

No. 4614

**NETHERLANDS
and
SWITZERLAND**

**Convention (with Additional Protocol) on social insurance.
Signed at Berne, on 28 March 1958**

**Administrative Arrangement concerning the application of
the above-mentioned Convention. Signed at Berne, on
28 March 1958, and at The Hague, on 3 June 1958**

Official text: French.

Registered by the Netherlands on 30 December 1958.

**PAYS-BAS
et
SUISSE**

**Convention (avec Protocole additionnel) sur les assurances
sociales. Signée à Berne, le 28 mars 1958**

**Arrangement administratif relatif aux modalités d'application
de la Convention susmentionnée. Signé à Berne, le
28 mars 1958, et à La Haye, le 3 juin 1958**

Texte officiel français.

Enregistrés par les Pays-Bas le 30 décembre 1958.

[TRANSLATION — TRADUCTION]

No. 4614. CONVENTION¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE SWISS CONFEDERATION ON SOCIAL INSURANCE. SIGNED AT BERNE, ON 28 MARCH 1958

Her Majesty the Queen of the Netherlands
and

The Swiss Federal Council,

Being desirous of regulating relations between the two States in the matter of social insurance,

Have decided to conclude a convention with this object and, for this purpose, have appointed as their plenipotentiaries :

Her Majesty the Queen of the Netherlands :

His Excellency Mr. J. W. M. Snouck Hurgronje, Her Ambassador Extraordinary and Plenipotentiary at Berne,

The Swiss Federal Council :

Mr. Arnold Saxer, Director of the Federal Office of Social Insurance,

Who, having exchanged their full powers, found in good and due form, have agreed upon the following provisions :

T I T L E I

GENERAL PROVISIONS

Article 1

1. The provisions of this Convention shall apply,

(a) In the case of Switzerland, to

(1) The federal legislation concerning old age and survivors insurance ;

(2) The federal legislation concerning insurance against industrial accidents, occupational diseases and non-industrial accidents ;

(b) In the case of the Netherlands, to

(1) The legislation concerning invalidity, old age and survivors insurance for employed persons ;

¹ Came into force on 1 December 1958, in accordance with article 23, paragraph 2. The exchange of the instruments of ratification took place at The Hague on 30 October 1958.

- (2) The legislation concerning general old age insurance ;
- (3) The legislation concerning insurance against industrial accidents and occupational diseases.

2. This Convention shall also apply to all legislative or administrative enactments codifying, amending or supplementing the laws listed in paragraph 1 of this article :

Provided that this Convention shall only apply to legislative or administrative enactments extending the existing schemes to new categories of beneficiaries if the High Contracting Party concerned does not object to the other Party within three months from the date of the official publication of the said enactments.

Article 2

Subject to the provisions of this Convention, Swiss and Netherlands nationals shall enjoy equality of treatment with regard to the rights and obligations resulting from the social insurance legislation listed in article 1.

Article 3

1. A person who is a national of one High Contracting Party and is employed in the territory of the other Party shall be subject to the legislation of the latter Party even if he is ordinarily resident in the territory of the former Party and even if his employer or the principal place of business of the undertaking which employs him is situated in the territory of the former Party.

2. This principle shall be subject to the following exceptions :

- (a) An employed person, in the service of an undertaking which has its principal place of business in the territory of one High Contracting Party, who is sent to the territory of the other Party shall remain subject to the insurance of the Party where the undertaking has its principal place of business during the first twelve months of his employment in the territory of the other Party. If his employment in the latter territory should continue after such period, the insurance of the former Party may continue to apply to him by way of exception with the agreement of the high administrative authority of the other Party and for such period as the latter shall authorize.
- (b) A person in the service of a transport undertaking of one High Contracting Party who is employed in the territory of the other Party, either transiently or as travelling personnel, shall be subject only to the provisions in force in the country in which the undertaking has its principal place of business.
- (c) A person employed by an official administrative service of one High Contracting Party who is seconded to the other Party shall be subject to the provisions in force in the country to which he is seconded.

Article 4

The provisions of article 3, paragraph 1, shall apply to persons employed in Swiss or Netherlands diplomatic and consular missions or in the personal employ of such diplomatic or consular representatives :

Provided that :

- (1) Diplomatic and consular officers *de carrière*, including officers on the staff of chancelleries, shall be excepted from the operation of this Convention ;
- (2) Where nationals of the country represented by the diplomatic or consular mission are not permanently established in the country where they are employed, the legislation of their country of origin shall apply to them.

Article 5

The high administrative authorities of the High Contracting Parties may provide, by common agreement, for exceptions to the provisions of articles 3 and 4.

