

No. 571

**BELGIUM
and
ITALY**

**Convention on social insurance. Signed at Brussels, on
30 April 1948**

*French official text communicated by the Permanent Representative of Belgium
to the United Nations. The registration took place on 9 September 1949.*

**BELGIQUE
et
ITALIE**

**Convention sur les assurances sociales. Signée à Bruxelles,
le 30 avril 1948**

*Texte officiel français communiqué par le représentant permanent de la Belgique
auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le
9 septembre 1949.*

No. 571. CONVENTION¹ BETWEEN BELGIUM AND ITALY
ON SOCIAL INSURANCE. SIGNED AT BRUSSELS, ON
30 APRIL 1948

TITLE I.—GENERAL PRINCIPLES

Article 1

Italian or Belgian employed persons and persons treated as employed persons under the legislation as set out in article 2 of the present Convention shall be subject respectively to the said legislation in force in Belgium or Italy, and they shall enjoy the benefits thereof under the same conditions as the nationals of each country respectively.

For the purposes of the present Convention the term employed person shall be deemed to mean both salaried and wage-earning employees.

Article 2

1. The legislative measures respecting social security covered by the present Convention shall be:

1. In Italy:

(a) the legislation respecting general invalidity, old age and survivors' insurance;

(b) the legislation respecting insurance against industrial accidents and occupational diseases;

(c) the legislation respecting insurance against tuberculosis;

(d) the legislation and collective contracts of employment respecting insurance and assistance in case of sickness;

(e) the legislation respecting insurance against involuntary unemployment caused by lack of work;

(f) the legislation respecting family allowances.

2. In Belgium:

(a) the legislation respecting insurance against sickness and invalidity;

(b) the legislation respecting the insurance of salaried and wage-earning employees against old age and premature death;

¹Came into force on 1 September 1949, in accordance with article 40 (2). The exchange of the instruments of ratification took place at Brussels on 3 August 1949.

(c) the special legislation respecting the retirement pension system for miners and persons placed on the same footing as miners;

(d) the legislation respecting family allowances affecting wage-earning employees;

(e) the legislation respecting industrial accidents;

(f) the legislation respecting occupational diseases;

(g) the legislation respecting relief for involuntarily unemployed persons.

2. The present Convention shall also apply to any laws or regulations which have amended or supplemented, or which may in future amend or supplement, the laws referred to in the first paragraph of the present article.

Nevertheless, the present Convention shall not apply:

(a) to laws or regulations covering a new branch of social security, unless an arrangement to that effect be agreed upon between the Contracting Countries;

(b) to laws or regulations extending existing schemes to new classes of beneficiaries, if the Government of the country concerned lodges an objection with the Government of the country within a period of three months after the official publication of the said laws or regulations.

Article 3

1. Employed persons, or persons treated as employed persons under the laws applicable in both countries, who are employed in either country, shall be subject to the laws in force at their place of employment.

2. The following exceptions shall be made to the principle laid down in paragraph 1 of the present article:

(a) Employed persons and persons treated as employed persons who are employed in that one of the two Contracting Countries which is not the country of their normal residence by an undertaking having in this latter country an establishment to which the persons concerned normally belong, shall remain subject to the legislation in force in the country in which they are normally employed, provided that their employment within the territory of the second country does not exceed six months; where for unforeseeable reasons this employment is extended beyond the period originally laid down and exceeds six months, the application of the legislation in force in the country in which they are normally employed may, as an exceptional measure, be continued with the agreement of the Government of the country in which the temporary place of employment is situated;

(b) Employed persons or persons treated as employed persons connected with public transport undertakings in either country who are employed in the other country either temporarily or, on a permanent basis, on lines of inter-communication, shall be subject to the provisions in force in the country in which the undertaking has its head office;

(c) With respect to transport undertakings other than those referred to in (b) above which extend from one Contracting Country into the other, persons employed in the mobile sections (travelling personnel) of these undertakings shall be subject exclusively to the provisions in force in the country in which the undertaking has its head office.

