

No. 3994

NETHERLANDS
and
YUGOSLAVIA

**General Convention on social security. Signed at Belgrade,
on 1 June 1956**

Official text: French.

Registered by the Netherlands on 14 September 1957.

PAYS-BAS
et
YOUGOSLAVIE

**Convention générale sur l'assurance sociale. Signée à
Belgrade, le 1^{er} juin 1956**

Texte officiel français.

Enregistrée par les Pays-Bas le 14 septembre 1957.

[TRANSLATION — TRADUCTION]

No. 3994. GENERAL CONVENTION¹ ON SOCIAL SECURITY BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA. SIGNED AT BELGRADE, ON 1 JUNE 1956

The Royal Netherlands Government and

The Government of the Federal People's Republic of Yugoslavia,

Desirous of regulating relations between their two States with regard to social security, have resolved to conclude a Convention for that purpose and have agreed on the following provisions :

TITLE I

DEFINITIONS AND SCOPE

Article 1

For the purposes of the present Convention the following terms shall have the meanings given below :

- (1) " Territory " : in Yugoslavia the territory of the Federal People's Republic of Yugoslavia, and, in the Netherlands the territory of the Kingdom in Europe;
- (2) " National " : in Yugoslavia a person having the nationality of the Federal People's Republic of Yugoslavia, and, in the Netherlands a person of Netherlands nationality;
- (3) " Legislation " : the laws, decrees, orders and other regulations dealing with the branches of social insurances enumerated in article 2 hereunder;
- (4) " Competent authority " : in Yugoslavia one of the Departments of the Federal Executive Council responsible for the administration of the legislative provisions enumerated in article 2 hereunder, and, in the Netherlands the Minister responsible for the administration of the legislative provisions enumerated in article 2 hereunder;
- (5) " Social insurance authority " : the institution responsible for the administration of the branches of social insurance specified in article 2 hereunder;
- (6) " Worker " : a person who comes within the definition of an employed person under the legislation which is being applied, or a person treated as an employed person by that legislation;

¹ Came into force on 1 April 1957, in accordance with article 42, the instruments of ratification having been exchanged at The Hague on 5 March 1957.

- (b) Laws or regulations extending existing schemes to new classes of beneficiaries, unless the Government of the Contracting Party concerned fails to lodge an objection with the Government of the other Party within a period of three months after the official publication of the said laws or regulations.

Article 3

This Convention shall apply to workers who are nationals of one of the Contracting Parties.

TITLE II

GENERAL PROVISIONS

Article 4

Yugoslav or Netherlands workers shall be subject respectively to the legislative provisions in force in the Netherlands or Yugoslavia and shall enjoy the benefits thereof under the same conditions as the nationals of each of these countries.

Article 5

Paragraph 1. Workers who are employed in either country shall be subject to the laws in force at their place of employment.

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

- (a) Workers normally employed by an undertaking situated on the territory of one of the Contracting Parties shall remain subject to the legislation in force in the country in which they are normally employed when they are sent by their employer to the territory of the other Party, if the duration of their new employment is not expected to exceed twelve months; where, for unforeseeable reasons, this employment is extended beyond the period originally laid down and exceeds twelve 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) Workers belonging to transport undertakings on the territory of either Contracting Party who are employed on the territory of the other Party permanently or temporarily, or as travelling personnel, shall be subject exclusively to the provisions in force in the country in which the undertaking has its head office;
- (c) Workers belonging to an official administrative department who are posted by one of the Contracting Parties for employment in the other shall be subject to the provisions in force in the country by which they are posted.

Article 6

The provisions of article 5, paragraph 1, shall be applicable to workers employed in the diplomatic or consular offices of Yugoslavia or the Netherlands or who are in the personal employ of officers of those offices.

Nevertheless :

1. This article shall not apply to diplomatic and consular career officers, including officials on the staff of chancelleries;
2. Workers who are nationals of the country represented by the diplomatic or consular office and who are not definitely established in the country where they are employed are subject to the legislation of their country of origin. Subject however, to a previous agreement between the competent authorities, the legislation of the country of their place of employment may be made applicable to them.

