

No. 9090

**ARGENTINA
and
PORTUGAL**

Social Security Agreement. Signed at Lisbon, on 20 May 1966

Official texts : Spanish and Portuguese.

Registered by Argentina on 6 May 1968.

**ARGENTINE
et
PORTUGAL**

**Accord relatif à la sécurité sociale. Signé à Lisbonne, le
20 mai 1966**

Textes officiels espagnol et portugais.

Enregistré par l'Argentine le 6 mai 1968.

[TRANSLATION — TRADUCTION]

No. 9090. SOCIAL SECURITY AGREEMENT¹ BETWEEN
THE ARGENTINE REPUBLIC AND PORTUGAL.
SIGNED AT LISBON, ON 20 MAY 1966

The President of the Argentine Republic and the President of the Portuguese Republic, desiring to harmonize relations between the two countries in the matter of social security, have decided to conclude an agreement and, for this purpose, have appointed as their plenipotentiaries :

The President of the Argentine Republic :

Mr. Enrique S. Rabinovitz Hantover, Under-Secretary for Social Security;

The President of the Portuguese Republic :

Dr. Alberto Marciano Gorjão Franco Nogueira, Minister for Foreign Affairs;

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

PART ONE

GENERAL PROVISIONS

Article 1

This Agreement shall apply to the legislation concerning :

1. In Portugal :

- (a) the general social security scheme covering sickness, maternity, invalidity, old age and death insurance;
- (b) the industrial accident and occupational disease insurance scheme;
- (c) the special provident schemes for certain categories, in so far as they relate to the risks or benefits covered by the schemes specified in the preceding sub-paragraphs, especially the scheme for the personnel of the concessionary public transport companies.

¹ Came into force on 27 October 1967, i.e., thirty days after the exchange of the instruments of ratification, which took place at Buenos Aires on 27 September 1967, in accordance with article 31.

2. In Argentina :

- (a) the invalidity, old age and death benefits of the social security scheme;
- (b) the compensation and other benefits payable in respect of industrial accidents and occupational diseases;
- (c) compulsory maternity insurance;
- (d) the medical services (prevention, cure and rehabilitation) of the National Social Welfare Institute (Instituto Nacional de Previsión Social) and the benefits and compensatory payments granted for such purposes.

Article 2

1. This Agreement shall also apply to all future laws or regulations by which the legislation specified in article 1 may be amended or supplemented.

2. It shall not, however, apply to laws or regulations extending existing schemes to new categories of workers or to laws or regulations instituting new branches of social security if one of the Contracting States notifies the others of its objection within a period of three months from the date of their official publication.

Article 3

The legislation specified in article 1, in force in Argentina and Portugal, shall apply respectively to Portuguese citizens in the Argentine Republic and to Argentine citizens in Portugal, who shall have the same rights and obligations as nationals of the Contracting State in whose territory they are.

Article 4

Article 3 shall be subject to the following exceptions :

(a) A citizen of one of the two Contracting States who is sent by an enterprise situated in one of them to the territory of the other shall remain subject to the legislation of the first-mentioned State if his employment in the territory of the other State does not exceed a period of twelve months. If the duration of such employment exceeds that period, he may remain subject to the legislation of the Contracting State in which the enterprise

has its main office, provided that the competent authority of the other State gives its express consent.

(b) The aircrews of an air transport enterprise having its main office in one of the two Contracting States and operating in the territory of the other State shall remain subject to the legislation of the State in whose territory the enterprise has its domicile.

(c) The crew of a vessel registered in one of the Contracting States shall be subject to the legislation of that State. All other persons employed by the vessel for loading and unloading, repairing and custodial duties shall be subject to the legislation of the State to whose jurisdiction the vessel belongs.

(d) Nationals of either of the two Contracting States who, through their work, participate in activities resulting from artistic or cultural co-operation between persons or enterprises of the two States shall be subject to the legislation of the State in which the activity in question is carried out, even if the persons to whom this sub-paragraph refers stay in the said territory for less than twelve months.

(e) Members of diplomatic and consular missions of the two Contracting States, with the exception of honorary consuls, shall be subject to the legislation of the sending State.

Other officials, employees and workers employed in such missions or in the personal service of members of such missions shall also be subject to the legislation of the employing State, unless they elect, within three months of their recruitment, to be subject to the legislation of the Contracting State in whose territory they are employed. Should they already be so employed on the date of the entry into force of this Agreement, the period of three months shall be reckoned from that date.

The competent authorities of both Contracting States may decide in each case whether the persons referred to in the preceding sub-paragraph may exercise their option after expiry of the period specified.

(f) Persons in the service of one of the Contracting States who are sent to the other shall remain subject to the legislation of the first-mentioned State.

Article 5

The competent authorities of the two Contracting States may, by agreement, add to, eliminate or alter the exceptions specified in article 4 in special cases or in respect of specific categories of employment.

Article 6

Citizens of Portugal or Argentina, who are entitled in the other Contracting State to cash benefits under invalidity, old age, death, or industrial accident and occupational disease insurance schemes shall retain that entitlement without any restriction whatsoever, on moving to the territory of their own State.

PART TWO

SPECIAL PROVISIONS

(A) SICKNESS, OLD AGE AND DEATH BENEFITS

Article 7

1. In the event of the invalidity, old age or death of a citizen of Portugal or Argentina who is covered in both Contracting States by a social security scheme against such risks, the respective insurance authorities shall determine his entitlement to the relevant benefits by aggregating the qualifying periods completed in each State.

2. If, under the legislation of the Contracting States, entitlement to a benefit is dependent on qualifying periods completed in an occupation covered by a special social security scheme, only the periods completed in that occupation in each State shall be aggregated for the purpose of granting such benefits. If the State of which the worker is a national has no special social security scheme for that occupation, only the periods completed in that occupation under the social security scheme in force in that State shall be taken into account for the purpose of granting the said benefits in the other State. Nevertheless, if the insured person has not acquired entitlement to benefits under the special scheme, the periods completed under that scheme shall be deemed to have been completed under the general scheme.

3. In the cases provided for in paragraphs 1 and 2 of this article, each insurance authority shall determine, in accordance with its own legislation and on the basis of the aggregate qualifying periods completed in both States, whether the insured person qualifies for the benefits prescribed by such legislation.

Article 8

The benefits to which the insured persons to whom article 7 of this Agreement refers and their successors are entitled under the legislation of the