

**No. 51651. Germany and India**

AGREEMENT BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE REPUBLIC OF INDIA ON SOCIAL INSURANCE. NEW DELHI, 8 OCTOBER 2008

ARRANGEMENT BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE REPUBLIC OF INDIA FOR THE IMPLEMENTATION OF THE AGREEMENT OF 8 OCTOBER 2008 BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE REPUBLIC OF INDIA ON SOCIAL INSURANCE. NEW DELHI, 8 OCTOBER 2008\*

**Entry into force:** 8 October 2009 by notification, in accordance with article 5

**Authentic texts:** English, German and Hindi

**Registration with the Secretariat of the United Nations:** Germany, 1 January 2014

*\*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**N° 51651. Allemagne et Inde**

ACCORD ENTRE LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE ET LA RÉPUBLIQUE DE L'INDE RELATIF À L'ASSURANCE SOCIALE. NEW DELHI, 8 OCTOBRE 2008

ARRANGEMENT ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DE L'INDE RELATIF À LA MISE EN ŒUVRE DE L'ACCORD DU 8 OCTOBRE 2008 ENTRE LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE ET LA RÉPUBLIQUE DE L'INDE RELATIF À L'ASSURANCE SOCIALE. NEW DELHI, 8 OCTOBRE 2008\*

**Entrée en vigueur:** 8 octobre 2009 par notification, conformément à l'article 5

**Textes authentiques :** anglais, allemand et hindi

**Enregistrement auprès du Secrétariat des Nations Unies :** Allemagne, 1<sup>er</sup> janvier 2014

*\* Numéro de volume RTNU n'a pas encore été établie pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**ARRANGEMENT**

**BETWEEN**

**THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY**

**AND**

**THE GOVERNMENT OF THE REPUBLIC OF INDIA**

**FOR**

**THE IMPLEMENTATION OF THE AGREEMENT OF 08 OCTOBER 2008**

**BETWEEN**

**THE FEDERAL REPUBLIC OF GERMANY**

**AND**

**THE REPUBLIC OF INDIA**

**ON**

**SOCIAL INSURANCE**

The Government of the Federal Republic of Germany

and

the Government of the Republic of India,

on the basis of paragraph 1 of Article 11 of the Agreement of 08 October 2008 between the Federal Republic of Germany and the Republic of India on Social Insurance,

have agreed as follows:

## **Section I**

### **General provisions**

#### **Article 1**

##### **Definitions**

Where terms which appear in the Agreement are used in this Arrangement, they shall have the same meaning as defined in the Agreement.

#### **Article 2**

##### **Duty to inform**

The liaison agencies set up pursuant to paragraph 2 of Article 11 of the Agreement and the bodies designated by the competent authorities pursuant to Article 7 of the Agreement shall, within their respective areas of jurisdiction, be responsible for generally informing the persons concerned about the Agreement.

### **Article 3**

#### **Duty to communicate facts**

1. The bodies referred to in paragraph 2 of Article 11, in Article 7 and in Article 8 of the Agreement shall, within their respective areas of jurisdiction, communicate to each other and to the persons concerned the facts and transmit the evidence necessary to secure the rights and obligations that follow from the legislation specified in paragraph 1 of Article 2 of the Agreement and from the Agreement and this Arrangement.
2. Where a person is obliged, under the legislation specified in paragraph 1 of Article 2 of the Agreement, under the Agreement or under this Arrangement, to communicate to the institution or another body, certain facts, this obligation shall also apply with regard to corresponding facts obtaining in the territory of the other Contracting State or under its legislation. This shall also apply if a person has to transmit certain evidence.
3. Article 10 of the Agreement shall also be applied to the duty to communicate facts under paragraphs 1 and 2.

### **Article 4**

#### **Certificate on the applicable legislation**

1. In the circumstances described in Articles 5 and 7 of the Agreement, the competent authority or the competent body of the Contracting State whose legislation is applicable shall, on request, issue a certificate stating, in respect of the employment in question, that this legislation is applicable to the employee and the employer. A specific period of validity must be given on the certificate.
2. Where German legislation is applicable, the certificate shall, in the circumstances described in Article 5 of the Agreement, be issued by the health insurance institution to which the pension contributions are paid, and by the *Deutsche Rentenversicherung Bund* (German Federal Pension Insurance), Berlin, in any other case. In the circumstances described in

Article 7 of the Agreement, the *Spitzenverband Bund der Krankenkassen (GKV-Spitzenverband)*, *Deutsche Verbindungsstelle Krankenversicherung - Ausland (DVKA)* - (National Association of Statutory Health Insurance, German Liaison Agency Health Insurance - International), Bonn, shall issue the certificate.

3. Where Indian legislation is applicable, the certificate shall be issued by the Employees' Provident Fund Organization (EPFO), New Delhi.

4. If there are doubts as to whether the legislation referred to in the certificate is actually applicable, or if the facts certified therein differ from the actual circumstances, the body that has issued the certificate shall, on request, review and correct it, if necessary.

## **Section II**

### **Final Provision**

#### **Article 5**

##### **Entry into force and duration of the Arrangement**

1. This Arrangement shall enter into force on the date on which both Governments have informed each other that the national requirements for such entry into force have been fulfilled. The relevant date shall be the day on which the last notification is received.

2. This Arrangement is to be applied from the date of the entry into force of the Agreement and shall have the same period of duration.