

PRACTICAL GUIDE

PENSION APPLICATION WITH THE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS – INVALIDITY, OLD-AGE AND DEATH

INSTITUTO DA SEGURANÇA SOCIAL, I.P



TECHNICAL FILE

TITLE

Practical Guide – Pension application with the implementation of International Instruments – Invalidity, Old-age and Death (7019 – v4.21)

OWNERSHIP

Instituto da Segurança Social, I.P. (Social Security Institute, P.I.)

AUTHOR

Centro Nacional de Pensões (National Pensions Centre)

PAGINATION

Departamento de Comunicação e Gestão do Cliente (Communication and Customer Management Department)

CONTACTS

Social Security Line: 210 545 400 | 300 502 502, business days from 9:00 a.m. to 6:00 p.m.

Website: www.seg-social.pt, please consult the Social Security Online Service.

PUBLICATION DATE

7 March 2023

TABLE OF CONTENTS

A – Pension application with the implementation of international instruments – Invalidity, Old-age and Death – What is it?-----	4
B1 – Who is entitled to a pension from a foreign country?-----	4
B2 – What are the necessary conditions for the entitlement to pensions from the country (countries) where you have been insured and which have an international agreement with Portugal?-----	5
B3 – What are the necessary conditions for the entitlement to a Portuguese pension using an insurance or residence period completed abroad? -----	5
General conditions for the entitlement to a Portuguese pension -----	6
Old-age Pension application-----	6
Aggregation of insurance periods for the pension calculation (“insurance periods relevant for the pension formation rate”)-----	7
Application for the Portuguese anticipated Old-age Pension under the pensionable age flexibility scheme-----	7
Application for an anticipated Old-age Pension due to a long insurance career, without being applied the sustainability factor-----	7
If a worker is legally prevented from working after the age of 65, by the legislation of the country of residence, will he/she also be entitled to an Old-age Pension from the Portuguese Social Security system at the age of 65? -----	7
Invalidity pension application -----	8
Unified Old-age Pension application -----	8
Application for the anticipated Old-age Pension due to long-term unemployment -----	8
Death benefits application-----	9
B4 – How does the pension from a foreign country relate to other benefits that I already receive or may receive in the future? -----	9
The pension cannot be accumulated with-----	9
The pension can be accumulated with-----	9
C – How can I apply for a pension? C1 – What forms and documents do I have to submit? -----	10
Forms-----	10
Necessary documents -----	10
Where to submit the application -----	10
When to submit the application -----	11
C2 – When will I receive a reply? -----	11
D – How does this benefit work? D1 – How much will I receive, and when will I receive it? -----	11
How much will I receive? -----	11
If you receive a pension from a foreign country -----	11
How is the Portuguese pension amount calculated in the case of insurance periods aggregation? -----	13
From which date am I entitled to receive my pension? -----	14
D2 – How can I receive my pension? -----	14
D3 – What are my duties? -----	14
D4 – When does the pension payment end?-----	14
E – Further Information E1 – Applicable Legislation -----	14
E2 – Glossary -----	20
Frequently asked questions -----	21

A – Pension application with the implementation of international instruments – Invalidity, Old-age and Death – What is it?

It is a pension application that is submitted in a country (or countries) where the person concerned has performed a professional activity and to which Portugal is bound by international agreements on Social Security.

The competent Social Security institutions from those countries examine the person's entitlement to a pension.

Which countries are bound to Portugal in what concerns Social Security matters?

- **The European Union Member-States:** Germany, Austria, Belgium, Bulgaria, Cyprus, Croatia, Denmark, Slovakia, Slovenia, Spain, Estonia, Finland, France, Greece, the Netherlands, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Czech Republic, Romania and Sweden;
- **European Economic Area (EEA)** countries that are not members of the European Union: Iceland, Liechtenstein and Norway;
- **Switzerland**, under the **Agreement on the free movement of persons, signed by the European Community and its Member States and the Swiss Confederation;**
- **Turkey**, within the scope of the **European Convention on Social Security of the Council of Europe**, only in what concerns applicable legislation and pension matters;
- **United Kingdom**, within the scope of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community;
- Andorra, Argentina, Australia, Bolivia, Brazil, Cape Verde, Canada, Quebec Province, Chile, El Salvador, Ecuador, United States of America, Philippines, India, Morocco, Mozambique, Moldova, Paraguay, Peru, United Kingdom Channel Islands (Jersey, Guernsey, Alderney, Herm, Jethou and Man), Dominican Republic, Tunisia, Ukraine, Uruguay and Venezuela, within the scope of **Bilateral and Multilateral Agreements/Conventions.**

B1 – Who is entitled to a pension from a foreign country?

Who may apply for a pension from a foreign country?

- Workers who are, or have been, subject to the legislation of one or of both parties;

- Their family members and survivors;
- Stateless persons and refugees residing in countries whose legislation foresees the granting of the pension concerned;
- Third-state nationals with legal residence in a Member State of the EU, with the exception of Denmark, Switzerland, and European Economic Area (EEA) countries that are not members of the European Union.

B2 – What are the necessary conditions for the entitlement to pensions from the country (countries) where you have been insured and which have an international agreement with Portugal?

The entitlement to a pension depends on the legislation of each country.

The submission of a pension application in your country of residence determines the submission of an identical application in all countries where you have worked.

