

ADMINISTRATIVE ARRANGEMENT
FOR THE IMPLEMENTATION OF THE AGREEMENT ON SOCIAL
SECURITY BETWEEN THE REPUBLIC OF AUSTRIA AND THE
FEDERATIVE REPUBLIC OF BRAZIL

Pursuant to paragraph 1 of Article 17 of the Agreement on Social Security between the Republic of Austria and the Federative Republic of Brazil, signed at *Brasília*, on *17.05.22*, (hereinafter referred to as the Agreement) the competent authorities:

- for the Republic of Austria

the Federal Minister for Social Affairs, Health, Care and Consumer Protection,

- for the Federative Republic of Brazil

the Ministry of Labor and Social Security,

establish, by mutual agreement, the following provisions:

PART I GENERAL PROVISIONS

Article 1 Definitions

The terms used in this Administrative Arrangement will have the meaning given to them in Article 1 of the Agreement.

Article 2 Duties of the Austrian liaison agency and the Brazilian competent institution

The Austrian liaison agency and the Brazilian competent institution will have the duties stated in this Administrative Arrangement. For the implementation of the Agreement they will assist one another and will communicate directly with one another as well as with the persons involved or their representatives.

PART II PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

Article 3 Certificate on the applicable legislation

1. When the legislation of one Contracting State is applicable in accordance with cases arising under Articles 7 to 11 of the Agreement, the bodies designated in paragraph 3 of this Article will issue, upon request of the employer or self-employed person, a certificate stating that the employee or self-employed person is subject to the legislation it applies and indicating the duration for which the certificate will be valid. Such certificate will guarantee that the person concerned will not be subject to the legislation of the Contracting State, in which the activity is exercised, in respect of the activity for which this certificate has been issued.
2. In the case of justified doubt regarding the authenticity or correctness of a certificate, the bodies designated in paragraph 3 of this Article will get in direct contact with each other to resolve the issue.

3. The certificates referred to in paragraph 1 of this Article will be issued

as far as the Austrian legislation is applicable

- by the sickness insurance institution concerned;

as far as the Brazilian legislation is applicable

- by the Brazilian liaison body.

4. The body designated in paragraph 3 of this Article of a Contracting State, which issues the certificate referred to in paragraph 1 of this Article, will furnish a copy of the certificate to the employee or self-employed person in question as well as the employer concerned and to the body designated in paragraph 3 of this Article of the other Contracting State.

5. A new certificate can be issued without the need to consult with the competent authority of the other Contracting State, as far as the new period of posting is comprised in the 60 months provided for in Article 7 of the Agreement.

6. In case of termination of the activity before the end of the period mentioned in the certificate, the employer or self-employed person shall notify the body designated in paragraph 3 of this Article of the Contracting State that issued the certificate, so that the latter can notify the respective body of the other Contracting State.

PART III PROVISIONS CONCERNING BENEFITS

Article 4 Benefit claims

1. The Austrian implementing body and the Brazilian liaison body will immediately send each other directly the form concerning a claim to a benefit to which Part III read with Article 19 of the Agreement applies, stating the date when the claim was presented. They will send each other available information on any other facts relevant to the determination of the right including, where necessary, medical reports.

2. The Austrian implementing body and the Brazilian liaison body to which a benefit claim has been presented will verify the information pertaining to the applicant and his/her family members.

3. The Austrian implementing body and the Brazilian liaison body shall inform each other without delay on the periods of coverage completed under the legislation they apply, whenever possible together with the information on the claim.

4. The Austrian implementing body and the Brazilian liaison body will also inform each other of the decisions on the claim.

Article 5

Exchange of medical information and reimbursement

1. If the Austrian implementing body or the Brazilian liaison body carries out medical examinations it will send upon request and free of charge all the medical information available relating to the applicant's or beneficiary's disability, to the corresponding body of the other Contracting State whenever the medical examination is necessary under the legislation of both Contracting States.

2. If the Austrian implementing body or the Brazilian liaison body deems it necessary, it may ask for additional medical examinations. The costs related to such complementary medical examinations will be reimbursed by the Austrian implementing body or the Brazilian competent institution as the case may be.

3. In the event referred to in the foregoing paragraph and in the cases referred to in paragraph 6 of Article 17 of the Agreement, the Austrian implementing body or the Brazilian competent institution shall submit the invoice relating to the expenses incurred in the previous year to the corresponding body of the other Contracting State, in detail for each case, until March 31 of the following year. The body which receives the invoice should make the reimbursement within 120 days from receiving the invoice.

Article 6

Payment of benefits

1. The Austrian implementing body or the Brazilian competent institution will pay cash benefits directly to the claimants, or as the case may be, to his/her legal representative.

2. In relation to paragraph 4 of Article 17 of the Agreement the Austrian implementing body or the Brazilian competent institution are entitled to demand from the beneficiaries, or, as the case may be, from their legal representatives, proof that the conditions for the continued payment of cash benefits are still met (e.g. life-certificates).

3. The payment shall be made pursuant to Article 20 of the Agreement without any deductions of administrative expenses that may result from the payment of a benefit. However, bank charges of the beneficiary's account shall be borne by him/herself.

Article 7

Forms and electronic data exchange

1. The Austrian liaison agency and the Brazilian competent institution shall decide the common procedures and forms (in German and Portuguese) required and adequate to apply the Agreement and this Administrative Arrangement.

2. The Austrian liaison agency and the Brazilian competent institution may agree on the electronic data exchange, the soonest possible, in case the technical requirements of both Contracting States are complied with.

Article 8 Statistics

The Austrian liaison agency and the Brazilian competent institution will exchange statistics on the number of certificates issued pursuant to Article 3 of this Administrative Arrangement, and on the payments made to beneficiaries under the Agreement. Such statistics will be provided electronically, on an annual basis.

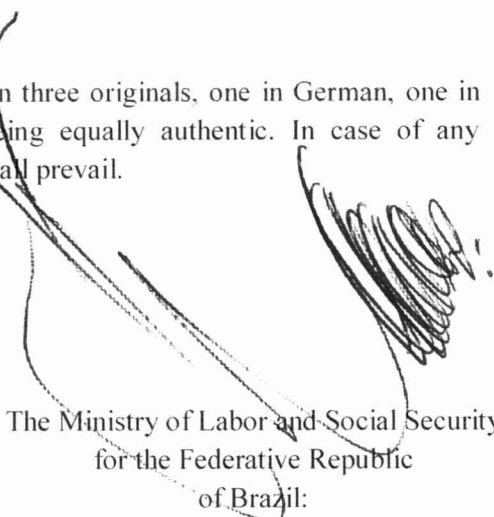
PART IV FINAL PROVISIONS

Article 9 Period of duration

This Administrative Arrangement will enter into force on the same date as the Agreement and will have the same duration.

DONE at Brazilia, on 17 05 22, in three originals, one in German, one in Portuguese, and one in English, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.


The Federal Minister of Social Affairs,
Health, Care and Consumer Protection for
the Republic of Austria:


The Ministry of Labor and Social Security
for the Federative Republic
of Brazil:

