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**Brazil
and
Japan**

Agreement between the Federative Republic of Brazil and Japan on social security. Tokyo, 29 July 2010

Entry into force: *1 March 2012, in accordance with article 27*

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**Brésil
et
Japon**

Accord entre la République fédérative du Brésil et le Japon relatif à la sécurité sociale. Tokyo, 29 juillet 2010

Entrée en vigueur : *1^{er} mars 2012, conformément à l'article 27*

Textes authentiques : *anglais, japonais et portugais*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN
THE FEDERATIVE REPUBLIC OF BRAZIL AND JAPAN
ON SOCIAL SECURITY**

The Federative Republic of Brazil and Japan,

Being desirous of regulating their mutual relations in the field of social security,

Have agreed as follows:

**PART I
GENERAL PROVISIONS**

**Article 1
Definitions**

1. For the purpose of this Agreement:
 - (a) the terms “a Contracting State” and “the other Contracting State” mean the Federative Republic of Brazil or Japan, as the context requires;
 - (b) the term “Brazil” means the Federative Republic of Brazil;
 - (c) the term “national” means,
as regards Brazil,
a Brazilian national in accordance with the Constitution and laws of the Federative Republic of Brazil,

as regards Japan,
a Japanese national within the meaning of the law on nationality of Japan;

(d) the term “legislation” means,

as regards Brazil,
the laws and regulations concerning the benefits specified in paragraph 2 of Article 2,

as regards Japan,
the laws and regulations of Japan concerning the Japanese pension systems specified in paragraph 1 of Article 2;

(e) the term “competent authority” means,

as regards Brazil,
the Ministry responsible for the application of the legislation of Brazil referred to in paragraph 1(d) of this Article,

as regards Japan,
any of the Governmental organizations competent for the Japanese pension systems specified in paragraph 1 of Article 2;

(f) the term “competent institution” means,

as regards Brazil,
the National Institute of Social Security,

as regards Japan,
any of the insurance institutions, or any association thereof, responsible for the implementation of the Japanese pension systems specified in paragraph 1 of Article 2;

(g) the term “period of coverage” means,

as regards Brazil,
a period of contributions and any other periods taken into account for establishing entitlement to the benefits under the legislation of Brazil,

as regards Japan,
a period of contributions under the legislation of Japan concerning the Japanese pension systems specified in paragraph 1(a) to (e) of Article 2, and any other periods taken into account under that legislation for establishing entitlement to benefits,

however, a period which shall be taken into account, for the purpose of establishing entitlement to benefits under that legislation, pursuant to other agreements on social security comparable with this Agreement, shall not be included;

(h) the term “benefit” means a pension or any other cash benefits under the legislation of a Contracting State.

2. For the purpose of this Agreement, any term not defined in this Agreement shall have the meaning assigned to it under the applicable legislation.

Article 2

Matters Covered

This Agreement shall apply,

1. as regards Japan, to the following Japanese pension systems:

- (a) the National Pension (except the National Pension Fund);
- (b) the Employees’ Pension Insurance (except the Employees’ Pension Fund);
- (c) the Mutual Aid Pension for National Public Officials;
- (d) the Mutual Aid Pension for Local Public Officials and Personnel of Similar Status (except the pension system for members of local assemblies); and
- (e) the Mutual Aid Pension for Private School Personnel;

(the Japanese pension systems specified in (b) to (e) shall hereinafter be referred to as the “Japanese pension systems for employees”),

however, for the purpose of this Agreement, the National Pension shall not include the Old Age Welfare Pension or any other pensions which are granted on a transitional or complementary basis for the purpose of welfare and which are payable wholly or mainly out of national budgetary resources; and

2. as regards Brazil,

- (a) to the Old-age, Disability and Survivors’ benefits as established by the General Regime of Social Security; and
- (b) to the Old-age, Disability and Survivors’ benefits as established by the military’s and the civil servants’ social security regimes.

Article 3

Persons Covered

This Agreement shall apply to a person who is or has been subject to the legislation of a Contracting State, as well as dependants. For the purpose of this Article, the term “dependants” means, as regards Japan, family members or survivors who derive rights from a person who is or has been subject to the legislation of Japan and, as regards Brazil, dependants as defined under the legislation of Brazil.

Article 4
Equality of Treatment

Unless otherwise provided in this Agreement, the persons specified in Article 3, who ordinarily reside in the territory of a Contracting State, shall receive equal treatment with nationals of that Contracting State in the application of the legislation of that Contracting State.

Article 5
Payment of Benefits Abroad

1. Unless otherwise provided in this Agreement, any provision of the legislation of a Contracting State which restricts entitlement to or payment of benefits solely because the person ordinarily resides outside the territory of that Contracting State shall not be applicable to persons who ordinarily reside in the territory of the other Contracting State.
2. Benefits under the legislation of a Contracting State shall be paid to nationals of the other Contracting State who ordinarily reside in the territory of the third state, under the same conditions as if they were nationals of the first Contracting State.
3. Payments of benefits under this Agreement to beneficiaries who reside in the territory of the other Contracting State are effected directly in freely convertible currencies. In case provisions for restricting the exchange of currencies or remittance are introduced by either Contracting State, the Governments of both Contracting States shall immediately consult on the measures necessary to ensure the payments of benefits by either Contracting State under this Agreement.

PART II
PROVISIONS CONCERNING
THE APPLICABLE LEGISLATION

Article 6
General Provisions

Unless otherwise provided in this Agreement, a person who works as an employee or a self-employed person in the territory of a Contracting State shall, with respect to that employment or self-employment, be subject only to the legislation of that Contracting State.

Article 7
Special Provisions

1. Where a person who is employed in the territory of a Contracting State by an employer with a place of business in that territory is sent by that employer, either from that territory or from a territory of the third state, to work in the territory of the other Contracting State, the employee shall be subject only to the legislation of the first Contracting State as if that employee were working in the territory of the first Contracting State, provided that that employee is covered under the legislation of that Contracting State and that the period of such detachment is not expected to exceed five years.