In the case of an Old-age Pension application, it is possible to expressly state that you intend to postpone the application submission in any country (countries) where you have previously worked

B3 – What are the necessary conditions for the entitlement to a Portuguese pension using an insurance or residence period completed abroad?

General conditions for the entitlement to a Portuguese pension

Old-age pension application

Aggregation of insurance periods for the pension calculation (insurance periods "relevant for the pension formation rate")

Application for the Portuguese anticipated Old-age Pension under the pensionable age flexibility scheme

Application for an anticipated Old-age Pension with a long insurance career without being applied the sustainability factor

If a worker is legally prevented from working after the age of 65, by the legislation of the country of residence, will he/she also be entitled to an Old-age Pension from the Portuguese Social Security system at the age of 65?

Invalidity Pension application

Unified Old-age Pension application

Application for the anticipated Old-age Pension due to long-term unemployment

Death benefits application

B3.1. General conditions for the entitlement to a Portuguese pension

- To have completed insurance or residence periods in European Union countries, in EEA (European Economic Area) countries that are not members of the European Union, in Switzerland and in countries with Social Security International Agreements with Portugal.
- To fulfil the qualifying period legally required by the Portuguese Social Security system. The qualifying period may be completed with the aggregation of contributory periods completed in Portugal with contributory periods completed abroad.
- The beneficiary must have 12 months of paid contributions in Portugal until 31/12/1993 or 120 days of paid contributions in Portugal after 01/01/1994 to fulfil the qualifying period required by the Portuguese legislation for the entitlement to a Portuguese pension.

B3.2. Old-age Pension application

- The legal age of access to the Old-age Pension in 2023 is 66 years and 4 months and the person concerned must have a minimum insurance career of 15 years.
- The aggregation of insurance periods may be used to determine the personal age of access to the Portuguese Old-age Pension for the beneficiaries with an insurance career abroad, in the EU Member States, in Switzerland and in Turkey, as well as in all countries to which Portugal is bound by Bilateral and Multilateral Agreements/Conventions:

Insurance career (contributory years)	Personal age of access to the Old-age Pension in 2023:
Insurance career equal to or under 40 years	66 years and 4 months
41 years	66 years
42 years	65 years and 8 months
43 years	65 years and 4 months
44 years	65 years
45 years	64 years and 8 months
46 years	64 years and 4 months
47 years	64
48 years	63 years and 8 months
49 years	63 years and 4 months
50 years	63 years
51 years	62 years and 8 months

B3.3. Aggregation of insurance periods for the pension calculation (“insurance periods relevant for the pension formation rate”)

The personal age of access to the Old-age Pension results from the reduction, in relation to the legal age of access to the pension currently in force, of 4 months for each calendar year that exceeds the 40 years of contributory career with earnings registration relevant for the pension calculation; this reduction cannot result in the access to the Old-age Pension before the age of 60.

All insurance periods (periods with earnings registration, contribution payments or equivalences to earnings registration) are relevant for the pension calculation, even when the aggregation of periods is used.

B3.4. Application for the Portuguese anticipated Old-age Pension under the pensionable age flexibility scheme

The person concerned must be aged 60 or over and have an insurance career of 40 calendar years or more, relevant to the pension calculation.

However, only the insurance or residence periods completed under the EU Regulations and bilateral/multilateral conventions (Ibero-American Convention - Argentina, Bolivia, Brazil, Chile, Ecuador, El Salvador, Spain, Paraguay, Peru and Uruguay) that foresee the aggregation of insurance periods for the pension calculation are relevant to fulfil the condition of an insurance career of 40 years at the age of 60 or over.

B3.5. Application for an anticipated Old-age Pension due to a long insurance career, without being applied the sustainability factor

- The person concerned must be aged 60 or over and have an insurance career of 48 calendar years or more relevant to the pension calculation; or
- The person concerned must be aged 60 or over and have an insurance career of 46 calendar years relevant to the pension calculation and the beginning of his/her contributory career under the Social Security general scheme, or under the convergent social protection system for civil servants, must have occurred at the age of 16 or under.

B3.6. If a worker is legally prevented from working after the age of 65, by the legislation of the country of residence, will he/she also be entitled to an Old-age Pension from the Portuguese Social Security system at the age of 65?

The facts or events that occurred in another State must be taken into account for the fulfilment of the conditions established by the Portuguese legislation, by applying the respective criteria for the Portuguese pension granting.

B3.7. Invalidity pension application

The person concerned must have an insurance career of at least 5 years in the case of a relative invalidity pension, and 3 years in the case of a total invalidity pension, and have been recognized with a permanent incapacity for the performance of his/her professional activity, or with a permanent and definitive incapacity for the performance of any profession, respectively.

The assessment of the person's incapacity by foreign countries is carried out through a medical report and other medical examinations.

Between **Portugal and Luxembourg**: there is a mutual recognition of the decisions taken, i.e., if Portugal considers the beneficiary to be invalid, Luxembourg will also consider him/her to be invalid, and *vice-versa*. This only applies to relative invalidity situations, because at the date when the Agreement was signed (10 March 1997), the total invalidity situation was not foreseen in the Portuguese legislation, nor was the special invalidity situation (Annex II to Regulation (EC) no. 883/2004).