T I T L E I I

SPECIAL PROVISIONS

Chapter 1

*INVALIDITY, OLD AGE AND SURVIVORS INSURANCE**Article 6*

1. Netherlands nationals who are or have been covered by Swiss old age and survivors insurance shall be entitled to the ordinary annuity from the said insurance on the same conditions as Swiss nationals if, at the time when the event insured against occurs, they :

- (a) Have paid Swiss old age and survivors insurance contributions for a total period of at least five full years ; or
- (b) Have been resident in Switzerland for a total period of at least ten years (including five years of uninterrupted residence immediately preceding the occurrence of the insurable event) and have, during such period, paid Swiss old age and survivors insurance contributions for a total period of at least one full year.

2. On the death of a Netherlands national fulfilling the conditions laid down in sub-paragraph (a) or (b) of paragraph 1, his survivors shall be entitled to the ordinary annuity under Swiss old age and survivors insurance.

3. Netherlands nationals not fulfilling the conditions laid down in sub-paragraphs (a) or (b) of paragraph 1, as well as their survivors, shall be entitled to refund of the insured person's and employer's contributions.

4. Netherlands nationals who, under the preceding paragraph, have obtained refund of contributions, shall have no further claim under Swiss insurance by virtue of such contributions.

Article 7

The interim annuities prescribed by the Swiss legislation concerning old age and survivors insurance shall be granted, on the conditions prescribed for Swiss nationals, to Netherlands nationals, provided that they have been resident in Switzerland for an uninterrupted period of ten years preceding the claim for an annuity and have not, during that time, obtained refund of contributions in accordance with article 6, paragraph 3.

Article 8

The interim pensions referred to in article 46 of the Netherlands General Old Age Act shall be granted to Swiss nationals on the same conditions as to Netherlands nationals, provided that the former have been resident in the Netherlands for an uninterrupted period of ten years preceding the claim for a pension.

Article 9

1. Netherlands nationals who are entitled to claim benefits under the social insurance schemes referred to in article 1, paragraph 1, sub-paragraph (a) (1), and Swiss nationals who are entitled to claim benefits under the social insurance schemes referred to in article 1, paragraph 1, sub-paragraph (b) (1) and (2), shall receive such benefits, including any supplement or increment thereto, in full and without curtailment, as long as they are resident in the territory of either High Contracting Party.

2. Provided that :

- (a) The interim Swiss annuities referred to in article 7 shall cease to be paid to Netherlands nationals who leave Swiss territory ;
- (b) The interim Netherlands pensions referred to in article 8 shall cease to be paid to Swiss nationals who leave Netherlands territory.

3. The benefits referred to in paragraph 1, with the exception of those referred to in paragraph 2, shall be granted by one High Contracting Party to nationals of the other Party who are resident in a third country, on the same conditions and to the same extent as to its own nationals resident in that country.

Article 10

For the purpose of establishing eligibility for old age and survivors' benefits under the Netherlands legislation referred to in article 1, paragraph 1, sub-paragraph (b) (1), the Netherlands institution shall take into account the insurance periods and the equivalent periods completed under Swiss old age and survivors insurance, in so far as such periods do not overlap those completed under Netherlands insurance.

Article 11

Where a worker of either High Contracting Party has been insured under Swiss old age and survivors insurance before the age of thirty-five and is a wage-earner or is treated as such in the Netherlands :

- (a) He shall not be excluded from insurance under the Netherlands legislation referred to in article 1, paragraph 1, sub-paragraph (b) (1), provided that he has not reached the age of sixty-five, is not receiving remuneration entitling him to claim exemption from participation in the insurance or is not excluded from insurance under another provision of the said legislation ;
- (b) The annuity payable under the said legislation shall be calculated solely on the basis of the insurance periods completed under the Netherlands insurance by the person concerned ; article 372 of that legislation shall not be applicable.

Chapter 2

*INSURANCE AGAINST ACCIDENTS AND OCCUPATIONAL DISEASES**Article 12*

A person insured in accordance with the legislation of one High Contracting Party who suffers an accident or who contracts an occupational disease in the territory of the other Party, shall be entitled to claim all necessary medical care from the accident insurance institution of the Party in whose territory he is residing. In such cases, the insuring institution responsible for the insured person shall be obliged to reimburse the cost of the medical care to the insurance institution which provided it.

Article 13

Where an insuring institution of one High Contracting Party is required to pay benefits to an insured person and a benefit must be awarded by the insuring institution of the other Party in respect of a new accident or occupational disease suffered by the same insured person, the latter insuring institution shall take the benefit awarded by the former insuring institution into account in the same way as if it had to pay this benefit itself.

Article 14

1. Netherlands nationals who are entitled to claim a benefit under the Swiss insurance mentioned in article 1, paragraph 1, sub-paragraph (a) (2), and Swiss nationals who are entitled to claim a benefit under the Netherlands insurance mentioned in article 1, paragraph 1, sub-paragraph (b) (3), shall receive such benefit, including any supplement or increment thereto, in full and without curtailment, as long as they are resident in the territory of either High Contracting Party.

