

No. 8752

NETHERLANDS, FRANCE and POLAND

**Agreement on the social security status of employed persons
or persons treated as such who have been employed
in the Netherlands, France and Poland. Signed at Paris,
on 28 April 1966**

Official text: French.

Registered by the Netherlands on 29 August 1967.

PAYS-BAS, FRANCE et POLOGNE

**Accord relatif à la situation, en matière de sécurité sociale,
des travailleurs salariés ou assimilés qui ont été occupés
aux Pays-Bas, en France et en Pologne. Signé à Paris,
le 28 avril 1966**

Texte officiel français.

Enregistré par les Pays-Bas le 29 août 1967.

[TRANSLATION — TRADUCTION]

No. 8752. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS, THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF POLAND ON THE SOCIAL SECURITY STATUS OF EMPLOYED PERSONS OR PERSONS TREATED AS SUCH WHO HAVE BEEN EMPLOYED IN THE NETHERLANDS, FRANCE AND POLAND. SIGNED AT PARIS, ON 28 APRIL 1966

The Government of the Kingdom of the Netherlands,

The Government of the French Republic,

The Government of the People's Republic of Poland,

Desirous of enabling their nationals who have been employed successively in the Netherlands, France and Poland to exercise their rights in respect of insurance periods completed under social security schemes in each of these countries, having regard to the following instruments :

- The General Convention between Poland and France on social security and the Supplementary Agreement relative to that Convention on the system of social security applicable to persons employed in mines or establishments treated as mines, signed at Paris, on 9 June 1948;²
- The General Convention between the Netherlands and France on Social Security, signed at The Hague, on 7 January 1950,³ and the Supplementary Agreement relative to that Convention, signed on 1 June 1954,⁴ on the system of social security applicable to persons employed in mines or establishments treated as mines ;
- The Supplementary Agreement⁵ to the General Convention between the Netherlands and France on social security, dated 7 January 1950, and the Additional Agreement, in the form of an exchange of letters, of 17 August 1960⁶ between France and the Netherlands on the extension of the provisions of the said Supplementary Agreement to Polish nationals residing in Poland ;

¹ Came into force on 1 August 1967, the first day of the third month following the last of the notifications by which the Contracting Parties informed one another that the constitutional requirements had been complied with, in accordance with article 12.

² United Nations, *Treaty Series*, Vol. 32, p. 251.

³ United Nations, *Treaty Series*, Vol. 120, p. 25; Vol. 135, p. 375; Vol. 328, p. 311 and Vol. 495, p. 249.

⁴ United Nations, *Treaty Series*, Vol. 609.

⁵ United Nations, *Treaty Series*, Vol. 495, p. 249.

⁶ United Nations, *Treaty Series*, Vol. 495, p. 251.

—International Labour Organisation Convention No. 48 on the maintenance of migrants' pension rights,¹ ratified by Poland and the Netherlands ;

Have agreed as follows :

Article 1

The rules set forth in the following articles shall be applicable in determining the rights of Netherlands, French and Polish employed persons or persons treated as such who have been employed consecutively or alternately in the Netherlands, France and Poland, and those of their dependants, to benefits under old-age, invalidity and death (pensions) insurance schemes.

Article 2

The territories covered by this Agreement are :

- in the case of France, the metropolitan and overseas departments ;
- in the case of the Kingdom of the Netherlands, the territory in Europe ;
- in the case of Poland, the territory of the Polish State.

Article 3

1. Insurance periods completed in the Netherlands, France and Poland, under one or more old-age, disability or death (pensions) insurance schemes, or periods recognized as equivalent to insurance periods by virtue of the said schemes, shall, provided that they do not overlap, be aggregated for the purposes both of the determination of the right to benefit and of the maintenance or recovery of this right.

2. Where the legislation of one of the contracting countries makes the grant of certain benefits conditional upon the periods being completed in an occupation subject to a special insurance scheme, the periods completed under the corresponding special scheme or schemes of the other countries shall alone be aggregated for admission to the grant of these benefits. Nevertheless, if there is no special scheme in any of the contracting countries in respect of the given occupation, the insurance periods completed in the said occupation under one of the schemes referred to in paragraph 1 above shall be aggregated.

Article 4

1. On receipt of a claim, the competent institution of each contracting country shall determine, in accordance with the legislation to which it is subject, whether the person concerned fulfils the conditions required for entitlement to old-age or death (pensions) insurance under the said legislation, taking into account the aggregate of the insurance periods specified in the preceding article.

¹ United Nations, *Treaty Series*, Vol. 40, p. 73.

2. Where the right to benefit is established in accordance with the preceding paragraph, the said institution shall, if ordered to do so, determine the amount of the benefit to which the person concerned would be entitled if the aggregate number of insurance periods, or periods regarded as such, calculated in accordance with the procedure specified in the preceding paragraph, had been completed under the legislation to which it is subject.

To that end, the said institution shall compute the wages and contributions relating to the insurance periods completed under the legislation of the other Contracting Parties, taking as a basis the average wages or contributions relating to the insurance period completed under the legislation to which it is subject.

3. The competent institution, taking the amount computed in accordance with the preceding paragraph as a basis, shall determine the amount of the benefit due in proportion to the length of the periods completed under the legislation to which it is subject.

Article 5

Where the person concerned has been subject to the bodies of legislation of all three Contracting Parties, the invalidity pensions, or partial pensions, to be paid by the institutions of each of the Contracting Parties shall be determined in accordance with article 4 of this Agreement and such invalidity pensions shall then be deemed to be benefits within the meaning of the said article 4.

Article 6

Where computation of the amount of benefit due in proportion to the length of the insurance periods completed by the employee, carried out in accordance with the rules specified in article 4, given an amount equal to that computed directly and exclusively on the basis of the periods completed under the legislation of a single Contracting Party, the competent institution of that Party may employ the latter method of calculation.

The administrative authorities of the Contracting Parties shall notify each other directly of the legislation and categories of benefit to which the latter method is applicable.

Article 7

If the insurance periods and equivalent periods completed under the legislation of one of the Contracting Parties amount in all to less than six months, no benefit shall be payable under that legislation. This provision shall not, however, apply if the right to benefits was acquired under the legislation of a Contracting Party solely on the basis of periods completed under that legislation.

Article 8

1. Where, at a given time, the person concerned does not satisfy the conditions imposed by the three bodies of legislation applicable to him, account being taken of the total number of periods referred to in article 3, but satisfies only the conditions imposed by one or two of them, the amount of the benefit shall be determined in accordance with article 4.

2. Where, because entitlement exists under the two bodies of legislation, it is not necessary to take into account the periods completed under the third body of legislation whose conditions have not been satisfied, the latter periods shall not be taken into consideration for the purposes of article 4.

3. Where, because entitlement exists under a single body of legislation, it is not necessary to take into account the periods completed under the other two bodies of legislation, the amount of benefit shall be determined in accordance with the single body of legislation under which entitlement exists, account being taken of the periods completed under that legislation.

4. In all the cases specified in the foregoing paragraphs of this article, the benefits already determined shall be reassessed in accordance with article 4 as and when the conditions imposed by the other bodies of legislation are fulfilled.

Article 9

1. Where the amount of the benefit to which the person concerned might be entitled solely on the basis of the insurance periods and equivalent periods completed under the legislation of one of the Contracting Parties is greater than the total benefits which accrue from the application of article 4, he shall be entitled to receive from the institution of that Contracting Party an additional amount equal to the difference.

2. Where the person concerned is entitled to additional payments from the institutions of several Contracting Parties, he shall receive only the highest additional payment. The cost of that additional payment shall be divided among the institutions of the said Contracting Parties, account being taken of the additional payments which each would have had to make.

Article 10

1. The rights of persons whose pensions or annuities were assessed for payment prior to the entry into force of this Agreement may be reassessed at their request. Such reassessment shall have the effect of granting the recipients, as from the entry into force of this Agreement, the same rights as if the Agreement had been in force at the time of the original assessment.

2. Applications for reassessment shall be submitted within two years from the entry into force of this Agreement.

Article 11

1. Difficulties arising in the application of this Agreement shall be resolved by agreement between the competent administrative authorities of the Contracting Parties. These competent authorities are :

- in respect of France, the Minister of Social Affairs and the Minister of Agriculture ;
- in respect of the Netherlands, the Minister of Social Affairs and Public Health ;
- in respect of Poland, the Chairman of the Labour and Wages Committee.

2. The measures required for the implementation of this Agreement may be established, if necessary, by arrangements between the competent administrative authorities of the Contracting Parties.

Article 12

Each Contracting Party shall notify the other two Contracting Parties of the completion of the constitutional formalities required, in so far as it is concerned, for the entry into force of this Agreement.

This Agreement shall enter into force on the first day of the third month following the date of the last such notification.

Article 13

1. This Agreement shall remain in force indefinitely, subject to the right of each Contracting Party to give notice of denunciation to the other Contracting Parties. Such denunciation shall become effective six months after its receipt.

Denunciation by any one Contracting Party shall entail abrogation of this Agreement.

2. Should one of the instruments mentioned in the preamble of this Agreement cease to be effective, this Agreement would likewise cease to be applicable.

IN FAITH WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement, in three original copies, in the French language.

DONE at Paris, on 28 April 1966.

For the Government of the Kingdom of the Netherlands :

B. E. QUARLES V. UFFORD

For the Government of the French Republic :

Gilbert DE CHAMBRUN

For the Government of the People's Republic of Poland :

J. DRUTO