Article 7

The competent authorities may provide, by mutual agreement, for exceptions to the rules laid down in articles 5 and 6.

TITLE III

SPECIAL PROVISIONS

CHAPTER I. SICKNESS AND MATERNITY INSURANCE

Article 8

With a view to the acquisition, maintenance and recovery of the right to benefits for the purposes of the application of this chapter, in cases where an insured person has been subject successively or alternatively to the legislation of both Contracting Parties, the insurance periods completed in accordance with the legislation of each of the Parties shall be aggregated.

Article 9

Workers who go from Yugoslavia to the Netherlands or vice versa shall, as also those legally entitled persons whose rights derive from such workers, be eligible for sickness and maternity insurance benefits in the country of their new place of employment provided that :

1. They have been in that country, in an employment which is subject to insurance;
2. They fulfil the conditions required for eligibility for benefit under the legislation of that country, account being taken of the insurance periods completed in the territory of one or other of the Contracting Parties.

Article 10

Legally entitled persons whose rights derive from a worker, who are normally resident in the territory of one of the Contracting Parties while the worker is employed in the territory of the other Party, shall be eligible for the benefits in kind provided in the legislation of their country of residence; they shall receive such benefits through the social insurance authority of that country until the expiry of the time-limit specified in the legislation of the Party to which the insured person belongs. These benefits shall be borne by the social insurance authority of the country in which the worker is insured.

Article 11

Paragraph 1. Where the person concerned is the holder of a pension, annuity or invalidity allowance payable under the legislation of either of the Contracting Parties, the benefits in kind for which he is eligible shall be supplied to him and to the persons legally entitled thereto by the social insurance authority of his place of residence in accordance with the legislation applied by that authority. The benefits shall be borne by the said authority.

Paragraph 2. Where the holder of a pension, annuity or invalidity allowance payable under the legislation of either Contracting Party resides in the territory of the other Party, any benefits in kind for which he is eligible shall be paid to him and to the persons legally entitled thereto by the social insurance authority of the second Party in accordance with the legislation applied by that authority. The benefits shall be borne by the social insurance authority of the first Party.

Article 12

Paragraph 1. Where an insured person who has become eligible for benefits with the social insurance authority of one of the Contracting Parties goes to the territory of the other Party after having begun to receive insurance benefits, his rights shall be maintained only if the competent insurance authority consents to the change of residence. That consent may only be refused for reasons connected with the worker's ill-health. In cases of pregnancy, consent may be given even before delivery.

Paragraph 2. Where an insured person, or the holder of a pension, annuity or invalidity allowance of one of the Contracting Parties, or the persons legally entitled to benefit from such person's rights are temporarily resident in the territory of the other Party, benefits in kind shall be provided by the social insurance authority of that Party.

Paragraph 3. In the cases specified in the preceding paragraphs, cash benefits shall be paid by the social insurance authority with which the insured person is insured.

Paragraph 4. In the cases specified in paragraphs 1 and 2 benefits in kind shall be provided by the social insurance authority of the country of residence of the person concerned in accordance with the legislation applied to its own insured persons until the expiry of the time-limit specified in the legislation of the Contracting Party by which the person concerned is covered.

The expenses shall be borne by the social insurance authority with which the insured person is insured.

Article 13

The manner in which expenses shall be refunded in cases in which the social insurance authority of one of the Contracting Parties provides benefits in kind for the account of the authority of the other Party shall be established by administrative arrangement; such refund may be made by means of a lump sum.

CHAPTER 2. INVALIDITY, OLD-AGE AND DEATH INSURANCE PENSION

Article 14

Paragraph 1. In the case of workers who, in the two countries, have been insured successively or alternatively, under one or more invalidity or old-age insurance systems, the insurance periods completed in these systems, or the periods recognized as equivalent to insurance periods by virtue of the said systems, shall, provided they do not overlap, be aggregated for the purposes both of the determination of the right to a pension and of the maintenance or recovery of this right.

