

No. 10110

**BELGIUM
and
ALGERIA**

**General Convention on social security (with protocol).
Signed at Brussels on 27 February 1968**

Authentic text: French.

Registered by Belgium on 23 December 1969.

**BELGIQUE
et
ALGÉRIE**

**Convention générale sur la sécurité sociale (avec protocole).
Signée à Bruxelles le 27 février 1968**

Texte authentique: français.

Enregistrée par la Belgique le 23 décembre 1969.

[TRANSLATION — TRADUCTION]

GENERAL CONVENTION¹ ON SOCIAL SECURITY
BETWEEN THE KINGDOM OF BELGIUM AND THE
DEMOCRATIC AND POPULAR REPUBLIC OF
ALGERIA

His Majesty the King of the Belgians and

The President of the Democratic and Popular Republic of Algeria,

Desirous of guaranteeing the benefits of the legislative provisions concerning social security in force in the two contracting countries to the persons to whom these legislative positions apply or have been applied, have resolved to conclude a Convention and for this purpose have appointed as their plenipotentiaries:

His Majesty the King of the Belgians:

His Excellency Mr. P. de Paepe, Minister of Social Welfare;

The President of the Democratic and Popular Republic of Algeria:

His Excellency Mr. B. Bessaih, Ambassador at Brussels;

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

TITLE I

GENERAL PROVISIONS

Article 1

Belgian or Algerian nationals who are employed persons or persons treated as such under the legislative provisions concerning social security set out in article 2 of this Convention shall be subject to the said legislative provisions in force, respectively, in Algeria or Belgium and shall, together with their dependants, enjoy the benefits thereof under the same conditions as the nationals of the State concerned.

Article 2

1. The legislative provisions concerning social security to which this Convention applies shall be:

¹ Came into force on 1 October 1969, the first day of the second month following the month in which the instruments of ratification were exchanged at Algiers (on 19 August 1969), in accordance with article 49.

1. In Belgium:

- (a) The legislation concerning sickness and invalidity insurance for wage-earners, salaried employees, miners and persons treated as miners, and merchant seamen;
- (b) The legislation concerning retirement and survivors' pensions for wage-earners, salaried employees, miners and persons treated as miners, and merchant seamen;
- (c) The legislation concerning family allowances for employed persons;
- (d) The legislation concerning industrial accidents, including the legislation relating to seafarers;
- (e) The legislation concerning occupational diseases;
- (f) The legislative measures concerning provisions for the support of persons involuntarily unemployed and the payment of allowances for waiting periods in respect of the merchant seamen's pool.

2. In Algeria:

- (a) The legislation establishing the social security system;
- (b) The legislation establishing the social insurance scheme applicable to non-agricultural workers;
- (c) The social insurance legislation applicable to agricultural workers and persons treated as such;
- (d) The legislative measures concerning the prevention of, and entitlement to damages for, industrial accidents and occupational diseases;
- (e) The legislation concerning family benefits;
- (f) The legislative measures regarding special social security schemes in so far as they relate to risks or benefits covered by the legislative measures set out above, and in particular the scheme concerning social security in mines;
- (g) The unemployment insurance legislation.

2. The provisions of this Convention shall not apply to merchant seamen unless an agreement to that effect is concluded between the contracting countries.

3. This Convention shall also apply to any laws or regulations amending or supplementing the legislative provisions set out in paragraph 1 of this article.

The above notwithstanding, the Convention shall not apply to:

- (a) Laws or regulations covering a new branch of social security, unless there is an agreement to that effect between the contracting countries;
- (b) Laws or regulations extending existing schemes to new classes of beneficiaries, if the Government of the country concerned lodges an

objection with the Government of the other country within a period of three months after the official publication of the said laws or regulations.

Article 3

The provisions of this Convention shall not apply to:

- Career diplomatic and consular officers, including officials or the staff of chancelleries;
- Workers other than employed persons or persons treated as such.

Article 4

1. Employed persons or persons treated as such under the legislation applicable in each contracting country, who are employed in either country, shall be subject to the legislation in force at their place of employment.

