

No. 12417

**BELGIUM
and
PORTUGAL**

**General Convention on social security (with protocol).
Signed at Lisbon on 14 September 1970**

*Authentic texts: French, Dutch and Portuguese.
Registered by Belgium on 4 April 1973.*

**BELGIQUE
et
PORTUGAL**

**Convention générale sur la sécurité sociale (avec protocole).
Signée à Lisbonne le 14 septembre 1970**

*Textes authentiques: français, néerlandais et portugais.
Enregistrée par la Belgique le 4 avril 1973.*

[TRANSLATION—TRADUCTION]

GENERAL CONVENTION¹ ON SOCIAL SECURITY BETWEEN
THE KINGDOM OF BELGIUM AND THE PORTUGUESE
REPUBLIC

His Majesty the King of the Belgians and
The President of the Portuguese Republic,

Desiring to guarantee the benefits of the legislative provisions concerning social security in force in the two Contracting States to the persons to whom these provisions apply or have been applied,

Have decided to conclude a Convention and have for the purpose appointed as their plenipotentiaries:

His Majesty the King of the Belgians: His Excellency Mr. Placide De Paepe, Minister of Social Welfare;

The President of the Portuguese Republic: His Excellency Rui Manuel de Medeiros d'Espiney Patrício, Minister for Foreign Affairs,

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

TITLE I. GENERAL PROVISIONS

Article 1

(1) Belgian or Portuguese employed persons shall be subject to the legislative provisions concerning social security set out in article 2 of this Convention which are in force respectively in Portugal or in Belgium and shall, together with their dependants, enjoy the benefits thereof under the same conditions as the nationals of the State concerned.

(2) For the purposes of this Convention, "employed persons" means wage-earners and persons treated as such under the said legislative provisions concerning social security.

Article 2

Paragraph 1. This Convention shall apply to the following legislative provisions concerning social security in force in the territories referred to in article 4:

A. Belgium:

(a) The legislation concerning sickness and invalidity insurance for wage-earners and merchant seamen and the legislation concerning invalidity pensions for miners and persons treated as miners;

¹ Came into force on 1 May 1973, i. e. the first day of the second month following the exchange of the instruments of ratification, which took place at Brussels on 8 March 1973, in accordance with article 50 of the Convention.

- (b) The legislation concerning retirement and survivors' pensions for wage-earners;
- (c) The legislation concerning family allowances for wage-earners;
- (d) The legislation concerning industrial accidents, including the legislation relating to seafarers;
- (e) The legislation concerning occupational diseases;
- (f) The legislation concerning involuntary unemployment;

B. Portugal:

- (a) The social welfare legislation concerning the general scheme covering sickness and maternity, invalidity, old-age and death insurance;
- (b) The legislation concerning the special social welfare schemes for certain classes of persons covering the risks set out above;
- (c) The legislation concerning industrial accidents and occupational diseases;
- (d) The legislation concerning family allowances;
- (e) The legislation concerning unemployment.

Paragraph 2. (1) This Convention shall also apply to any laws or regulations amending or supplementing the legislative provisions set out in paragraph 1 of this article.

(2) 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 Parties;
- (b) Laws or regulations extending existing schemes to new classes of beneficiaries, if the Government of the Contracting Party which amends its legislation lodges an objection with the Government of the other Party 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 on the staff of chancelleries, but they shall apply to persons, irrespective of their nationality, who are employed at Belgian or Portuguese diplomatic or consular posts or are in the personal employ of officers of such posts.

Article 4

This Convention shall apply:

- (a) In the case of the Kingdom of Belgium to the territory of Belgium;
- (b) In the case of the Portuguese Republic, to the territory of continental Portugal and the archipelagos of Madeira, the Azores and Cape Verde.

Article 5

(1) Where the legislation of one of the Contracting Parties 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, a benefit acquired under the legislation of the other Contracting Party or remuneration received in the territory of the other Contracting Party shall also be chargeable against the recipient of the benefit.

(2) However, where the beneficiary is in receipt of a benefit awarded pursuant to article 22, paragraph 3, of this Convention and of a benefit acquired under the legislation of the other Contracting Party, no account shall be taken of the latter benefit in the application of (1) if it was itself awarded pursuant to article 22, paragraph 3, of this Convention.

TITLE II. APPLICABLE LEGISLATION

Article 6

Paragraph 1. Persons employed in the territory of either country shall be subject to the legislation in force at their place of employment.

Paragraph 2. Persons employed on board a vessel shall be subject to the legislation of the Contracting Party whose flag the vessel flies.

