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**Austria  
and  
India**

**Agreement on social security between the Republic of Austria and the Republic of India.  
Vienna, 4 February 2013**

**Entry into force:** *1 July 2015, in accordance with article 24*

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

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**Autriche  
et  
Inde**

**Accord sur la sécurité sociale entre la République d'Autriche et la République de l'Inde.  
Vienne, 4 février 2013**

**Entrée en vigueur :** *1<sup>er</sup> juillet 2015, conformément à l'article 24*

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

**Enregistrement auprès du Secrétariat des Nations Unies :** *Autriche, 21 juillet 2015*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT ON SOCIAL SECURITY  
BETWEEN  
THE REPUBLIC OF AUSTRIA  
AND  
THE REPUBLIC OF INDIA**

The Republic of Austria and the Republic of India (hereinafter referred to as “the Contracting States”),

resolved to regulate the mutual relations between the two States in the field of social security,  
have agreed as follows:

**PART I**

**GENERAL PROVISIONS**

**Article 1**

**Definitions**

1. For purposes of this Agreement,
  - a) “Austria” means the Republic of Austria and “India” means the Republic of India;
  - b) “legislation” means the laws, regulations and statutory provisions made thereunder specified in Article 2;
  - c) “national” means, in relation to Austria, an Austrian citizen, and, in relation to India, an Indian citizen;
  - d) “competent authority” means, in relation to Austria, the Federal Ministers responsible for the administration of the legislation of Austria, and in relation to India, the Minister of Overseas Indian Affairs;
  - e) “competent agency” means, in relation to Austria, the agency, the institution, the organization, or body responsible in full or in part for the implementation of the legislation specified in Article 2, and in relation to India, the Employees’ Provident Fund Organisation;
  - f) “period of coverage” means periods of contribution or any period treated as such insofar as it is considered equivalent to a period of coverage by the relevant legislation;
  - g) “benefit” means any pension or benefit in cash, including any supplements or increases applicable under the legislation specified in Article 2 with the exception of single payments to maintain purchasing power.
2. Any other expression used in this Agreement shall have the meaning respectively assigned to it in the applicable legislation.

## **Article 2**

### **Material scope**

1. This Agreement shall apply:
  - (a) in relation to Austria,
    - (i) to the legislation concerning pension insurance, with the exception of the insurance for notaries and
    - (ii) with regard to Part II only, to the legislation concerning sickness insurance and accident insurance.
  - (b) in relation to India, to the 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 any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph 1 of this Article.

## **Article 3**

### **Personal scope**

Unless otherwise specified, this Agreement shall apply to all persons who are or have been subject to the legislation of either of the Contracting States, and other persons who derive rights from such persons.

## **Article 4**

### **Equal treatment**

1. Unless otherwise provided in this Agreement, nationals of the other Contracting State and their dependants and survivors shall, in the application of the legislation of one Contracting State, receive equal treatment with the nationals of this Contracting State:
2. In relation to Austria, Paragraph 1 of this Article shall also apply for the application of the Agreement to:
  - (a) Nationals of a State in which Regulation (EC) No 883/2004 applies;
  - (b) Refugees as defined in Article 1 of the Convention relating to the status of refugees dated July 28, 1951, and the Protocol to that Convention dated January 31, 1967, resident in the territory of one Contracting State;
  - (c) Stateless persons as defined in Article 1 of the Convention relating to the status of stateless persons dated September 28, 1954, resident in the territory of one Contracting State;
  - (d) Any other person who is a dependant or survivor and resides in the territory of one Contracting State with respect to his/her rights derived from the person specified in this paragraph.
3. Paragraph 1 of this Article shall not apply to the provisions of Austrian legislation concerning:
  - (a) the participation of insured persons and employers in the administration of institutions and associations as well as adjudication in the field of social security;
  - (b) the apportionment of insurance burdens resulting from agreements with third States;
  - (c) the insurance of persons employed at a diplomatic mission or consular post of Austria in a third State or by a member of such a mission or post.