2. The benefits referred to in paragraph 1 shall be granted by one High Contracting Party to nationals of the other Party who are resident in a third country on the same conditions and to the same extent as to its own nationals resident in that country.

TITLE III

MISCELLANEOUS PROVISIONS

Article 15

1. The high administrative authorities :

- (a) Shall make such administrative arrangements as may be required for the application of this Convention. In particular, with a view to facilitating relations between the insurance institutions of the High Contracting Parties they may each agree to appoint liaison bodies ;
- (b) Shall communicate to each other information regarding any measure taken by them for the application of this Convention ;
- (c) Shall communicate to each other, as soon as possible, information regarding any changes made under their legislation.

2. For the purpose of this Convention, the term "high administrative authority" means :

In the case of Switzerland : the Federal Office of Social Insurance ;

In the case of the Netherlands : the Minister responsible for application of the legislation listed in article 1, paragraph 1, sub-paragraph (b) of this Convention.

Article 16

1. For the purpose of this Convention, the competent authorities and institutions shall furnish assistance to one another as if the matter were one affecting the application of their own national legislation.

2. The high administrative authorities shall, in particular, agree upon the measures to be adopted for the medical and administrative supervision of persons entitled to benefit by virtue of this Convention.

3. The high administrative authorities of the High Contracting Parties shall furnish assistance to one another with regard to the application of the optional insurance of Switzerland and the voluntary insurance of the Netherlands to nationals of one Party who are resident in the territory of the other Party.

Article 17

1. Any exemption from, or reduction of, legal dues, charges and fees provided for in the legislation of one High Contracting Party in connexion with the issue of any certificate or document to be produced for the purposes of that legislation, shall be extended to certificates and documents required to be produced for the purposes of the legislation of the other Party.

2. Where any certificate or other document has to be produced to the competent authority or institution of one (or the other) High Contracting Party for the purpose of applying this Convention, that authority shall not require the certificate or other document to be legalized by a diplomatic or consular authority.

Article 18

Any claim, notice or appeal which should have been presented within a prescribed period to an institution of one High Contracting Party, shall be deemed to have been validly made if it was presented within the same period to the corresponding institution of the other Party. In such cases, the latter institution shall, as soon as possible, send the said claim, notice or appeal to the competent institution of the former Party.

Article 19

1. The institutions responsible for payment of social benefits under this Convention shall be held to discharge their obligations validly by making payment in the currency of their country.

2. The transfers arising out of the application of this Convention shall be effected in accordance with the relevant agreements in force between the High Contracting Parties at the time of the transfer.

3. If provision is made by either High Contracting Party for the placing of restrictions upon the exchange of foreign currency, immediate steps shall be taken by agreement between the two Parties to ensure in accordance with the provisions of this Convention the transfer of amounts payable by each Party to the other.

Article 20

1. Any difficulties in connexion with the application of this Convention shall be resolved by agreement between the High administrative authorities of the High Contracting Parties.

2. Where it is impossible to reach a solution of the difficulty within a period of six months from the initiation of negotiations between the high administrative authorities, the dispute may be submitted to an arbitral body by either of the High Contracting Parties. In such a case each High Contracting Party shall designate an arbitrator. In default of agreement between the arbitrators on the dispute, the said arbitrators shall designate a referee. If they are unable to agree on the choice of a referee, the latter shall be designated by the President of the International Court of Justice.

3. The decision of the arbitrators shall be made in accordance with the principles and spirit of this Convention and shall be final and binding.

TITLE IV

TRANSITIONAL AND FINAL PROVISIONS

Article 21

1. Benefits the payment of which was suspended under the provisions in force in the territory of one of the High Contracting Parties by reason of the recipient's nationality or residence abroad shall be paid as from the date of entry into force of this Convention. Benefits formerly not payable to the persons concerned for the same reason shall be awarded and paid as from the same date.

2. This provision shall not apply unless the claims are made within two years from the date of entry into force of this Convention.

Article 22

1. The provisions of this Convention shall likewise apply in cases where the insurable event occurred prior to the entry into force of the Convention.

2. No benefit based on the provisions of this Convention shall be granted in respect of the period preceding its entry into force.

Article 23

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

2. It shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged.

Article 24

1. This Convention is concluded for a period of one year. Thereafter it shall continue in force from year to year unless denounced by either High Contracting Party three months before the expiry of any such yearly period.

2. In the event of the denunciation of the Convention, any right acquired by a person in accordance with its provisions shall be maintained. Arrangements shall be made regarding the determination of rights in process of acquisition by virtue of its provisions.