B3.8. Unified Old-age Pension application

(aggregation of insurance periods completed under the Social Security general scheme and under the *Caixa Geral de Aposentações* (Civil Servants Pension Fund))

- The beneficiary must have completed an insurance career of at least 60 months in one of the schemes (the Social Security general scheme or the Civil Servants Pension Fund) and fulfil the insurance period (qualifying period) required for the entitlement to the pension concerned. The qualifying period required by the Portuguese Social Security general scheme can be fulfilled with the aggregation of insurance periods completed in Portugal and insurance periods completed abroad.
- Insurance periods completed in EU countries, in EEA (European Economic Area) countries that are not EU members but are covered by EU Regulations, and in Switzerland, may be aggregated with periods completed in Portugal for the purposes of the unified pension, either for the pension entitlement or for the respective calculation.
- As of 1 May 2013, the Agreement on Social Security between the Portuguese Republic and the Federative Republic of Brazil applies to the civil servants special schemes, being applied the unified pension scheme for pension entitlement purposes.

B3.9. Application for the anticipated Old-age Pension due to long-term unemployment

If the person concerned has completed the unemployment benefits entitlement period in a country that has an international Social Security agreement with Portugal, in a EU Member State, an EEA (European Economic Area) country that is not a Member State of the European Union but is covered by the EU Regulations, and in Switzerland, the entitlement to a Portuguese anticipated

pension due to unemployment is assessed as if the person concerned has completed the unemployment benefits entitlement period in Portugal (please consult the entitlement conditions in the *Guia Prático 7001 - Pensão de Velhice, capítulo D - Pensão antecipada por desemprego de longa duração* (Practical Guide 7001 - Old-age Pension, chapter D - Anticipated pension due to long-term unemployment)).

B3.10. Death benefits application

For the purposes of the Survivor's Pension granting, the deceased person must have completed an insurance career of at least 36 months.

In order to be entitled to the Death Grant, it is only necessary that the applicant is a beneficiary of the Portuguese Social Security system.

B4 – How does the pension from a foreign country relate to other benefits that I already receive or may receive in the future?

The pension cannot be accumulated with

The pension can be accumulated with

B4.1. The pension cannot be accumulated with

- Sickness benefits.
- Unemployment benefits.

B4.2. The pension can be accumulated with

- Invalidity, Old-age and Survivor's pensions.
- Employment income.
- Pension Supplement for Dependant Spouse (if the pensioner has a dependant spouse and his/her pension is prior to 1 January 1994).
- Long-term Care Supplement (for pensioners who need assistance from another person to meet the basic daily needs).
- Solidarity Supplement for the Elderly.

C – How can I apply for a pension? C1 – What forms and documents do I have to submit?

Forms

Necessary documents

Where to submit the application

When to submit the application

Forms

- **RP 5068-DGSS** – *Requerimento de pensão de velhice* (Old-age Pension application)
- **RP 5072-DGSS** – *Requerimento de pensão de invalidez* (Invalidity Pension application)
- **RP 5071-DGSS** – *Declaração - Pedido de Pensão à Instituição Estrangeira Competente/ invalidez e velhice* (Statement - Pension application to the Competent Foreign Institution/ Invalidity and Old-age Pensions)
- **RP 5075-DGSS** – *Requerimento de Prestações por Morte* (Death Benefits application)
- **RP 5077-DGSS** – *Declaração – Pedido de Pensão de Sobrevivência à instituição estrangeira competente/Pensão de Sobrevivência* (Statement – Survivor's Pension application to the Competent Foreign Institution/Survivor's pension)
- **RP 5080-DGSS** - *Declaração de titularidade de outras pensões (pensionistas de velhice e invalidez)* - Statement of entitlement to other pensions (old-age and invalidity pensioners)

These Forms/Models are available at www.seg-social.pt; in the **Acessos Rápidos** (Quick Access) menu, click on **Formulários** (Forms) and in the field **Pesquisar por palavra-chave** (Keyword Search) insert the Form/Model number or name.

C1.2. Necessary documents

- Photocopy of the foreign Social Security Card.
- Photocopies of documents concerning the professional activity carried out abroad.

C1.3. Where to submit the application

If you live abroad, you must submit your application to the institution of the country where you reside or to the institution of the country to whose legislation you were last subject; you must always indicate all the countries where you have worked.

If you reside abroad, in a country with which Portugal has not concluded any Social Security agreement, you may submit your application on the Internet, at www.seg.social.pt, through the Social Security Online Service (this is only applicable to Old-age Pensions).

You must submit an application to the competent pension insurance institution of the country where you reside, or to the competent institution of the country to whose legislation you were last subject; you must always indicate all the countries where you have worked.

C1.4. When to submit the application

You may submit your application 3 months, or less, before the date on which you want your pension to take effect.

C2 – When will I receive a reply?

The average time is 120 days, considering that the application must be sent to the foreign country.

D – How does this benefit work? D1 – How much will I receive, and when will I receive it?

How much will I receive?

If you receive a pension from a foreign country

For beneficiaries whose qualifying period is completed with the aggregation of insurance periods and for pensions granted after 01/06/2007, the minimum pension amount is proportional to the insurance periods completed in Portugal

If you apply for the anticipated Old-age Pension under the pensionable age flexibility scheme, as of the age of 60, with an insurance career completed abroad

How is the Portuguese pension amount calculated in the event of insurance periods aggregation?

From which date am I entitled to receive my pension?

D1.1. How much will I receive?

