

No. 8637

**NETHERLANDS
and
GREECE**

**Interim Agreement on sickness and maternity insurance.
Signed at Athens, on 13 September 1966**

Official text: French.

Registered by the Netherlands on 5 June 1967.

**PAYS-BAS
et
GRÈCE**

**Accord intérimaire sur l'assurance maladie et maternité.
Signé à Athènes, le 13 septembre 1966**

Texte officiel français.

Enregistré par les Pays-Bas le 5 juin 1967.

[TRANSLATION — TRADUCTION]

No. 8637. INTERIM AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE KINGDOM OF GREECE ON SICKNESS AND MATERNITY INSURANCE. SIGNED AT ATHENS, ON 13 SEPTEMBER 1966

The Government of the Kingdom of the Netherlands and the Government of the Kingdom of Greece, desiring provisionally to regulate relations between the two States in the matter of sickness and maternity insurance pending the conclusion of a general treaty on social security, have decided to conclude an Agreement with this object and have agreed on the following provisions :

TITLE I

GENERAL PROVISIONS

Article 1

1. This Agreement shall apply :

- (a) In the Netherlands, to the legislation concerning sickness insurance (Benefits in cash and in kind in respect of sickness and maternity);
- (b) In Greece, to the legislation concerning insurance covering employed persons or persons treated as such in respect of sickness and maternity.

The term "legislation" shall, where appropriate, be construed also to include regulations.

2. This Agreement shall also apply to all laws or regulations by which the legislation referred to in paragraph 1 of this article has been or may be amended or supplemented.

It shall apply to laws or regulations extending existing schemes to new categories of beneficiaries, provided that the Government of the Contracting Party concerned raises no objection within a period of three months after the date of notification of the official publication of such laws or regulations.

3. For the purposes of this Agreement, the competent authorities shall be, in the case of the Netherlands, the Minister of Social Affairs and Public Health, and, in the case of Greece, the Minister of Labour.

¹ Came into force on 1 November 1966, the first day of the second month following signature, in accordance with article 20, paragraph 1.

Article 2

1. The provisions of this Agreement shall apply to employed persons or persons treated as such who are subject to the legislation of one of the Contracting Parties and are nationals of one of the Parties, and to the members of their families.

2. The provisions of this Agreement shall not apply to members of diplomatic or consular missions (including chancellery officials, provided that they are nationals of the sending State) or to members of a government service of one of the Contracting Parties who are sent by their Government to the territory of the other Contracting Party.

Article 3

Nationals of one of the Contracting Parties to whom the provisions of this Agreement apply shall be subject to the requirements and entitled to the advantages of the legislation referred to in article 1 on the same conditions as nationals of the other Party.

Article 4

The competent authorities of the Contracting Parties may, by agreement, make exceptions to the provisions of article 2, paragraph 2, and article 3 for specific employed persons or groups of employed persons.

TITLE II

SPECIAL PROVISIONS

Article 5

For the purposes of the acquisition, maintenance or recovery of the right to benefits, where an employed person or a person treated as such has been subject successively or alternately to the legislation of both Contracting Parties, the insurance periods and equivalent periods completed under the legislation of each of the Contracting Parties shall be aggregated, provided that they do not overlap.

Article 6

1. An employed person or a person treated as such who has completed insurance periods or equivalent periods under the legislation of one of the Contracting Parties and who moves to the territory of the other Contracting Party shall be entitled, for himself and for such members of his family as are in that

territory, to the benefits provided for by the legislation of the last-mentioned Contracting Party, provided that :

- (a) He was fit for employment when he last entered the territory of the last-mentioned Contracting Party;
- (b) He has been subject to compulsory insurance since he last entered that territory;
- (c) He satisfies the conditions imposed by the legislation of the last-mentioned Contracting Party, account being taken of the aggregation of periods referred to in the preceding article.

2. Where, in the cases specified in paragraph 1 of this article, an employed person or a person treated as such does not satisfy the conditions laid down in sub-paragraphs *a*, *b* and *c* of that paragraph, and where he would still be entitled to benefits under the legislation of the Contracting Party in whose territory he was last insured before his change of residence if he were in that territory, he shall remain entitled to benefits for a period of twenty-one days from the last day on which he was subject to the compulsory insurance scheme of that Party. The insurance authority of that Party may request the insurance authority of the place of residence to provide benefits in kind in accordance with the legislation applied by the last-mentioned insurance authority.

Article 7

1. An employed person or a person treated as such who is entitled to benefits from an insurance authority of one of the Contracting Parties and who is resident in the territory of that Party shall retain that entitlement when he transfers his residence to the territory of the other Contracting Party; before transferring his residence, however, he must obtain the consent of the competent insurance authority, which may withhold its consent only if advised by a physician on its staff that his state of health does not permit the transfer of residence to the territory of the other Contracting Party.

2. Where an employed person or a person treated as such is entitled to benefits under the provisions of the preceding paragraph, benefits in kind shall be provided by the insurance authority of his new place of residence in accordance with the provisions of the legislation applied by that insurance authority, particularly as regards the scale of such benefits and the manner of providing them; the duration of such benefits shall, however, be that prescribed by the legislation of the competent country.

3. In the case specified in paragraph 1 of this article, the provision of prosthesis, of large prosthetic appliances and of other major benefits in kind shall be subject, except in cases of unmistakable urgency, to prior authorization by the competent insurance authority.

4. In the case specified in paragraph 1 of this article, cash benefits shall be paid in accordance with the legislation of the competent country. Such benefits may be paid by the insurance authority of the other country as agent for the competent insurance authority according to rules to be laid down in an administrative agreement.

Article 8

1. Members of the family of an employed person or of a person treated as such who is insured with an insurance authority of one of the Contracting Parties shall, when resident in the territory of the other Contracting Party, be entitled to benefits in kind as though the employed person were insured with the insurance authority of their place of residence. The scale and duration of such benefits and the manner of providing them shall be determined in accordance with the provisions of the legislation applied by the last-mentioned insurance authority.

2. Where family members transfer their residence to the territory of the competent country, they shall be entitled to benefits in accordance with the provisions of the legislation of that country.

This rule shall also apply where the family members have already received, in respect of the same case of sickness or the same pregnancy, benefits provided by the insurance authorities of the Contracting Party in whose territory they were resident before the transfer.

3. The provisions of this article shall not apply to family members as specified in paragraph 1 of this article who carry on an occupation in their country of residence or who receive a pension or annuity which entitles them to benefits in kind.

4. For the purposes of the preceding paragraphs, persons shall be deemed to be family members if they are regarded as such under the legislation of the Contracting Party in whose territory they are resident.

Article 9

Where the application of this chapter would entitle an employed person or a person treated as such, or a member of his family, to maternity benefits under the legislation of both Contracting Parties, the beneficiary shall be subject to the legislation in force in the territory of the Contracting Party in which the birth takes place, account being taken, so far as necessary, of the aggregation of periods referred to in article 5 of this Agreement.

Article 10

1. The cost of benefits in kind provided under article 6, paragraph 2, article 7, paragraph 1, and article 8, paragraph 1, of this Agreement shall be

repaid by the competent insurance authorities to the insurance authorities which provided the said benefits.

2. The amount due shall be determined and repaid according to rules to be laid down in an administrative agreement concluded by the competent authorities; the repayment may be made in lump sums.

TITLE III

MISCELLANEOUS PROVISIONS

Article 11

The competent authorities :

1. Shall make all administrative arrangements which are necessary for the application of this Agreement;
2. Shall communicate to each other full information regarding measures taken for the application of this Agreement;
3. Shall communicate to each other full information regarding any changes made in their legislation which may affect its application.

Article 12

The authorities and insurance authorities responsible for the execution of this Agreement shall assist one another in applying this Agreement; they shall act as though the matter were one affecting the application of their own legislation.

Article 13

1. Any exemption from or reduction of charges, stamp duties, court fees or registration fees provided for by the legislation of one of the Contracting Parties in respect of papers or documents required to be produced for the purposes of the legislation of that Party shall be extended to similar papers and documents required to be produced for the purposes of the legislation of the other Contracting Party or of this Agreement.

2. Legalization by diplomatic and consular authorities and payment of chancery fees shall be waived in respect of all certificates, documents and papers required to be produced for the purposes of this Agreement.

Article 14

1. Direct correspondence between insurance authorities for the purposes of the application of this Agreement shall be conducted in the French language.

2. The insurance authorities and the authorities of one of the Contracting Parties shall not reject claims or other documents addressed to them on the ground that they are drawn up in the official language of the other Contracting Party.

Article 15

Claims, declarations or appeals which, for the purposes of the application of the legislation of one of the Contracting Parties, must be presented within a prescribed time-limit to an authority, insurance authority or other agency of that Party shall be admissible if they are presented within the same time-limit to a corresponding authority, insurance authority or other agency of the other Contracting Party. In such cases, the authority, insurance authority or agency concerned shall transmit such claims, declarations or appeals without delay to the competent authority, insurance authority or agency of the first-mentioned Party, either direct or through the competent authorities of the Contracting Parties.

Article 16

1. The insurance authorities of one Contracting Party which are liable under this Agreement for the payment of cash benefits to beneficiaries who are in the territory of the other Contracting Party shall be held to discharge their liability validly by payment in the currency of the first-mentioned Party; moneys due from such insurance authorities to insurance authorities which are in the territory of the other Contracting Party must be paid in the currency of the last-mentioned Party.

2. Transfers of funds required for the execution of this Agreement shall be effected in accordance with the relevant agreements in force between the two Contracting Parties at the time of the transfer.

Article 17

1. Any dispute between the Contracting Parties relating to the interpretation or application of this Agreement shall be the subject of direct negotiations between the competent authorities of the Contracting Parties.

2. If the dispute cannot be resolved by that means within a period of six months from the opening of negotiations, it shall be submitted to an arbitral commission, whose composition and procedure shall be determined by agreement between the Contracting Parties. The arbitral commission shall resolve the dispute in accordance with the fundamental principles and the spirit of this Agreement. Its decisions shall be binding and final.

TITLE IV

TRANSITIONAL AND FINAL PROVISIONS

Article 18

1. This Agreement shall in no case confer any right to the payment of benefits for a period before the date of its entry into force.

2. Any insurance period or equivalent period completed under the legislation of one of the Contracting Parties before the date of the entry into force of this Agreement shall be taken into account for the purpose of determining the right to benefits in accordance with the provisions of this Agreement.

Article 19

So far as the Kingdom of the Netherlands is concerned, this Agreement shall apply only to the Kingdom in Europe.

Article 20

1. This Agreement shall enter into force on the first day of the second month following signature and shall remain in force for one year.

2. Unless denounced by one of the Contracting Parties one month before the end of this term, the Agreement shall be tacitly extended until the date of the entry into force of a general treaty between the two States on social security, each Contracting Party reserving the right to denounce the Agreement at any time upon one month's notice.

IN WITNESS WHEREOF the undersigned representatives, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE at Athens, on 13 September 1966, in two copies in the French language.

For the Government of the Kingdom of the Netherlands :

R. B. VAN LYNDEN

For the Government of the Kingdom of Greece :

J. TOUMBAS
