

**No. 9363**

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**NETHERLANDS  
and  
BELGIUM**

**Agreement concerning the collection of Social Security contributions (with annex). Signed at The Hague, on 21 March 1968**

*Official texts: Dutch and French.*

*Registered by the Netherlands on 21 December 1968.*

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**PAYS-BAS  
et  
BELGIQUE**

**Accord relatif à la perception et au recouvrement des cotisations de sécurité sociale (avec annexe). Signé à La Haye, le 21 mars 1968**

*Textes officiels néerlandais et français.*

*Enregistré par les Pays-Bas le 21 décembre 1968.*

[TRANSLATION — TRADUCTION]

No. 9363. AGREEMENT<sup>1</sup> BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE KINGDOM OF BELGIUM CONCERNING THE COLLECTION OF SOCIAL SECURITY CONTRIBUTIONS. SIGNED AT THE HAGUE, ON 21 MARCH 1968

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The Kingdom of the Netherlands and

The Kingdom of Belgium,

Desiring to enable the institutions and authorities of the two Contracting Parties to collect social security contributions in the territory of the other Contracting Party also;

Seeking to regulate the implementation of article 51 of Regulation No. 3 of the Council of the European Economic Community concerning social security for migrant workers (*Journal Officiel des Communautés Européennes*, No. 30/58),

Have, pursuant to article 7 of the said Regulation, agreed as follows :

*Article 1*

This Agreement shall govern the collection of all contributions owed under the social security schemes, as specified in article 2 of Regulation No. 3, of one of the two Contracting Parties by persons who or enterprises which are in the territory of the other Contracting Party or have their principal place of business or own property in the said territory.

*Article 2*

For the purposes of this Agreement :

- (a) "Competent authorities" means the authorities specified in article 1, paragraph (d), of Regulation No. 3;
- (b) "Competent institutions" means the institutions or authorities of one Contracting Party to which contributions are owed by a person who or an enterprise which is in the territory of the other Contracting Party or has its principal place of business or owns property in the said territory. An institution shall also be deemed to be a competent institution as regards contributions which it is required to collect on behalf of institutions pertaining to other branches of insurance;

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<sup>1</sup> Came into force on 15 September 1968, one month after the Governments of the Contracting Parties had notified each other that the constitutional procedures required to that effect had been accomplished in their respective countries, in accordance with article 11.

- (c) "Institution applied to" means the institutions or authorities specified in the annex to this Agreement for the collection of several contributions;
- (d) "Liaison agencies" means :  
In the case of the Netherlands : the Bureau voor Belgische Zaken de sociale verzekering betreffende (Office for Belgian Affairs (Social Security)) at Breda;  
In the case of Belgium : the Rijksdienst voor Maatschappelijke Zekerheid - Office national de sécurité sociale (National Social Security Office) at Brussels;
- (e) "Contributions" means — in addition to contributions, including increases and fines not of a penal nature — interest and costs, where they relate to collection.

### *Article 3*

1. Contributions established by the competent institution of one Contracting Party may be collected in the territory of the other Contracting Party.
2. Debt-claims to be collected shall be protected by the same guarantees and privileges as similar debt-claims of an institution established in the territory of the Contracting Party in which the collection is carried out.

### *Article 4*

1. The institution applied to shall render assistance to the competent institution in the collection of contributions. Such assistance shall be rendered at the request of the competent institution. The request shall be addressed to the institution applied to through the liaison agencies.
2. In support of the request, the competent institution shall transmit to the institution applied to a copy of the administrative or judicial decision concerning the establishment of the contributions. The authority which is competent in this respect under the legislation in force in the territory where the decision was taken must certify that the copy is authentic and that the debt-claim is collectable.
3. The decision referred to in paragraph 2 shall be declared enforceable in the territory of the Contracting Party in which the institution applied to is established by the authority which is competent to collect analogous contributions, where the legislation of that Contracting Party so requires.
4. The institution applied to may deny the request if the competent institution has not exhausted all possibilities of collection from the principal debtor available to it in the territory of the Contracting Party in which it is established.
5. In the case of any debt-claim which is the subject of a dispute concerning which a final decision has not yet been rendered, the request for assistance shall be limited to a request to protect the debt-claim through measures of conservation.

*Article 5*

1. The institution applied to shall render assistance in the collection of contributions as though the matter were one relating to the collection of contributions payable to that institution itself.

2. Assistance shall include the transmittal of all appropriate information concerning the circumstances of the debtor, as well as collection, distraint and measures of conservation; it shall not include any measures of imprisonment in respect of the debt-claims.

3. The procedure to be followed, the manner of collection and such measures of conservation as may be necessary shall be those provided for by the legislation of the Contracting Party in whose territory the institution applied to is established.

4. The institution applied to shall be required to take only such measures as are also provided for by the legislation of the Contracting Party in whose territory the competent institution is established.

5. The institution applied to must transfer the contributions collected to the competent institution through the liaison agencies.

*Article 6*

The institution applied to shall take such measures of conservation as may be deemed necessary for collection, even if it intends to deny the request for assistance as provided for in article 4, paragraph 4.

*Article 7*

Official papers and other documents transmitted to the institution applied to under this Agreement shall be available only to the authorities responsible for collection, and then only for the purposes of collection. Their content shall not be disclosed to any other authorities or to third parties.

*Article 8*

1. Mutual administrative and judicial assistance by institutions, authorities and courts shall, in principle, be free of cost; irrecoverable legal costs shall be reimbursed. The competent authorities may agree on the reimbursement of other costs or may waive such reimbursement.

2. The competent authorities of the two Contracting Parties may resolve problems arising in regard to assistance, such as the establishment of a minimum collectable amount and the reimbursement of irrecoverable legal costs.

*Article 9*

The annex referred to in article 2 shall form an integral part of this Agreement. It may be amended or supplemented by agreement, by the competent authorities of the two Contracting Parties.

*Article 10*

In the case of the Kingdom of the Netherlands, this Agreement shall apply only to the territory in Europe.

*Article 11*

This Agreement shall enter into force one month after the Governments of the Contracting Parties have notified each other that the constitutional procedures for the entry into force of this Agreement have been completed in their respective countries.

*Article 12*

This Agreement is concluded for an indefinite period. Either of the Contracting Parties may denounce it not later than three months before the end of any calendar year, in which case the Agreement shall cease to have effect as from the following calendar year.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

DONE at The Hague, on 21 March 1968, in duplicate, in the Dutch and French languages, both texts being equally authentic.

For the Kingdom of the Netherlands :

J. LUNS

For the Kingdom of Belgium :

W. VAN CAUWENBERG

## ANNEX

“Institutions applied to”, within the meaning of article 2 (c) :

## I. Kingdom of the Netherlands :

The Nieuwe Algemene Bedrijfsvereniging (New General Occupational Association) at Amsterdam.

## II. Kingdom of Belgium :

The Rijksdienst voor Maatschappelijke Zekerheid — Office national de sécurité sociale (National Social Security Office).