The pension amount from the country (countries) where you worked depends on what is established in the respective legislation.

D1.1.1. If you receive a pension from a foreign country

The Portuguese Social Security ensures the payment of the national minimum pension

amount in the events of old-age, invalidity or for other reasons that prevent the person concerned from working.

The minimum pension amount is guaranteed in the above-mentioned situations, but if there is a pension from abroad, the respective amount is taken into account for the granting of the Portuguese minimum pension amount.

If the Portuguese pension together with the foreign pension does not reach the minimum amount established according to the contributory career completed in Portugal, a Social Supplement is added in order to reach the minimum pension amount, except for the anticipated Old-age Pensions under the pensionable age flexibility scheme and the anticipated pensions due to unemployment that do not foresee the payment of minimum pension amounts.

In the case of survivor's pensions, the calculation percentages established by law, which determine the survivor's pension amount, are guaranteed.

D1.1.2. For beneficiaries whose qualifying period is completed with the aggregation of insurance periods and for pensions granted after 01/06/2007, the minimum pension amount is proportional to the insurance periods completed in Portugal

If it is necessary to aggregate the insurance periods completed in Portugal with the insurance periods complete abroad, in order to guarantee the entitlement to a Portuguese pension, the minimum pension amount is reduced according to the number of years of contributions paid to the Portuguese Social Security system, in relation to the number of years that is legally required.

The benefits are paid by all the Social Security schemes in accordance with the legislation of the respective countries; these benefits are calculated according to the total insurance periods, residence periods and periods equivalent to earnings registration, completed by the person concerned.

D1.1.3. Application for the anticipated Old-age Pension under the pensionable age flexibility scheme, as of the age of 60, with an insurance career completed abroad

The Portuguese pension amount is the result of the contributions paid to the Portuguese Social Security system and the application of a reduction factor of 0,5%, for each month of anticipation up to the age of 66 years and 4 months; the payment of a minimum pension amount is not guaranteed.

The benefits are paid by all the Social Security schemes in accordance with the legislation of the respective countries; those benefits are calculated according to the total insurance

periods, residence periods and periods equivalent to earnings registration, completed by the person concerned.

The aggregation of periods completed in Portugal with periods completed abroad may benefit the person concerned as it may decrease the reduction factor applicable to the anticipated pension, in relation to the age of 66 years and 4 months, by reducing 4 months for each year of a contributory career that exceeds the 40 years of contributions at the age of 60 or over.

D1.2. How is the Portuguese pension amount calculated in the case of insurance periods aggregation?

Pensions are calculated in accordance with the calculation rules provided for in the portuguese legislation and in international agreements.

If you have worked in EU countries, EEA countries that are not members of the European Union but are covered by EU Regulations, in Switzerland, in Turkey and in countries covered by Bilateral and Multilateral Social Security Agreements/Conventions (Argentina, Bolivia, Brazil, Chile, Ecuador, El Salvador, Spain, Paraguay, Peru, Dominican Republic and Uruguay), the pension calculation formula refers to the theoretical pension (PT) amount, which is the result of the average salary and the total duration of the insurance career completed in Portugal (N 1) and in other Member States (N 2).

The calculated theoretical pension amount is reduced according to the duration of the insurance career completed in Portugal and the total duration of the insurance career:

$$\text{Pension due} = \frac{\text{Theoretical Pension} \times N 1}{N 1 + N 2}$$

$$N 1 + N 2$$

If you have worked in countries that are not members of the European Union, but have signed **Bilateral Conventions on Social Security with Portugal**, the benefits are calculated according to the contributory years completed in Portugal; however, for pension entitlement purposes, the contributory years completed abroad are taken into account.

Calculation formula for Invalidity, Old-age, and Survivor's pensions:

- Insurance career in Portugal with contributions payment (N1)
- Number of years considered for the qualifying period (N)

$$\text{Pension due} = \frac{\text{Theoretical pension} \times N 1}{N}$$

$$N$$

The aggregation of periods completed in Portugal with periods completed in countries that signed international agreements with Portugal only occurs if the beneficiary does not fulfil the qualifying

period necessary for the entitlement to a Portuguese pension, based only on the contributory period completed in Portugal.

D1.3. From which date am I entitled to receive my pension?

As a rule, Portuguese and foreign pensions are due as of the date of the application submission or as of the date chosen by the applicant, but never before the date of the application submission.

D2 – How can I receive my pension?

You may receive your pension by:

- bank transfer or letter-cheque.
- postal order (only for residents in Portugal)

D3 – What are my duties?

- To communicate all situations that may affect your pension rights, change its amount or lead to the suspension of the pension payment, namely the granting of a pension by a foreign scheme.
- To keep the information on your full address updated.

D4 – When does the pension payment end?

The payment of a foreign pension is suspended:

When the entitlement conditions cease to be met.

E – Further Information E1 – Applicable Legislation

In the ***Documentos e Formulários*** (Documents and Forms) menu, select ***Legislação*** (Legislation) and in the search field enter the **number/year** of the Law or Decree.

