

No. 4218

NETHERLANDS
and
ITALY

General Convention respecting social insurance (with Special Protocol). Signed at The Hague, on 28 October 1952

Agreement to carry into effect article 4, section 2, of the above-mentioned Convention. Signed at Rome, on 24 December 1954

General Administrative Arrangement for the application of the above-mentioned Convention. Signed at Rome, on 11 February 1955

Administrative Arrangement for the application of the above-mentioned Convention in cases involving mine-workers. Signed at Rome, on 12 February 1955

Special Arrangement respecting allowances for aged persons pursuant to the Special Protocol forming part of the above-mentioned Convention. Signed at Rome, on 19 December 1956

Official text: French.

Registered by the Netherlands on 18 March 1958.

[TRANSLATION¹ — TRADUCTION²]

No. 4218. GENERAL CONVENTION³ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE ITALIAN REPUBLIC RESPECTING SOCIAL INSURANCE. SIGNED AT THE HAGUE, ON 28 OCTOBER 1952

Her Majesty the Queen of the Netherlands and
The President of the Italian Republic

Desirous of regulating mutual relations between their two countries in the field of social security, have resolved to conclude a convention and for this purpose have appointed as their plenipotentiaries :

Her Majesty the Queen of the Netherlands :

Mr. J. W. Beyen, Minister of Foreign Affairs,

The President of the Italian Republic :

Mr. Casto Caruso, Envoy Extraordinary and Minister Plenipotentiary of Italy at The Hague,

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

TITLE I

GENERAL PRINCIPLES

Article 1

Section 1. Italian and Netherlands employed persons or persons treated as employed persons under the social insurance legislation listed in article 2 of this Convention (hereinafter called "employed persons") shall be subject respectively to the said legislation as applying in Italy and in the Netherlands, and shall, together with their dependants, receive benefits under the same conditions as the nationals of each country.

Section 2. Italian and Netherlands nationals who are resident in the Netherlands and Italy respectively may avail themselves of the provisions respecting voluntary or optional insurance in the legislation listed in article 2, under the same conditions as the nationals of the country in which they are residing.

¹ Translation of articles 1 to 38 of the Convention by the International Labour Office (International Labour Office, *Legislative Series*, January-February 1955).

² Traduction des articles 1 à 38 de la Convention par le Bureau international du Travail (Bureau international du Travail, *Série législative*, janvier-février 1955).

³ Came into force on 1 January 1955, in accordance with the terms of article 37, paragraph 2. The exchange of the instruments of ratification took place at Rome on 4 December 1954.

Article 2

Section 1. The legislation to which this Convention applies is as follows :

(1) In Italy—

(a) the legislation on invalidity, old-age and survivors' insurance;

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

(c) the legislation on sickness insurance, including medical care;

(d) the legislation on insurance against tuberculosis;

(e) the legislation on the physical and economic protection of working mothers, as regards the part concerning care and insurance benefits in the case of confinement;

(f) the legislation on family allowances;

(g) the legislation on unemployment insurance;

(h) the legislation on the special insurance schemes established for certain categories, in so far as it relates to risks or benefits covered by the legislation listed under the preceding items.

(2) In the Netherlands—

(a) the legislation on invalidity, old-age and survivors insurance;

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

(c) the legislation on sickness insurance, including medical care;

(d) the legislation on maternity benefits;

(e) the legislation on family allowances;

(f) the regulations on the retirement scheme for mineworkers and persons placed on the same footing as mineworkers;

(g) the legislation on unemployment insurance.

Section 2. This Convention shall also apply to all future legislative or administrative enactments amending or supplementing the legislation listed in section 1 of this article : Provided that it shall not apply to legislative or administrative enactments covering a new branch of social insurance unless an arrangement to this effect is made by the two States.

Article 3

Section 1. Persons employed in one of the two countries shall be subject to the legislation in force in the place of their employment.

Section 2. The principle laid down in section 1 shall admit of the following exceptions :

(a) employed persons who are normally on the staff of an establishment situated in the territory of one of the two States shall continue to be subject to

the legislation of their place of customary employment whenever they are detached by their employer for service in the territory of the other country, if it is not expected that this employment will last more than six months; if the said employment should continue beyond six months, the legislation of the new place of employment shall apply;

(b) employees of the transport undertakings of either State who are employed in the mobile sections (travelling personnel) of the undertakings shall be subject only to the provisions in force in the country where the undertaking has its principal place of business.

Section 3. The supreme administrative authorities of the two States may, by mutual agreement, provide for exceptions to the rules given in section 1 of this article. They may also agree that the exceptions mentioned in section 2 shall not apply in certain individual cases.

Article 4

Section 1. The provisions of section 1 of article 3 shall apply to persons employed in Italian or Netherlands diplomatic or consular missions or in the personal employ of officers of the said missions: Provided that diplomatic officers and consular officers *de carrière*, including officials on the staff of chancelleries, shall be excepted from the operation of this article.

Section 2. The provisions of item (a) of section 2 of article 3 may, by agreement between the Governments of the two States, be made applicable to persons employed in an Italian or Netherlands diplomatic or consular mission who are nationals of the country represented by the mission and are not permanently established in the country in which they are employed, even if their period of employment in the territory of the said country is likely to continue beyond six months.

The provisions of this section shall apply likewise to public officials of either country (other than diplomatic officers and consular officers *de carrière*) who are employed in the territory of the other country.

TITLE II

DETAILED PROVISIONS

CHAPTER 1. SICKNESS, TUBERCULOSIS, MATERNITY AND UNEMPLOYMENT INSURANCE

Article 5

Employed persons who remove from Italy to the Netherlands or vice versa, and any dependants living with them in the country of their new place

of employment, shall receive sickness insurance benefits in the Netherlands and sickness and tuberculosis insurance benefits in Italy—

- (i) if they have been in insurable employment in that country;
- (ii) if, taking account of the insurance and contribution periods completed successively in each country, they fulfil the conditions for such benefits under the legislation of the country of their new place of employment.

Article 6

Section 1. The employed person and his dependants shall continue to be entitled to benefit from the institution with which the employed person was last insured even if the disease manifests itself in the territory of the other country, on condition that it occurs within the period of time covered by the insurance in the first country. Benefit in kind shall be granted in accordance with the legislation of the country in which the person is staying.

Section 2. An insured person who removes to the territory of the other country after a disease covered by the insurance has manifested itself shall continue to be entitled to benefit for himself and for his dependants, on condition that, before his departure, he obtained the consent of the institution responsible for benefit to the transfer. Such consent shall only be refusable on grounds relating to the employed person's state of health. In the case of pregnancy, consent may be given even before the confinement. Benefit in kind shall be granted in accordance with the legislation of the country in which the person is staying.

Article 7

If the dependants of an employed person who is a national of one of the two States normally reside in the territory of one of the countries while the employed person carries on his occupation in the territory of the other State, they shall receive the benefit in kind provided for in the legislation of their country of residence through the intermediary of the competent institutions of that country. The benefit shall be defrayed by the insurance institution of the country in whose territory the employed person is carrying on his occupation. The cost of such benefit may be covered by flat-rate payments to be fixed by competent authorities designated in an administrative arrangement.

Article 8

Employed persons who remove from Italy to the Netherlands or vice versa, and any dependants living with them in the country of their new place of employment, shall receive the maternity benefits of that country—

- (i) if they have been in insurable employment in that country;

(ii) if, taking account of the insurance and contribution periods completed successively in each country, they fulfil the conditions for such benefits under the legislation of the country of their new place of employment.

Article 9

The provisions of articles 6 and 7 shall apply to maternity benefits.

Article 10

Employed persons who remove from Italy to the Netherlands or vice versa shall receive unemployment insurance benefit in the country of their new place of employment—

(i) if they have been in insurable employment in that country;

(ii) if, taking account of the insurance and contribution periods completed successively in each country, they fulfil the conditions for such benefits under the legislation of the country of their new place of employment.

CHAPTER 2. INVALIDITY, OLD-AGE AND SURVIVORS' INSURANCE

Article 11

Section 1. In the case of employed persons who have been insured successively or alternately in both countries under one or more invalidity, old-age and survivors' insurance schemes, the insurance and contribution periods completed under the said schemes or the periods recognised as equivalent to insurance or contribution periods under the said schemes shall, on condition that they do not overlap, be aggregated both as regards determination of the right to pension and as regards the maintenance or recovery of the said right.

Section 2. Where the legislation or regulations of one of the two States makes it a condition for the award of certain advantages that the insurance or contribution periods have been completed in an occupation subject to a special insurance scheme, then only the periods completed under the corresponding special scheme or schemes in the other country shall be aggregated for entitlement to receipt of the said advantages. If in one of the two States no special scheme for the occupation under consideration exists, periods completed in the said occupation under a general scheme covered by this Convention shall nevertheless be aggregated by the other country for the purposes of the special scheme.

Section 3. Where the legislation of one of the two States makes it a condition for the award of certain advantages that the insurance or contribution

periods have been completed in an occupation subject to a special scheme and where the said periods have not been able to confer entitlement to the advantages provided in the said special scheme, the said periods shall be treated as valid for assessing the advantages provided in the general scheme.

Article 12

Section 1. Each institution shall determine, in accordance with the legislation by which it is governed and taking into account all the periods referred to in article 11 completed in either country, whether the person concerned fulfils the conditions for the award of a pension.

Section 2. Each institution in relation to which the conditions for award are fulfilled shall first assess the amount of the pension under the legislation by which it is governed, taking account of all the periods referred to in article 11, and shall then calculate the amount payable in proportion to the length of the periods completed under the said legislation.

Section 3. For the purposes of this article each institution shall, in accordance with rules to be laid down in an administrative arrangement, treat the contributions paid under the insurance scheme of the other country as contributions paid under its own scheme.

Section 4. If an insured person, after all the periods referred to in article 11 have been aggregated, does not simultaneously fulfil the conditions imposed by the legislation of both countries, he shall become entitled to benefit under the legislation of each country as and when he fulfils the said conditions.

Article 13

As regards the commencement of entitlement to invalidity pensions, the period during which the person must have been in receipt of cash sickness benefit before the assessment of his pension shall, in every case, be the period prescribed by the legislation of the country in which he receives the corresponding sickness benefits.

Article 14

Section 1. Any insured person may, at the moment when his right to a pension commences, choose not to take advantage of the provisions of articles 11 and 12. If he does so, the advantages which he may claim under the legislation applying in each country shall be assessed separately by the institutions concerned, regardless of the insurance periods or equivalent periods completed in the other country.

Section 2. The insured person shall be entitled to make a new choice between taking advantage of articles 11 and 12 and taking advantage of this

article whenever it is in his interest to do so as a result of the amendment of the legislation in one country, or of his transfer of residence from one country to another, or in the case mentioned in article 12, section 4, when a new right to a pension commences for him under the legislation applying to him in either country.

Article 15

If a specified time is allowed by the legislation of one of the two States for continuing compulsory insurance on a voluntary basis, the effluxion of such time shall be suspended during periods of compulsory insurance under a scheme in the other country.

Article 16

Recipients of invalidity, old-age or survivors' pensions to which they have become entitled under Italian or Netherlands legislation, who remove from one country to the other, shall continue to receive the pensions and increases for such time as they reside in either country, on the same conditions as if they had not changed their place of residence.

Article 17

Where a national of either of the two States has been compulsorily insured under Italian legislation before the age of 35 years and has been in paid employment or in an activity treated as such in the Netherlands after reaching that age—

(a) he shall not be excluded from insurance under the Netherlands invalidity legislation for such time as he is under the age of 65 years, is not receiving such remuneration as would entitle him to claim exemption from insurance, and is not exempted by any other provision of the said legislation;

(b) with respect to determination of the right to an old-age pension and the assessment of the pension under Netherlands invalidity legislation, he shall be treated as if he had become insured at the age of 35 years or, if this is more favourable for the person concerned, at the age when he became insured in Italy.

CHAPTER 3. INSURANCE AGAINST INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 18

If the legislation of one of the two States makes the grant of certain benefits or special advantages (increases) subject to conditions of residence, such conditions shall not apply to Italian or Netherlands nationals while they are resident in one of the two countries.

Article 19

If an insured person who has obtained compensation in respect of an occupational disease in one of the two countries shows that he is entitled to compensation in the other country in respect of the same disease, the insurance institution of the former country shall continue to be liable for payment of benefit.

CHAPTER 4. FAMILY ALLOWANCES

Article 20

As regards the right to family allowances, no distinction shall be made as to whether the persons in respect of whom the allowances are paid are residing or being brought up in one country or the other and, in the case of family allowances for recipients of social insurance benefits, whether the recipients are resident in either of the two countries.

TITLE III

GENERAL AND MISCELLANEOUS PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

Article 21

Section 1. The institutions responsible for the social insurance benefits in one of the two States may, where the recipient of benefit is resident in or transfers residence to the other country, call upon the appropriate institution of the latter country to make the benefit payments. An administrative arrangement shall be made by the supreme administrative authorities of the two countries to prescribe the detailed rules, in particular with respect to the reimbursement of benefits and the cost of effecting payment thereof.

Section 2. In the case of recipients who are resident in a country other than the two contracting countries, annuities and pensions (including any increases) shall be paid in the same manner as is prescribed for the nationals of the country to which the institution responsible for benefit belongs.

Section 3. In a case where an institution of the country in which the recipient is staying makes an advance to cover certain expenses connected with benefits, the said institution shall be subrogated to the rights of the individual concerned in relation to the institution responsible for benefit.

Article 22

The authorities and social insurance institutions of the two States shall afford each other mutual assistance to the same extent as would be appropriate in the administration of their own social insurance schemes.

Article 23

For the purposes of this Convention the authorities and social insurance institutions of the two States shall correspond directly with each other, the insured persons and the legal representatives of the insured persons. Their correspondence may be written in their own official languages or in French.

Article 24

Section 1. Exemptions from registration fees, court fees, stamp duty and consular fees prescribed in the legislation of either State in respect of documents to be produced to the authorities and social insurance institutions of that country shall be extended to the corresponding documents to be produced for the purposes of this Convention to the authorities and social insurance institutions in the other country.

Section 2. No documents or papers to be submitted for the purposes of this Convention shall require legalisation by the diplomatic and consular authorities.

Article 25

Communications sent for the purposes of this Convention by persons covered by this Convention to the institutions and administrative and judicial authorities concerned with social insurance in the two States shall be written in the official language of one or other of the countries, or in French.

Article 26

Claims presented to the social insurance institutions of one of the two countries shall be valid as claims presented to the institutions of the other country.

Article 27

Claims and appeals which should have been lodged within a prescribed period with an authority or institution competent to receive claims and appeals in social insurance matters in either State shall be deemed to have been made within the prescribed period if they are lodged within the same period with the corresponding authority or institution of the other country. In such cases, the latter authority or institution shall without delay transmit the claim or appeal to the competent authority or institution.

Article 28

Section 1. Benefits which had been suspended under the provisions in force in one of the two States because of the recipients' nationality or residence

abroad shall be paid as from the date of coming into force of this Convention. Benefits which could not be awarded for the same reason shall be assessed and paid as from the same date.

This section shall apply only if the claims or appeals are made within three years from the date of coming into force of this Convention.

Section 2. The entitlement of Italian or Netherlands nationals who have been awarded a pension or annuity prior to the coming into force of this Convention may be reviewed at the request of the persons concerned.

Such review shall have the effect of giving the recipients, as from the date of coming into force of this Convention, the same entitlement as they would have had if the Convention had been in force at the time of the award.

If the rights previously assessed were satisfied by payment of a lump sum, no review shall take place.

Section 3. For the purposes of this Convention, insurance or contribution periods completed prior to its coming into force shall be counted to the same extent as they would have been counted if this Convention had been in force at the time when they were being completed.

Article 29

Section 1. The supreme administrative authorities shall inform each other in due course of all amendments to the legislation or regulations in their countries affecting the schemes listed in article 2. The said authorities shall inform each other of all other measures taken for the implementation of this Convention in their respective countries.

Section 2. The supreme administrative authorities may agree upon measures to be adopted for the purpose of avoiding the payment of double benefit in cases where the application of the legislation or regulations of the two States and of this Convention would confer entitlement simultaneously to benefits from the social insurance institutions of both countries.

Article 30

The supreme administrative authorities for the purposes of this Convention in each of the two States shall be the Ministers responsible, each in so far as concerns him, for the schemes listed in article 2.

CHAPTER 2. MISCELLANEOUS PROVISIONS

Article 31

The supreme administrative authorities shall, where necessary, determine in mutual agreement the position of particular categories of employed persons, such as mineworkers and seafarers.

The same supreme administrative authorities shall prescribe in mutual agreement the detailed rules required for implementing the measures provided for in this Convention.

Article 32

Section 1. All difficulties in connection with the implementation of this Convention shall be resolved by mutual agreement between the supreme administrative authorities.

Section 2. If it has been found impossible to reach a solution in this manner, the disagreement shall be settled by an arbitration procedure established by arrangement between the two Governments. The arbitral body shall settle the matter in accordance with the fundamental principles and spirit of this Convention.

Article 33

Where an employed person's right to benefit is not open to doubt, but there is a difference of opinion between the institutions of the two States as to which legislation is applicable, suitable benefit shall be awarded by way of an advance by the institution concerned in the country of residence.

Article 34

The institutions responsible for social insurance benefits under this Convention shall be held to discharge their obligations validly by making payment in the currency of their country; the transfers shall be made by the institutions on the date on which the benefits fall due for payment.

If provision is made in either country for restricting currency exchange operations, measures shall be adopted immediately by agreement between the two Governments in order to permit the transfer of sums in both directions in accordance with the provisions of this Convention.

Article 35

Any formalities which the legislation or regulations of either State may prescribe as regards payment outside its territory of the benefits provided by social insurance institutions shall be applicable to persons authorised to receive

such benefits in virtue of this Convention, in the same manner as to nationals of the State concerned.

Article 36

A technical committee shall be made responsible for seeing that this Convention is duly implemented. The composition, structure and procedure of the said committee shall be prescribed in an administrative arrangement.

Article 37

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

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

Article 38

Section 1. This Convention is concluded for one year. It shall continue in force from year to year unless it is denounced three months before the expiration of the period.

Section 2. In the event of denunciation, the provisions of this Convention and of the supplementary agreements shall continue to apply to rights already acquired, notwithstanding any restrictive provisions in the schemes concerned for cases of residence abroad.

Section 3. As regards rights in process of acquisition in respect of insurance periods completed prior to the date when this Convention ceases to be in force, the provisions of this Convention shall continue to apply subject to conditions to be laid down by supplementary agreements.

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

DONE in duplicate, at The Hague on 28 October 1952, in the French language.

(Signed) J. W. BEYEN

(Signed) C. CARUSO

SPECIAL PROTOCOL

At the time of signing the General Convention between the Kingdom of the Netherlands and the Italian Republic respecting social insurance,¹ the undersigned plenipotentiaries have agreed as follows :

The allowances for aged persons provided for under the Netherlands Act of 24 May 1947 or such similar allowances as may be subsequently provided for shall be granted to Italian nationals as provided by Netherlands law for Netherlands nationals.

Italian and Netherlands nationals who are in receipt of Netherlands old-age and survivors' allowances shall be entitled to the same even if resident in Italy, as provided and subject to conditions to be laid down in a subsequent arrangement.

IN WITNESS WHEREOF the undersigned duly authorized plenipotentiaries have signed this Protocol.

DONE in duplicate at The Hague on 28 October 1952, in the French language.

(Signed) J. W. BEYEN

(Signed) C. CARUSO

¹ See p. 147 of this volume.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE ITALIAN REPUBLIC TO CARRY INTO EFFECT ARTICLE 4, SECTION 2, OF THE GENERAL CONVENTION RESPECTING SOCIAL INSURANCE. SIGNED AT THE HAGUE ON 28 OCTOBER 1952.² SIGNED AT ROME, ON 24 DECEMBER 1954

The Government of the Kingdom of the Netherlands and the Government of the Italian Republic have agreed on the following provisions pursuant to article 4, section 2, of the General Convention between the Kingdom of the Netherlands and the Italian Republic respecting social insurance, signed at The Hague on 28 October 1952.²

Article 1

Wage-earners, and persons deemed to be wage-earners employed in Italian diplomatic or consular missions in the Netherlands, who are Italian nationals and not permanently established in the Netherlands, shall be subject to Italian legislation on social insurance even if the period of their employment in the Netherlands is likely to continue beyond six months.

Notwithstanding the foregoing, they may be insured in accordance with the legislation of the State in which they are employed, provided that a request to that effect is made within three months after they enter upon their duties to the *Gemeenschappelijk Administratiekantoor* at Amsterdam, through and with the consent of the authorities set over them.

If the employment relationship already existed at the date of coming into force of this Agreement, the period of three months shall run from the said date.

Article 2

Wage-earners, and persons deemed to be wage-earners, employed in Netherlands diplomatic or consular missions in the territory of the Italian Republic, who are Netherlands nationals and not permanently established in Italy, shall be subject to Netherlands legislation on social insurance even if the period of their employment in Italy is likely to continue beyond six months.

¹ Came into force on 1 January 1955, as from the date of the entry into force of the Convention, in accordance with article 4.

² See p. 147 of this volume.

Article 3

Civil servants and other employees of the Italian State who perform their duties in the Netherlands and civil servants and other employees of the Netherlands State who perform their duties in Italy shall be subject, respectively, to Italian and Netherlands legislation.

Article 4

This Agreement shall enter into force on the date of the entry into force of the Convention.

This Agreement is concluded for a period of one year. It shall be tacitly renewed from year to year, unless it is denounced three months before the expiry of the annual period.

IN WITNESS WHEREOF the undersigned duly authorized representatives have signed this Agreement.

DONE in duplicate at Rome on 24 December 1954, in the French language.

For the Government
of the Kingdom of the Netherlands :
(Signed) H. N. BOON

For the Government
of the Italian Republic :
(Signed) DOMINEDÒ

GENERAL ADMINISTRATIVE ARRANGEMENT¹ FOR THE APPLICATION OF THE GENERAL CONVENTION BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE ITALIAN REPUBLIC RESPECTING SOCIAL INSURANCE, SIGNED AT THE HAGUE ON 28 OCTOBER 1952.² SIGNED AT ROME, ON 11 FEBRUARY 1955

Pursuant to the provisions of article 21, section 1, article 29, section 2 and articles 31 and 36 of the General Convention between the Kingdom of the Netherlands and the Italian Republic respecting social insurance signed at The Hague on 28 October 1952² (hereinafter referred to as "the Convention"), the Netherlands and Italian supreme administrative authorities, represented by:

The Netherlands :

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

Italy :

Mr. Ezio Vigorelli, Minister of Labour and Social Welfare,

have in mutual agreement prescribed the following rules for the application of the aforesaid Convention.

PART I

GENERAL PROVISIONS

Article 1

For the purposes of this Arrangement, the initials shown below shall be understood to refer to the institutions indicated :

In Italy :

- (a) I.N.A.M. : Istituto nazionale per l'assicurazione contro le malattie;
- (b) I.N.P.S. : Istituto nazionale della previdenza sociale;
- (c) I.N.A.I.L. : Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro;

In the Netherlands :

- (a) G.A.K. : Gemeenschappelijk Administratiekantoor, Amsterdam;
- (b) Z.F.R. : Ziekenfondsraad, Amsterdam;

¹ Came into force on 11 February 1955, upon signature, with retroactive effect from 1 January 1955, the date on which the Convention was brought into force, in accordance with article 47.

² See p. 147 of this volume.

- (c) R.v.A. : the competent Raad van Arbeid;
(d) R.V.B. : Rijksverzekeringsbank, Amsterdam.

Article 2

The technical committee referred to in article 36 of the Convention shall be composed of representatives of each of the two countries, appointed in the case of Italy by the Minister of Labour and Social Welfare and in the case of the Netherlands by the Minister of Social Affairs and Public Health.

The committee shall meet as necessary either in Italy or in the Netherlands, under the chairmanship of a representative of the country in which the meeting is held.

The committee shall determine its own organization and method of work.

It shall submit to the supreme administrative authorities of the two countries, where appropriate, suggestions for amending this Arrangement with a view to facilitating the application of the Convention.

Article 3

Provisions in the legislation of one of the two countries authorizing the reduction or suspension of social insurance benefits which duplicate other social insurance benefits may be invoked against the beneficiary even if he qualified for any such benefits under a scheme established in the other country.

Article 4

The following provisions are applicable to the employed persons referred to in article 3, section 2 (a), of the Convention :

(1) The employer and the insured persons shall settle all questions concerning their social insurance contributions and benefits directly with the competent Italian institutions if Italy is the country of the place of customary employment and with the competent Netherlands institutions if that country is the Netherlands.

(2) Depending on whether the place of customary employment is in Italy or in the Netherlands, the competent provincial office of the I.N.A.M. or the G.A.K. shall send to each insured person a certificate, the model of which shall be established by mutual agreement between the General Directorate of the I.N.A.M. and the Directorate of the G.A.K., attesting that he remains subject to the social insurance legislation of his country.

This certificate shall be produced, as necessary, by the representative of the employer in the other country or, if no such representative exists, by the employed person himself.

When several employed persons simultaneously leave the country in which they have their customary place of employment in order to work together in the other country and to return simultaneously to the former country, a single certificate may cover all such employed persons.

PART II

SICKNESS, TUBERCULOSIS, MATERNITY AND UNEMPLOYMENT INSURANCE

CHAPTER I — COMMON PROVISIONS

Article 5

When an employed person who has removed from one country to the other must rely on the provisions of articles 5, 8 or 10 of the Convention in order to establish his right to benefits, he shall be obliged to give to the institution from which the benefits are claimed, in the country of his new place of employment, particulars regarding periods of insurance, contribution and work.

Such particulars may be submitted on a form the model of which shall be established by mutual agreement between the competent Italian and Netherlands insurance institutions. The form shall be delivered to the employed person at his request before his departure :

In Italy : by the competent provincial office of the I.N.A.M.;

In the Netherlands : by the G.A.K.

If the employed person is not able to give the said particulars the competent institution of the country of his new place of employment shall request the competent institution of the other country to furnish the particulars required.

The institutions from which such particulars should be requested are :

In Italy : the competent provincial office of the I.N.A.M. or, failing any indication thereon, the General Directorate of the I.N.A.M. at Rome;

In the Netherlands : The G.A.K.

CHAPTER 2 — SICKNESS AND MATERNITY BENEFITS

Article 6

For the purposes of article 6, section 1 of the Convention, the employed person, as well as his dependents, shall be obliged to give to the competent institution of the country in which he is staying (in Italy the competent provincial office of the I.N.A.M. and in the Netherlands the G.A.K.) the particulars required to establish his right to benefits.

Such particulars may be given on a form the model of which shall be established by mutual agreement between the competent Italian and Netherlands

insurance institutions. The form shall be delivered to the employed person at his request before his departure :

In Italy : by the competent provincial office of the I.N.A.M.;

In the Netherlands : by the G.A.K.

If the employed person is not able to give the said particulars, the competent institution of the country in which he is staying shall request the competent institution of the other country (in Italy, the competent provincial office of the I.N.A.M. or, failing any indication thereon, the General Directorate of the I.N.A.M. at Rome; in the Netherlands, the G.A.K.) to furnish the particulars required.

Article 7

For the purposes of article 6, section 2 of the Convention, the competent provincial office of the I.N.A.M. or the G.A.K., as the case may be, shall notify the institution of the other country concerning the employed persons and their dependents who are authorized to remove from one country to the other. The competent provincial office of the I.N.A.M. or the G.A.K., as the case may be, shall simultaneously deliver to the patients before their departure a copy of such notification.

Article 8

In the cases provided for in articles 6 and 7 the institution responsible for the benefit shall pay to the insured person in the other country, either directly or through the competent institution in the latter country, the total of the benefits due in cash.

When payment is effected through the insurance institution of the other country, it shall be made to the General Directorate of the I.N.A.M. at Rome or to the G.A.K., as the case may be.

Article 9

In the cases provided for in articles 6 and 7 benefits in kind shall be granted to the insured person or his dependents in the other country by the competent institution in the place in which the patient is staying and shall be furnished in the same manner and be of the same quality as those granted by the said institution to its own insured persons.

The institution responsible for the benefit shall reimburse the institution of the country in which the patient is staying for expenses incurred, on the basis of a detailed account which shall be submitted every second month by the institution of the country in which the patient is staying.

The value of benefits in kind which cannot be itemized shall be calculated on the basis of the average cost for each day of sickness, determined by the institution of the country in which the patient is staying from the financial figures for the preceding year.

Payment shall be made to the General Directorate of the I.N.A.M. at Rome or to the Z.F.R., as the case may be, within thirty days following receipt of the aforesaid note.

Article 10

The payment of cash benefits through an institution as referred to in article 8 shall be discontinued as soon as the institution of the country in which the patient is staying establishes, in the manner applicable to its own insured, that the entitlement has ceased.

Benefits in kind shall be discontinued as soon as the institution of the country in which the patient is staying establishes, in the manner applicable to its own insured, that the entitlement has ceased.

Nevertheless, the institution responsible for the benefit may itself decide, on the basis of the data transmitted by the institution of the country in which the patient is staying, that the patient is no longer entitled to benefits.

In such a case the institution responsible for the benefit shall communicate its decision to the patient through the institution of the other country.

Benefits in kind shall cease to be granted on the eighth day following the date on which the competent institution in the place in which the patient is staying has been informed of the decision taken. This measure shall take effect on the fifteenth day if the patient is confined to a hospital.

Article 11

For the purposes of article 7 of the Convention, the competent institution of the place of employment shall immediately notify the competent institution of the country of residence of the dependents concerning the dates on which the employed person's insurance begins and ends.

The employed person's dependents are the persons regarded as such under the legislation of their country of residence.

The cost of benefits in kind granted to dependents shall be reimbursed by the institution responsible for the benefits in the form of a monthly lump sum for each dependent and for each month of insurance.

The lump sum shall be fixed on 1 July of each year by mutual agreement between the supreme administrative authorities of the two countries and shall be based on the financial figures for the preceding year in the country of residence of the dependents. The lump sum for the period between the entry into force of the Convention and 30 June of the following year shall be determined at the time of the said entry into force of the Convention. If during the period of validity the factors on which the calculation of the sum was based undergo a change exceeding 10 per cent, a new lump sum shall be determined with effect from the date on which such change took place.

In the month following the end of each calendar quarter the General Directorate of the I.N.A.M. and the Z.F.R. shall each send to the other a statement of the lump sums due, accompanied by a list of the employed persons concerned.

As regards employed persons whose names are notified after the due date, the sum for the past months shall be taken into account in the quarter during which the notification is made.

The transfer of sums payable by the institution which is the ultimate debtor after payment of the balance shall be effected in the second month following the end of each calendar quarter.

The models of the notifications, statements and lists referred to above shall be established by mutual agreement between the General Directorate of the I.N.A.M. and the Z.F.R.

CHAPTER 3 — TUBERCULOSIS BENEFITS

Article 12

The provisions of articles 6 to 11 shall apply to the granting of tuberculosis benefits, with the following exceptions :

(1) The competent authorities in Italy shall be the provincial offices and the General Directorate of the I.N.P.S. instead of the provincial offices and the General Directorate of the I.N.A.M.;

(2) The cost of benefits in kind granted to dependents, as envisaged in article 7 of the Convention, shall be reimbursed in accordance with the procedure set forth in article 9.

PART III

INVALIDITY, OLD-AGE AND SURVIVORS' INSURANCE (PENSIONS)

CHAPTER I — PRESENTATION OF CLAIMS

Article 13

An insured person residing in Italy or the Netherlands who, when applying for payment of an invalidity, old-age or survivors' pension, wishes to aggregate the insurance and contribution periods in accordance with the provisions of article 11 of the Convention, shall address his claim, in the form and within the time specified by the legislation of his country of residence, to the institution which is competent under such legislation (in Italy the competent provincial office of the I.N.P.S. and in the Netherlands the R.v.A.).

In his claim, the insured person shall specify, to the best of his ability, the insurance institution or institutions of the two countries with which he has been insured.

A claim presented to an institution of the other country shall be considered valid. In such a case, the recipient institution shall transmit the claim without delay to the competent institution of the country of residence of the insured, informing it of the date on which the claim was presented.

Article 14

The provisions of article 13 shall apply to insured persons residing in Italy who claim solely a Netherlands pension and to insured persons residing in the Netherlands who claim solely an Italian pension.

Article 15

In investigating pension claims involving aggregated insurance and contribution periods, the competent Italian and Netherlands institutions shall use a form the model of which shall be established by mutual agreement between the General Directorate of the I.N.P.S. and the Directorate of the R.V.B.

The form shall include an indication of the date on which the claim was presented, the essential data regarding the claimant's civil status, a summary statement of insurance and contribution periods and periods recognized as equivalent thereto and any other information which may be useful.

The transmission of the said form to the institutions of the other country shall take the place of the transmission of supporting documents.

CHAPTER 2 — INVESTIGATION OF CLAIMS BY THE NETHERLANDS INSTITUTIONS

Article 16

Upon receiving a claim from the R.v.A., the R.V.B. shall transmit the form referred to in article 15 to the competent Italian institution or, failing any knowledge thereof, to the General Directorate of the I.N.P.S.

The Italian institution shall determine the insurance and contribution periods and periods recognized as equivalent thereto which are valid under Italian legislation.

As regards periods which are not considered valid under Italian legislation, the Italian institution, subject to the provisions of articles 28 to 30, shall base itself on the insurance and contribution periods and periods recognized as equivalent thereto which are valid under Netherlands legislation.

The Italian institution shall aggregate the periods determined in accordance with the rules set forth above and shall establish the nature of the rights acquired under Italian legislation.

Article 17

The Italian institution shall first determine the amount of the benefit to which the insured person would have been entitled if all the periods referred to in the last paragraph of the preceding article had been completed exclusively under Italian legislation and shall then determine the amount payable on a *pro rata* basis having regard to the period of insurance and contribution and to periods recognized as equivalent thereto which are valid under Italian legislation.

Article 18

The Italian institution shall return the form referred to in article 15, duly amplified with its own particulars, to the R.V.B., and shall append thereto a notification of its decision taken in accordance with the foregoing article and indicate the benefit to which the insured person would be entitled if he chose not to take advantage of the provisions of article 11 of the Convention.

Article 19

As regards periods which are not considered valid under Netherlands legislation the R.V.B., subject to the provisions of articles 28 to 30, shall base itself on the insurance and contribution periods and periods recognized as equivalent thereto which are valid under Italian legislation.

The R.V.B. shall aggregate the periods determined in accordance with the rules set forth above and shall establish the nature of the rights acquired under Netherlands legislation.

Article 20

The R.V.B. shall first determine the amount of the benefit to which the insured person would have been entitled if all the periods referred to in the last paragraph of the preceding article had been completed exclusively under Netherlands legislation and shall then calculate the proportional amount payable in respect of the insurance and contribution periods and periods recognized as equivalent thereto which are valid under Netherlands legislation.

Article 21

The R.V.B. shall notify the claimant, by registered letter, of all the decisions taken by the competent institutions of the two countries with regard to the benefits calculated in pursuance of article 11 of the Convention and shall indicate, for his information, what benefits he would receive if he chose not to take advantage of the provisions of the said article 11.

The notification shall inform the claimant of the following :

- (1) The procedure for appeal prescribed by the legislation of each country;
- (2) The fact that the insured person may within a period of fifteen clear days give notice of his intention not to take advantage of the provisions of article 11 of the Convention.

The R.V.B. shall then transmit to the competent Italian institution a copy of its decision, at the same time informing it of the following :

- (1) The date on which the notification was sent to the claimant;
- (2) Whether the insured person has agreed to the application of article 11 of the Convention or prefers not to take advantage thereof.

CHAPTER 3 — INVESTIGATION OF CLAIMS BY THE ITALIAN INSTITUTIONS

Article 22

The institution which investigates the claim in Italy shall transmit to the R.V.B. the form referred to in article 15.

The R.V.B. shall determine the insurance and contribution periods and the periods recognized as equivalent thereto which are valid under Netherlands legislation.

As regards periods which are not considered valid under Netherlands legislation, the R.V.B., subject to the provisions of articles 28 to 30, shall base itself on the insurance and contribution periods and periods recognized as equivalent thereto which are valid under Italian legislation.

The R.V.B. shall aggregate the periods determined in accordance with the rules set forth above and shall establish the nature of the rights acquired under Netherlands legislation.

Article 23

The R.V.B. shall first determine the amount of the benefit to which the insured person would have been entitled if all the periods referred to in the last paragraph of the preceding article had been completed exclusively under Netherlands legislation and shall then calculate the proportional amount payable in respect of the length of the insurance and contribution periods and the periods recognized as equivalent thereto which are valid under Netherlands legislation.

Article 24

The R.V.B. shall return the form referred to in article 15, duly amplified with its own particulars, to the competent Italian institution, and shall append thereto a notification of its decision taken in accordance with the foregoing

article and indicate the benefit to which the insured person would be entitled if he chose not to take advantage of the provisions of article 11 of the Convention.

Article 25

As regards periods which are not considered valid under Italian legislation, the Italian institution, subject to the provisions of articles 28 to 30, shall base itself on the insurance and contribution periods and the periods recognized as equivalent thereto which are valid under Netherlands legislation.

The Italian institution shall aggregate the periods determined in accordance with the rules set forth above and shall establish the nature of the rights acquired under Italian legislation.

Article 26

The Italian institution shall first determine the amount of the benefit to which the insured person would have been entitled if all the periods referred to in the last paragraph of the preceding article had been completed exclusively under Italian legislation and shall then calculate the proportional amount payable in respect of the insurance and contribution periods and the periods recognized as equivalent thereto which are valid under Italian legislation.

Article 27

The Italian institution shall notify the claimant, by registered letter, of all the decisions taken by the competent institutions of the two countries with regard to the benefits calculated in pursuance of article 11 of the Convention and shall indicate, for his information, what benefits he would receive if he chose not to take advantage of the said article 11.

The notification shall inform the claimant of the following :

- (1) The procedure for appeal prescribed by the legislation of both countries;
- (2) The fact that the insured person may within a period of fifteen clear days give notice of his intention not to take advantage of the provisions of article 11 of the Convention.

The Italian institution shall then transmit to the R.V.B. a copy of its decision, at the same time informing it of the following :

- (1) The date on which the notification was sent to the claimant;
- (2) Whether the insured person has agreed to the application of article 11 of the Convention or prefers not to take advantage thereof.

CHAPTER 4 — COMMON PROVISIONS

Article 28

In establishing eligibility for benefits and calculating pensions, the institutions of each country shall count the insurance and contribution periods and periods recognized as equivalent thereto completed in the territory of their country and in the territory of the other country to the extent and with the effects prescribed by the legislation of the territory in which they were completed.

All periods recognized as equivalent to an insurance or contribution period under both Italian and Netherlands legislation shall be counted by the institutions of the country in which the insured person last worked before the period under consideration. If the insured person did not work prior to the period in question, such period shall be counted by the institutions of the country in which he worked for the first time.

When an insurance or contribution period completed under the legislation of one country coincides with a period recognized as equivalent to an insurance or contribution period under the legislation of the other country, only the insurance or contribution period shall be counted.

The assimilation of contributions pursuant to article 12, section 3 of the Convention shall be effected in accordance with the following rules :

(1) The number of contributions valid under Netherlands legislation, which are counted by the Italian institutions in calculating pensions under the legislation by which they are governed, shall be treated as though such contributions had been paid in accordance with Italian legislation and on the basis of the average of the contributions paid or considered as having been paid in the contribution period in Italy which is counted by the Italian institution for the purpose of calculating the pension ;

(2) The number of contributions valid under Italian legislation, which are counted by the Netherlands institutions in calculating pensions under the legislation by which they are governed, shall be counted as though such contributions had been made under Netherlands legislation.

Article 29

In establishing eligibility for benefits, the aggregation of the insurance and contribution periods and periods recognized as equivalent thereto shall be effected in accordance with the following rules :

(1) The insurance and contribution periods completed and the periods recognized as equivalent thereto under the legislation of one of the two countries shall be aggregated with the periods completed or recognized as equivalent thereto under the legislation of the other country, to the extent that may be

necessary in order to make up, without overlapping, the insurance and contribution periods completed and the periods recognized as equivalent thereto in the first country;

(2) When an employed person is eligible for benefits from the institutions of both countries, the rule established in the preceding paragraph shall be applied separately in each country.

When in a given calendar year insurance or contribution periods or periods recognized as equivalent thereto are mentioned without a specific indication of the dates, such periods shall be presumed not to overlap provided that the total does not exceed one calendar year, or twelve months, or fifty-two weeks.

Article 30

For the purposes of the foregoing articles, six working days shall be considered a calendar week, twenty-six working days shall be considered a calendar month and 312 working days shall be considered a calendar year and vice versa.

Article 31

If the claimant chooses not to take advantage of the provisions of article 11 of the Convention, in accordance with the provisions of article 14, section 1, of the said Convention, he shall personally send a dated, signed and registered letter to that effect to the institution which has informed him of the decisions taken in accordance with articles 21 and 27.

Article 32

For the purposes of the provisions of this Part, the term "the insured" includes also his dependents.

The right of option provided for in article 14 of the Convention may be exercised by dependents under the same conditions as by the insured.

Article 33

For the purposes of article 12 of the Convention, in the case of an orphan whose father was insured in both countries and whose mother was insured only in the Netherlands, the Netherlands pension, based, because of the death of the father, on the insurance of the mother as being more favourable for the orphan, shall be considered a pension based on the insurance of the father.

Article 34

Pensions, as referred to in this Part, include all increases and all allowances pertaining to such pensions.

CHAPTER 5 — PAYMENT OF PENSIONS

Article 35

The Italian institutions responsible for benefits shall pay directly to beneficiaries residing in the Netherlands, within the time limits specified under Italian legislation, the benefits to which they are entitled.

The R.V.B. shall pay directly to beneficiaries residing in Italy, within the time limits specified under Netherlands legislation, the benefits to which they are entitled.

PART IV

*INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES**Article 36*

Benefits in cash and kind to beneficiaries in the other country shall be paid either directly or through the I.N.A.I.L., if the beneficiary is staying in Italy, or through the R.V.B. if he is staying in the Netherlands.

The General Directorate of the I.N.A.I.L. and the R.V.B. shall by mutual agreement prescribe the necessary measures.

Article 37

In determining the obligation to grant benefits and the degree of incapacity for work resulting from an industrial accident or occupational disease in connexion with which the legislation of one of the two countries is to be applied, industrial accidents and occupational diseases which have been confirmed previously and to which the legislation of the other country is applicable shall be considered on the same footing as industrial accidents or occupational diseases confirmed in the first country.

PART V

*FAMILY ALLOWANCES**Article 38*

Family allowances prescribed by Netherlands legislation shall be paid to dependents staying in Italy if the employed person has authorized such payment.

PART VI

ADMINISTRATIVE AND MEDICAL SUPERVISION

Article 39

The administrative and medical supervision of recipients of Italian social insurance benefits residing in the Netherlands shall be carried out, at the request of the institution responsible for the benefit, through the following :

(a) The G.A.K. in the case of sickness, maternity or tuberculosis benefits or family allowances;

(b) The R.V.B. in the case of invalidity, old-age or survivors' pensions or of industrial accident or occupational disease benefits.

The administrative and medical supervision of recipients of Netherlands social insurance benefits residing in Italy shall be carried out, at the request of the institution responsible for the benefit, through the following :

(a) The provincial offices of the I.N.A.M. in the case of sickness or maternity benefits;

(b) The provincial offices of the I.N.P.S. in the case of tuberculosis benefits or invalidity, old-age or survivors' pensions or family allowances;

(c) The provincial offices of the I.N.A.I.L. in the case of industrial accident or occupational disease benefits.

Failing any knowledge of the provincial office, the competent Netherlands institution responsible for the benefit may address its request to the General Directorate of the competent Italian institution.

Article 40

In the cases specified in articles 6 and 7, the competent institution of the country in which the patient is staying shall immediately investigate the matter and transmit without delay to the institution responsible for the benefit a medical report the model of which shall be established by mutual agreement between the competent Netherlands and Italian insurance institutions.

The same procedure may be applied in cases of insurance benefits for industrial accidents or occupational diseases to which the claimant is entitled by reason of temporary incapacity.

Article 41

In assessing the degree of invalidity, the institutions of each country shall take into account the medical findings as well as the administrative data obtained by the institutions of the other country.

The said institutions shall, however, retain the right to have the insured person examined by a physician of their choice.

Article 42

When, in consequence of an administrative check, the R.V.B. ascertains that the beneficiary of an Italian invalidity pension has resumed work in the Netherlands, the R.V.B. shall address a report to the Italian institution. This report shall indicate the nature of the work performed, the amount of the insured person's earnings, the normal remuneration received in the same region by a worker in the occupational category to which the insured person belongs in the occupation which he exercised before his invalidity, and the opinion of a medical expert of the Netherlands institution concerning the insured person's state of health.

Article 43

When, in consequence of an administrative check, the Italian institution ascertains that the beneficiary of a Netherlands invalidity pension has resumed work in Italy, the Italian institution shall address a report to the R.V.B. This report shall indicate the nature of the work performed, the amount of the insured person's earnings, the normal remuneration received in the same region by a worker in the occupational category to which the insured person belongs in the occupation which he exercised before his invalidity, and the opinion of a medical expert of the Italian institution concerning the insured person's state of health.

Article 44

The costs of any medical examination, observation or travel of doctors and beneficiaries and of any administrative or medical inquiries which may be necessary for the purposes of supervision shall be borne by the institution responsible for the benefit.

The said costs shall be established by the creditor institution according to its scale and shall be reimbursed by the institution responsible for the benefit upon presentation of a detailed statement of the expenses incurred.

Payment shall be made in Italy to the General Directorate of the I.N.A.M., of the I.N.P.S. or of the I.N.A.I.L., as the case may be, and in the Netherlands to the G.A.K. or the R.V.B., as the case may be, within thirty days following the date of receipt of the aforesaid statement.

The supreme administrative authorities may, however, make other arrangements for settlement, including lump sum reimbursements.

PART VII

*MISCELLANEOUS AND FINAL PROVISIONS**Article 45*

Costs connected with the payment of pensions and allowances (bank charges, currency exchange expenses, etc.) may be recovered from the beneficiaries

by the institutions responsible for payment, in accordance with the conditions established by the administrative authority to which such institutions are responsible.

Article 46

The documents transmitted to the Italian and Netherlands institutions, in particular medical reports, shall be accompanied by a translation in the French language.

Article 47

This arrangement shall enter into force on the date of its signature with retroactive effect from the date of entry into force of the Convention.

DONE in duplicate at Rome on 11 February 1955, in the French language.

For the Netherlands :
(Signed) J. G. SUURHOFF

For Italy :
(Signed) Ezio VIGORELLI

ADMINISTRATIVE ARRANGEMENT¹ FOR THE APPLICATION OF THE GENERAL CONVENTION BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE ITALIAN REPUBLIC RESPECTING SOCIAL INSURANCE, SIGNED AT THE HAGUE ON 28 OCTOBER 1952,² IN CASES INVOLVING MINeworkERS. SIGNED AT ROME, ON 12 FEBRUARY 1955

In pursuance of the provisions of article 31 of the General Convention between the Kingdom of the Netherlands and the Italian Republic respecting social insurance, signed at the Hague on 28 October 1952² (hereinafter referred to as "the Convention"), the Netherlands and Italian supreme administrative authorities, represented by :

The Netherlands :

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

Italy :

Mr. Ezio Vigorelli, Minister of Labour and Social Welfare,

have in mutual agreement prescribed the following rules for the application of the aforesaid Convention to mineworkers.

PART I

GENERAL RULES

Article 1

This Arrangement sets forth the detailed rules for the application of the Convention to Italian or Netherlands nationals who are or have been employed in the mines of either country and to their dependents, as well as to Italian or Netherlands nationals who have been employed successively or alternately in the mines of both countries and to their dependents.

Article 2

The General Administrative Arrangement of 11 February 1955³ for the application of the Convention shall apply to the employed persons referred to in article 1 and their dependents, subject to the provisions contained in the present Arrangement.

¹ Came into force on 12 February 1955, upon signature, with retroactive effect from 1 January 1955, the date on which the Convention was brought into force, in accordance with article 13.

² See p. 147 of this volume.

³ See p. 177 of this volume.

Article 3

For the purposes of the Convention the term " mines " includes Italian mining undertakings which would be subject to the special Netherlands regulations on the retirement scheme for mineworkers if they were situated in the Netherlands, namely :

- (1) Coal mines;
- (2) Coal by-product factories attached to collieries.

Article 4

Work performed in Italy may only be aggregated with the insurance periods completed under the special Netherlands retirement scheme for mineworkers if it was performed in undertakings referred to in article 3.

Article 5

Work performed in coal mines shall be understood to mean not only work performed by the employees of such mines but also work performed by employees of private contractors working underground in such mines and, where applicable, work performed by workers' delegates in inspecting mines.

Article 6

Work performed underground in Italy shall be understood to mean work which would be recognized as such under the special Netherlands regulations if it were performed in the Netherlands.

Work which is performed in Italy in the undertakings referred to in article 3 and which cannot be considered as having been performed underground shall be considered as having been performed on the surface.

PART II

*INVALIDITY, OLD-AGE AND SURVIVORS' INSURANCE**Article 7*

The institutions competent to decide upon pension claims lodged by mine-workers are, in Italy, the General Directorate of the Istituto nazionale della previdenza sociale (I.N.P.S.) and, in the Netherlands, the Algemeen Mijnwerkersfonds van de Steenkolenmijnen at Limburg (A.M.F.).