3. The competent authorities of the Contracting Countries may provide, by mutual agreement, for exceptions to the rules laid down in paragraph 1 of the present Article. They may also agree that the exceptions provided for in paragraph 2 shall not be applied in certain particular cases.

Article 4

The provisions of paragraph 1 of article 3 shall be applicable to employed persons or persons treated as employed persons whatever their nationality, who are employed in the diplomatic or consular offices of Italy or Belgium or who are in the personal employ of officers of the diplomatic or consular service of those countries.

Nevertheless:

(1) the present article shall not apply to diplomatic and consular officers *de carrière*, including officials on the staff of chancelleries;

(2) employed persons and persons treated as employed persons who are of the nationality of the country represented by the diplomatic or consular office and who are posted temporarily in the country where they are employed may opt between the application of the legislation of the country in which they are employed and the application of the legislation of their country of origin.

Article 5

Benefits granted as compensation, allowances or pensions under the legislation concerning compensation for industrial accidents or occupational diseases, as well as insurance benefits resulting from contributions capitalized for the individual account of the insured persons, whether paid in instalments or

in a lump sum to the beneficiaries or their dependents, shall be paid to the nationals of the two Contracting Countries, whatever be the country in which they reside.

TITLE II.—SPECIAL PROVISIONS

CHAPTER I.—*Insurance against sickness, tuberculosis, maternity and death*

Article 6

Employed persons and persons treated as employed persons who go from Belgium to Italy or *vice versa* shall, together with the legally entitled members of their household in the country of the new place of employment, enter into benefit in respect of the sickness insurance schemes of Belgium and the sickness and tuberculosis schemes of Italy, provided that:

(1) they have been in employment for wages or in other employment treated as such in that country;

(2) the sickness becomes apparent after their entry into the territory of that country, unless the legislation applicable to them at their new place of employment provides more favourable conditions for benefit;

(3) they fulfil the conditions required for eligibility for benefit under the legislation of the country of their new place of employment, or prove that they have satisfied the requirements of the legislation of the country they have left.

Article 7

Employed persons and persons treated as employed persons who go from Belgium to Italy or *vice versa* shall, together with the legally entitled members of their household in the country of the new place of employment, enter into benefit in respect of the maternity insurance schemes of that country for care generally of every kind connected with childbirth, provided that:

(1) they have been in employment for wages or in other employment treated as such in that country;

(2) they fulfil the conditions required for eligibility for benefit under the legislation of the country of their new place of employment, or prove that they have satisfied the requirements of the legislation of the country they have left, account being taken of the period of registration in the latter country and of the period subsequent to their registration in the country of their new place of employment.

Nevertheless, maternity benefits shall be paid by the social insurance authority of the scheme under which the person was insured at the presumed date of conception. Such authority shall refund to the social insurance authority of the country of the new place of employment the total expenses involved.

Article 8

Employed persons and persons treated as employed persons who go from Belgium to Italy or *vice versa* shall establish the right to the funeral allowances provided for by the legislation of the country of the new place of employment, provided that:

(1) they have been in employment for wages or in other employment treated as such in that country;

(2) they fulfil the conditions required for eligibility for benefit under the legislation of the country of their new place of employment, or prove that they have satisfied the requirements of the legislation of the country they have left, account being taken of the period of registration in the latter country and the period subsequent to their registration in the country of their new place of employment.

CHAPTER II.—*Old age and survivors' insurance*

Article 9

1. For Belgian or Italian employed persons or persons treated as employed persons who in the two countries have been insured, consecutively or alternately, under one or more old age or survivors' insurance schemes, the insurance periods completed under these schemes or the periods recognized as equivalent to insurance periods by virtue of the said schemes, shall, provided that they do not overlap, be aggregated for the purposes both of the determination of the right to benefit and of the maintenance or recovery of this right.

Nevertheless, for the purposes of the preceding paragraph, the periods in which the person concerned ceased work as a result of sickness, invalidity, industrial accident or involuntary unemployment shall alone be recognized as equivalent to insurance periods.

Any period recognized as equivalent to an insurance period shall be taken into account only by the insurance authority of the country in which the insured person was last employed before the period in question.