EU Member States, Switzerland and countries of the European Economic Area that are not members of the EU:

- Regulation (EU) no. 465/2012 of the European Parliament and of the Council of 22 May amending Regulation (EC) no. 883/2004 and Regulation (EC) no. 987/2009;
- Commission Regulation (EU) no. 1224/2012 of 18 December amending Regulation (EC) no. 883/2004 and Regulation (EC) no. 987/2009;

- Commission Regulation (EU) no. 1244/2010 of 9 December amending Regulation (EC) no. 883/2004 and Regulation (EC) no. 987/2009;
- Regulation (EU) no. 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) no. 883/2004 and Regulation (EC) no. 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality (not applicable to Denmark, Switzerland and EEA (European Economic Area) countries that are not EU members; in what concerns the United Kingdom, Regulation (EC) no. 859/2003 of 14 May continues to be applied);
- Regulation (EC) no. 988/2009 of the European Parliament and of the Council of 16 September 2009 amending Regulation (EC) no. 883/2004;
- Implementing Regulation (EC) no. 987/2009 of the European Parliament and of the Council of 16 September 2009;
- Basic Regulation (EC) no. 883/2004 of the European Parliament and of the Council of 29 April 2004.

Bilateral and Multilateral Conventions

Andorra:

- Notice no. 106-A/91, published in the Official Gazette of the Portuguese Republic, Series I – A, 2nd Supplement, no. 161, of 16 July 1991;
- Decree no. 12/90 of 2 May, published in the Official Gazette of the Portuguese Republic, Series I, no. 100, of 2 May 1990.

Argentina:

- Convention on Social Security between the Portuguese Republic and the Republic of Argentina, published in the Official Gazette of the Portuguese Republic, Series I, no. 66, of 3 April 2009 (with effect from 1 November 2014).

Australia:

- Administrative Agreement signed on 15 July 2003 - Notice no. 228/2003, published in the Official Gazette of the Portuguese Republic, Series I - A, no. 280, of 4 December 2003;
- Notice no. 1/2003, published in the Official Gazette of the Portuguese Republic, Series I, no. 5, of 7 January 2003;
- Decree no. 11/2002 of 13 April, published in the Official Gazette of the Portuguese Republic, Series I - A, no. 87, of 13 April 2002.

Brazil:

- Administrative Agreement for the implementation of the Social Security Agreement between the Portuguese Republic and the Federative Republic of Brazil, published by Notice no. 3968/2016 in the Official Gazette of the Portuguese Republic, Series II, no. 58, of 23 March 2016;
- Supplement amending the Social Security Agreement between the Portuguese Republic and the Federative Republic of Brazil and the respective Administrative Adjustment, published in the Official Gazette of the Portuguese Republic, Series I, no. 123, of 28 June 2013.

Cape Verde:

- Administrative Agreement for the implementation of the Convention on Social Security between the Portuguese Republic and the Republic of Cape Verde, in effect since the date of entry into force of the Convention, on 10 April 2001, and signed on 20 September 2018, published in the Official Gazette of the Portuguese Republic, Series I, no. 207, of 26 October 2018;
- Notice no. 379/2007, published in the Official Gazette of the Portuguese Republic, Series I, no. 223, of 20 November 2007;
- Decree no. 2/2005 of 4 February, published in the Official Gazette of the Portuguese Republic, Series I – A, no. 25, of 4 February 2005;
- Decree no. 45/85 of 6 November, published in the Official Gazette of the Portuguese Republic, Series I – A, no. 255, of 6 November 2005.

Canada:

- Decree no. 34/81 of 5 March, published in the Official Gazette of the Portuguese Republic, Series I, no. 53, of 5 March 1981;
- Administrative Arrangement signed on 15 December 1980, published in the Official Gazette of the Portuguese Republic, Series I, No 34, of 10 February 1981.

Chile:

- Administrative Agreement signed on 25 March 1999, Decree-Law No 57/99, published in the Official Gazette of the Portuguese Republic, Series I – B, no. 291, of 16 December 1999;

- Decree no. 34/99 of 1 November, published in the Official Gazette of the Portuguese Republic, Series I – A, no. 204, of 1 September 1999.

Multilateral Ibero-American Convention on Social Security - Argentina, Bolivia, Brazil, Chile, Ecuador, El Salvador, Spain, Paraguay, Peru, Portugal, Dominican Republic and Uruguay

- Agreement for the Implementation of the Multilateral Ibero-American Convention on Social Security, published by Notice no. 28/2015, in the Official Gazette of the Portuguese Republic, Series I, no. 59, of 25 March 2015;
- Decree no. 15/2010, published in the Official Gazette of the Portuguese Republic, Series I, no. 209, of 27 October 2010.

USA:

- Agreement on Social Security (pensions), signed on 30 March 1988, Decree-Law no. 48/88, published in the Official Gazette of the Portuguese Republic, Series I, no. 299, of 28 December 1988;
- Administrative Arrangement signed on 30/03/1988, Decree no. 47/88, published in the Official Gazette of the Portuguese Republic, Series I, no. 297, of 26 December 1988.

The Philippines:

- Administrative Agreement for the implementation of the Convention on Social Security between the Portuguese Republic and the Republic of the Philippines, published in the Official Gazette of the Portuguese Republic, Series I, no. 134, of 13 July 2018;
- Notice no. 134/2017, published in the Official Gazette of the Portuguese Republic, Series I, no. 236, of 11 December 2017;
- Convention on Social Security between the Portuguese Republic and the Republic of the Philippines, published in the Official Gazette of the Portuguese Republic, Series I, no. 146, of 31 July 2017.