2. The following exceptions shall be made to the principle laid down in paragraph 1 of this article:

(a) Employed persons or persons treated as such who are employed in a country other than that of their normal residence by an enterprise having, in the country of such residence, an establishment to which the persons concerned normally belong shall remain subject to the legislation in force in the country in which they are normally employed, provided that the duration of their employment within the territory of the second country does not exceed twelve months; where, for unforeseeable reasons, this employment is extended beyond the period originally contemplated and exceeds twelve months, the application of the legislation in force in the country in which the said persons are normally employed may, as an exceptional measure, be continued for a further period of not more than twelve months, with the agreement of the competent authorities of the country in which the temporary place of employment is situated. The application for extension must be submitted before the twelve-month period expires.

(b) Employed persons or persons treated as such who belong to public or private transport enterprises in either contracting country and are employed in the other country, whether permanently or temporarily or as travelling personnel, shall be subject exclusively to the provisions in force in the country in which the enterprise has its head office; if, however, the enterprise has a branch or a permanent agency in the territory of the contracting country other than the one in which its head office is situated, persons employed by such branch or permanent agency shall be subject to the legislation of the contracting country in whose territory the branch or permanent agency is situated.

(c) Employed persons or persons treated as such who belong to official administrative departments and are seconded by and on account of one of the contracting countries shall remain subject to the legislation in force in the country from which they are seconded.

3. The competent administrative authorities of the contracting countries may provide, by mutual agreement, for exceptions to the rules laid down in paragraph 1 of this article. They may also agree that the exceptions provided for in paragraph 2 shall not apply in specific cases.

Article 5

The provisions of article 4, paragraph 1, shall apply to employed persons or persons treated as such, whatever their nationality, who are employed at the diplomatic or consular posts of Belgium or Algeria or are in the personal employ of agents of such posts.

Nevertheless, employed persons or persons treated as such who are nationals of the country represented by the diplomatic or consular post may opt between the legislation of their country of origin and the legislation of their place of employment. This right of option may be exercised only once, within a time-limit to be specified.

Article 6

Where the legislation of one of the contracting countries provides for the reduction, discontinuance or suspension of a benefit in the event that the beneficiary is concurrently in receipt of another social security benefit or of remuneration, the benefit acquired under the legislation of the other contracting country or the remuneration received in the territory of the other contracting country shall also be chargeable against the recipient of the benefit.

However, this rule shall not apply to the combined amount of two benefits of the same nature calculated in proportion to the duration of the periods completed in the two contracting countries.

TITLE II

SPECIAL PROVISIONS

Chapter I

SICKNESS AND MATERNITY BENEFITS

Article 7

Employed persons or persons treated as such and their dependants who go from Belgium to Algeria or vice versa shall be eligible for sickness

insurance benefits in the country of the new place of employment if such employed persons:

- (1) Have been in employment for wages or in equivalent employment in that country;
- (2) Were fit for employment when they last entered the territory of that country;
- (3) Fulfil the conditions required for eligibility for benefit under the legislation of the country of their new place of employment, account being taken of the period of insurance in the country they have left and the period which has elapsed since they became subject to the legislation of the country of their new place of employment.

Article 8

Employed persons or persons treated as such and their dependants who go from Belgium to Algeria or vice versa shall be eligible for maternity insurance benefits in the country of the new place of employment if such employed persons:

- (1) Have been in employment for wages or in equivalent employment in that country;
- (2) Fulfil the conditions required for eligibility for benefit under the legislation of the country of their new place of employment, account being taken of the period of insurance in the country they have left and the period which has elapsed since they became subject to the legislation of the country of their new place of employment.

Article 9

Aggregation of the periods referred to in article 7 (3) and article 8 (2) shall apply only if employment begins in the country of the new place of employment within two months from the termination of employment in the country of the former place of employment and within one month from the date of entry into the country of the new place of employment.

Article 10

Dependants of an employed person or of a person treated as such who is entitled to benefits under the legislation of the country in which he is insured shall, when resident in the territory of the contracting country other than the country of the place where the employed person is insured, be eligible for sickness and maternity insurance benefits in kind, provided that they are not entitled to benefits in kind under the legislation of the country of residence.

Eligibility for such benefits shall be determined in accordance with the provisions of the legislation of the country in which the employed person

is insured. The dependants covered and the scope, duration and conditions of the grant of the benefits shall be determined in accordance with the provisions of the legislation of the country of residence.

The social security authority of the country in which the employed person is insured shall refund to the social security authority of the country of residence three quarters of the costs relating to such benefits, on the basis of a flat rate calculated in a manner to be determined by the competent administrative authorities of the contracting countries.

Article 11

Employed persons or persons treated as such and their dependants shall, while temporarily resident in one of the contracting countries for a period not exceeding a limit to be established, be eligible for sickness and maternity insurance benefits in kind in accordance with the legislation of the country of temporary residence, provided that they may claim such benefits under the legislation of the country in which the employed person is insured.

The social security authority of the country in which the employed person is insured shall refund to the social security authority of the country of temporary residence the actual costs of such benefits, as shown in the books of the social security authorities which furnished them.

Article 12

Employed persons or persons treated as such who have acquired the right to benefits under the legislation of one of the contracting countries shall, together with their dependants, retain that right if they transfer their residence to the other country, provided that the competent social security authority of the country in which the employed person is insured authorizes the transfer.

The provisions of article 10, second and third paragraphs, shall apply *mutatis mutandis*.

Article 13

1. Where a person in receipt of pensions payable under the legislation of both contracting countries is entitled to benefits in kind under the legislation of the contracting country in whose territory he is resident, account being taken of the aggregation of the insurance periods completed in both countries, such benefits shall be furnished to him and his dependants by the social security authority of the country of residence as though he were in receipt of a pension solely under the legislation of the latter country.

The costs of such benefits shall be borne by the competent social security authority of the contracting country under whose legislation the person in receipt of the pensions completed the longer period of insurance.

2. Where a person in receipt of a pension payable solely under the legislation of one of the contracting countries is resident in the territory of the other contracting country, benefits in kind shall be furnished to him and his dependants by the social security authority of the country of residence as though he were in receipt of a pension under the legislation of the latter country.

Eligibility for such benefits shall be determined in accordance with the provisions of the legislation of the country responsible for the pension. The dependants covered and the scope, duration and conditions of the grant of the benefits shall be determined in accordance with the provisions of the legislation of the country of residence.

The costs of such benefits shall be refunded by the competent social security authority of the country awarding the pension, unless the person concerned is, in his country of residence, entitled to the benefits in another capacity.

3. The refundments provided for in paragraphs 1 and 2 shall be made on the basis of a flat rate calculated in a manner to be determined by the competent administrative authorities of the contracting countries.

Chapter II

INVALIDITY BENEFITS OTHER THAN THOSE FURNISHED IN CASE OF INDUSTRIAL ACCIDENT OF OCCUPATIONAL DISEASE

Article 14

1. In the case of Belgian or Algerian employed persons or persons treated as such who have been insured, consecutively or alternately, in the two contracting countries under one or more invalidity insurance schemes, the insurance periods completed under these schemes or the periods recognized as equivalent to insurance periods by virtue of the said schemes shall be aggregated in accordance with the conditions laid down in article 20, paragraphs 1 and 2, for the purposes both of the determination of the right to benefits in cash or in kind and of the maintenance or recovery of this right.

2. Invalidity insurance benefits in cash shall be paid in accordance with the provisions of the legislation which was applicable to the person concerned at the time when the incapacity followed by invalidity occurred and the costs shall be borne by the social security authority which is competent according to the said legislation.

Article 15

Notwithstanding the provisions of article 14, paragraph 2, the right to invalidity benefits in the case of workers who have been subject to the special

legislation concerning miners and persons treated as miners in Belgium and Algeria shall be determined in accordance with the rules laid down in article 20, paragraph 3, where, due account being taken of the aggregated periods, those workers fulfil the conditions specified in the said special legislation. Where such workers do not fulfil the conditions under both the Belgian and Algerian legislation, their right to benefits shall be determined in accordance with the provisions of article 14.

Article 16

If, on the date on which the incapacity followed by invalidity occurred, the insured person referred to in article 15 was employed in the country other than that of the responsible social security authority, account shall be taken, in determining the amount of the invalidity pension or compensation, of the wage paid in the country of the responsible social security authority to employed persons of the occupational category to which the person concerned belonged on that date.