Article 7

Paragraph 1. The following exceptions shall be made to the principle laid down in article 6, paragraph 1:

- (a) Persons 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 other country does not exceed 12 months; where, for unforeseeable reasons, this employment is extended beyond the period originally contemplated and exceeds 12 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 12 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 12-month period expires;
- (b) Employed persons who belong to public or private transport enterprises in either 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 country which is not that in which its head office is situated, persons employed by such branch or permanent agency shall be subject to the legislation of the country in whose territory the branch or permanent agency is situated;
- (c) Employed persons who belong to official administrative departments and are seconded by and on account of one of the two countries shall remain subject to the legislation in force in the country from which they are seconded;
- (d) Persons who are employed at Belgian or Portuguese diplomatic or consular posts or are in the personal employ of officers of such posts may, if they are nationals of the State represented by the diplomatic or consular post, 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 in an administrative agreement.

Paragraph 2. The following exception shall be made to the principle laid down in article 6, paragraph 2:

- Persons who, although not normally employed at sea, are employed in the territorial waters or a port of one of the two countries on a vessel flying the flag of the other country but do not belong to the crew of the vessel shall be subject to the legislation of the first country.

Article 8

The competent administrative authorities of the Contracting Parties may, by agreement, make exceptions to the provisions of articles 6 and 7.

TITLE III. SPECIAL PROVISIONS

Chapter I. SICKNESS AND MATERNITY BENEFITS

Article 9

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

- (a) Were fit for employment when they last entered the territory of that country;
- (b) Have been in employment for wages or in equivalent employment in that country;
- (c) 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 10

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

- (a) Have been in employment for wages or in equivalent employment in that country;
- (b) 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 11

Aggregation of the periods referred to in article 9 (c), article 10 (b) and article 37, paragraph 1 (b), shall apply only if employment begins in the country of the new place of employment within one month from the termination of employment in the country of the former place of employment.

Article 12

(1) Dependants of an employed person who is entitled to benefits under the legislation of the country in which he is insured shall, when resident in the territory of the country which is not that 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.

(2) 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.

(3) 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 of such benefits. The competent administrative authorities of the Contracting Parties may decide that such refunds shall be made on the basis of a flat rate calculated in a manner that they shall determine.

Article 13

(1) Employed persons and their dependants shall, while temporarily resident in one of the two countries for a period not exceeding a limit to be established by an administrative agreement, 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.

(2) 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 14

Paragraph 1. An employed person who has acquired entitlement to benefits from a social security authority of one of the two countries and who is resident in the territory of that country shall retain the entitlement if he transfers his residence to the territory of the other country. Before transferring his residence, however, he must obtain the authorization of the competent social security authority. These provisions shall apply *mutatis mutandis* to an employed person who visits the territory of the other country for medical treatment without transferring his residence there.

Paragraph 2. Where an employed person is entitled to benefits under the provisions of the preceding paragraph, benefits in kind shall be furnished by the social security authority of his new or temporary place of residence, in accordance with the provisions of the legislation applied by that authority.

Paragraph 3. Cash benefits shall, in the cases provided for in this article, be furnished directly to the persons concerned by the social security authority of the competent country. However, the said authority may request the social security authority of the new or temporary place of residence to furnish such benefits on its behalf.

Paragraph 4. The provisions of this article shall apply *mutatis mutandis* to dependants.

Paragraph 5. The provisions of article 12 (2) and (3) shall apply *mutatis mutandis*.

Article 15

Paragraph 1. Where a person in receipt of pensions payable under the legislation of both countries is entitled to benefits in kind under the legislation of the 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 and the costs thereof shall be borne 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.

Paragraph 2. (1) Where a person in receipt of a pension payable solely under the legislation of one of the two countries is resident in the territory of the other 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.

(2) 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.

(3) 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.

Paragraph 3. The competent administrative authorities of the Contracting Parties may decide that the refunds referred to in paragraph 2 of this article shall be made on the basis of a flat rate calculated in a manner that they shall determine.

Chapter II. INVALIDITY BENEFITS OTHER THAN THOSE FURNISHED IN CASE OF INDUSTRIAL ACCIDENT OR OCCUPATIONAL DISEASE

Article 16

Paragraph 1. In the case of Belgian or Portuguese employed persons who have been insured, consecutively or alternately, in the two 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 22, 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.

Paragraph 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 17

Notwithstanding the provisions of article 16, paragraph 2, the right to invalidity benefits in the case of workers who have been employed in the mines in Belgium and Portugal shall be determined in accordance with the rules laid down in article 22 where, due account being taken of the aggregated periods, those workers fulfil the conditions specified in the Belgian special legislation concerning the invalidity of miners and persons treated as miners. Where such workers do not fulfil the conditions under the last-mentioned legislation, their right to benefits shall be determined in accordance with the provisions of article 16.

Article 18

If, on the date on which the incapacity followed by invalidity occurred, the insured person referred to in article 17 was employed in the country which was not 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 19

Paragraph 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.

Paragraph 2. If, after discontinuance of the invalidity pension or compensation, the state of health of the insured person again justifies the award of such pension or compensation, the latter shall be paid in accordance with the rules laid down in article 16, account being taken, where appropriate, of the provisions of article 17.

Article 20

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 to which he was subject at the time when the incapacity followed by invalidity occurred.

