

No. 12183

BELGIUM
and
FEDERAL REPUBLIC OF GERMANY

**Agreement concerning the collection of social security contributions
(with annex). Signed at Bonn on 29 January 1969**

Authentic texts: French, Dutch and German.

Registered by Belgium on 11 December 1972.

BELGIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

**Accord relatif à la perception et au recouvrement des cotisations de
sécurité sociale (avec annexe). Signé à Bonn le 29 janvier 1969**

Textes authentiques: français, néerlandais et allemand.

Enregistré par la Belgique le 11 décembre 1972.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF BELGIUM AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE COLLECTION OF SOCIAL SECURITY CONTRIBUTIONS

The Government of the Kingdom of Belgium and
The Government of the Federal Republic of Germany,
Desiring to enable the competent authorities and institutions of either Contracting Party to collect social security contributions in the territory of the other Contracting Party,

Seeking to make provision for the application of article 51 of Regulation No. 3 of the Council of the European Economic Community concerning social security for migrant workers (*Journal of the European Communities*, No. 30, of 16 December 1958),

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

Article 1. This Agreement shall govern the collection of all contributions which, under such social security systems of either Contracting Party as are referred to in article 2 of Regulation No. 3, are owed by persons or companies having their place of permanent or temporary residence or principal place of business in the territory of the other Contracting Party or possessing assets in that territory.

Article 2. For the purposes of this Agreement :

- (a) The term “ competent authorities ” means the authorities designated in article 1 (d) of Regulation No. 3;
- (b) The term “ competent institutions ” means the insurance institutions or the authorities of a Contracting Party to which contributions are owed by persons or companies having their place of permanent or temporary residence or principal place of business in the territory of the other Contracting Party or possessing assets in that territory. An institution shall also be deemed to be competent in respect of contributions which it is required to collect on behalf of the institutions responsible for other branches of insurance;
- (c) The term “ requested institutions ” means the insurance institutions or the authorities designated in the annex to this Agreement in respect of the various contributions;
- (d) The term “ liaison offices ” means :
In the case of Belgium : the Office national de sécurité sociale (Rijksdienst voor maatschappelijke zekerheid), Brussels;
In the case of the Federal Republic of Germany : der Bundesverband der Ortskrankenkassen, Bad Godesberg;

¹ Came into force on 1 October 1971, i.e. one month after the date (31 August 1971) on which the Government of the Federal Republic of Germany notified the Government of Belgium that the requirements under domestic law had been fulfilled, in accordance with article 11.

(e) The term “contributions” means, in addition to contributions, any interest, costs, surcharges and fines, not being of a penal character, in so far as they relate to the collection of contributions.

Article 3. 1. Contributions assessed by the competent institution of a Contracting Party may be collected in the territory of the other Contracting Party, even if the assessment has not yet become final.

2. The debt-claim to be recovered shall enjoy the same safeguards and privileges as a similar debt-claim by an institution in the territory of the Contracting Party in which collection is effected.

Article 4. 1. The requested institution shall render administrative assistance in respect of collection. Such administrative assistance shall be furnished upon application by the competent institution. The application shall be addressed to the requested institution through the liaison offices.

2. The competent institution shall transmit to the requested institution, along with the application, a copy of the decision of the administrative authority or of the court concerning assessment of the contribution. The authority which is competent for the purpose must certify the copy and indicate thereon that the debt is collectable.

3. Where the laws of the Contracting Party in whose territory the requested institution is established so require, the decision referred to in paragraph 2 shall be declared enforceable in that territory by the authority which is competent for the recovery of debt-claims in respect of similar contributions.

4. The requested institution may refuse the application for administrative assistance if the competent institution has not, in the territory of the Contracting Party in which it is established, exhausted all available means of recovering its debt-claim from the principal debtor.

Article 5. The requested institution shall furnish administrative assistance in respect of the collection of contributions as if the matter related to the recovery of its own debt-claims concerning contributions.

2. Administrative assistance shall include transmittal of all relevant particulars concerning the circumstances of the debtor, recovery of the debt-claim, distraint and interim measures; no measures of imprisonment shall be taken.

3. The procedure for and manner of recovery of debt-claims, and any necessary interim measures, shall be in accordance with the laws of the Contracting Party in whose territory the requested institution is established.

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

5. The requested institution shall remit the amounts of contributions collected to the competent authority through the liaison offices.

Article 6. The requested institution shall take such interim measures as may be necessary for recovery of the debt-claim, even if it intends to refuse the application for assistance in accordance with article 4, paragraph 4.

Article 7. Documents and other material transmitted to the requested institution pursuant to this Agreement shall be made available only to the authorities responsible for collection and solely for the purposes of collection. The contents thereof shall not be disclosed to other authorities or to third parties.

Article 8. The reciprocal administrative and legal assistance rendered by institutions, authorities and courts shall, in principle, be free of cost; however, out-of-

pocket expenses shall be reimbursed. The competent authorities may enter into agreements concerning the reimbursement of other costs or the waiver of reimbursement.

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 between the competent authorities of the two Contracting Parties.

Article 10. This Agreement shall also apply to Land Berlin, unless the Government of the Federal Republic of Germany notifies the Government of the Kingdom of Belgium to the contrary within three months after the entry into force of the Agreement.

Article 11. This Agreement shall enter into force one month after the date on which the Government of the Federal Republic of Germany notifies the Government of the Kingdom of Belgium that the requirements under domestic law for the entry into force of the Agreement have been fulfilled.

Article 12. This Agreement is concluded for a period of one year from the date of its entry into force. It shall continue in force automatically from year to year, unless denounced in writing not less than three months before expiry of the current term.

DONE at Bonn, on 29 January 1969, in two original copies, each in the French, Dutch and German languages, the three texts being equally authentic.

For the Kingdom of Belgium :

[W. LORIDAN]

For the Government of the Federal Republic of Germany :

[DUCHWITZ]

[JANTZ]

ANNEX

“ REQUESTED INSTITUTIONS ” AS REFERRED TO IN ARTICLE 2 (c)

I. Kingdom of Belgium

The Office national de sécurité sociale (Rijksdienst voor maatschappelijke zekerheid).

II. Federal Republic of Germany

In respect of all contributions : the Allgemeine Ortskrankenkasse in whose area the persons or companies owing the contributions have their place of permanent or temporary residence or principal place of business or possess assets; if there is no Allgemeine Ortskrankenkasse, the relevant Landkrankenkasse.