

AGREEMENT

ON SOCIAL SECURITY

BETWEEN

THE REPUBLIC OF INDIA

AND

THE KINGDOM OF SWEDEN

The Government of the Republic of India and the Government of Kingdom of Sweden, hereinafter referred to as the Contracting States, wishing to arrange 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 the implementation of this Agreement:
 - a) the term "legislation" means:
the laws and regulations specified in Article 2;
 - b) the term "competent authority" means:
as regards India: the Ministry of Overseas Indian Affairs, and
as regards Sweden: the Government or the authority nominated
by the Government;
 - c) the term "competent institution" means:
As regards India: the Employees' Provident Fund Organization,
and
as regards Sweden: the institution responsible for the
implementation of the legislation specified in Article 2;
 - d) the term "insurance period" means:
any period of contributions, insurance or residence used to
acquire the right to a benefit under the legislation of a Contracting
State;
 - e) the term "benefit" means:
any of the benefits specified in the legislation referred to in
Article 2.
2. Any term not defined in paragraph 1 of this Article shall have the
meaning assigned to it in the applicable legislation.

Article 2

Material Scope

1. This Agreement shall apply:
 - a) as regards India, to all legislations concerning:
 - i. old-age and survivors' pension for employed persons; and
 - ii. the permanent total disablement pension for employed persons;
 - b) as regards Sweden, to all legislation concerning:
 - i. sickness compensation and activity compensation;
 - ii. income-based old-age pensions and guarantee pensions; and
 - iii. survivors' pension and surviving children's allowance.
2. This Agreement shall also apply to all legislation which will amend or extend the legislation specified in paragraph 1 of this Article.
3. It shall apply to any legislation which will extend the existing schemes to new categories of beneficiaries, unless, in this respect, the Contracting State which has amended its legislation notifies the other Contracting State within six months of the official publication of the said legislation of its objections to the inclusion of such new categories of beneficiaries.
4. This Agreement shall not apply to legislations that establish a new social security branch, unless the competent authorities of the Contracting States agree on this application.

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 person.

Article 4
Equality of Treatment

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

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 payable under this Agreement shall also be paid when a person eligible for such a benefit, resides in the territory of a third State.

PART II
PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

Article 6
General Provision

Unless otherwise provided in Articles 7–11 of this Agreement, a person who works as an employee in the territory of a Contracting State shall, with respect to that employment, be subject only to the legislation of that Contracting State.

Article 7
Posting

A person who normally pursues an activity as an employed person in a Contracting State on behalf of an employer which normally carries out its activities there and who is posted by that employer to the other Contracting State to perform work on that employer's behalf, shall remain subject to the legislation of the former Contracting State, provided that the anticipated duration of such work does not exceed 2 years. If the work will continue beyond 2 years, the competent institutions of both Contracting States may agree, before the end of the first period of 2 years that the employee, for a further period of not more than 2 years, shall remain subject to the legislation of the first Contracting State.

Article 8
Civil Servants, Members of Diplomatic Missions and Consular Posts

1. Civil servants or persons treated as such according to the legislation of one Contracting State to whom paragraph 2 of this Article does not apply and who are sent to work in the territory of the other Contracting State are subject only to the legislation of the first Contracting State.

2. This Agreement shall not affect the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961, or the Vienna Convention on Consular Relations of April 24, 1963.

Article 9 Travelling Personnel

1. A person being employed on an aircraft in international traffic who would otherwise be covered by the legislation of both Contracting States, shall be subject to the legislation of the Contracting State in whose territory the employer has its registered office.
2. 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 10 Exceptions

The competent authorities or the competent institutions of the two Contracting States may agree to grant an exception to the provisions of Articles 6 through 9 with respect to individual persons or categories of persons, provided that any affected person shall be subject to the legislation of one Contracting State.

Article 11 Accompanying Spouse and Children

The accompanying spouse or children under the age of 18 of a person who works in the territory of one Contracting State and who is subject to the legislation of the other Contracting State in accordance with Article 7 paragraph 1 of Article 8 or Article 10, shall be subject to the legislation of the latter

Contracting State unless they are themselves gainfully occupied in the territory of the first Contracting State.