4. As regards Austrian legislation concerning the crediting of periods of war service and periods considered as equivalent, Indian nationals who were Austrian nationals immediately before March 13, 1938, shall receive equal treatment with Austrian nationals.

## **Article 5**

### **Export of benefits**

1. Unless otherwise specified in this Agreement, a Contracting State shall not reduce or modify benefits acquired under its legislation solely on the ground that the beneficiary stays or resides in the territory of the other Contracting State.
2. Benefits under the legislation of one Contracting State shall be awarded to nationals of the other Contracting State, who reside outside the territories of both Contracting States, under the same conditions and to the same extent as they are awarded to the nationals of the first Contracting State who reside outside the territories of the Contracting States.
3. As regards Austrian legislation, paragraph 1 of this Article shall not apply to the compensatory supplement.

## **PART II**

### **PROVISIONS WHICH DETERMINE THE LEGISLATION APPLICABLE**

## **Article 6**

### **General Provisions**

Subject to the provisions of Articles 7 to 9, an employed or self-employed person who works in the territory of one Contracting State shall, in respect of that work, be subject only to the legislation of that Contracting State. In the case of an employed person, this shall also apply if the employer's place of business is in the territory of the other Contracting State.

## **Article 7**

### **Special Provisions**

1. An employed person who, being in the service of an employer with an office on which he normally depends in the territory of one of the Contracting States and paying contributions under the legislation of that Contracting State, is posted by that employer in the territory of the other Contracting State to work on its account, shall remain subject to the legislation of the former Contracting State and continue to pay contributions under the legislation of this Contracting State, as if he continued to be employed in his territory on the condition that the foreseeable duration of his work does not exceed 60 months.
2. Paragraph 1 of this Article shall apply where a person who has been sent by his employer from the territory of one Contracting State to the territory of a third country is subsequently sent by that employer from the territory of the third country to the territory of the other Contracting State.
3. When an employed person is sent to perform services in the territory of a Contracting State for an air transport organization which has its place of business in the territory of the other Contracting State, paragraph 1 of this Article shall be applied without reference to the sixty-month time limit.

4. A person who works as an employee on board a ship that flies the flag of a Contracting State shall be subject to the legislation of that Contracting State.

#### **Article 8**

##### **Civil Servants, Members of Diplomatic Missions and Consular Posts**

1. Nothing in this Agreement shall affect the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961, or of the Vienna Convention on Consular Relations of April 24, 1963.
2. A person employed by the government or other public employer of a Contracting State and sent to perform services in the territory of the other Contracting State shall, in respect of those services remain subject to the legislation of the former Contracting State.

#### **Article 9**

##### **Exceptions from the provisions on applicable legislation**

1. At the request of an employed person and his employer, or of a self-employed person, the competent authorities of both Contracting States or the agencies designated by them may provide, by mutual consent, exceptions in the application of Articles 6 to 8, taking into account the nature and circumstances of the work.
2. Where, in accordance with paragraph 1 of this Article, a person is subject to Austrian legislation, that legislation shall apply to him as if he were employed in the territory of Austria.

### **PART III**

#### **PROVISIONS CONCERNING BENEFITS**

##### **Article 10**

##### **Totalisation of periods of coverage**

1. If a person has completed periods of coverage under the legislation of both Contracting States, these periods, insofar as they do not overlap, if necessary, shall be added together for the purpose of acquiring entitlement to a benefit, as if they were periods of coverage in the relevant Contracting State.
2. The periods of coverage of a person completed in a third country, with which the concerned Contracting State has a Social Security Agreement of the same kind, shall be taken into account for the purpose of acquiring entitlement to a benefit under the respective legislation.
3. If the total duration of the periods of coverage to be taken into account for the determination of the benefit under the legislation of one Contracting State is less than 12 months and due to these periods of coverage entitlement to a benefit does not exist under the legislation referred in Article 2, no benefit will be provided under the legislation of this Contracting State.