India:

- Notice no. 100/2017, published in the Official Gazette of the Portuguese Republic, Series I, no. 140, of 21 July 2017;

- Convention on Social Security between the Portuguese Republic and the Republic of India, published in the Official Gazette of the Portuguese Republic, Series I, no. 22, of 31 January 2017.

Morocco:

- Notice no. 127/2010 of 5 July, published in the Official Gazette of the Portuguese Republic, Series I, no. 137, of 16 July 2010;
- Administrative Agreement published in the Official Gazette of the Portuguese Republic, Series I, no. 137, of 16 July 2010;
- Decree no. 27/99 of 1 October, published in the Official Gazette of the Portuguese Republic, Series I – A, no. 170, of 1 October.

Mozambique

- Convention on Social Security between the Portuguese Republic and the Republic of Mozambique, approved in Portugal by Decree-Law no. 19/2011 of 6 December, and published in the Official Gazette of the Portuguese Republic, Series I, no. 233, of 6 December 2011, and approved in Mozambique by resolution of the Assembly of the Republic no. 18/2016, and published in the *Boletim da República* (Mozambican Official Gazette) Series I, no. 156, of 30 December 2016;
- Notice no. 102/2017, published in the Official Gazette of the Portuguese Republic, Series I, no. 142, of 25 July 2017, with entry into force on 1 July 2017.
- Administrative Agreement for the implementation of the Convention on Social Security, signed on 5 July 2018 and published in the Official Gazette of the Portuguese Republic, Series I, no. 144, of 27 July 2018, by Notice no. 94/2018, with entry into force on the date of the respective signature, retroactively applicable from the date of entry into force of the Convention.

Moldova:

- Administrative Agreement published in the Official Gazette of the Portuguese Republic, Series I, no. 231, of 2 December 2011;
- Notice no. 1/2011 of 31 December 2010, published in the Official Gazette of the Portuguese Republic, Series I, no. 11, of 17 January 2011;
- Presidential Decree no. 93/2010 of 24 September, published in the Official Gazette of the Portuguese Republic, Series I, no. 187, of 24 September 2010.

Province of Quebec

- Decree no. 61/91, published in the Official Gazette of the Portuguese Republic, Series I – A, no. 280, of 5 December 1991;
- Supplementary Agreement signed on 28 March 1990, Decree no. 61/91, published in the Official Gazette of the Portuguese Republic, Series I – A, no. 280, of 5 December 1991;
- Administrative Agreement signed on 28 March 1990, Decree no. 61/91, published in the Official Gazette of the Portuguese Republic, Series I – A, no. 280, of 5 December 1991;
- Administrative Adjustment signed on 20 March 1981, published in the Official Gazette of the Portuguese Republic, Series I, no. 218, of 22 September 1981;
- Administrative Arrangement signed on 20 March 1981, published in the Official Gazette of the Portuguese Republic, Series I, No 218, of 22 September 1981.

United Kingdom (Channel Islands):

- Supplementary Agreement to the Agreement for the implementation of the Convention, published in the Official Gazette of the Portuguese Republic, Series I, no. 172, of 27 July 1988;
- Agreement accomplished by the exchange of notes between the Governments of Portugal and of the United Kingdom of Great Britain and Northern Ireland, published in the Official Gazette of the Portuguese Republic, Series I, no. 244, of 23 October 1987;
- Notice of 19 July 1979, published in the Official Gazette of the Portuguese Republic, Series I, no. 188, of 16 August 1979;
- Decree no. 1679 of 14 February, published in the Official Gazette of the Portuguese Republic, Series I, no. 38, of 14 February 1979.

Tunisia:

- Administrative Agreement signed on 23 March 2010, published in the Official Gazette of the Portuguese Republic, Series I, no. 122, of 25 June 2010, for the purposes of the implementation of the Convention of 9 November 2006;
- Notice no. 96/2010 of 16 June 2010, published in the Official Gazette of the Portuguese Republic, Series I, no. 122, of 25 June 2010;
- Notice no. 33/2009 of 8 May 2009, published in the Official Gazette of the Portuguese Republic, Series I, no. 125, of 1 July 2009;

- Portuguese Parliament Resolution no. 29/2009, published in the Official Gazette of the Portuguese Republic, Series I, no. 75, of 17 April 2009.

Turkey:

- Protocol to the European Convention on Social Security, published in the Official Gazette of the Portuguese Republic, Series I – A, no. 213, of 14 September 2000;
- Decree-Law no. 23/2000 of 14 September, published in the Official Gazette of the Portuguese Republic, Series I – A, no. 213, of 14 September 2000.

Ukraine:

- Administrative Agreement, published in the Official Gazette of the Portuguese Republic, Series I, no. 108, of 4 June 2010;
- Decree no. 8/2010 of 27 April, published in the Official Gazette of the Portuguese Republic, Series I, no. 81, of 27 April 2010.

Uruguay:

- Administrative Agreement published in the Official Gazette of the Portuguese Republic, Series I, no. 148, of 1 July 1987
- Government Decree no. 85/84 of 31 December, published in the Official Gazette of the Portuguese Republic, Series I, no. 301, of 31 December 1984.

Venezuela:

- Decree no. 27/92 of 2 June, published in the Official Gazette of the Portuguese Republic, Series I – A, no 127, of 2 June 1992.

E2 – Glossary

Contracting Member State

Country where the insurance or residence periods are completed.

