

No. 54730*

**Germany
and
India**

Agreement between the Federal Republic of Germany and the Republic of India on social security (with arrangement). Berlin, 12 October 2011

Entry into force: *1 May 2017, in accordance with article 26*

Authentic texts: *English, German and Hindi*

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**Allemagne
et
Inde**

Accord entre la République fédérale d'Allemagne et la République de l'Inde sur la sécurité sociale (avec arrangement). Berlin, 12 octobre 2011

Entrée en vigueur : *1^{er} mai 2017, conformément à l'article 26*

Textes authentiques : *anglais, allemand et hindi*

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[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement

between

the Federal Republic of Germany

and

the Republic of India

on

Social Security

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,

endeavouring to replace the Agreement on Social Insurance between the Federal Republic of Germany and the Republic of India of 8 October, 2008 by a new, more comprehensive Agreement -

have agreed upon the following:

Part I
General Provisions

Article 1
Definitions

1. For the purposes of this Agreement,

a) "contracting state" means the Federal Republic of Germany and the Republic of India as the case may be

b) "national" means

as regards the Federal Republic of Germany, a German citizen within the meaning of the Basic Law (Grundgesetz) for the Federal Republic of Germany;

as regards the Republic of India, a citizen of India within the meaning of the Constitution of India and the Citizenship Act 1955;

c) "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;

d) "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;

e) "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 Ministry of Overseas Indian Affairs;

f) "institution" means

as regards the Federal Republic of Germany, an 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;

g) "competent body" means

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

h) "employment" means

a gainful activity as defined by the Contracting State whose legislation is applicable;

i) "period of coverage" means

period of contributions or period of employment defined as such by the legislation under which such period has been completed, as well as any other creditable period recognized by that legislation;

j) "benefit" means

a pension or any other cash benefit and includes any supplement, allowance or increase;

k) "ordinary residence" means

the place of a person's actual non-temporary residence. Ordinary residence is determined by a person's actual and lawful stay intended to be permanent and the centre of his or her vital interests.

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