Paragraph 2. When the laws or regulations of either Contracting Party make the grant of certain benefits conditional upon the insurance periods being completed in an occupation subject to a special insurance scheme, only the periods completed in the corresponding special system or systems of the other Party shall be aggregated for purposes of admission to the grant of these benefits. If the laws of one of the Parties make no provision for a special system governing the particular occupation, the insurance periods completed in the said occupation in the ordinary system covered by the present Convention shall, however, be aggregated by the other Party for purposes of the application of the special system.

Paragraph 3. Where the laws of either Contracting Party make the grant of certain benefits conditional upon the insurance periods being completed in an occupation subject to a special insurance system, and when the said periods have not established a right to the benefits prescribed in the said special system, such periods shall be considered valid for the payment of benefits under the ordinary system.

Paragraph 4. The social insurance authority of each country shall determine, in accordance with the legislation applicable to it and taking into account the total number of insurance periods specified in paragraph 1, completed in the two countries, if the person concerned satisfies the conditions required in order to be entitled to a pension or an invalidity allowance.

Paragraph 5. Each social insurance authority whose requirements for granting benefit are satisfied, should determine, as a matter of form, the amount of the pension or invalidity allowance in accordance with the legislation applicable to it, taking into account the total number of periods referred to in paragraph 1, and shall establish the amount payable in proportion to the periods actually completed under that legislation.

Article 15

When an insured person, account being taken of the total number of periods referred to in paragraph 1 of the article last preceding, does not simultaneously satisfy the conditions required by the laws of both Contracting Parties, his right to a pension or to an invalidity allowance shall be established under each legislation as he satisfies those conditions.

Article 16

Paragraph 1. Every worker from either Contracting Party may, upon qualifying for a pension or an invalidity allowance, renounce the benefit of the provisions of article 14 of this Convention. The pension or invalidity allowance to which he may be entitled by virtue of the laws of each of the Parties shall then be paid separately by the competent social security authority of either Party, independently of the the insurance periods completed in accordance with the legislation of the other Party.

Paragraph 2. A worker from either Contracting Party shall be entitled to make a fresh choice between benefiting under the provisions of article 14 and under the provisions of this article if it becomes in his interest to do so either as the result of an amendment to one of the national legislations of the Parties or of the transfer of his place of residence from the territory of one Party to the territory of the other, or, in the case referred to in article 15, at the time when his right to a pension or invalidity allowance is established or modified under one of the legislations applicable to him.

Article 17

If a worker from either Contracting Party has been compulsorily insured under Yugoslav legislation before the age of thirty-five years and subsequently becomes a wage-earning employee or is treated as a wage-earning employee in the Netherlands :

- (a) He shall not be excluded from insurance in respect of invalidity under the legislation of the Netherlands, provided that he has not reached the age of sixty-five years, is not earning a remuneration which would entitle him to claim exemption from that insurance and is not exempted from that insurance by any other provision of that legislation, and
- (b) For the purpose of determining the right to a pension, and calculating the amount thereof, under the legislation of the Netherlands in respect of invalidity, he shall be treated as having become insured at the age of thirty-five years or at the age at which he became insured in Yugoslavia, whichever is the more favourable to him.

Article 18

The provisions contained in the present chapter shall apply to pensions for widows, widowers and orphans, provided under the legislation of either of the two Contracting Parties, subject to such special conditions as the differing nature of these pensions shall require.

CHAPTER 3. INSURANCE AGAINST INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 19

Paragraph 1. Claims under insurance against industrial accidents and occupational diseases shall be satisfied in accordance with the legislative provisions to which the insured person is subject at the time of the occurrence of the accident or the appearance of the disease, and shall be borne by the social insurance authority competent under the said legislation.

