

**No. 51651\***

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**Germany  
and  
India**

**Agreement between the Federal Republic of Germany and the Republic of India on social insurance (with protocol). New Delhi, 8 October 2008**

**Entry into force:** *1 October 2009, in accordance with article 14*

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

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

**Note:** *See also annex A, No. 51651.*

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**Allemagne  
et  
Inde**

**Accord entre la République fédérale d'Allemagne et la République de l'Inde relatif à l'assurance sociale (avec protocole). New Delhi, 8 octobre 2008**

**Entrée en vigueur :** *1<sup>er</sup> octobre 2009, conformément à l'article 14*

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

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

**Note :** *Voir aussi annexe A, No. 51651.*

*\*Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT BETWEEN**  
**THE FEDERAL REPUBLIC OF GERMANY**  
**AND**  
**THE REPUBLIC OF INDIA**  
**ON**  
**SOCIAL INSURANCE**

The Federal Republic of Germany

and

The Republic of India,

Desiring to strengthen their friendly relations and resolving to further their mutual cooperation in the field of social security and to facilitate the performance of work in the other Contracting State and, in particular, to avoid that an employee is subject to the legislation of both Contracting States at the same time,

have agreed upon the following:

**Article 1**  
**Definitions**

1. For the purposes of this Agreement,

(a) "territory" means,

as regards the Federal Republic of Germany,  
the territory of the Federal Republic of Germany;

as regards the Republic of India,  
the territory of the Republic of India;

(b) "legislation" means,

as regards the Federal Republic of Germany,  
the laws, regulations, by-laws and other general legislative acts related to the branches of social security covered by the legislative scope of this Agreement;

as regards the Republic of India,  
the laws and any rules, regulations, orders or notifications framed thereunder that are covered by the legislative scope of this Agreement;

(c) "competent authority" means,

as regards the Federal Republic of Germany,  
the Federal Ministry of Labour and Social Affairs  
(*Bundesministerium für Arbeit und Soziales*);

as regards the Republic of India,  
the Minister of Overseas Indian Affairs;

(d) "institution" means,

as regards the Federal Republic of Germany,  
the insurance institution responsible for the implementation of the legislation covered  
by the legislative scope of this Agreement and the body designated by the competent  
authority;

as regards the Republic of India,  
the Employees' Provident Fund Organization, New Delhi.

(e) "competent body" means,

a body specified as such under the legislation of either of the Contracting States.

2. Any term not defined in paragraph 1 has the meaning assigned to it in the applicable  
legislation of the respective Contracting State.

**Article 2**  
**Legislative scope**

1. This Agreement shall apply to the following legislation:

- (a) as regards the Federal Republic of Germany,  
the legislation concerning the Statutory Pension Insurance;
- (b) as regards the Republic of India,  
all legislation concerning
  - (i) old-age and survivors' pension for employed persons;
  - (ii) the Permanent Total Disability pension for employed persons.

2. This Agreement shall also apply to laws, regulations and other general legislative acts in so far as they amend, supplement or replace the legislation of the Contracting States specified in paragraph 1.

**Article 3**  
**Personal scope**

This Agreement shall apply in respect of all persons who are ordinarily resident or employed in the territory of either Contracting State.

**Article 4**  
**Applicable legislation for economically active persons**

1. Unless otherwise provided in this Agreement, an employee shall be subject only to the legislation of the Contracting State in whose territory he or she is actually performing the work.

2. Persons who are members of the travelling or flying personnel of an enterprise which, for hire or reward or on its own account, operates international transport services for passengers