Article 25

In relation to the Kingdom of the Netherlands, this Convention shall be valid only for the territory in Europe.

Article 26

The Convention between Switzerland and the Netherlands regarding insurance against industrial accidents, signed at Berne on 27 January 1937,¹ shall be abrogated as from the date of the entry into force of this Convention.

IN WITNESS WHEREOF the undersigned plenipotentiaries have signed this Convention and have thereto affixed their seals.

DONE in duplicate at Berne, in the French language, on 28 March 1958.

For the Kingdom
of the Netherlands :
(Signed) SNOUCK HURGRONJE

For the Swiss Confederation :
(Signed) SAXER

ADDITIONAL PROTOCOL² TO THE CONVENTION BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE SWISS CONFEDERATION ON SOCIAL INSURANCE³

On signing the Convention of 28 March 1958 between the Kingdom of the Netherlands and the Swiss Confederation on social insurance³ (hereinafter referred to as "the Convention") the plenipotentiaries of the two High Contracting Parties have agreed as follows :

¹ League of Nations, *Treaty Series*, Vol. CLXXXVI, p. 433.

² Came into force on 1 December 1958, the date of entry into force of the Convention, in accordance with the final clause of this Protocol.

³ See p. 177 of this volume.

(1) It is noted :

- (a) That the Swiss federal legislation contains no provision involving discrimination between Swiss and Netherlands nationals with respect to rights and obligations under the legislation (not covered by the Convention) on sickness and tuberculosis insurance and on family allowances for agricultural workers and mountain peasants.
- (b) That the Netherlands legislation contains no provision involving discrimination between Netherlands and Swiss nationals with respect to rights and obligations under the legislation (not covered by the Convention) on sickness and maternity insurance.

(2) It is noted :

- (a) That, under Swiss federal legislation (not covered by the Convention) on family allowances for agricultural workers and mountain peasants, Netherlands nationals are entitled to the said allowances on the same conditions as Swiss nationals.
- (b) That, under Netherlands legislation (not covered by the Convention) on family allowances for employed persons and pensioners, Swiss nationals are entitled to the said allowances on the same conditions as Netherlands nationals.

As from the entry into force of the Convention, the provisions contained in the Netherlands legislation restricting the rights of aliens to family allowances for self-employed persons with low incomes shall cease to apply to Swiss nationals.

(3) By virtue of article 1, paragraph 2, the Convention shall, in principle, be applicable to the Netherlands legislation on survivors insurance which is at present in preparation. However, such application shall be regulated in a supplementary agreement based on the principles of the Convention.

(4) In accordance with article 2 of the Convention :

- (a) 1. Article 40 of the Swiss Federal Old Age and Survivors Insurance Act of 20 December 1946, which prescribes reduced rates of annuity for persons who are not nationals of Switzerland, shall not apply to nationals of the Netherlands.
- 2. Article 90 of the Federal Sickness and Accident Insurance Act of 13 June 1911, which prescribes reduced rates of benefit for persons who are not nationals of Switzerland, shall not apply to nationals of the Netherlands.
- (b) The benefits derived from article 43 of the Netherlands General Old Age Act shall be granted to Swiss nationals on the same conditions as to Netherlands nationals.

(5) The principle of equality of treatment set forth in article 2 of the Convention shall not apply to the provisions relating to the Swiss optional old age and survivors insurance.

(6) Article 3, paragraph 2, sub-paragraphs (a) and (b) of the Convention shall apply to all employed persons, irrespective of their nationality.

(7) Persons of Swiss nationality employed in the Netherlands by the Office national suisse du tourisme shall be assimilated with persons employed in official services, within the meaning of article 3, paragraph 2, sub-paragraph (c) of the Convention.

(8) A Netherlands national who is resident in Switzerland and who, during the five years preceding the occurrence of the insurable event, leaves Switzerland for a period not exceeding two months each year, does not interrupt his stay in Switzerland within the meaning of article 6, paragraph (1), sub-paragraph (b) of the Convention ; the foregoing also applies to the cases referred to in article 7, in respect of the period of ten years preceding the claim for an annuity.

(9) The provisions of the Convention regarding conditions for the granting of benefits shall not constitute an obstacle to the application of more favourable treatment for aliens which may be provided for in the national legislation of either High Contracting Party.

(10) It is understood that a Netherlands national who has submitted a claim for an interim annuity under Swiss old age and survivors insurance and who has been awarded such annuity by virtue of article 7 of the Convention, shall no longer be entitled to claim repayment of the contributions he has paid to that insurance.

(11) By virtue of article 9, paragraph 1, of the Convention, Swiss nationals shall continue to enjoy the advantages of article 43 of the Netherlands General Old Age Act when they are in Swiss territory.

