

No. 573

BELGIUM
and
NETHERLANDS

Convention on the application of the legislation of the two countries in matters affecting social insurance. Signed at The Hague, on 29 August 1947

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

BELGIQUE
et
PAYS-BAS

Convention relative à l'application de la législation des deux pays en ce qui concerne les assurances sociales. Signée à La Haye, le 29 août 1947

Textes officiels français et néerlandais communiqués par le représentant permanent de la Belgique auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 9 septembre 1949.

No. 573. CONVENTION¹ BETWEEN THE NETHERLANDS AND BELGIUM ON THE APPLICATION OF THE LEGISLATION OF THE TWO COUNTRIES IN MATTERS AFFECTING SOCIAL INSURANCE. SIGNED AT THE HAGUE, ON 29 AUGUST 1947

Her Majesty the Queen of the Netherlands and His Royal Highness the Prince Regent of the Belgians acting on behalf of His Majesty the King of the Belgians, being equally desirous of assimilating their subjects as regards the application of the legislation of the Netherlands and of Belgium on social insurance, and of regulating the consequences to their subjects of the simultaneous operation of the legislations of the two countries, have decided to conclude a convention with this object and have appointed as their Plenipotentiaries:

Her Majesty the Queen of the Netherlands: Willem Drees, Minister of Social Affairs;

His Royal Highness the Prince Regent of the Belgians, acting on behalf of His Majesty the King of the Belgians: Léon-Eli Troclet, Minister of Labour and Social Welfare,

who, being duly authorized therefor, have agreed on the following provisions:

PART I.—PRINCIPLES

Article 1

1. The provisions of the present Convention shall apply to present or future Belgian and Netherlands social laws and regulations respecting:

- (1) old age and premature death;
- (2) sickness;
- (3) invalidity;
- (4) health services;
- (5) involuntary unemployment;
- (6) the system of family allowances;

¹ Came into force on 1 October 1949, in accordance with article 23 (2), the instruments of ratification having been exchanged at Brussels on 5 August 1949.

- (7) maternity allowances;
- (8) occupational diseases;
- (9) the retirement pension system for miners and persons placed on the same footing as miners.

2. The present Convention shall not modify in any way the arrangement arrived at with respect to compensation for injuries resulting from industrial accidents to which the Belgian-Netherlands Convention of 9 February 1921¹ applies.

Article 2

For the purpose of the laws and regulations referred to in article 1, paragraph 1, hereof, no distinction shall be made in the two contracting countries between Belgian and Netherlands nationals.

Article 3

1. Except as provided in the present Convention, the nationals of either of the contracting countries shall be subject exclusively to the laws and regulations of the country in which they are employed.

2. The nationals of either of the contracting countries who are employed in one country and domiciled in the other shall be subject exclusively to the laws and regulations of the latter country if they are in the service of an employer established in the country of their domicile.

3. In the case of transport undertakings which have their head offices in one of the contracting countries and also carry on operations in the other country, the laws and regulations of the country in which the undertaking has its head office shall alone be applicable to the travelling (navigating or itinerant) portion of the undertaking. The employees of the navigating or itinerant section shall remain subject to those laws and regulations, even if it is engaged on the territory of the other country in other activities of the transport undertaking.

Article 4

1. The Belgian laws and regulations shall be applicable to Belgian nationals in the service either of a Belgian diplomatic or consular office in the Netherlands or of a Netherlands diplomatic or consular office in Belgium, or of the heads, members or other officials of such office.

2. The Netherlands laws and regulations shall be applicable to Netherlands nationals in the service either of a Netherlands diplomatic or consular office in

¹ League of Nations, *Treaty Series*, Volume XI, page 333, and Volume LIV, page 389.

Belgium or of a Belgian diplomatic or consular office in the Netherlands or of the heads, members or other officials of such office.

Article 5

With regard to nationals of either of the two contracting countries who have been successively or alternately subject to the laws and regulations of both countries, in fixing the qualifying period or the number of contributions required to ensure the right to statutory benefit, the total duration of the periods of liability to insurance or the total number of legal contributions paid in both countries shall be taken into consideration.

PART II.—SPECIAL PROVISIONS RESPECTING OLD-AGE INSURANCE AND PREMATURE DEATH

Article 6

The provisions of article 5 shall also apply to the following persons:

(1) a person voluntarily insured under Belgian law who is or has been compulsorily insured under Netherlands law;

(2) a person compulsorily insured under Netherlands law who is or has been voluntarily insured under Belgian law;

(3) a person compulsorily insured under Belgian law who is or has been voluntarily insured under the Netherlands Old Age Insurance Act of 1919;

(4) a person voluntarily insured under Belgian law who is or has been insured under the Netherlands Old Age Insurance Act of 1919.

Article 7

1. Benefits falling due under Belgian law to insured persons or their widows or orphans shall be paid to beneficiaries who are Netherlands nationals even if they reside or establish their residence in the Netherlands.

2. Benefits falling due under Netherlands law to insured persons or their widows or orphans shall be paid to beneficiaries who are Belgian nationals even if they reside or establish their residence in Belgium.

Article 8

The rate of benefit granted under the legislations of the two countries shall be fixed in proportion to the contributions paid in each country.

Article 9

1. Belgian or Netherlands nationals who have been insured successively or alternately under the laws and regulations of both countries and who are domiciled or resident in Belgium, and their widows or orphans who are domiciled or resident in Belgium, shall receive the benefits for which they have qualified in each of the two countries.

2. Netherlands or Belgian nationals who have been insured successively or alternately under the laws and regulations of both countries and who are domiciled or resident in the Netherlands, and their widows or orphans who are domiciled or resident in the Netherlands, shall receive the benefits for which they have qualified in each of the two countries.