Paragraph 2. Benefits due in respect of occupational diseases shall be paid in accordance with the provisions of the legislation of one of the Contracting Parties and shall be borne by the social security authority of that Party :

- (a) If the disease becomes apparent during a period of insurance with an accident insurance system of the party in question, and results from an occupation likely to cause that disease, even if it was contracted by the insured person while in the same occupation in the territory of the other Party and, under the provisions of that Party's legislation, no benefits were or can be paid;
- (b) If an application for benefits is made on the grounds of the aggravation of an occupational disease which originated in an occupation in the territory of the other Party the social security authority which has already paid benefits in respect of that disease, provided that such aggravation became apparent while the insured person was in the same occupation in the territory of the first Party.

Article 20

In assessing, for the purpose of the legislation of one of the Contracting Parties, the degree of incapacity resulting from an industrial accident, any previous industrial accident or accidents, compensation for which is payable by the social security authority of the other Party, shall be taken into account in the same manner as industrial accidents covered by the legislation of the first Party.

Article 21

Where a worker from either Contracting Party, having received compensation for an occupational disease in the territory of one of the Contracting Parties, claims compensation for an occupational disease of the same kind under the legislation of the other Party, the competent social security authority in the latter Party shall be responsible for obtaining documentary evidence concerning the benefits previously paid in respect of the same disease.

The social security authority responsible for payment of the new benefits shall treat any benefits previously paid as if it had paid them itself.

CHAPTER 4. FAMILY ALLOWANCES

Article 22

With a view to the acquisition, maintenance and recovery of the right to benefits for the purposes of the application of this chapter, in cases where an insured person has been subject successively or alternatively to the legislation of both Contracting Parties, the insurance periods completed in accordance with the legislation of each of the Parties shall be aggregated.

Article 23

In the granting of family allowances, no distinction shall be made between beneficiaries residing or being brought up in either of the two countries, nor will any distinction be made with respect to the family allowances of beneficiaries of social insurance benefits residing in either country.

Article 24

Paragraph 1. Family allowances due to the holder of a pension or invalidity allowance determined by virtue of the application of this Convention by the social security authority of either Contracting Party, shall be paid, in accordance with its provisions, by the social security authority of the Party in whose territory the holder of the pension or invalidity allowance is resident.

Paragraph 2. The family allowances due to the holder of a pension or invalidity allowance determined in accordance with the legislation of one Contracting Party shall be paid by the social security authority responsible for the payment of the pension or invalidity allowance.

CHAPTER 5. UNEMPLOYMENT INSURANCE

Article 25

With a view to the acquisition, maintenance and recovery of the right to benefits for the purpose of the application of this chapter, in cases where an insured person has been subject successively or alternatively to the legislation of both Contracting Parties, the insurance periods completed in accordance with the legislation of each of the Parties shall be aggregated.

Article 26

Workers who go from Yugoslavia to the Netherlands or vice versa shall be eligible for unemployment insurance benefits in the country of their new place of employment, provided that

1. They have been, in that country, in an employment which is subject to insurance;
2. They fulfil the conditions required for eligibility to benefit under the legislation of that country, account being taken of the insurance period completed in the territory of one or other of the Contracting Parties.

TITLE IV

COMMON PROVISIONS

Article 27

Paragraph 1. Where a period of compulsory insurance accountable under the legislation of one Contracting Party coincides with a period of voluntary insurance completed under the legislation of the other Party, only the period of compulsory insurance shall be taken into account.

Paragraph 2. Where an insurance period completed under the legislation of one Contracting Party coincides with an equivalent period completed under the legislation of the other Party, only the insurance period shall be taken into account.

Paragraph 3. Where an equivalent period completed under the legislation of one Contracting Party coincides with an equivalent period completed under the legislation of the other Party, account shall be taken of the equivalent.

period only in accordance with the legislation of the Party in whose territory the insured person concerned was last employed before the beginning of the period in question.

