revalued:

1. By Brazil, in accordance with the domestic legislation in force when the rules are applied;

2. By Spain, with the same periodicity and in the same amount as envisaged in its domestic legislation. However, when the amount of the pension has been determined under the *pro rata temporis* rule envisaged in article 16, paragraph 2, the amount of revaluation shall be determined by applying the ratio referred to in the aforementioned article and paragraph.

Article 30

1. Applications, statements, recourses and other documents that must, under the legislation of one Party, be submitted within a specified time limit to the relevant authorities or institutions of that Party shall be deemed to be admissible if they have been submitted within the same time limit to an authority or institution of the other Party.

2. Any application for benefits submitted under the legislation of one Party shall be considered to be an application for the corresponding benefit under the legislation of the other Party, provided that when submitting it, the applicant expressly states or declares that he or she has worked in the other Party.

3. The administrative agreement referred to in article 35 shall establish the procedures to be followed in processing the documents mentioned in paragraphs 1 and 2 of this article.

Article 31

The competent institutions of both Parties may, at any time, apply to each other for medical examinations and verification of facts and actions which may entail the acquisition, modification, suspension, extinction or continuation of rights or benefits recognized by them. The costs thus incurred shall be reimbursed without delay by the competent institution that requested the examination or the verification, upon receipt of detailed vouchers for such expenditures.

Article 32

Benefits consisting of exemptions from or reductions in rates, stamp duties, secretarial or registration fees and related costs envisaged in the legislation of one of the Parties in connection with the issuing of certificates and documents in application of the legislation of that Party shall also apply to any documents and certificates that may be issued in application of the legislation of the other Party or of this Agreement.

Article 33

In order to ensure the proper application of and compliance with this Agreement, the competent authorities, liaison bodies and institutions of the two Parties shall communicate directly with each other and with the individuals concerned.

Article 34

1. Institutions that are liable for benefit payments shall be deemed to have duly paid such obligations when they do so in the currency of their own country.

2. If payment is made in the currency of another country, the exchange rate shall be the lowest official exchange rate of the Party paying the pension.

Article 35

The competent authorities of both Parties shall draw up arrangements relating to the application and execution of this Agreement.

Article 36

The competent authorities of the two Parties agree to take the following steps to ensure compliance with the present Agreement:

(*a*) To appoint liaison bodies;

(*b*) To communicate any internal measures they might take in connection with this Agreement;

(*c*) To notify each other regarding any legislative provisions or regulations that might modify those referred to in article 2;

(*d*) To offer each other their good offices and full technical and administrative collaboration in connection with this Agreement, within the framework of their own legislation.

Article 37

The competent authorities of both Parties shall resolve by mutual agreement any differences or disputes that might arise in regard to the interpretation and application of this Agreement.

CHAPTER II. TRANSITIONAL PROVISIONS

Article 38

1. Insurance periods completed under the legislation of the Parties before the entry into force of this Agreement shall be taken into account in determining entitlement to the benefits granted under it.

2. In application of this Agreement, benefits shall be granted for risks occurring before the date of its entry into force. However, payment of such benefits shall not be retroactive to that date, unless permitted under domestic legislation.

Article 39

Pensions that have been paid by either Party before the entry into force of this Agreement may be reviewed, at the request of the parties concerned, in the light of this Agreement.

Article 40

If periods of voluntary insurance under the legislation of one Party coincide with obligatory insurance periods in the other Party that were completed before the entry into force of a social security agreement between them, the competent institution of each Party shall take into account the periods accrued under its legislation.

CHAPTER III. FINAL PROVISIONS

Article 41

The entry into force of this Agreement shall be contingent on compliance with the constitutional requirements of each Party. To this end, each Party shall notify the other when its requirements have been met.

The Agreement shall enter into force on the first day of the second month following the date of the latter such notification.

Article 42

1. This Agreement is established for one year from the date of its entry into force and shall be extended automatically for one-year periods, unless it is denounced through diplomatic channels six months before the date of expiry.

2. If this Agreement ceases to have effect, its provisions shall remain applicable to entitlements acquired under it.

By the same token, the Contracting Parties shall agree on provisions for guaranteeing rights that are in process of acquisition, based on insurance periods completed before the date of termination of the Agreement.

Article 43

1. The Agreement between Spain and Brazil on Social Security of 25 April 1969,[1] the Additional Protocol to that Agreement of 5 March 1980,[2] and the Administrative Arrangement of 5 November 1981[3] for the implementation of the Additional Protocol to the Agreement, shall be abrogated on the date of entry into force of this Agreement.

2. This Agreement guarantees the rights acquired under the Agreement and the Additional Protocol referred to in the preceding paragraph.

DONE at Madrid, on 16 May 1991, in Portuguese and Spanish, both texts being equally authentic.

For the Federative Republic of Brazil:

FRANCISCO REZEK
Minister for Foreign Affairs

For the Kingdom of Spain:

FRANCISCO FERNÁNDEZ ORDÓÑEZ
Minister for Foreign Affairs

[1] United Nations, *Treaty Series*, vol. 969, p. 331.
[2] *Ibid.*, vol. 1265, p. 342.
[3] *Ibid.*, p. 348.

EXCHANGES OF LETTERS

I

19 May 1992

DAI/DIE/CJ/DE-I/13/PAIN-L00-H07

Sir,

In reply to your note verbale No. 43 of 12 March 1992, and in reference to the understandings between you and the Ministry of 1 April 1992, I have the honour to propose the following wording for article 4 of the Agreement on Social Security between the Federative Republic of Brazil and the Kingdom of Spain, signed at Madrid on 16 May 1991:

> "Without prejudice to the provisions of this Agreement, all persons envisaged in article 3 shall be subject to the obligations embodied in the legislation of the Parties referred to in Article 2 and may be entitled to the benefits of such legislation on the same terms as the nationals of the respective Parties."

2. If the Spanish Government agrees with this proposal, this note and your reply expressing your Government's agreement shall constitute an amendment to the aforementioned Agreement, which shall enter into force as provided in article 41 thereof.

Accept, Sir, etc.

CELSO LAFER
Minister for Foreign Affairs

His Excellency
Mr. José Luiz Crespo de Vega
Ambassador Extraordinary and Plenipotentiary
of the Kingdom of Spain

II

THE AMBASSADOR OF SPAIN

Brasília, 19 May 1992

No. 629/Ac.471

Sir,

I acknowledge receipt of your note of 19 May, which reads as follows:

[*See letter I*]

The Spanish Government agrees with the above proposal and at the same time wishes to point out that, consequently, the Spanish version of article 4 of the Agreement on Social Security between the Kingdom of Spain and the Federative Republic of Brazil signed at Madrid on 16 May 1991 should read as follows:

[*See letter I*]

If the Government of Brazil agrees with the proposed new wording of the Spanish text of article 4 of the Agreement, this note and your reply expressing your Government's agreement shall constitute an amendment to the aforementioned Agreement on Social Security, which shall enter into force as provided in article 41 thereof.

Accept, Sir, etc.

JOSÉ LUIS CRESPO

III

3 June 1992

DAI/DIE/CJ/DE-I/14/PAIN-L00-H07

Sir,

I acknowledge receipt of your note No. 629 of 19 May 1992 and have the honour to inform you that the Brazilian Government agrees with the new version in the Spanish language — as recorded in the aforementioned note — of article 4 of the Agreement on Social Security between the Federative Republic of Brazil and the Kingdom of Spain, signed at Madrid on 16 May 1991, which reads as follows:

[*See letter I*]

2. Thus, the set of letters consisting of my note No. 13 (of 19 May 1992), your note No. 629 (of 19 May 1992) and the present note shall constitute an amendment to the Agreement referred to in the first paragraph above, which shall enter into force as provided in article 41 thereof.

Accept, Sir, etc.

CELSO LAFER
Minister for Foreign Affairs

His Excellency
Mr. José Luiz Crespo de Vega
Ambassador Extraordinary and Plenipotentiary
of the Kingdom of Spain