3. In the case provided for in the first paragraph, the benefits falling due under Belgian law shall be paid only up to the amount of the difference between the maximum amount of the benefits granted in Belgium and the amount of the benefits falling due in the Netherlands and paid in Belgium.

Article 10

1. In the case of nationals of either of the two countries whose insurance under the Belgian compulsory insurance laws began before the age of thirty-five, the age of thirty-five years mentioned in section 33 of the Netherlands Invalidity Act shall be replaced by the age of sixty-five years, and the amount of 2,000 florins referred to in section 4 of that Act, shall be replaced by the amount of 3,750 florins.

2. In the case provided for in the preceding paragraph, section 372 of the Netherlands Invalidity Act shall not be applicable to an insured person who has never been liable to insurance under the Netherlands Invalidity Act and who is over the age of thirty-five; for the purposes of the application of section 75 of that Act, compulsory insurance shall be deemed to have begun as from the age of thirty-five years.

PART III.—SPECIAL PROVISIONS RESPECTING MEDICAL TREATMENT

Article 11

The medical treatment given to an insured person and the members of his family shall be provided in accordance with existing legislation at the place of domicile of the insured person.

Article 12

The competent authorities of each of the two contracting countries shall jointly determine the procedure for applying the provisions of article 11 and

shall in particular fix the amount of the lump-sum payments for third parties owed respectively by Belgian and Netherlands organs as a set-off for medical treatment provided to the nations of either country in the territory of the other.

PART IV.—SPECIAL PROVISIONS RESPECTING INVOLUNTARY UNEMPLOYMENT

Article 13

1. The nationals of either contracting country shall be entitled in the territory of the other country to benefit in full under the legislation and regulations respecting unemployment as regards the allowances granted to unemployed persons by the State, the provinces, the communes or other public institutions, and also as regards the placing in employment by the public authorities for the carrying out of public works.

2. The contracting countries undertake in case of unemployment to grant allowances similar to those granted under their own legislations to workers not resident in the territory of the country in which they were working and consequently not qualified to benefit under the laws and regulations respecting unemployment in force in that country.

PART V.—SPECIAL PROVISIONS RELATING TO FAMILY AND MATERNITY ALLOWANCES

Article 14

Family and maternity allowances shall be granted irrespective of which of the two countries the worker's children are born or brought up.

PART VI.—SPECIAL PROVISIONS RELATING TO THE RETIREMENT PENSION SYSTEM FOR MINERS AND PERSONS PLACED ON THE SAME FOOTING AS MINERS

Article 15

The administrative measures for applying the retirement pension system for miners and persons placed on the same footing shall be drawn up jointly by the competent authorities of the two countries in conformity with the general principles and the spirit of the present Convention.

PART VII.—FINAL PROVISIONS

Article 16

1. The competent authorities of the two contracting countries shall issue the administrative measures and regulations requisite for carrying out the provisions of the present Convention.

2. The competent authorities and administrative departments of the two countries shall give one another assistance and provide each other with all the information necessary for the proper execution of this Convention.

Article 17

Any amendments which may be made subsequently in the laws and regulations referred to in article 1, and any extensions of those laws and regulations shall be applicable *ipso facto* to the nationals of the other country, unless either of the two countries raises an objection within a time-limit of six months reckoned from the date of entry into force of the amendment or extension in question.

Article 18

All disputes relating to the application of the present Convention shall be settled by mutual agreement by the competent authorities of the two contracting countries. If it is found impossible to reach a solution in this manner, the dispute shall be settled by an arbitration procedure to be set up by arrangement between the two Governments. The arbitral body shall settle the dispute in accordance with the fundamental principles and spirit of the present Convention.

Article 19

For the purpose of the present Convention, the competent authorities in each of the contracting countries shall be deemed to be the ministers responsible, each in so far as he is concerned, for the laws and regulations referred to in article 1.

Article 20

Appeals, which should be lodged within a given time-limit with an organ of either of the contracting countries competent to receive appeals on matters falling under the provisions of the present Convention, shall be considered to be receivable if they are submitted within the same time-limit by an appellant domiciled in that country to a corresponding organ of the other country. In such case the latter organ shall immediately transmit the appeal to the competent organ in the other country.

Article 21

1. The benefit of tax exemptions provided by the legislation of either contracting country for documents to be submitted to the competent administrative bodies or organs of that country shall be extended to the corresponding documents to be submitted for the purpose of applying the present Convention to the competent administrative bodies or organs of the other country.

2. All instruments, documents and papers of any kind which have to be produced for the purpose of applying the present Convention shall not require to be counter-signed or legalized by the diplomatic or consular authorities.

Article 22

The present Convention is concluded for a period of one year. It shall be renewable by tacit consent from year to year subject to notice of termination, which must be given three months before the expiry of the period.

Article 23

1. The present Convention shall be ratified and the instruments of ratification exchanged as early as possible.

2. The Convention shall come into operation one month after the first day of the month following that in which the instruments of ratification are exchanged.

3. As from the day of the entry into force of the present Convention, the Belgian-Netherlands Convention of 16 October 1931¹ respecting the assimilation of the nationals of the two countries as regards the application of the legislation of the two countries respecting invalidity and old age insurance, and as regards the regulation of the consequences of the simultaneous operation of the legislations of the two countries, shall be abrogated.

IN FAITH WHEREOF the respective Plenipotentiaries have signed the present Convention in French and Dutch and have affixed their seals thereto.

DONE in duplicate, at The Hague, on 29 August 1947.

(Signed) LÉON-ELI TROCKET

(Signed) W. DREES

¹ League of Nations, *Treaty Series*, Volume CXXXVII, page 411.