

No. 8305

**LUXEMBOURG
and
PORTUGAL**

**Convention on social security (with Special Protocol).
Signed at Luxembourg, on 12 February 1965**

Official text : French.

Registered by Luxembourg on 29 August 1966.

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et
PORTUGAL**

**Convention sur la sécurité sociale (avec Protocole spécial).
Signée à Luxembourg, le 12 février 1965**

Texte officiel français.

Enregistrée par le Luxembourg le 29 août 1966.

[TRANSLATION — TRADUCTION]

No. 8305. CONVENTION¹ BETWEEN LUXEMBOURG AND
PORTUGAL ON SOCIAL SECURITY. SIGNED AT LUXEM-
BOURG, ON 12 FEBRUARY 1965

His Royal Highness the Grand Duke of Luxembourg and

His Excellency the President of the Portuguese Republic,

Desiring to regulate relations between the two States in the matter of
social security,

Have decided to conclude a convention on social security and, for this
purpose, have appointed as their plenipotentiaries :

His Royal Highness the Grand Duke of Luxembourg :

Mr. Pierre Werner, Minister for Foreign Affairs,

Mr. Nicolas Biever, Minister of Labour, Social Security and Mining ;

His Excellency the President of the Portuguese Republic :

Mr. Eduardo Vieira Leitao, Ambassador Extraordinary and Plenipo-
tentiary at Luxembourg,

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

TITLE I

GENERAL PROVISIONS

Article 1

1. This Convention shall apply :

1. In Luxembourg, to the legislation concerning :

- (a) Sickness and maternity insurance for manual workers and employees ;
- (b) Industrial accident and occupational disease insurance ;
- (c) Unemployment benefits ;
- (d) Family allowances (not including birth grants) ;
- (e) Pension insurance for manual workers and persons in private em-
ployment ;
- (f) Additional insurance for mine workers and for manual workers in
the metallurgical industries.

¹ Came into force on 1 July 1966, the first day of the month following the month in which the instruments of ratification were exchanged, in accordance with article 40. The exchange of the said instruments took place at Luxembourg on 22 June 1966.

2. In Portugal, to the legislation concerning :

- (a) The general system of insurance against sickness, maternity, invalidity, old age and death ;
- (b) Industrial accidents and occupational diseases ;
- (c) The special welfare schemes for certain categories of persons relating to the matters specified above ;
- (d) Family allowances ;
- (e) Unemployment.

2. The Convention shall also apply to all laws or regulations which amend, supplement or codify the legislation specified in paragraph 1 of this article.

Article 2

1. The provisions of this Convention shall apply to employed persons or persons treated as such who are or have been subject to the legislation of one of the Contracting Parties and are nationals of one of the Parties, and to the members of their families and their survivors.

For the purpose of this Convention, the term " employed person " means both employees and manual workers.

2. Nationals of one of the Contracting Parties to whom the provisions of this Convention apply shall be subject to the requirements and entitled to the advantages of the legislation specified in article 1 on the same conditions as nationals of the other Party.

3. Luxembourg or Portuguese nationals resident in Portugal or Luxembourg may be allowed to continue voluntary or optional insurance under the legislation specified in article 1 on the same conditions as nationals of the country in which they reside, account being taken of any periods of insurance in Luxembourg and Portugal.

Article 3

1. Pensions or annuities, including increments, acquired under the legislation of one of the Contracting Parties shall not be reduced, modified, suspended, discontinued or withheld on the ground that the beneficiary is resident in the territory of the Contracting Party other than that in whose territory the institution liable for the benefit is situated.

2. Social security benefits of one of the Contracting Parties shall be paid to nationals of the other Contracting Party resident in the territory of a third State on the same conditions and to the same extent as to nationals of the first-named Party resident in the territory of that third State.

Article 4

1. The provisions of this Convention shall not operate to confer or maintain any right to receive, under the legislation of the Contracting Parties, more than one benefit of the same nature or more than one benefit relating to the same insurance period or equivalent period, save where, under the invalidity, old-age and death (pensions) insurance schemes, liability for payment is divided between the institutions of both Contracting Parties.

2. The provisions of the legislation of one Contracting Party concerning the reduction or suspension of benefits in the event of the beneficiary's being simultaneously in receipt of other social security benefits or other income or his carrying on an occupation shall apply to him even where the benefits in question are payable under a scheme of the other Party or where the income is received or the occupation carried on in the territory of the other Party.

3. Where the application of paragraph 2 results in the reduction or suspension of a benefit awarded under articles 15 and 16, account shall be taken, for the purpose of such reduction or suspension, only of such part of the benefits, income or remuneration as is determined in proportion to the duration of the periods completed in accordance with the provisions of article 16, paragraph 1, sub-paragraph (b).

TITLE II

PROVISIONS TO DETERMINE WHICH LEGISLATION IS APPLICABLE

Article 5

Subject to the provisions of this title, an employed person or a person treated as such who is employed in the territory of one of the Contracting Parties shall be subject to the legislation of that Party, even if he is still deemed to be resident in the territory of the other Party or his employer or the principal place of business of the enterprise which employs him is in the territory of the other Party.

Article 6

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

- (a) An employed person or a person treated as such who is resident in the territory of one of the Contracting Parties and is sent to the territory of the other Contracting Party by the enterprise which normally employs him in the territory of the first-mentioned Party shall remain subject to the legislation of the first-mentioned Party, as though he were employed in its territory, for the first twelve months of his employment in the

territory of the other Party ; if the duration of such employment exceeds twelve months, the legislation of the first-mentioned Party shall continue to apply for a further period of not more than twelve months, provided that the competent authority of the other Party has given its consent before the end of the first twelve-month period ;

- (b) An employed person or a person treated as such who is in the service of an enterprise engaged, on behalf of others or on its own account, in the transport of passengers or goods by rail, road, air or water, with its principal place of business in the territory of one of the Contracting Parties, and who is employed in a travelling or sea-going capacity shall be subject to the legislation of the Contracting Party in whose territory the enterprise has its principal place of business ; if, however, the enterprise has a branch or a permanent agency in the territory of the other Contracting Party, persons employed by such branch or permanent agency shall be subject to the legislation of the Contracting Party in whose territory the branch or permanent agency is situated.

Article 7

The competent authorities of the Contracting Parties may, by agreement, make exceptions to the provisions of articles 5 and 6 of this Convention for specific employed persons or groups of employed persons.

TITLE III

SPECIAL PROVISIONS

Chapter 1

SICKNESS, MATERNITY AND DEATH (FUNERAL BENEFIT)

Article 8

For the purposes of the acquisition, maintenance or recovery of the right to benefits, where an employed person or a person treated as such has been subject successively or alternately to the legislation of both Contracting Parties, the insurance periods and equivalent periods completed under the legislation of each of the Parties shall be aggregated, provided that they do not overlap.

Article 9

1. An employed person or a person treated as such who has completed insurance periods or equivalent periods under the legislation of one of the Contracting Parties and who moves to the territory of the other Party shall be entitled, for himself and for such members of his family as are in that terri-