2. Where the legislation of one of the Contracting Countries makes the grant of certain benefits conditional upon the periods being completed in an

occupation subject to a special insurance scheme, the periods completed under the corresponding special scheme or schemes of the other country shall alone be aggregated for admission to the grant of these benefits. Nevertheless, if there is no special scheme in either country in respect of the given occupation, the insurance periods completed in the said occupation under one of the schemes referred to in paragraph 1 above shall be aggregated.

In view of the fact that there is no special scheme in Italy for miners' retirement pensions, the periods of employment completed in Italian mines as determined in accordance with technical agreements to be concluded between the competent authorities of the two countries shall alone be added to the periods completed under the special Belgian scheme.

For the purposes of the present Convention the term mines shall be deemed to include Italian undertakings which would be subject to the special Belgian legislation if they were situated in Belgium.

3. The amount of benefit to which an insured person may become entitled from the competent authorities of either country shall be determined by reducing the amount of the benefit to which he would have been so entitled if the total number of periods referred to in paragraph 1 above had been completed under the appropriate scheme, the reduction being effected on a *pro rata* basis having regard to the periods actually completed under that scheme.

The social insurance authorities of each country shall determine, in accordance with the legislation applicable to them and taking into account the total number of insurance periods irrespective of the Contracting Country in which they have been completed, whether the person concerned satisfies the conditions required in order to be entitled to the benefits provided by that legislation.

The authorities shall determine the amount of the cash benefit to which the person concerned would be entitled if the total number of insurance periods had been completed exclusively under their own legislation and shall reduce this amount on a *pro rata* basis having regard to the periods actually completed under that legislation.

Nevertheless, an authority shall not be responsible, with respect to wage-earning employees in mines, for a benefit where the periods completed under the relevant legislation do not total one year, comprising the annual minimum number of days of actual employment or of days treated as actual employment provided for by that legislation.

Article 10

When an insured person, account being taken of the total number of periods referred to in paragraph 1 of article 9 does not simultaneously satisfy

the conditions required by the laws of the two countries, his right to a pension in respect of either scheme shall be established as soon as he has satisfied these conditions.

Article 11

1. Every insured person may, at the time when his right to a pension becomes established, renounce the benefit of the provisions of article 9 of the present Convention. The benefits to which he may be entitled by virtue of the laws of each country shall then be paid separately by the competent authorities, independently of the insurance periods, or their recognized equivalents, completed in the other country.

2. The insured person shall be entitled to make a fresh choice between the provisions of article 9 and those of the present article when it becomes in his interest to do so either as the result of an amendment to one of the national legislations or of the transfer of his place of residence from one country to the other, or, in the case referred to in article 10, at the time when he establishes a new pension right under one of the legislations applicable to him.

Article 12

The conditions in respect of residence or inadequacy of means provided for by the national legislations of the two countries shall continue to apply to the nationals of either country when, under article 11, they have renounced the benefit of the provisions of article 9.

Article 13

1. Notwithstanding the provisions of article 9, the grant to wage-earning employees in mines of the accelerated pension as provided by Belgian legislation shall be reserved for those insured persons who, account being taken of their period of service exclusively in Belgian coal mines, satisfy the conditions required by the said legislation.

2. The right as a miner to receive concurrently a Belgian accelerated pension or old-age pension, and a miner's wages shall be recognized, under the conditions and within the limits laid down by Belgian legislation, only in the case of insured persons who continue to work in the Belgian coal mines.

CHAPTER III.—*Invalidity insurance*

Article 14

1. For Belgian or Italian employed persons or persons treated as employed persons who, in the two countries, have been insured, consecutively or alternately, under one or more invalidity insurance schemes, the insurance periods completed under these schemes or the periods recognized as equivalent to insurance periods by virtue of the said schemes, shall be aggregated under the conditions laid down in paragraphs 1 and 2 of article 9 for the purposes both of the determination of the right to benefit in cash or in kind, and of the maintenance or recovery of this right.

