

ADMINISTRATIVE ARRANGEMENT CONCERNING

THE IMPLEMENTATION OF

THE AGREEMENT ON SOCIAL SECURITY

BETWEEN

THE GRAND DUCHY OF LUXEMBOURG

AND

THE REPUBLIC OF INDIA

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In application of Article 19 of the Agreement on Social Security between the Grand Duchy of Luxembourg and the Republic of India, the competent authorities of Luxembourg and India have agreed as follows:

Part I

General Provisions

Article 1

Definitions

1. For the implementation of this Administrative Arrangement:
 - (a) the term "Agreement" means the Agreement on Social Security between the Grand Duchy of Luxembourg and the Republic of India signed on 30 September 2009, in Luxembourg;
 - (b) the term "Arrangement" means the Administrative Arrangement concerning the implementation of the Agreement on Social Security between the Grand Duchy of Luxembourg and the Republic of India.
2. The terms used in this Arrangement shall have the same meaning that is assigned to them in Article 1 of the Agreement.

Article 2

Liaison Agencies

The liaison agencies referred to in Article 19, a) of the Agreement shall be:

- (a) as regards Luxembourg: the General Inspectorate of Social Security
- (b) as regards India:

Old-age, survivors and permanent total disability for the employed persons

Employees' Provident Fund Organization, New Delhi.

Article 3**Competent Agencies**

The competent agencies referred to in Article 19, a) of the Agreement shall be:

(a) as regards Luxembourg:

1. concerning old-age, invalidity and survivors:
 - i) the National Pension Insurance Fund;
 - ii) the bodies competent for the special pension schemes for civil servants and persons treated as such;
2. concerning the assessment of invalidity, the Medical Control of Social Security;
3. concerning the application of articles 2 and 173 of Social Security Code, the Common Centre of Social Security;

(b) as regards India:

concerning old-age, survivors and permanent total disability for the employed persons,

Employees' Provident Fund Organization, New Delhi.

Article 4**Admission to Optional Continued Insurance**

For applying Article 7 of the Agreement, the competent agency that receives an application for admission to optional continued insurance, may address directly, or through the liaison agency, the competent agency of the other Contracting State and ask for a form specifying the insurance periods completed under the legislation of that State.

Part II**Provisions concerning the Applicable Legislation****Article 5****Certificate of Coverage**

1. In the cases specified in the Articles 8 to 11 of the Agreement, the competent authority or the competent agency designated in paragraph 2 of this Article, whose legislation remains applicable, will deliver at the request of the employer, a certificate stating that the employee remains subject to its legislation and indicating until which date.

2. The certificate described in paragraph 1 of this Article will be delivered:
- as regards Luxembourg: by the Common Centre of Social Security,
- as regards India :
- i) to apply Article 8 b) , Article 8 c), paragraph 1 and 2 of Article 9 and paragraph 1 of Article 10 of the Agreement, by the Employees' Provident Fund Organization, New Delhi;
 - ii) to apply Article 11 of the Agreement, by the Ministry of Overseas Indian Affairs, New Delhi.
3. The original certificate described in paragraph 1 of this Article will be given to the employee who has to keep it with him or her during the entire period of posting in order to prove his or her situation of coverage in the receiving country. A copy of the certificate shall be sent to the employer.
4. A copy of the certificate delivered pursuant to paragraph 1 by the competent agency of India is sent to the Common Centre of Social Security, Luxembourg. A copy of the certificate delivered by the competent agency of Luxembourg is sent to the Employees' Provident Fund Organization, New Delhi.
5. Both, the competent authorities or the competent agencies mentioned in paragraph 2 of this Article, as the case may be, may, by mutual consent, agree to nullify the delivered certificate.

Part III

Provisions concerning Old-age, Survivors, Invalidity and Permanent Total Disability

Article 6

Claim Investigation Procedure

1. The liaison agency, or the competent agency, as the case may be, of the State of residence that receives an application for benefits on account of the other Contracting State, either directly from the applicant or from the competent agency, shall submit it without delay to the liaison agency of the other Contracting State, using the forms prescribed. The application can not be refused by the competent agency of the other Contracting State when it was done in the form and within the period determined by the legislation of the State of residence.
2. Furthermore, it shall submit all documents available that could be required so that the competent agency of the other Contracting State is able to determine the applicant's entitlement to the concerned benefit.

3. Data concerning the civil state as required by the application form shall be duly authenticated by the liaison agency or the competent agency, which shall confirm that the data are corroborated by original documents.