(12) By virtue of article 9, paragraph 3, and article 14, paragraph 2, of the Convention :

(a) Netherlands benefits shall be paid to Swiss nationals in all countries where such benefits are paid to Netherlands nationals either under Netherlands national legislation or under the terms of a convention ;

(b) Swiss benefits shall be paid to Netherlands nationals in all third countries.

(13) The provisions of article 11 of the Convention shall also apply to Swiss nationals who have been covered by the Swiss optional old age and survivors insurance.

(14) The Agreement concerning the social security of Rhine boatmen, signed at Paris on 27 July 1950,¹ shall not be affected by this Convention. However, the

¹ United Nations, *Treaty Series*, Vol. 166, p. 73.

high administrative authorities of the High Contracting Parties may agree to apply the provisions of the Convention to a Rhine boatman, particularly for the purpose of avoiding hardship in individual cases.

This Additional Protocol, which is an integral part of the Convention, shall have effect on the same conditions and for the same period as the Convention itself.

DONE in duplicate at Berne, in the French language, on 28 March 1958.

For the Kingdom of the Netherlands :
(Signed) SNOUCK HURGRONJE

For the Swiss Confederation :
(Signed) SAXER

ADMINISTRATIVE ARRANGEMENT¹ CONCERNING THE APPLICATION OF THE CONVENTION BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE SWISS CONFEDERATION ON SOCIAL INSURANCE, SIGNED ON 28 MARCH 1958.² SIGNED AT BERNE, ON 28 MARCH 1958, AND AT THE HAGUE, ON 3 JUNE 1958

In application of article 15, paragraph 1, sub-paragraph (a), and article 16, paragraph 2 of the Convention between the Kingdom of the Netherlands and the Swiss Confederation on Social Insurance of 28 March 1958² (hereinafter referred to as "the Convention"), the high administrative authorities of the High Contracting Parties, namely :

For the Netherlands :

Mr. J. G. Suurhoff, Minister of Social Affairs and Public Health ;

For Switzerland :

The Federal Office of Social Insurance, represented by its Director, Mr. Arnold Saxer,

Have agreed upon the following provisions concerning the application of the Convention.

TIT L E I

GENERAL PROVISIONS

Article 1

1. The following shall be designated as liaison bodies within the meaning of article 15, paragraph 1, sub-paragraph (a), second sentence, of the Convention :

(1) In the case of Switzerland :

(a) For the Swiss old age and survivors insurance and for the Netherlands invalidity, old age and survivors insurance employed persons and the general old age insurance, the Caisse suisse de compensation (Swiss Compensation Fund) at Geneva, hereinafter referred to as the "Caisse suisse" ;

¹ Came into force on 1 December 1958, the date of entry into force of the Convention, in accordance with article 28 of this Arrangement.

² See p. 177 of this volume.

(b) For the Swiss insurance against industrial accidents, occupational diseases and non-industrial accidents and for the Netherlands insurance against industrial accidents and occupational diseases the Caisse nationale suisse d'assurance contre les accidents (Swiss National Accident Insurance Fund) at Lucerne, hereinafter referred to as the "Caisse nationale".

(2) In the case of the Netherlands :

(a) For the Netherlands invalidity, old age and survivors insurance for employed persons and the Netherlands general old age insurance and for the Swiss old age and survivors insurance, the Sociale Verzekeringsbank (Social Insurance Bank) at Amsterdam, hereinafter referred to as "Sociale Verzekeringsbank" ;

(b) For the Netherlands insurance against industrial accidents and occupational diseases and for the Swiss insurance against industrial accidents, occupational diseases and non-industrial accidents, the "Sociale Verzekeringsbank".

2. The high administrative authorities of the High Contracting Parties reserve the right to designate other liaison bodies.

Article 2

1. Persons sent to the territory of the other country in accordance with article 3, paragraph 2, sub-paragraph (a) of the Convention shall establish, by means of a certificate on a special form addressed to the competent institutions of the said country, that their stay is only temporary and that consequently the laws of the country in which the undertaking has its principal place of business listed in article 1 of the Convention continue to apply to them.

2. Where several persons are sent together and for the same period to the other country, they may be furnished with a joint certificate.

3. The certificate referred to in paragraphs 1 and 2 shall be issued :

(a) To persons sent to the Netherlands, by the competent Swiss insurance institution, which shall send a copy of such certificate to the Sociale Verzekeringsbank ;

(b) To persons sent to Switzerland, by the Sociale Verzekeringsbank, which shall send a copy of such certificate to the Caisse suisse for the competent Swiss compensation fund, and to the Caisse nationale.

4. The certificate referred to in paragraphs 1 and 2 shall be produced by the representative of the employer in the other country, or, if no such representative exists, by the person concerned himself.

5. In the cases provided for in article 3, paragraph 2, sub-paragraph (a), second sentence of the Convention, requests for continued application of the legislation of the country in which the undertaking has its principal place of business shall be submitted by the employers concerned in Switzerland to the Federal Office

of Social Insurance, in the Netherlands to the Minister of Social Affairs and Public Health, which shall rule on such requests after joint consultation.

The decision taken by each of the above-mentioned authorities shall be communicated to the other authority which shall inform the insurance institutions concerned thereof.

T I T L E I I

INVALIDITY, OLD AGE AND SURVIVORS INSURANCE

I. NETHERLANDS NATIONALS RESIDENT IN THE NETHERLANDS AND ENTITLED TO CLAIM BENEFIT UNDER SWISS OLD AGE AND SURVIVORS INSURANCE OR TO REQUEST A REFUND OF CONTRIBUTIONS PAID TO SUCH INSURANCE

A. SUBMISSION OF CLAIMS AND DETERMINATION OF ANNUITIES

Article 3

1. Netherlands nationals resident in the Netherlands who claim an annuity under the Swiss old age and survivors insurance shall submit their claims to the Sociale Verzekeringsbank. The claims shall be made on the forms furnished to the Sociale Verzekeringsbank by the Caisse suisse. The particulars given by the claimant in his claim shall, insofar as is required by the form, be substantiated by supporting documents or be confirmed, on the form itself, by the competent Netherlands authority.

2. Claims submitted to a Netherlands authority other than the Sociale Verzekeringsbank shall be forwarded to the latter without delay.

Article 4

1. The Sociale Verzekeringsbank shall verify, as far as possible, whether the claim is drawn up accurately and completely and shall certify that the particulars given by the claimant on the form are true. It shall then forward the claim to the Caisse suisse ; forwarding of the claim shall serve in lieu of the forwarding of the supporting documents unless the latter is expressly called for on the form.

2. The Sociale Verzekeringsbank shall, at the same time, request from the Caisse suisse the information it requires for the purpose of applying article 10 of the Convention.

Article 5

The Caisse suisse shall rule on the claim and communicate its decision to the claimant. It shall send a copy of the decision to the Sociale Verzekeringsbank,

annexing thereto, as far as possible, the information which the latter requested in accordance with paragraph 2 of article 4.

Article 6

Netherlands nationals resident in the Netherlands shall lodge their complaints against decisions of the Caisse suisse or their appeals against rulings of the Swiss authorities of first instance either direct with the competent Swiss judicial authorities or with the Sociale Verzekeringsbank.

In the latter case, the Sociale Verzekeringsbank shall enter on the complaint or appeal the date of its receipt and shall forward it to the Caisse suisse for the attention of the competent Swiss judicial authorities. The original envelope shall also be forwarded.

B. PAYMENT OF ANNUITIES

Article 7

The Caisse suisse shall pay direct to Netherlands beneficiaries resident in the Netherlands, at the intervals prescribed under Swiss legislation, the benefits accruing to them.

Article 8

Costs connected with the payment of benefits, bank charges, currency exchange expenses and other costs may be recovered from the beneficiaries by the Caisse suisse in accordance with the conditions established by the Swiss high administrative authority.

C. SPECIAL PROVISIONS

Article 9

1. Netherlands nationals resident in the Netherlands who are in receipt of an annuity under Swiss old age and survivors insurance shall immediately notify the Caisse suisse, either direct or through the Sociale Verzekeringsbank, of any change in their personal or family situation which might modify their right to the annuity or the amount thereof.

2. The Sociale Verzekeringsbank shall forward immediately to the Caisse suisse the notifications which it receives.

3. The Sociale Verzekeringsbank shall, on its own initiative, send to the Caisse suisse any similar information which may have come to its knowledge by other means.

D. REFUND OF CONTRIBUTIONS

Article 10

1. Netherlands nationals resident in the Netherlands who claim entitlement to refund of their contributions paid to the Swiss old age and survivors insurance in accordance with article 6, paragraph 3 of the Convention shall submit their claim to the Caisse suisse through the Sociale Verzekeringsbank.

For this purpose the provisions of articles 3 to 8 of this Arrangement shall apply.

2. The Caisse suisse shall treat as applications for refund of contributions all claims for annuities submitted by Netherlands nationals who do not satisfy the conditions for entitlement to an annuity laid down in article 6, paragraphs 1 and 2 of the Convention.