**PART III
PROVISIONS ON BENEFITS**

**Article 12
Aggregation of Insurance Periods**

1. When insurance periods have been completed under the legislation of the two Contracting States, the competent institution of each Contracting State shall, in determining eligibility for benefits under the legislation which it applies, take into account, if necessary, insurance periods under the legislation of the other Contracting State, provided that such insurance periods do not overlap with insurance periods under its legislation.
2. If a person is not eligible for a benefit on the basis of the insurance periods under the legislation of the Contracting States, aggregated as provided in paragraph 1, the eligibility of that person for that benefit shall be determined by aggregating these periods with insurance periods completed under the legislation of a third state, with which both Contracting States are bound by social security agreements which provide for the aggregation of periods for that person.

**Article 13
Provisions concerning benefits under Indian legislation**

1. If a person is entitled to an old-age, survivors' or disability benefit under the Indian legislation without necessarily proceeding to aggregation, the Indian competent institution shall calculate the benefit entitlement directly

on the basis of the insurance periods completed in India and only under the Indian legislation.

2. If a person is entitled to an old-age, survivors' or disablement benefit by virtue of the Indian legislation, with the right being created solely by taking the aggregation of the insurance periods into account pursuant to Article 12, the following rules apply:
 - a) the Indian competent institution shall calculate the theoretical amount of the benefit due as if all the insurance periods completed according to the two Contracting States' legislations were exclusively completed under the Indian legislation;
 - b) the Indian competent institution shall then calculate the amount due, on the basis of the amount specified under a), in proportion to the duration of the insurance periods under its legislation, in relation to the duration of all insurance periods accounted under a).
3. If the Indian legislation subordinates the granting of certain old-age, survivors' and disability benefits to the condition that the insurance periods are to be completed in a given occupation, only insurance periods completed or recognized as equivalent in the same occupation in Sweden shall be aggregated for admission to entitlement to these benefits.
4. If the Indian legislation subordinates the granting of certain benefits to the condition that the insurance periods are to be completed in a given occupation, and when these periods do not result in entitlement to the said benefits, the said periods shall be considered valid for the determination of the benefits provided for in the general scheme of employed persons.

Article 14
Provisions concerning Benefits under Swedish Legislation

1. The provisions on aggregation in Article 12 shall not apply to the basic requirement of three years of residence in Sweden for entitlement to a guarantee pension, to a sickness compensation in the form of guarantee compensation or to an activity compensation in the form of guarantee compensation.
2. When establishing the entitlement to sickness compensation or activity compensation, coverage under Indian legislation shall be considered as coverage under Swedish legislation.
3. When calculating the amount of income-related sickness compensation or income-related activity compensation, only income earned during period when Swedish legislation was applicable shall be taken into account.
4. When calculating the amount of the income-based old-age pension in the form of supplementary pension to be paid in accordance with Article 12, only insurance periods completed under the Swedish legislation, shall be taken into account.
5. The provisions of Article 5 shall not apply to the following benefits;
 - i. sickness compensation in the form of guarantee compensation or activity compensation in the form of guarantee compensation; and
 - ii. guarantee pensions and surviving children's allowance.

PART IV
MISCELLANEOUS PROVISIONS

Article 15
Administrative Arrangement

1. The competent authorities of the Contracting States shall conclude an Administrative Arrangement that sets out the measures necessary for the implementation of this Agreement.
2. The competent institutions and liaison bodies of each Contracting State shall be specified in the Administrative Arrangement.

Article 16
Administrative Collaboration

1. For the implementation of this Agreement, the competent authorities as well as the competent institutions of both Contracting States shall assist each other with regard to the determination of entitlement to or payment of any benefit under this Agreement as they would for the application of their own legislation. The assistance referred to in this Article shall be provided without mutual reimbursement of costs.
2. Where the legislation of one Contracting State provides that any document which is submitted to the competent authority or institution of that Contracting State shall be exempted, wholly or partly, from fees or charges, including consular and administrative fees, the exemption shall also apply to corresponding documents which are submitted to the competent authority or institution of the other Contracting State in the application of this Agreement.