Statutory Pension

The statutory pension is the amount to which the beneficiary is entitled. It is the result of the calculation formula that includes the number of contributory years and the reference earnings.

Residence Periods

Residence periods are the ones defined or considered as such by the legislation under which they were completed, or considered as being completed.

Insurance or contributory periods

Insurance or contributory periods are the ones considered as such by the legislation under which they were completed.

Qualifying period

Contributory period required for the entitlement to a pension.

Reference Earnings

Total of the revalued annual earnings from the whole contributory career and the number of calendar years with earnings registration, up to the limit of 40.

Death grant

Any lump sum paid in the event of death.

Aggregation of contributory periods

The qualifying periods may be completed through the aggregation of contributory periods completed in one scheme with periods completed in other social protection schemes, provided that these periods do not overlap.

Frequently asked questions

Will the amount of my Portuguese pension change when I receive a pension from a foreign country?

Answer: The portion of the Portuguese pension that results from the beneficiary's contributory effort, i.e., the statutory pension, calculated according to the reference earnings and the duration of the contributory career (by applying the calculation formulas established in Decree-Law no. 187/2007 of 10 May), is not affected by the receipt of any other pension. Only the non-contributory portion, referred to as the Social Supplement, which is added to the statutory pension amount, may be reduced or increased, if the total amount of the pensions received does not reach the guaranteed minimum amount for the contributory career completed in the Portuguese Social

Security system which is established by a Ministerial Order (Ministerial Order no. 320-B/2011 of 30 December).

I worked in Canada and paid my social security contributions there. I would like to know how to include those contributions in my future pension. I have all the supporting documents from Canada (foreign ID, etc.). I would be grateful if you could tell me how to proceed.

Answer: If you reside in Portugal, you may contact the National Pensions Centre (*CNP – Centro Nacional de Pensões*), or the Social Security District Centre of your residence area, to submit your application with all the necessary documents for the case examination.

If the qualifying period for the entitlement to a Portuguese pension is complete, the application is examined without intervention of the competent Canadian institution; later, the pension application will be sent to that institution, with the indication of the respective submission date, as well as a form indicating the Portuguese insurance periods and pension amounts paid.

The benefits are paid by the two social security systems directly to the insured person, based on the insurance periods, residence periods and/or equivalent to earnings registration periods completed by the person concerned, in accordance with the legislation of each country.

In accordance with the Portuguese legislation, the aggregation of periods completed in Portugal and periods completed abroad will only be used if the qualifying period is not fulfilled exclusively with Portuguese insurance periods, i.e., the contributory periods completed in Canada are only considered when they are necessary for the entitlement to the Portuguese pension.

If the beneficiary has died abroad, are his/her family members entitled to the death grant paid by the Portuguese Social Security system?

Answer: If the beneficiary dies in a country with which Portugal has an international Social Security agreement, the death grant is always paid by the Portuguese Social Security system.

If the deceased beneficiary had his/her residence abroad and the funeral was held in that country, the person that paid the funeral expenses may apply for the respective reimbursement from Portugal?

Answer: Yes. The person who pays the funeral expenses may apply for the respective reimbursement, regardless of the place of residence, provided that the deceased beneficiary has at least 1 day of contributions registered in the Portuguese Social Security system.

The deceased beneficiary was a self-employed person in Portugal and was an employee in another Member State of the European Union, in a EEA (European Economic Area) country that is not a member of the EU, or in Switzerland. Are his/her family members entitled to the death grant paid by the Portuguese Social Security system?

Answer: The Death Grant is due, provided that the respective entitlement conditions are met.

I am a foreign citizen. I worked and paid my contributions to the Portuguese Social Security system. Now, I am going to return to my country. What do I have to do in order to receive the contributions amount paid in Portugal?

Answer: The return of paid contributions (contributions reimbursement), when requested by the beneficiaries, is only possible if they become invalid, with a total and permanent incapacity for work, and did not complete the qualifying period for the entitlement to the invalidity pension, or if they have completed the age of 70 and have not fulfilled the qualifying period for the entitlement to an Old-age Pension in Portugal, even with the aggregation of insurance periods. In both situations, the contributions reimbursement may only occur if the qualifying period cannot be fulfilled with the aggregation of insurance periods completed in other mandatory social protection schemes, national or foreign (countries to which Portugal is bound by international agreements on Social Security).

I live abroad and have paid contributions to the Portuguese Social Security system. How do I apply for an Invalidity pension?

Answer: If you have fulfilled the qualifying period for the entitlement to an invalidity pension, you must submit your application to the competent institution of your country of residence, which has the duty to send the corresponding liaison forms to the other country (countries) where you have paid contributions.

Since I am an Invalidity pensioner abroad, can the invalidity be recognized by the Portuguese Social Security system?

Answer: No. The recognition of invalidity depends on the specific legislation of each country.

Exception: Between Portugal and Luxembourg, there is a mutual recognition of the decisions taken, i.e., if Portugal considers that the beneficiary is invalid due to natural disease, Luxembourg will also consider him/her invalid, and *vice versa*.

I am entitled to an invalidity pension abroad. Will I also be entitled to an invalidity pension from Portugal?

Answer: No. Each country assesses the right to an invalidity pension according to its own legislation. The foreign institution sends the form E213 (medical report), which is submitted to the Permanent Disability Assessment Service (SVIP – *Serviço de Verificação de Incapacidade Permanente*) to assess the beneficiary's disability. If the foreign institution does not send form E213, the Portuguese institution returns the case without further investigation.