II. SWISS AND NETHERLANDS NATIONALS RESIDENT IN SWITZERLAND AND ENTITLED TO CLAIM AN ANNUITY UNDER NETHERLANDS INVALIDITY, OLD AGE AND SURVIVORS INSURANCE FOR EMPLOYED PERSONS OR A PENSION UNDER NETHERLANDS GENERAL OLD AGE INSURANCE

A. SUBMISSION OF CLAIMS AND DETERMINATION OF ANNUITIES AND PENSIONS

Article 11

1. Swiss and Netherlands nationals resident in Switzerland who claim an annuity under the Netherlands invalidity, old age and survivors insurance for employed persons or a pension under the Netherlands general old age insurance shall submit their claim to the Caisse suisse. The claims shall be made on the forms furnished to the Caisse suisse by the Sociale Verzekeringsbank. The particulars given by the claimant in his claim shall, in so far as is required by the form, be substantiated by supporting documents or be confirmed, on the form itself, by the competent Swiss authority.

2. Claims submitted to a Swiss authority other than the Caisse suisse shall be forwarded to the latter without delay.

3. The date of submission of the claim shall be deemed to be that of its receipt by one of the authorities referred to in paragraphs 1 and 2.

Article 12

The Caisse suisse shall verify, as far as possible, whether the claim is drawn up accurately and completely and shall certify that the particulars given by the claimant on the form are true. It shall then forward the claim to the Sociale Ver-

zekeringsbank, annexing thereto, for the purposes of article 10 of the Convention, a statement of the Swiss insurance periods completed according to the information it possesses. The forwarding of the claim shall serve in lieu of the forwarding of the supporting documents.

Article 13

The Sociale Verzekeringsbank shall rule on the claim and shall communicate its decision to the claimant. It shall send a copy of the decision to the Caisse suisse.

Article 14

Swiss and Netherlands nationals resident in Switzerland shall lodge their complaints against decisions of the Sociale Verzekeringsbank or their appeals against rulings of the Netherlands authorities of first instance, in duplicate, either direct with the competent Netherlands judicial authorities or with the Caisse suisse.

In the latter case, the Caisse suisse, shall enter on the complaint or appeal the date of its receipt and shall forward the complaint to the Raad van Beroep (Trade Council) at Amsterdam and the memorandum of appeal to the Centrale Raad van Beroep (Central Trade Council) at Utrecht. The original envelope shall also be forwarded.

B. PAYMENT OF ANNUITIES AND PENSIONS

Article 15

The Sociale Verzekeringsbank shall pay direct to beneficiaries resident in Switzerland, at the intervals prescribed under Netherlands legislation, the benefits accruing to them.

Article 16

Costs connected with the payment of benefits, bank charges, currency exchange expenses and other costs may be recovered from the beneficiaries by the Sociale Verzekeringsbank in accordance with the conditions established by the Netherlands high administrative authority.

C. SPECIAL PROVISIONS

Article 17

1. Swiss and Netherlands nationals resident in Switzerland who are in receipt of an annuity or pension under Netherlands insurance shall immediately notify the Sociale Verzekeringsbank, either direct or through the Caisse suisse, of any change in their personal or family situation which might modify their right to the annuity or pension or the amount thereof.

2. The Caisse suisse shall forward immediately to the Sociale Verzekeringsbank the notifications which it receives.

3. The Caisse suisse shall, on its own initiation, send to the Sociale Verzekeringsbank any similar information which may have come to its knowledge by other means.

D. MEDICAL AND ADMINISTRATIVE SUPERVISION

Article 18

1. The Caisse suisse shall cause to be carried out in Switzerland, at the request of and on the basis of particulars furnished by the Sociale Verzekeringsbank, medical examinations and other investigations necessary for determination of initial and continued entitlement to benefits.

2. Costs connected with medical examinations, expert medical opinions and reports, observations and necessary travel shall be reimbursed to the Caisse suisse by the Sociale Verzekeringsbank.

III. SWISS AND NETHERLANDS NATIONALS RESIDENT IN A THIRD COUNTRY AND ENTITLED TO CLAIM BENEFITS UNDER NETHERLANDS OR SWISS INSURANCE

Article 19

1. Swiss nationals who are resident neither in Switzerland nor in the Netherlands and who, by virtue of article 9, paragraph 3, of the Convention, are entitled to claim a benefit under the Netherlands invalidity, old age and survivors insurance shall submit their claims direct to the Sociale Verzekeringsbank, annexing thereto the supporting documents required by Netherlands legislation.

2. Netherlands nationals who are resident neither in the Netherlands nor in Switzerland and who, by virtue of article 9, paragraph 3, of the Convention, are entitled to claim a benefit under the old age and survivors insurance of Switzerland shall submit their claims direct to the Caisse suisse, annexing thereto the supporting documents required by Swiss legislation.

3. The Sociale Verzekeringsbank, in the cases referred to in paragraph 1, and the Caisse suisse, in the cases referred to in paragraph 2, shall rule on the claims, communicate their decisions and effect payment of benefits direct to the beneficiaries, in accordance with the payment agreements in effect between the country of the body responsible for payment and the third country. Articles 5 and 13 shall be applicable.