3. Documents and certificates which must be produced for the implementation of this Agreement shall be exempt from authentication by diplomatic or consular authorities. Copies of documents which are certified as true and exact copies a competent institution of one Contracting State shall be accepted as true and exact copies by the competent institution of the other Contracting State, without further certification.
4. For the implementation of this Agreement, the competent authorities and institutions of the Contracting States may communicate directly with each other as well as with any person, regardless of the residence of such persons. Such communication may be made in English.
5. The competent authorities and institutions responsible for the application of this Agreement, shall communicate to each other, as soon as possible, all information about the measures taken by them for the application of this Agreement or about changes in their respective legislation in so far as these changes affect the application of this Agreement.
6. The competent institution shall annually exchanges statics, which shall be specified in the Administrative Arrangement.

Article 17
Claims, Notices and Appeals

1. Claims, notices or appeals which, according to the legislation of one of the Contracting States, should have been submitted within a specified period to the competent authority or institution of that Contracting State, shall be considered to be filed on time and on the given date if they are presented within the same specified period to the competent authority or institution of the other Contracting State. In this case, the claims, notices or appeals

must be sent without delay to the competent authority or institution of the former Contracting State.

2. An application for benefits under the legislation of one Contracting State shall be deemed to be also an application for a benefit of same nature under the legislation of the other Contracting State provided that the applicant so wishes and provides information indicating that insurance periods have been completed under the legislation of the other Contracting State.

Article 18 Confidentiality of Information

Unless otherwise required by the national laws and regulations of a Contracting State, information about an individual which is transmitted in accordance with this Agreement to the competent authority or institution of that Contracting State by the competent authority or institution of the other Contracting State shall be used exclusively for purposes of implementing this Agreement and the legislation to which this Agreement applies. Such information received by a competent authority or institution of a Contracting State shall be governed by the national laws and regulations of that Contracting State for the protection of privacy and confidentiality of personal data.

Article 19 Payment of Benefits

1. The competent institution shall directly pay the benefits to the beneficiaries without any deduction for administrative expenses.

2. Payments into the other Contracting State arising from this Agreement shall be effected in freely convertible currency.
3. In the event that a Contracting State imposes currency controls or other similar measures that restrict payments, remittance or transfers of funds or financial instruments to persons who are outside the Contracting State, it shall, without delay, take appropriate measures to ensure the payment of any amount that must be paid in accordance with this Agreement.

Article 20
Resolution of Disputes

1. The competent authorities of the Contracting States shall resolve, to the extent possible, any difficulties which arise in interpreting or applying this Agreement according to its spirit and fundamental principles.
2. The Contracting States shall consult each other promptly at the request of either Contracting State concerning matters, which have not been resolved by the competent authorities in accordance with paragraph 1.

PART V
TRANSITIONAL AND FINAL PROVISIONS

Article 21
Transitional Provisions

1. This Agreement shall not create any entitlement to benefits for any period prior to its entry into force.
2. This Agreement shall also apply to events, which occurred prior to its entry into force.

3. All insurance periods completed under the legislation of one of the Contracting States prior to the date on which this Agreement enters into force shall be taken into consideration in determining entitlement to any benefit in accordance with the provisions of this Agreement.
4. The application of this Agreement shall not result in any reduction in the amount of a benefit to which entitlement was established prior to its entry into force.

Article 22
Revision of or Amendment to the Agreement

Each Contracting State may request a revision of or an amendment to this Agreement. Such revision or amendment may be made after mutual consultation and agreement.

Article 23
Entry into Force

1. This Agreement shall enter into force on the first day of the third month following the month in which each Contracting State has received from the other Contracting State written notification that it has complied with all domestic requirements for its entry into force.
2. The same procedure applies if the Agreement is revised or amended according to Article 22.

Article 24
Duration and Termination of the Agreement


1. This Agreement shall remain in force without any limitation on its duration.
2. This Agreement may be terminated by either of the Contracting State giving a twelve months notice in writing to the other Contracting State.
3. If this Agreement is terminated, rights regarding entitlement to or payment of benefits acquired under it shall be retained. The Contracting States shall make arrangements to deal with rights in the process of being acquired.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

Done at New Delhi on 26th November 2012, in two originals, each in the English, Hindi and Swedish languages, all texts being equally authentic.

In case of any divergence of interpretation, the English text shall prevail.


FOR THE GOVERNMENT OF
THE REPUBLIC OF INDIA:


FOR THE GOVERNMENT OF
THE KINGDOM OF SWEDEN: