

No. 9714

**BELGIUM
and
NETHERLANDS**

**Agreement concerning social security applicable to their
nationals who have carried on an occupation overseas.
Signed at the Hague on 4 February 1969**

Authentic texts: French and Dutch.

Registered by Belgium on 11 July 1969.

**BELGIQUE
et
PAYS-BAS**

**Accord en matière de sécurité sociale applicable à leurs
ressortissants qui ont exercé une activité professionnelle
outre-mer. Signé à La Haye le 4 février 1969**

Textes authentiques: français et néerlandais.

Enregistré par la Belgique le 11 juillet 1969.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE KINGDOM OF BELGIUM
AND THE KINGDOM OF THE NETHERLANDS
CONCERNING SOCIAL SECURITY APPLICABLE TO
THEIR NATIONALS WHO HAVE CARRIED ON AN
OCCUPATION OVERSEAS

The Kingdom of Belgium,
and
the Kingdom of the Netherlands

Desiring to make available to persons of Netherlands nationality who were employed in the territories of the Belgian Congo and Ruanda-Urundi certain benefits which the Belgian Act of 16 June 1960 (*Moniteur belge* of 30 June 1960, No. 156) makes conditional upon the conclusion of a reciprocity agreement,

Have agreed as follows :

Article 1

1. Persons of Netherlands nationality shall be guaranteed those benefits specified in article 3, sub-paragraph (b) to (e), of the Belgian Act of 16 June 1960 to which they were entitled under the legislation and regulations in force in the Belgian Congo and Ruanda-Urundi on 30 June 1960.

2. The benefits specified in article 3, sub-paragraph (b) and (d), of the above-mentioned Act shall, however, be granted only :

- (a) up to the age of 65 years if the insured person is a man, and up to the age of 60 years if the insured person is a woman ;
- (b) up to the age of 45 years to widows without children receiving the orphan's allowance specified in sub-paragraph (c) of the said article 3 and, regardless of age, where the death of the insured person occurred during a period of service or participation in an insurance scheme.

3. The benefits not included in the guarantee shall be paid to insured persons from the age of 65 years (in the case of men) or 60 years (in the case of women), provided that the aggregate of those benefits and of the benefits guaranteed to foreigners under the Belgian Act of 16 June 1960 does not exceed the difference between the total benefits which would be granted if the

¹ Came into force on 27 June 1969, the date on which the Government of the Netherlands notified the Government of Belgium that the constitutional formalities required in the Netherlands had been fulfilled, with retroactive effect from 1 January 1966, in accordance with article 12.

recipient were of Belgian nationality and an amount equal to 1,000 francs for each year of service, including vacation time, taken into account for the purpose of determining the length of qualifying service.

Where the insured person has carried on an occupation in Belgium, the sum of 1,000 francs specified in the foregoing paragraph shall be multiplied by a fraction the denominator of which shall be equal to the difference between, on the one hand, 45 for men or 40 for women and, on the other hand, the number of years of service, including vacation time, spent in the Belgian Congo or Ruanda-Urundi and taken into account for the purpose of determining the length of qualifying service, and the numerator of which shall be equal to the difference between the denominator and the number of years during which the insured person was employed in Belgium before the age of 65 (in the case of men) or 60 (in the case of women) as a salaried employee, wage-earner or self-employed person.

4. Except where the death of the insured person occurred during a period of service or participation in an insurance scheme, the benefits not included in the guarantee shall be granted to his widow if she is over 45 years of age or has a child receiving an orphan's allowance, provided that the aggregate of those benefits and of the benefits guaranteed to foreigners under the Belgian Act of 16 June 1960 does not exceed the difference between the total benefits which would be granted if the recipient were of Belgian nationality and an amount equal to 500 francs for each year of service, including vacation time, which would have been taken into account for the purpose of determining the length of qualifying service.

Where the insured person has carried on an occupation in Belgium, the sum of 500 francs specified in the foregoing paragraph shall be multiplied by a fraction the denominator of which shall be equal to the difference between, on the one hand, the number of years which have elapsed between his twentieth birthday and the date of his death, this number being, however, limited to 45 and, on the other hand, the number of years of service, including vacation time, spent in the Belgian Congo or Ruanda-Urundi which would have been taken into account for the purpose of determining the length of service qualifying for a retirement pension, and the numerator of which shall be equal to the difference between the denominator and the number of years during which the insured person was employed in Belgium before the age of 65 years as a salaried employee, wage-earner or self-employed person.