2. Cash benefits under the invalidity insurance system shall be paid in accordance with the law applicable to the person concerned at the time of the first medical declaration of sickness or accident in the case of Belgium, and of disability in the case of Italy, and the costs shall be borne by the social security authority competent under the terms of that law.

3. Nevertheless, an invalidity which is reported less than one year after the arrival of the employed person in either country shall not give rise to any cash benefits payable by that country.

Where the person concerned was previously insured under an invalidity insurance scheme of the other country, he shall be entitled to the cash benefits provided by the legislation of that country and under the conditions specified in that legislation.

These provisions shall not apply if invalidity is the result of an accident.

Article 15

Notwithstanding the provisions of paragraph 2 of article 14, the right to invalidity insurance benefits of persons who have been employed consecutively or alternately in Belgian and Italian mines shall be determined in accordance with the regulations laid down in paragraph 3 of article 9 if, account being taken of their aggregation, the periods completed in such mines entitle them to benefit under the special Belgian invalidity insurance scheme for wage-earning employees in mines and if the insurance periods completed in the country where the sickness was reported amount to the minimum period of one year provided for in the said paragraph 3.

Article 16

Where, at the time at which the sickness or accident which caused invalidity occurred, the person concerned was employed in the country other than that of the debtor authority, account shall be taken, in determining the amount of

the invalidity pension or compensation, of the wage granted in the country of the debtor authority to employed persons of the occupational category to which the person concerned belonged at that time.

Article 17

An invalidity pension or compensation shall be awarded only at the expiry of the period during which the person concerned could normally have claimed the initial sickness compensation provided for by the legislations in question.

Article 18

If, after suspension or discontinuance of the invalidity pension or compensation, the insured person again becomes entitled to benefit, the payment of benefit shall be resumed by the authority responsible for the pension or compensation originally granted, if the state of invalidity is attributable to the disease or disablement in respect of which such pension or compensation was previously granted.

Article 19

The competent authorities of the Contracting Countries shall regulate by mutual agreement the details of the medical treatment and administrative control of disabled persons.

CHAPTER IV.—*Family allowances*

Article 20

Employed persons or persons treated as employed persons who, being nationals of one of the Contracting States are employed in the other State and whose children are brought up in the country of origin, shall be entitled to family allowances proper.

Such family allowances shall be granted in accordance with the general scale normally in force, with the exception of any special or increased family allowance granted under either legislation in respect of the children of the employed person, his wife's children, and the children of both, during the periods of actual employment and the periods treated as such by the respective legislations; they shall no longer be granted after the death of the employed person or after his departure from the country in which he was employed.

Article 21

Where the legislation of one of the Contracting Countries makes establishment of the right to the family allowances referred to in the preceding article

conditional upon the completion of periods of employment or periods treated as such, account shall be taken of the periods completed in either country.

Article 22

The competent authorities of the Contracting Countries may lay down by joint agreement the measures necessary to ensure the immediate exchange of the sums to be paid as family allowances to the employed persons concerned.

CHAPTER V.—*Industrial accidents*

Article 23

Nationals of either country shall not be subject, in so far as payments, allowances, pensions or lump sums paid as compensation are concerned, to the provisions incorporated in the legislation of the other country which restrict the rights of foreigners or which impose loss of rights by reason of their place of residence.

Article 24

Any industrial accident suffered by a Belgian employed person in Italy or an Italian employed person in Belgium which causes or is likely to cause either death or permanent, total or partial disablement, shall be notified by the employer to the local consular authorities of the country of which the person concerned is a national.

Such notification shall be made by the employer within the same period as that prescribed for the notification of an accident to the competent authorities or bodies under the national legislation. It shall be accompanied, as the case may be, by a copy of the relevant documents and of the medical certificate or report on the inquiry.

CHAPTER VI.—*Occupational diseases*

Article 25

Claims for compensation for occupational diseases shall, where the person concerned is resident in the country other than that which is presumed to be liable for payment of the benefits, be received by the corresponding social insurance authority of the other country; such claims shall be lodged within the time-limits prescribed by the legislation of the country presumed to be the debtor country and shall be drawn up by the body by which they were received in the manner laid down by the legislation of that country.