Article 8

In order to obtain a ruling on his rights to a mineworker's old-age or invalidity pension, an insured person residing in the Netherlands shall address his pension claim to the A.M.F., attaching thereto all relevant papers and all documents required by both Italian legislation and the special Netherlands regulations on the retirement scheme for mineworkers.

The A.M.F. shall immediately transmit to the I.N.P.S. a special form, in duplicate, showing the date of the claim and setting forth particulars concerning the claimant's civil status and the information required to enable the I.N.P.S. to establish the duration of the work performed in mines in Italy.

The I.N.P.S., after due inquiry, shall transmit to the A.M.F., on the aforesaid forms, its findings with regard to the duration of such work, together with a detailed statement thereof and an indication whether such work was performed underground or on the surface.

On the basis of these forms and of any supplementary information which it may see fit to obtain, the A.M.F. shall determine whether that work may be aggregated with the work performed under the special Netherlands scheme.

It shall then rule on the amount of the Netherlands pension payable to the claimant and shall return to the I.N.P.S., in duplicate, the special form showing the Netherlands decision, accompanied by a statement of the work performed in mines in the Netherlands.

If the claimant has not qualified for a pension under the special Netherlands scheme, the A.M.F. shall, where appropriate, transmit the claim to the competent Raad van Arbeid (R. v. A.) so that article 11, section 3 of the Convention may be applied.

The I.N.P.S., after ruling on the rights of the claimant under Italian legislation, shall return to the A.M.F. a copy of the said form, showing the decision taken.

Article 9

An insured person residing in Italy shall address his mineworkers' old-age or invalidity pension claim to the I.N.P.S., attaching thereto all relevant papers and all documents required under both the special Netherlands regulations and Italian legislation.

The I.N.P.S. shall immediately transmit to the A.M.F. a special form, in duplicate, showing the date of the claim and setting forth particulars concerning the claimant's civil status and the information required to enable the A.M.F. to establish the duration of the work performed in mines in the Netherlands, as well as its findings with regard to the duration of the work performed in mines in Italy, together with a detailed statement thereof and an indication whether such work was performed underground or on the surface.

On the basis of these forms and of any supplementary information which it may see fit to obtain, the A.M.F. shall determine whether the work performed in Italy may be aggregated with the work performed under the special Netherlands scheme.

It shall then rule on the amount of the Netherlands pension payable to the claimant and shall return to the I.N.P.S., in duplicate, the special form showing the Netherlands decision, accompanied by a statement of the work performed in mines in the Netherlands.

If the claimant has not qualified for a pension under the special Netherlands scheme, the I.N.P.S. shall follow the procedure established for the application of article 11, section 3 of the Convention.

The I.N.P.S., after ruling on the rights of the claimant under Italian legislation, shall return to the A.M.F. a copy of the said form, showing the decision taken.

Article 10

The procedure established in articles 8 and 9 shall also be applied in the consideration of claims for widows' pensions.

Article 11

The I.N.P.S. and the A.M.F. shall each notify the claimant of the decision taken in so far as it concerns them.

The notification from each institution shall indicate the procedure for appeal prescribed by the legislation or regulations by which the institution is governed.

Article 12

The I.N.P.S. shall pay directly to the beneficiaries, on the dates prescribed by the special Italian legislation, the benefits for which it is responsible.

The A.M.F. shall pay directly to the beneficiaries, on the dates prescribed by the special Netherlands regulations, the benefits for which it is responsible.

PART III

FINAL PROVISIONS

Article 13

This Arrangement shall enter into force on the date of its signature, with retroactive effect from the date of the entry into force of the Convention.

DONE in duplicate at Rome on 12 February 1955, in the French language.

For the Netherlands :
(Signed) J. G. SUURHOFF

For Italy :
(Signed) Ezio VIGORELLI

SPECIAL ARRANGEMENT¹ RESPECTING ALLOWANCES FOR AGED PERSONS PURSUANT TO THE SPECIAL PROTOCOL² FORMING PART OF THE GENERAL CONVENTION BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE ITALIAN REPUBLIC RESPECTING SOCIAL INSURANCE SIGNED AT THE HAGUE ON 28 OCTOBER 1952.³ SIGNED AT ROME, ON 19 DECEMBER 1956

The Government of the Kingdom of the Netherlands and the Government of the Italian Republic have agreed to the following provisions pursuant to the Special Protocol² forming part of the General Convention between the Kingdom of the Netherlands and the Italian Republic respecting social insurance, signed at The Hague on 28 October 1952 :³

Article 1

Italian nationals residing in the Netherlands shall receive the allowances for aged persons specified in the Netherlands Act of 24 May 1947 under the same conditions and in the same amounts as Netherlands nationals.

Article 2

Netherlands and Italian nationals residing in the Netherlands shall be deemed to have fulfilled the requirement of six years uninterrupted domicile in the Netherlands :

(a) If they are recipients of old-age, invalidity or survivors allowances under Netherlands legislation on invalidity insurance or of an allowance recognized as equivalent thereto under Netherlands law, and

(b) If they have been domiciled during the last six years without interruption in either Italy or the Netherlands or alternately in both countries, and

(c) If during the period preceding the date on which they reach the age of sixty-five they acquired to their credit at least 150 weekly contributions towards the benefits referred to in paragraph (a) above; four daily contributions shall be recognized as equivalent to one weekly contribution.

Article 3

Netherlands and Italian nationals residing in Italy who fulfil the conditions listed in article 2, sub-paragraphs (a) to (c) shall receive, on reaching the age

¹ Came into force on 19 December 1956, upon signature, with retroactive effect from 1 January 1955, in accordance with article 7.

² See p. 171 of this volume.

³ See p. 147 of this volume.

of sixty-five or at such time thereafter as they fulfil the conditions listed in article 2, sub-paragraph (a) and (b), an allowance for aged persons in accordance with the rules set forth in articles 4 to 6.

Article 4

Each national referred to in the preceding article shall receive for each forty-five weekly contributions which have been paid on his behalf towards the benefits referred to in article 2, sub-paragraph (a), before he reached the age of sixty-five, an annual allowance of 51 florins if under the Netherlands Act of 24 May 1947 he is deemed to be a married man, or an annual allowance of 34 florins if he is deemed to be unmarried; four daily contributions shall be equivalent to one weekly contribution.

Article 5

The allowances granted under article 4 may not exceed 765 florins a year for any person who is deemed to be married and 510 florins a year for any person who is deemed to be unmarried.

Article 6

If the allowances payable under the Act of 24 May 1947 are increased after the signature of this Arrangement the amounts referred to in articles 4 and 5 shall be increased accordingly.

Article 7

This Arrangement shall enter into force on the day of its signature, with retroactive effect from 1 January 1955.

This Arrangement is concluded for a period of one year. It shall be tacitly renewed from year to year, unless it is denounced three months before the expiry of the annual period.

IN WITNESS WHEREOF the undersigned duly authorized representatives have affixed their signatures to this Arrangement.

DONE in duplicate at Rome on 19 December 1956, in the French language.

For the Government
of the Kingdom of the Netherlands :
(Signed) H. N. BOON

For the Government
of the Italian Republic :
(Signed) Dino DEL BO