Article 17

1. If, after suspension of the invalidity pension or compensation, the insured person recovers his entitlement to benefits, the payment of benefits shall be resumed by the social security authority responsible for the pension or compensation originally granted, where the invalidity is attributable to the incapacity in respect of which such pension or compensation was awarded.

2. If, after discontinuance of the invalidity pension or compensation, the state of health of the insured person again justifies the award of invalidity compensation, the latter shall be paid in accordance with the rules laid down in article 14, account being taken, where appropriate, of the provisions of article 15.

Article 18

For the purposes of eligibility for invalidity pensions or compensation, the period during which the person concerned must have been in receipt of cash compensation under the sickness insurance scheme prior to the award of the invalidity pension or compensation shall in all cases be that provided for by the legislation of the country in which he was employed at the time when the incapacity followed by invalidity occurred.

Article 19

An invalidity pension or compensation shall, where appropriate, be converted into an old age pension on the date on which the conditions required by the legislation of one of the two countries responsible for sharing the costs of the old age pension are fulfilled.

The provisions of chapter III below shall be applied, where appropriate.

Chapter III

OLD AGE BENEFITS AND SURVIVORS' BENEFITS (PENSION) OTHER THAN THOSE FURNISHED IN CASE OF INDUSTRIAL ACCIDENT OR OCCUPATIONAL DISEASE

Article 20

1. In the case of Belgian or Algerian employed persons or persons treated as such who have been insured, consecutively or alternately, in the two contracting countries under one or more old age or survivors (pension) insurance schemes, the insurance periods completed under these schemes or the 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 benefits and of the maintenance or recovery of this right.

The periods to be taken into account as equivalent to insurance periods shall, in each country, be those regarded as such under the legislation of that country.

Any period recognized as equivalent to an insurance period under both Belgian and Algerian legislation shall be taken into account, in the payment of benefits, by the social security authorities of the country in which the person concerned was last employed before the period in question.

2. Where the legislation of one of the contracting countries makes it a condition for the award of particular benefits that the periods should have been completed in an occupation which is subject to a special insurance scheme, for the purpose of qualification for such benefits only the periods completed under the corresponding special scheme or schemes of the other country shall be aggregated.

Even if in one of the contracting countries there is no special scheme governing the particular occupation, the periods completed in the said occupation under one of the schemes referred to in paragraph 1 shall nevertheless be aggregated.

Where the legislation of one of the contracting countries makes it a condition for the award of particular benefits that the periods should have been completed in an occupation which is subject to a special insurance scheme, and where such periods were insufficient to provide entitlement to the said benefits, the said periods shall be regarded as valid for the purpose of payment of benefits under the scheme applicable to wage-earners in the case of Belgium and under the social security scheme for non-agricultural workers in the case of Algeria.

3. The benefits which an insured person may claim from the competent social security authority of either country shall, in principle, be determined by reducing the amount of the benefits to which he would be entitled if the aggregate of the periods referred to in paragraphs 1 and 2 above had been completed under the scheme administered by that authority, the reduction being effected in proportion to the duration of the periods actually completed under that scheme.

The social security authority of each country, acting in accordance with the legislation applicable to it and taking into account the aggregate of the periods irrespective of the contracting country in which they were completed, shall determine whether the person concerned satisfies the conditions for entitlement to benefits under the said legislation.

The said authority shall determine the amount of the benefits to which the person concerned would be entitled if all the periods aggregated had been completed exclusively under its own legislation and shall reduce this amount in proportion to the duration of the periods actually completed under that legislation.

Nevertheless, a social security authority shall not be responsible for a benefit where the periods completed under the legislation to which it is subject do not total one year, being a year comprising the annual minimum number of days of actual employment or of days treated as actual employment as provided by that legislation; in that case, the social security authority of the other country shall assume full responsibility for the benefits to which the insured person is entitled under the legislation applicable to that authority, account being taken of the aggregate of the periods.

4. If, under the legislation of one of the contracting countries, entitlement to the pension is not conditional upon the completion of a waiting period but is acquired year by year, the competent social security authority of that country shall calculate the pension entitlement directly and exclusively on the basis of the insurance periods completed in that country and of the periods recognized as equivalent to insurance periods under the legislation of that country; in that case, the social security authority concerned shall apply the provisions of the legislation of that country which are applicable to insured persons who, on the date on which the decision takes effect, have attained the normal pensionable age.

Article 21

1. Where an insured person, account being taken of the aggregate of the periods referred to in article 20, paragraphs 1 and 2, does not simultaneously fulfil the conditions required by the legislation of both countries, his pension entitlement shall be established under the legislation of each country as and when he fulfils those conditions.

2. The periods during which a pension is paid by the country in which the conditions referred to in paragraph 1 are fulfilled shall be treated, for the purposes of eligibility under the legislation of the other country, as insurance periods completed in the first-mentioned country.

3. In the case referred to in paragraph 1 of this article, the pension already paid shall be reviewed in accordance with the provisions of article 20, paragraphs 1 to 3, as from the date on which entitlement to the pension is established under the legislation of the other contracting country.

Article 22

1. The right, provided for in the Belgian special legislation, to receive concurrently the accelerated pension or an old age pension and a miner's wages shall be recognized, under the conditions and within the limits laid down by the said legislation, only in the case of insured persons who continue to work in the Belgian coal-mines.

2. Notwithstanding the provisions of article 20, the grant of the accelerated pension to miners provided for in the Belgian special legislation shall be reserved for those insured persons who fulfil the conditions required by the said legislation, their service in the Belgian coal-mines alone being taken into account.

Article 23

Any insured person may, upon becoming eligible for a pension, waive the benefit of the provisions of article 20 of this Convention. The benefits which he may claim under the legislation of each country shall then be paid separately by the social security authorities concerned, regardless of the insurance periods or the periods recognized as equivalent thereto completed in the other country.

Article 24

1. The provisions of articles 20, 21 and 23 shall apply *mutatis mutandis* in respect of survivors' pensions.

2. If the insured person had more than one lawful wife, the benefits shall be definitively apportioned among the wives in the following manner: the competent social security authority shall determine the amount of the benefits to which each of them would be entitled if she were the sole wife and shall divide that amount by the number of wives at the time of the death of the insured person.

Chapter IV

PROVISIONS COMMON TO CHAPTERS II AND III

Article 25

Where the legislation of one of the contracting countries makes the payment of invalidity pensions or compensation or of old age and survivors' pensions conditional upon residence qualifications, whether such pensions or compensation are payable under article 20 or are calculated solely on the basis of the insurance periods completed under that legislation, those qualifications shall not apply to Belgian or Algerian nationals as long as they are resident in either of the two contracting countries.

However, the person in receipt of an invalidity pension or compensation must obtain the authorization of the competent social security authority before returning to the territory of the other contracting country or transferring his residence to that territory.

Such authorization may be refused only if, for duly certified medical reasons, it would not be advisable for the person concerned to make the journey.

Article 26

If, under the legislation of one of the contracting countries, the average wage for the whole of the insurance period or for a part thereof is taken into account for the payment of benefits, the average wage to be taken into account for the purpose of computing the benefits to be paid by that country shall be determined on the basis of the wages paid during the insurance period completed under the legislation of the said country.

Article 27

A claim for benefit submitted to one of the social security authorities with which the person concerned has been insured shall be considered valid by the other competent social security authorities.

Chapter V

FAMILY BENEFITS

Article 28

1. If the national legislation makes eligibility for family benefits conditional upon the completion of periods of employment or periods treated as such, account shall be taken of the periods completed in both countries.

2. The right of persons employed as underground workers in mines or in workings of quarries to family allowances at the rates set out in the ordinary general scale provided for in the Belgian legislation shall be extended to Algerian nationals whose children are being brought up in Algeria.

An administrative agreement shall determine, *inter alia*, the categories of children covered, the conditions in which such allowances are granted and the periods treated as periods of actual employment for which they shall be awarded.

3. Algerian nationals, other than those referred to in paragraph 2, who are employed persons or persons treated as such under the Belgian legislation and whose children are being brought up in Algeria shall be entitled to the family allowances provided for in the Algerian legislation.

Belgian nationals who are employed persons or persons treated as such under the Algerian legislation and whose children are being brought up in Belgium shall be entitled to the family allowances provided for in the Belgian legislation.

The competent social security authority of the country in which the employed person is insured shall be required to refund the amount of the benefits paid under the terms of this paragraph, in the form of a lump sum determined as provided for in an administrative agreement.

Chapter VI

BENEFITS IN CASE OF INDUSTRIAL ACCIDENT OR OCCUPATIONAL DISEASE

Article 29

Where the legislation of one of the contracting countries makes the payment of the benefits due in case of industrial accident or occupational disease conditional upon residence qualifications, those qualifications shall not apply to Belgian or Algerian nationals as long as they are resident in either of the two contracting countries.

Article 30

Benefits provided for in the Belgian legislation which are conditional upon need shall be furnished only to beneficiaries who are resident in Belgium.

Article 31

Any industrial accident sustained or occupational disease contracted by a Belgian national employed in Algeria or an Algerian national employed

in Belgium which has resulted or is apt to result in either death or permanent incapacity, whether total or partial, must be notified by the employer or the competent social security authorities to the local consular authorities of the country of which the person concerned is a national.

Article 32

1. For the purposes of assessing the degree of permanent incapacity resulting from an industrial accident or occupational disease under Belgian or Algerian legislation, industrial accidents sustained or occupational diseases contracted at an earlier date under the legislation of the other country shall be taken into account as though they had been sustained or contracted under the legislation of the first State.

2. Where, in the event of the worsening of an occupational disease, an employed person who has received or is receiving compensation in respect of an occupational disease under the legislation of one of the contracting countries claims, in respect of an occupational disease of the same nature, entitlement to benefits under the legislation of the other country, the following rules shall apply:

- (a) If the person concerned has not been employed in the territory of the last-mentioned country in an occupation to which the occupational disease or the worsening thereof may be attributed, the social security authority with which he is insured in the first-mentioned country shall remain responsible for the benefits under its own legislation, account being taken of such worsening;
- (b) If the person concerned has been employed in the territory of the last-mentioned country in such an occupation, the social security authority with which he is insured in the first-mentioned country shall remain responsible for furnishing the benefits under its own legislation, but no account shall be taken of the worsening; the social security authority with which he is insured in the other country shall award the employed person a supplement, the amount of which shall be determined in accordance with the legislation of the second country and shall correspond to the increase in the degree of incapacity.

3. Where the person concerned is resident in the territory of the contracting country other than that in which the employed person contracted the occupational disease, the claim for benefits may be submitted to the competent social security authority of the country of residence of the person concerned. In that case, the claim must be drawn up in the form and manner required by the legislation of the country in which the occupational disease was contracted.

Article 33

Where the legislation of a contracting country makes it a condition for the award of occupational disease benefits that an activity likely to cause such a disease should have been exercised for a prescribed length of time, the periods during which the employed person exercised an activity of the same nature in the other country shall also be taken into account in determining eligibility for the benefits.

Article 34

The provisions of article 13, paragraphs 2 and 3, shall apply *mutatis mutandis* to an employed person who sustains an industrial accident or contracts an occupational disease and who, after becoming eligible for the benefits payable by the competent social security authority, is authorized by that social security authority to return to the territory of the other contracting country or to transfer his residence to that territory.

The duration of the grant of the benefits shall be determined in accordance with the provisions of the legislation applied by the competent social security authority.

Article 35

If the employed person had more than one lawful wife, the widow's pension shall be definitively apportioned equally among the wives who fulfil the conditions of the applicable legislation.

Chapter VII

SUPPORT OF PERSONS INVOLUNTARILY UNEMPLOYED

Article 36

Employed persons and persons treated as such from one of the contracting countries who go to the territory of the other shall, in the country of their new place of employment, be eligible for benefits under the legislation concerning the support of persons involuntarily unemployed, provided that they have begun an insurance period in respect of employment the exercise of which has been authorized in accordance with the legislation concerning the employment of alien workers. Entitlement to unemployment insurance benefits in one of the contracting countries shall be determined by aggregating the insurance periods and periods treated as such completed under the legislation in force in that country with the insurance periods and periods treated as such completed under the legislation of the other country.

Chapter VIII

FUNERAL BENEFITS OR FUNERAL GRANTS

Article 37

1. Employed persons or persons treated as such who go from one country to the other shall become eligible for the funeral benefits or funeral grants provided for in the legislation of the country of the new place of employment if:

- (1) They have been in employment for wages or in equivalent employment in that country;
- (2) They fulfil, at the time of death, the conditions required for eligibility for benefit under the legislation of the country of their new place of employment, account being taken of the period of insurance in the country they have left and the period which has elapsed since they became subject to the legislation of the country of their new place of employment.

2. In the event of the death of a person in receipt of an old age or invalidity pension from the competent social security authorities of both contracting countries as a result of the aggregation of insurance periods, the funeral grant or funeral benefit shall be payable by the competent social security authority of the country in which the employed person was last insured if, account being taken of the aggregated periods, the conditions prescribed by the legislation of that country are fulfilled.

3. In the event of the death of a person in receipt of an old age or invalidity pension or invalidity compensation from the social security authority of only one of the contracting countries or of a benefit due under the Belgian or Algerian legislation concerning industrial accidents or occupational diseases, the funeral grant or funeral benefit shall be payable by the competent social security authority of the country responsible for the pension or benefit, if the conditions prescribed by the legislation of that country are fulfilled.

TITLE III

ADMINISTRATIVE CO-OPERATION

Article 38

1. The administrative authorities and the insurance or social security authorities of the two contracting countries shall assist one another to the same extent as if the matter were one affecting the application of their own schemes.

The authorities of each contracting country which shall be empowered to correspond directly with one another for this purpose and, where appro-

priate, to centralize claims for and payments of benefits shall be determined by virtue of an administrative agreement.

2. The said authorities may, as an accessory measure, have recourse for the same purpose to the diplomatic and consular authorities of the other country.

3. The diplomatic and consular authorities of either country may apply directly to the administrative authorities of the other country with a view to obtaining any information required for the protection of the interests of their nationals.

Article 39

1. Exemptions from registration or court fees, stamp duties and consular charges provided for in the legislation of one of the contracting countries in respect of documents required to be produced to the administrative authorities, social security authorities or courts of that country shall be extended to the corresponding documents required to be produced for the purposes of this Convention, to the administrative authorities, social security authorities or courts of the other country.

2. For the purposes of this article and of articles 39 and 40, the term "court" means, in relation to both contracting countries:

The administrative courts having jurisdiction in social security matters.

3. Legalization by diplomatic or consular authorities shall be waived in respect of all certificates, documents and papers required to be produced for the purposes of this Convention.

Article 40

Communications which for the purposes of this Convention are sent by beneficiaries under the Convention or by administrative authorities, social security authorities or courts to administrative authorities, social security authorities or courts of the other country shall be drawn up in one of the official languages of the two countries.

Article 41

Claims and appeals which should be lodged within a prescribed period with an administrative authority, social security authority or court of one of the contracting countries competent to receive claims or appeals in social security matters shall be deemed admissible if they are lodged within the same period with a corresponding authority or court of the other country.

In such cases, the latter authority or court shall transmit the claims or appeals without delay.

Article 42

1. The competent administrative authorities of the contracting countries shall agree upon the measures necessary for the implementation and application of this Convention.

The said administrative authorities shall notify one another in due time of changes that have taken place in the legislation or regulations of their respective countries concerning the schemes enumerated in article 2.

2. The competent administrative authorities of the two contracting countries shall notify one another of other arrangements made for the purpose of implementing this Convention within their respective countries.

Article 43

For the purposes of this Convention, the competent administrative authorities of each of the contracting countries shall be:

In Belgium: the Minister of Social Welfare;

In Algeria: the Minister of Labour and Social Affairs.

TITLE IV

MISCELLANEOUS PROVISIONS

Article 44

1. The social security authorities responsible for benefits under this Convention shall be held to discharge their responsibility validly by payment in the currency of their country.

If currency restrictions are at any time imposed in either contracting country, measures shall be taken forthwith, by agreement between the two Governments, to ensure, in accordance with the provisions of this Convention, the reciprocal transfer of moneys due.

2. The social security authority responsible for annuities or pensions the monthly amount of which is less than a sum to be specified by an exchange of letters between the competent administrative authorities of the two contracting countries may pay the said annuities and pensions quarterly, half-yearly or yearly.

It may also, by payment of a sum equal to their capital value, redeem annuities or pensions the monthly amount of which is less than a sum

specified by an exchange of letters in the manner provided for in the preceding sub-paragraph.

Article 45

The transfer of benefits payable under social security legislation to beneficiaries resident in one of the contracting countries shall be carried out in accordance with the procedures laid down in an administrative agreement between the competent administrative authorities of the contracting countries.

Article 46

1. For the purpose of assessing incapacity and degree of invalidity, the insurance authorities of each country shall take account of medical reports and information obtained by the insurance authorities of the other country.

They shall, however, retain the right to have the person concerned examined by a physician of their choice.

2. The competent authorities shall determine by administrative agreement the medical control procedures necessary for the application both of this Convention and of the social security legislation of the two countries.

Article 47

Any formalities that may be presented by the laws or regulations of one of the contracting countries in respect of the payment outside its territory of benefits dispensed by its social security authorities shall also apply, under the same conditions as apply to nationals, to persons entitled to receive such benefits by virtue of this Convention.

Article 48

Any difficulties relating to the interpretation and application of this Convention shall be resolved by agreement between the competent administrative authorities of the contracting countries.

Article 49

1. This Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Algiers.

2. It shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged.

Article 50

1. The situation of former employed persons or persons treated as such and of their dependants with regard to their right to an invalidity, old age or survivor's pension shall be reviewed:

- (1) If payment of the pension was suspended because of the nationality or place of residence;
- (2) If the pension was denied because of their nationality or place of residence or because the insurance periods or periods treated as such completed in both countries had not been aggregated;
- (3) If the pension was reduced because of their nationality;
- (4) If the application of the Convention will result in their being granted a pension higher than the benefits they already receive or could have received if they had applied for them.

2. The review shall take place on application, to be submitted by the person concerned through the competent social security authorities of the two contracting countries.

Applications shall take effect on the first day of the month following the month in which they are submitted.

However, if such applications are submitted within two years from the date of entry into force of this Convention, they shall take effect as from 1 July 1962.

Article 51

1. This Convention is concluded for an indefinite period. It may be terminated by either contracting country. Notice of termination must be given not later than six months before the expiry of any calendar year; the Convention shall then cease to have effect at the end of that year.

2. In the event of termination, the provisions of this Convention shall continue to apply to acquired rights, notwithstanding any restrictions that may be provided for under the schemes concerned for cases where a beneficiary is in a foreign country.

3. Any rights that are in process of acquisition in respect of insurance periods completed before the date on which this Convention ceases to have effect shall continue to be governed by the provisions of this Convention in conformity with conditions to be decided upon by agreement between the contracting countries.

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

DONE at Brussels, on 27 February 1968, in duplicate in the French language.

For the Kingdom
of Belgium:

P. DE PAEPE

For the Democratic and Popular
Republic of Algeria:

B. BESSAÏH

PROTOCOL

The Government of the Kingdom of Belgium and
The Government of the Democratic and Popular Republic of Algeria
have decided to adopt the following provisions:

Article 1

Belgian nationals who are not subject to the Belgian compulsory social security schemes and who exercise their profession or occupation in Algeria shall be authorized to transfer to the Belgian overseas social security office established by Act of 17 July 1963 the amount of the contributions provided for in the said Act, in addition to such other amounts as they may be entitled to transfer under the legislation concerning exchange control.

Article 2

The provisions of the Algerian legislation concerning compulsory participation in the social security schemes shall be applicable to the aforementioned persons.

They may, however, expressly waive coverage by the Algerian supplementary retirement scheme to which their employers have become parties.

Article 3

This Protocol shall enter into effect on the same date as the General Convention on Social Security, signed this day, and shall remain in force for the same period as the Convention.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Protocol and have thereto affixed their seals.

DONE in duplicate, at Brussels, on 27 February 1968, in the French language.

For the Kingdom
of Belgium:

P. DE PAEPE

For the Democratic and Popular
Republic of Algeria:

B. BESSAÏH