4. Furthermore, the liaison agency or the competent agency shall submit to the liaison agency of the other Contracting State a form specifying the insurance periods completed pursuant to the legislation it applies.

After having received the form, the liaison agency or competent agency of the other Contracting State shall submit likewise all information regarding the completed insurance periods pursuant to the legislation it applies to the liaison agency of the first State without delay.

5. The competent agencies of the Contracting States shall determine the applicant's entitlement, and if necessary, of his survivors, and shall notify its decision to the applicant and send a copy of the decision to the liaison agency of the other Contracting State. The decision must, moreover, indicate the manner and time limit for appeal according to its legislation.

6. When the Indian liaison agency knows that a beneficiary of Luxembourg invalidity, old age or survivor's benefit, who resides in India, or his survivor, has not entirely stopped all professional activities or has effectively engaged in such activities, it shall inform the Luxembourg liaison agency without delay.

Furthermore, the Indian liaison agency shall submit all information available concerning the nature of the work performed and the amount of profits or resources the person concerned or his survivor benefits or has benefited from.

The information mentioned in this paragraph will, after the benefit has been granted, be submitted each time there is a change in the situation.

7. The liaison agency of India will, on request, inform the Luxembourg liaison agency if there is a change in the amount of the benefit or other incomes of the beneficiary and/or the beneficiary's survivor.

8. The liaison agency or competent agency of the Contracting States will inform each other upon the death of a beneficiary and/or of the beneficiary's survivor residing in the other State.

Article 7

Administrative and Medical Control

1. The liaison agency or the competent agency of one of the Contracting States shall, when requested, submit to the liaison agency of the other Contracting State any medical information and documentation concerning the applicant's or the beneficiary's incapacity.

2. When a beneficiary of an invalidity or permanent total disability benefit stays or resides in the territory of a Contracting State other than the State where the agency responsible for payment is located, the administrative and medical control is performed on the request of the latter agency, by the competent agency of the place where the beneficiary stays or resides, pursuant to the terms listed in the legislation applied by the latter competent agency. The agency responsible for payment, however, reserves the option to proceed to an examination of the beneficiary by a practitioner of its choice.

3. The costs of the control are reimbursed by the competent agency to the agency of the State where the beneficiary resides or stays. These costs are established by the benefit paying agency based on its tariff and are reimbursed by the agency responsible for payment after a detailed expense claim has been presented. Medical information and documentation relevant to the invalidity or permanent total disability of the applicant or beneficiary and in the possession of the agency of the State where the beneficiary resides or stays will be furnished without costs.

Article 8

Payment of Benefits

1. The competent agency shall directly pay the benefits to the beneficiaries residing on the territory of the other Contracting State.

2. The payment shall be done without any reduction due to administrative costs that may arise for this payment. Bank charges however will be met by the beneficiary.

3. The beneficiary and the competent agencies should communicate to the competent agency paying the benefit, the bank references according to international standards (SWIFT CODE and/or IBAN) in order to facilitate speedier and cost effective transfer of money to the beneficiary.

Article 9

Recovery of Right to Benefit

If a person, after suspension of a benefit, recovers his right to benefit while residing on the territory of the other Contracting State, the competent agencies shall exchange the necessary information for the resumption of payment of the benefit.

Article 10

Exchange of Statistics

The liaison agencies of the Contracting States shall exchange statistics on the number of certificates issued under Article 5 and on the payments made under each Contracting State's legislation to beneficiaries in the territory of the other Contracting State. These statistics shall be furnished annually in a form to be agreed upon by the respective agencies.

Article 11**Procedures and Forms**

The liaison agencies referred to in Article 2 shall agree upon the joint procedures and forms necessary and appropriate for the implementation of the Agreement and this Administrative Arrangement with the consent of the competent authorities.

Article 12**Notification of Changes**

The competent authorities may notify each other, in writing, of changes in the names of the liaison agencies and competent agencies without the need to modify the Administrative Arrangement.

Article 13**Entry into Force**

This Administrative Arrangement shall enter into force at the same time as the Agreement enters into force and shall remain in force as long as the Agreement remains in force.

Done at Luxembourg on 30th September 2009, in two originals, in English.

For the Competent Authority of the
Grand Duchy of Luxembourg



Mars DI BARTOLOMEO
Minister of Social Security

For the Competent Authority of the
Republic of India



Vayalar RAVI
Minister of Overseas Indian Affairs