Article 2

Persons of Netherlands nationality who have participated in the insurance scheme established by the Belgian Act of 17 July 1963 (*Moniteur belge* of 8 January 1964, No. 6) concerning the overseas social security scheme, and their dependants of Netherlands nationality, shall benefit from the adjustment of the benefits to changes in the cost of living provided for in chapter VI of

the Act, provided that for the entire period of his participation in the insurance scheme the insured person has paid contributions which would have been allocated in accordance with articles 17 or 18 (a) of the Act.

Article 3

1. Persons of Netherlands nationality who have paid contributions which have been allocated in accordance with article 18 (b) of the Belgian Act of 17 July 1963 may, in order to enjoy the benefit specified in article 2 of this Agreement, regularize their accounts by paying supplementary contributions into the Mutual Benefit and Equalization Fund in respect of insurance periods prior to 1 July 1969.

2. Dependents of Netherlands nationality of persons designated above who died before 1 July 1969 may make the payments specified in the foregoing paragraph.

3. Entitlement under article 2 of this Agreement shall be acquired on the first day of the month following the month during which the payment of the supplementary contributions is completed.

Article 4

1. A person of Belgian nationality who has carried on an occupation under a contract of employment in the Netherland East Indies, in Netherlands New Guinea before 21 September 1962, in Surinam, or in the Netherlands Antilles before 29 December 1954, and his dependants, shall, without having to meet the residence requirement, benefit from the following, the cost thereof to be borne by the competent Netherlands institutions :

- (a) An old-age pension from the age of 65 years, at a rate not exceeding 2 per cent of the full old-age pension provided for in the Netherlands Act of 31 May 1956 concerning the general old-age insurance scheme (*Staatsblad van het Koninkrijk der Nederlanden*, No. 281) for each year of service, including vacation time, completed in the above-mentioned territories ;
- (b) The benefits provided for in the Netherlands Act of 9 April 1959 on general widows' and orphans' insurance (*Staatsblad van het Koninkrijk der Nederlanden*, No. 139) where the death of the employed person occurred during a period of service in those territories, during a period of vacation leave relating thereto or after these periods had expired but, in such cases, at a rate not exceeding 2 per cent of the said benefits for each year of service, including vacation time, completed by the employed person in the above-mentioned territories.

2. The benefits provided for in this article shall be paid only if and to the extent that they exceed the pension granted by or on behalf of the enterprise

which engaged the employed person in the above-mentioned territories on the basis of the services rendered there.

Article 5

1. Enterprises with their principal place of business in the Netherlands which employ one or more agents of Belgian or Netherlands nationality in the territories of the former Belgian Congo or Ruanda-Urundi shall be obliged to pay, in respect of agents, as from 1 January 1966 the same employers' contributions as those which the Belgian Act of 17 July 1963 requires enterprises established in Belgium to pay in respect of their personnel employed in those territories.

2. These contributions shall be collected by the institutions designated by the competent authority referred to in article 8 of this Agreement. These institutions shall act for and on behalf of the office of overseas social security responsible for collecting the contributions due under the legalization specified in paragraph 1 of this article, using their own procedures for the collection of contributions.

Article 6

The existence of this Agreement may not be invoked for the purpose of granting benefits for which it does not expressly provide.

Article 7

1. The competent authorities of the Contracting Party shall prescribe the measures for implementing this Agreement in an administrative instrument.

2. They shall notify each other of any changes made in their respective legislation or regulations concerning the schemes covered in this Agreement.

Article 8

For the purpose of this Agreement, the competent authorities of each Contracting Party shall be deemed to be the Ministers responsible, each in so far as he is concerned, for administering the schemes covered in this Agreement.

Article 9

Disputes concerning the interpretation or implementation of this Agreement which cannot be settled by mutual agreement between the Ministers referred to in article 8 shall be resolved through the diplomatic channel.

Article 10

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

Article 11

Applications for one of the benefits referred to in article 4, by virtue of an event which occurred before the entry into force of this Agreement, shall be submitted within two years following the date of its entry into force. If the application is submitted after this period, entitlement to the benefit shall take effect from the first day of the month following the submission of the application.

Article 12

This Agreement shall enter into force, with retroactive effect to 1 January 1966, on the date on which the Government of the Kingdom of the Netherlands notifies the Government of the Kingdom of Belgium that the constitutional formalities required in the Netherlands have been completed.

Article 13

This Agreement is concluded for an indefinite period. It may be denounced by either of the Contracting Parties not later than three months before the end of each calendar year, in which event the Agreement shall cease to have effect on the first day of the following calendar year.

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

DONE at The Hague on 4 February 1969, in duplicate, in the French and Dutch languages, both texts being equally authentic.

For the Kingdom of Belgium :

Pierre HARMEL

For the Kingdom of The Netherlands :

J. LUNS