Article 26

The national insurance authorities of the Contracting Countries shall furnish mutual assistance in holding medical examinations and ensuring the medical and administrative supervision of the persons concerned. The debtor authority shall pay the benefits in cash or in kind to the beneficiary resident in the other country through the agency of the social insurance authority of the latter country. Such benefits shall be repaid in accordance with arrangements to be made by joint agreement between the authorities concerned, with the approval of the competent administrative authorities of the two countries.

Article 27

Where an insured person who has received compensation for an occupational disease in one of the Contracting Countries presents a claim for compensation in respect of the same disease in the other country, payment of the benefits shall continue to be the responsibility of the social insurance authority of the first country.

CHAPTER VII.—*Assistance for persons involuntarily unemployed*

Article 28

Employed persons and persons treated as employed persons who go from Belgium to Italy or *vice versa* shall be entitled, in the country of their new place of employment to benefit under the legislation respecting relief for involuntarily unemployed persons, provided that they fulfil the conditions concerning the qualifying period required under the legislation of the country of their new place of employment, or prove that they have satisfied the conditions required under the legislation of the country they have left.

TITLE III.—GENERAL AND MISCELLANEOUS PROVISIONS

CHAPTER I.—*Administrative co-operation*

Article 29

1. The competent authorities of the two Contracting Countries and the social security authorities shall furnish mutual assistance in the same degree as if the matter in question were one affecting the application of their own social security schemes, and shall correspond directly with each other for this purpose.

2. The competent authorities and social security authorities may in addition have recourse, for the same purpose, to the intervention of the diplomatic or consular authorities of the other country.

3. The diplomatic and consular authorities of either of the Contracting Countries shall be authorized to intervene directly with the competent authorities and social security authorities of the other country with a view to collecting all the information required to protect the interests of their fellow-nationals.

Article 30

The privilege of exemption from liability to pay legal dues in respect of registration, stamp charges or consular fees provided by the laws of either country in respect of documents to be produced before the administrative authorities or social security authorities of the one country shall be extended to the corresponding documents to be produced, for the purposes of the application of the present Convention, before the administrative authorities or social security authorities of the other country.

2. The requirement of legalization by the diplomatic and consular authorities shall be waived in respect of all certificates, documents and papers to be produced for the purposes of the operation of the present Convention.

Article 31

All communications relating to the application of the present Convention, sent by beneficiaries under the Convention to the social security authorities and other administrative or judicial authorities having powers in relation to social security in either country, shall be drawn up in one of the official languages of one or the other of the two countries.

Article 32

Claims and appeals that are required to be lodged within a prescribed period with an authority competent to accept claims or appeals relating to social security in one or other of the two countries shall be deemed admissible if they are lodged within the same period with a corresponding authority in the other country. In such cases, the latter authority shall transmit the claims or the appeals without delay to the competent authority.

Article 33

1. The competent authorities of the Contracting Countries shall determine between themselves the detailed measures for the application of the present Convention, in so far as those measures call for joint action by those authorities.

The same authorities shall communicate to each other in due course information about the details of changes that have taken place in the laws and regulations in their respective countries concerning the schemes enumerated in article 2.

2. The competent authorities or services in each Contracting Country shall communicate to each other information about the other arrangements made, within their respective countries, for the application of the present Convention.

Article 34

The Ministers having among their functions the administration of the schemes enumerated in article 2 shall be deemed, in each of the Contracting Countries, to be the competent authorities, within the meaning of the present Convention, to the extent to which those schemes fall within their competence.

CHAPTER II.—*Miscellaneous provisions*

Article 35

1. The authorities responsible for the administration of social security benefits may, where the beneficiary is resident in the other Contracting Country or transfers his residence thereto, make the competent authority of the latter country responsible for the administration of the benefits, in conditions to be determined by direct agreement between the authorities concerned, particularly in regard to the methods for the settlement of accounts; these agreements shall be approved by the competent authorities of the Contracting States.

2. The authorities responsible, by virtue of the present Convention, for the administration of social security benefits, shall be held to discharge their responsibility validly by payments in the currency of their country.