Paragraph 4. Where the insured person was not employed before the equivalent period, account shall be taken only of the equivalent period under the legislation of the Contracting Party in whose territory the insured person concerned was employed for the first time after that period.

Article 28

The competent authorities will determine by mutual agreement the measures necessary to avoid duplication in cases in which the application of the legislation of both Contracting Parties and of this Convention would result in the simultaneous granting of benefits payable by the social security authorities of both countries. Nevertheless this provision shall not apply to the benefits specified in title III, chapter 2.

Article 29

Where, under the legislation of one of the Contracting Parties, at the time of determining the cash benefits account must be taken of the average wage earned during the insurance period concerned, the average wage of which account is taken for the calculation of the benefits under that legislation shall be determined according to the wages received during the insurance periods completed under the legislation of the said Party.

Article 30

Paragraph 1. Long-term cash benefits (pensions annuities and invalidity allowances) acquired under the legislation of one of the Contracting Parties in respect of invalidity, old-age, death, industrial accidents or occupational diseases shall not be subject to any reduction, modification, suspension or confiscation by reason of the fact that the beneficiary resides in the territory of the other Party.

Paragraph 2. Benefits under the social insurance system of either Contracting Party shall be payable to the nationals of the other Party when they reside in the territory of a third country, under the same conditions and at the same time as to its own nationals residing in the said third country.

Article 31

Where, under the legislation of one of the Contracting Parties, the right to benefits which have been determined and derive from the social security system or the amount of such benefits, is made conditional on the amount of the normal income or the financial resources of the beneficiary, such income or resources shall only be taken into account by each Party on its own territory.

TITLE V
SUNDRY PROVISIONS

Article 32

Paragraph 1. The competent authorities :

1. Shall make such administrative arrangements as may be necessary for the application of this Convention;
2. Shall communicate to each other all information regarding measures taken for its application;
3. Shall communicate to each other, as soon as possible, all information regarding any changes made in their legislation which may affect the application of this Convention.

Paragraph 2. A supplementary agreement based on the principles of this Convention shall regulate the application thereof to the Netherlands legislation on general old-age insurance.

Paragraph 3. The competent authorities shall regulate by agreement, if necessary, the situation of special classes of workers, in particular mine-workers and seamen.

Article 33

Paragraph 1. When dealing with any matter in the application of this Convention, the competent authorities and social security authorities shall furnish to each other mutual assistance as if such matter were one affecting the application of their own social security legislation.

Such authorities may, if necessary, apply for the same purpose to the diplomatic and consular representatives to take action.

Paragraph 2. The diplomatic and consular representatives of a Contracting Party may directly, and without special authority, represent the nationals of their country before the social security authorities and competent authorities of the other Party and take all necessary steps to safeguard and maintain their rights under the social insurance system.

Paragraph 3. The competent authorities shall, in particular, regulate by agreement the methods of medical and administrative control to be applied to the beneficiaries of this Convention.

Article 34

Paragraph 1. The privilege of exemption from, or reduction of, stamp duties and fees provided by the laws of either Contracting Party in respect of papers or documents to be produced for the purposes of the application of the legislation of that Party shall be extended to the papers and documents to be produced for the purposes of the application of legislation of the other Party.

Paragraph 2. The competent authority or social security authority shall not require legalization by diplomatic or consular authorities of documents, certificates or papers to be produced for the purposes of the application of this Convention.

Article 35

Claims, statements or appeals relating to social insurance which must be lodged within a prescribed period with a social security authority of one of the Contracting Parties shall be deemed receivable if they are lodged within the same period with the corresponding authority of the other Party. In such cases, the latter authority shall transmit without delay the said claims, statements or appeals to the competent authority of the former Party.

Article 36

For purposes of the application of this Convention, social security authorities may correspond directly with each other, while beneficiaries of this Convention may correspond either directly or through the social insurance authorities of their country of residence.

Article 37

Paragraph 1. The amount of all benefits due under the provisions of this Convention shall be determined in the currency of the country whose authorities are responsible for payment.