Note: If the form is completed in French, English or Spanish, it does not have to be translated before being sent to the SVIP.

I receive an invalidity pension. When I complete the legal age of access to an Old-age Pension, can I apply for another pension?

Answer: No. Invalidation pensions are converted into Old-age Pensions as of the month following the one in which the pensioner reaches the legal age of access to the Old-age Pension, in force at that date.

Can I transfer my contributory career to the country where I live/work?

Answer: The transfer of contributions mathematical reserves is not possible. Each country pays a pension based on the **contributions** paid in that country and may only aggregate **periods** completed in other countries.

Where and when may I submit my pension application?

Answer: You must always submit your pension application in your country of residence, within a period of 90 days before the date of pension beginning.

Why am I not entitled to the minimum pension amount from Portugal, according to my contributory career?

Answer:

- If the pension is proportional because the qualifying period has not been completed, the minimum pension amount is proportional to the contributory periods completed in Portugal, which were aggregated with the periods completed in Countries with which Portugal has concluded International Agreements.
- If the pension is proportional but the qualifying period has been completed, the amounts of all the received pensions are taken into account (Article 5 of Decree-Law no. 141/91 of 10 April and Article 55(1) of Decree-Law no. 187/2007 of 10 May).

Whenever the total amount of the received pensions (foreign and Portuguese) is higher than the minimum pension amount established according to the insurance career in Portugal, the minimum pension amount is not guaranteed.

I used to receive my pension by letter-cheque and I stopped receiving it. What could have happened?

Answer: There are several possible reasons:

- Change of address in your Citizens Card;
- Loss of the letter-cheque;
- Suspension of the pension payments due to the return of more than 3 monthly pensions.

Why am I receiving a lower pension amount (income tax for residents abroad)?

Answer: Your income tax is being withheld as a non-resident. In order to avoid double taxation, pensioners residing abroad must apply for the income tax withholding exemption in Portugal by submitting the following documents:

- The form Mod. 21-RFI (tax model), available for printing at the Portuguese tax authorities' portal, duly certified by the competent authority of the State of residence (table III of the form), or accompanied by a document issued by the competent authority of the State of residence;
- A valid ID document.

The form Mod. 21-RFI must be sent by post to the following address:

Instituto da Segurança Social, I.P.
Departamento de Gestão e Controlo Financeiro
Av. 5 de Outubro, 175
1069-451 Lisboa

Why is my Portuguese pension provisional?

Answer: The Portuguese pension is provisional because it is necessary to await the decision of the foreign body, in order to assess if a Social Supplement has to be granted to guarantee the payment of a minimum pension amount.

I am not a Portuguese pensioner, but I receive a pension from abroad. What do I need to do in order to receive the Special Pension Supplement for former combatants (SEP – *Suplemento Especial de Pensão*)?

Answer: If you have not yet applied for the bonus time certification to the *Departamento dos Antigos Combatentes* (Former Combatants Department), please consult the *Guia Prático Antigo Combatente* (Practical Guide – Former Combatant) for further information.

I am not a Portuguese pensioner, but I receive a pension from abroad. What do I need to do in order to receive the Special Pension Supplement for former combatants (SEP – *Suplemento Especial de Pensão*)?

Answer: If you have already applied for the bonus time certification to the *Departamento dos Antigos Combatentes* (Former Combatants Department), you must submit the following documents:

- Application form Mod. RP 5079 – DGSS, duly completed;
- Photocopy of a valid ID card, (citizen card or passport);
- Photocopy of your Portuguese taxpayer card, if you have one;
- Statement proving the pensioner status, indicating the pension beginning date;
- Bank statement indicating the IBAN and BIC / SWIFT CODE and the pensioner's name, duly certified by the Bank (Only available for Portugal, Brazil, Cape Verde and SEPA countries)

The aforementioned documents may be sent to *Centro Nacional de Pensões* (National Pensions Centre) by:

- E-mail: CNP-Antigoscombatentes@seg-social.pt
- Post mail to ISS, I.P. – Centro Nacional de Pensões – Avenida 5 de Outubro, n.º 175

1069-451 Lisboa

Do I have to submit a life certificate to continue receiving my Portuguese pension?

Answer: No. However, most of the countries require the annual submission of a life certificate.

I have contributory periods completed in 2 or more countries. Can these periods be aggregated in order to qualify for a pension?

Answer: If the beneficiary does not fulfil the established qualifying period, the insurance periods completed abroad may be used for the entitlement to a Portuguese pension, provided that these countries have a Social Security agreement with Portugal.

When the beneficiary dies abroad, are his/her family members entitled to the death grant paid by the Portuguese Social Security?

Answer: If the beneficiary dies in a country with which Portugal has an international Social Security agreement, the Death Grant is always paid by the Portuguese Social Security.

I live abroad. I became a widow and have 2 minor children. My deceased husband has completed an insurance career of 5 years in Portugal. Am I entitled to a survivor's pension?

Answer: Yes. If the deceased beneficiary was already a pensioner, the widow(er) will be entitled to 60% of the deceased's pension amount and each descendant will be entitled to 15%.

If the deceased beneficiary was not a pensioner, it is calculated the pension amount that would be due on the death date, and the survivor's pension is granted according to the established percentages.