In the event of the issue of regulations, in one or other of the two Contracting Countries, with a view to imposing restrictions upon the free exchange of currency, measures are to be taken forthwith, by agreement between the competent authorities of the two States, to ensure, in accordance with the provisions of the present Convention, the reciprocal transfer of sums due.

Article 36

The social security authority responsible for the administration of annuities or pensions, the monthly total of which is less than a sum determined by joint agreement between the competent authorities of the two countries, by exchange of notes, may pay the said annuities or pensions in quarterly, half-yearly or yearly instalments.

The same authority may also redeem, by payment of a sum representing their capital value, any annuities or pensions whose monthly total is less than a sum determined by the method referred to above.

Article 37

Nothing in this Convention shall be held to invalidate in any way the rules laid down in schemes referred to in article 2 respecting the conditions under which insured persons may take part in the elections in connexion with the functioning of the social security system.

Article 38

The formalities that may be laid down by the legal provisions or regulations of one or other of the Contracting Countries in respect of the payment, outside the limits of its territory, of the benefits distributed by its social security authority shall also apply, under the same conditions as those applicable to nationals, to persons entitled to receive such benefits by virtue of the present Convention.

Article 39

1. All difficulties relating to the carrying out of the present Convention shall be solved by agreement between the competent authorities of the Contracting Countries.

2. In cases where it may have been impossible to arrive at a solution by this means, the disagreement is to be submitted to arbitration, in accordance with a procedure to be arranged between the two Governments. The arbitral body shall settle the dispute according to the fundamental principles and in the spirit of the present Convention.

Article 40

1. The present Convention shall be ratified and the instruments of ratification shall be exchanged in Rome, as soon as possible.

2. It shall come into force on the first day of the month following the exchange of the instruments of ratification.

3. All benefits, payment of which was suspended or could not be made under the provisions in force in one of the Contracting Countries shall be paid as from the first day of the month following the entry into force of the present Convention.

4. For the purposes of the present Convention, account shall be taken of insurance periods completed prior to its entry into force, to the same extent as

account would have been taken of them if the present Convention had been in force while such insurance periods were being completed.

5. Technical agreements shall determine the conditions and methods in accordance with which claims previously settled and claims revived or settled in pursuance of paragraph 3 above shall be reviewed with a view to adapting payment thereof to conform with the provisions of the present Convention or the said agreements. Where the claims previously settled were settled by means of a lump sum payment, there shall be no ground for review.

Article 41

1. The present Convention is concluded for the duration of one year. It will continue in force from year to year unless notice of termination is given three months before the expiration of the period.

2. In the event of such termination, the provisions of the present Convention shall remain applicable to acquired rights notwithstanding any restrictive provisions that the schemes concerned may have laid down for cases of residence in a foreign country on the part of insured persons.

3. In the case of any rights that are in process of acquisition in respect of insurance periods completed prior to the date on which the present Convention ceases to have effect, the provisions of this Convention shall continue to apply, in conformity with conditions to be laid down by supplementary agreements.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the present Convention and affixed their seals thereto.

DONE in duplicate, at Brussels, 30 April 1948.

(Signed) P.-H. SPAAK

(Signed) A. FANFANI

(Signed) Léon-Eli TROCLET

(Signed) Marques Pasquale DIANA

RECOMMENDATION CONCERNING SICKNESS AND INDUSTRIAL
ACCIDENTS

The High Contracting Parties, mindful of the situation of employed persons who are sick or injured, whose state of health does not necessarily require their stay in the country responsible for the administration of social security benefits and who have been authorized on that account to transfer their residence to the other country, shall recommend to the employer or social security authority of the debtor country to place the responsibility for the administration of benefits in kind upon the corresponding social security authority of the other country; in such case the benefits shall be repaid, on presentation of documents, up to the total amount of the obligations resulting from the national legislation of the debtor country.

DONE in duplicate, at Brussels, 30 April 1948.

(Signed) P.-H. SPAAK

(Signed) A. FANFANI

(Signed) Léon-Eli TROCLET

(Signed) Marques Pasquale DIANA