Paragraph 2. Transfers required in order to carry out this Convention shall be made in accordance with the agreements in force between the Contracting Parties at the time of the transfer.

Paragraph 3. The social security authority responsible for an annuity pension or invalidity allowance, the monthly amount of which is less than a sum agreed by exchange of letters between the competent authorities, may pay the said annuity pension or allowance quarterly, half-yearly or yearly.

Article 38

Paragraph 1. Benefits the payment of which were suspended under the provisions in force on the territory of one of the Contracting Parties by reason of the nationality or the residence abroad of the persons concerned shall be paid from the day of the entry into force of this Convention. Benefits which could not be paid to the persons concerned for the same reason shall be awarded and paid as from the same day. This paragraph shall not apply unless the claims or appeals are made within three years from the date of entry into force of this Convention.

Paragraph 2. The rights of Yugoslav or Netherlands nationals to whom pensions, annuities or invalidity allowances had been awarded before the entry into force of this Convention may be reviewed on an application made by the persons concerned. As a result of the review, the beneficiaries shall acquire, as from the day of the entry into force of this Convention, the same rights as they would have acquired if the Convention had been in force when the benefit was awarded.

Paragraph 3. If the rights previously established were cancelled on payment of a lump sum by reason of the short duration of employment and, if by reason of the application of the provisions of this Convention on the aggregation of insurance periods and equivalent periods, the beneficiary is entitled to a pension, annuity or invalidity allowance, he may apply for review. The question of the settlement of the lump sum payments shall be settled in accordance with the provisions in force in each of the Contracting Parties.

Paragraph 4. The provisions of the foregoing paragraph shall similarly apply at the request of the person concerned to the contingencies covered by the insurance which arose before the entry into force of this Convention, and for which no pension, annuity, invalidity allowance or lump sum compensation was awarded by reason of the short duration of the employment.

Paragraph 5. Applications for review under paragraphs 2, 3 and 4, above must be lodged within three years from the date of the entry into force of this Convention.

Article 39

Paragraph 1. All difficulties relating to the application of this Convention shall be settled by agreement between the competent authorities.

Paragraph 2. In cases where it is not possible to arrive at a solution by this means, the dispute shall be submitted to arbitration in accordance with a procedure to be arranged between the two Governments. The arbitral tribunal shall settle the dispute in accordance with the fundamental principles and spirit of this Convention.

Article 40

In cases where the right of an insured person to benefits cannot be disputed, but a dispute exists between the social security authorities of the Contracting Parties concerning the legislation to be applied, an appropriate benefit shall be awarded as an advance payment by the social security authority concerned of the country of residence.

The social security authority ultimately responsible for the payment of benefits shall refund to the authority which paid the provisional benefit the total amount thus paid.

Article 41

Paragraph 1. If notice of termination has been given, the provisions of this Convention and of the supplementary arrangements shall remain applicable to acquired rights, notwithstanding any restrictive provisions that the Contracting Parties may have laid down in their legislations for cases where an insured person resides in a foreign country.

Paragraph 2. As regards any rights that are in process of acquisition in respect of insurance periods completed before the date on which this Convention ceases to have effect, the provisions thereof may be applied under conditions to be agreed upon in supplementary arrangements.

TITLE VI

FINAL PROVISIONS

Article 42

Paragraph 1. This Convention shall be ratified and the instruments of ratification shall be exchanged at The Hague as soon as possible.

Paragraph 2. This Convention shall come into force on the first day of the month following the date of exchange of the instruments of ratification.

Article 43

This Convention is concluded for the duration of one year. It shall be renewed by tacit agreement from year to year unless notice of termination is given three months before the expiration of the period.

DONE in duplicate at Belgrade on 1 June 1956 in the French language.

For the Royal Netherlands
Government :

(Signed) H. A. HELB

For the Government
of the Federal People's Republic
of Yugoslavia :
(Signed) F. POPIT