TITLE III

ACCIDENT INSURANCE

Article 20

1. Netherlands nationals resident in the Netherlands who claim a benefit under Swiss accident insurance shall submit their claim either to the Sociale Verzekeringsbank, which shall forward it to the Caisse nationale, or direct to the latter institution. The decision of the Caisse nationale shall be communicated direct to the claimant and a copy thereof shall be sent to the Sociale Verzekeringsbank.

2. Swiss and Netherlands nationals resident in Switzerland who claim a benefit under Netherlands accident insurance shall submit their claim either to the Caisse nationale, which shall forward it to the Sociale Verzekeringsbank, or direct to the latter institution. The decision of the Sociale Verzekeringsbank shall be communicated direct to the claimant and a copy thereof shall be sent to the Caisse nationale.

3. Swiss and Netherlands nationals resident in a third country who, by virtue of article 14, paragraph 2, of the Convention, are entitled to claim a benefit under Swiss or Netherlands accident insurance, shall submit their claim direct to the competent insurance institution. Article 19, paragraph 3, shall be applicable by analogy.

Article 21

1. Netherlands nationals resident in the Netherlands shall lodge their complaints concerning benefits under Swiss accident insurance or their appeals against decisions of a cantonal insurance tribunal with the Sociale Verzekeringsbank, which shall forward the complaints to the Cantonal Insurance Tribunal at Lucerne and the appeals to the Federal Insurance Tribunal at Lucerne. The original envelopes shall also be forwarded.

2. Swiss and Netherlands nationals resident in Switzerland shall lodge their complaints against decisions of the Sociale Verzekeringsbank or their appeals against rulings of the Netherlands authorities of first instance, in duplicate, either direct with the competent Netherlands judicial authorities or with the Caisse nationale.

In the latter case, the Caisse nationale shall enter on the complaint or appeal the date of its receipt and shall forward the complaint to the Raad van Beroep at Amsterdam and the memorandum of appeal to the Centrale Raad van Beroep at Utrecht. The original envelope shall also be forwarded.

Article 22

1. The Sociale Verzekeringsbank shall, at the request of the Caisse nationale institute inquiries in the territory of the Netherlands with a view to determining benefits under Swiss accident insurance.

2. The Caisse nationale shall, at the request of the Sociale Verzekeringsbank, institute inquiries in the territory of Switzerland with a view to determining benefits under Netherlands accident insurance.

3. The insurance institution which requests the inquiry shall reimburse the institution making the inquiry for any expenses actually incurred.

Article 23

The provisions of this Arrangement concerning the payment of annuities under invalidity, old age and survivors insurance shall be applicable by analogy to the payment of annuities under Swiss or Netherlands accident insurance.

Article 24

1. If an insured person resident in either country requires medical care in the other country, within the meaning of article 12 of the Convention, he shall apply in Switzerland to the Caisse nationale and in the Netherlands to the Sociale Verzekeringsbank. Those institutions shall provide such medical care in accordance with the provisions of their own national legislation.

2. The insurance institution responsible for the insured person shall at the request of the insurance institution awarding the benefit, reimburse the latter through the competent liaison body for the expenses it has incurred.

3. In the case of employed persons transferred from one country to the other, the liaison body of the latter country shall, in accordance with article 16, paragraph 1, of the Convention automatically make the necessary investigation for the purpose of determining the benefit. Paragraph 2 of this article shall be applicable with respect to the reimbursement of expenses.

T I T L E I V

FINAL PROVISIONS

Article 25

1. The liaison bodies and the competent insurance institutions shall, on request, transmit to one another such information and certificates as they may require in order to determine a benefit or decide on its continued payment.

2. Costs connected with medical examinations, observations and necessary travel shall be reimbursed by the insuring institution which requests the inquiry at the rates normally charged by the institution making the inquiry ; such reimbursement shall be made within two months from the receipt of the statement of costs.

Article 26

Subject to the provisions of articles 18, 22, 24 and 25 of this Arrangement, actual administrative costs arising from the application of this Arrangement shall be borne by the institutions responsible for its application.

Article 27

The forms provided for under this Arrangement shall be prepared by agreement between the high administrative authorities of the two Parties.

Article 28

This Arrangement shall enter into force on the same date as the Convention between the Swiss Confederation and the Kingdom of the Netherlands on social insurance, signed at Berne on 28 March 1958. It shall have the same duration as that Convention.

DONE at Berne and at The Hague in duplicate, in the French language, on 28 March and 3 June 1958.

(Signed) J. G. SUURHOFF
Netherlands Minister
of Social Affairs
and Public Health

(Signed) SAXER
Director, Federal Office
of Social Insurance