Article 21

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 under which it was awarded are fulfilled.

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

Article 22

Paragraph 1. (1) In the case of Belgian or Portuguese employed persons who have been insured, consecutively or alternately, in the two countries under

one or more old-age or survivors' (pension) insurance schemes, the insurance periods completed under these schemes and the periods recognized as equivalent to insurance periods by virtue of the said schemes shall, where necessary and 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.

(2) 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.

(3) Any period recognized as equivalent to an insurance period under both Belgian and Portuguese 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.

Paragraph 2. (1) Where the legislation of one of the two countries makes it a condition for the award of particular benefits that the insurance periods should have been completed in a given occupation, for the purpose of qualification for such benefits only the periods completed or recognized as equivalent in the same occupation in the other country shall be aggregated.

(2) Where the legislation of one of the two countries makes it a condition for the award of particular benefits that the insurance periods should have been completed in a given occupation 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 to wage-earners or salaried employees, as appropriate, in the case of Belgium and under the general social welfare scheme in the case of Portugal.

Paragraph 3. (1) Where an insured person fulfils the conditions for entitlement to benefits required by the legislation of one of the two countries only if account is taken of the aggregation of periods provided for in the preceding paragraphs, the competent social security authority of that country shall calculate the theoretical amount of the benefit to which he would be entitled if all the periods aggregated had been completed exclusively under the legislation applied by that authority.

(2) On the basis of the theoretical amount referred to in (1) above, the said authority shall then determine the actual amount of the benefit which it owes to the person concerned according to the proportion which the duration of the insurance periods completed before the occurrence of the insurance contingency under the legislation applied by it bears to the total duration of the insurance periods completed before the occurrence of the insurance contingency under the legislation of both countries.

Paragraph 4. Where an insured person fulfils the conditions for entitlement to benefits required by the legislation of one of the two countries without the necessity of aggregating insurance periods as provided in paragraphs 1 and 2 of this article, 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.

Paragraph 5. (1) Notwithstanding the provisions of paragraphs 1, 2 and 3, if the total duration of the insurance periods completed under the legislation of one of the two countries amounts to less than twelve months and if, taking into account those periods alone, no entitlement to benefits is acquired under the

provisions of that legislation, the social security authority of that country shall not award benefits for those periods.

(2) The periods referred to in (1) shall be taken into account by the social security authority of the other country for the purposes of the preceding paragraphs, with the exception of paragraph 3 (2).

(3) Should the effect of applying (1) above be to relieve of all obligations the social security authorities of both countries, the benefits shall be awarded by such authority and in such manner as are determined by an administrative agreement.

Article 23

The award of a retirement pension to miners before attainment of the age of 55 years, as provided for in Belgian legislation, shall be reserved for those miners who fulfil the conditions required by the said legislation, taking into account only their service in Belgian coal mines.

Article 24

The provisions of article 22 shall apply *mutatis mutandis* to survivors' pensions.

Chapter IV. PROVISIONS COMMON TO CHAPTERS I, II AND III

Article 25

If, under the legislation of one of the two 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.

Chapter V. PROVISIONS COMMON TO CHAPTERS II AND III

Article 26

(1) Where the legislation of one of the two 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 16 or under article 22, paragraph 3 or 4, those qualifications shall not apply to Belgian or Portuguese nationals as long as they are resident in either of the two countries.

(2) 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 country or transferring his residence to that territory.

(3) 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 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 VI. FAMILY ALLOWANCES

Article 28

Paragraph 1. If the legislation of one of the two countries makes eligibility for family allowances conditional upon the completion of periods of employment or periods treated as such, the competent social security authority of that country shall take into account, as necessary, the periods completed in both countries.

Paragraph 2. (1) Portuguese workers employed in Belgium whose children are being brought up in Portugal shall be entitled to family allowances under Belgian legislation.

(2) Belgian workers employed in Portugal whose children are being brought up in Belgium shall be entitled to family allowances under Portuguese legislation.

(3) For the purposes of this paragraph:

(a) The term “family allowances under Belgian legislation” means the family allowances in the strict sense provided for in the legislation concerning family allowances of employed persons, excluding any special or increased allowance;

(b) The term “family allowances under Portuguese legislation” means the family allowances and the supplementary survivors’ benefit provided for in the legislation concerning family allowances.

(4) An administrative agreement shall determine *inter alia*:

(a) The categories of children covered;

(b) The conditions in which family allowances are awarded, the amounts of such allowances and the periods for which they are awarded.

Chapter VII. BENEFITS IN CASE OF INDUSTRIAL ACCIDENT OR OCCUPATIONAL DISEASE

Article 29

Where the legislation of one of the two 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 Portuguese or Belgian nationals as long as they are resident in either of the two countries.

Article 30

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

Article 31

Benefits in the case of an occupational disease which may be compensated under the legislation of both countries shall be awarded only under the legislation of the country in whose territory the person concerned was last employed in the occupation likely to have caused such a disease and provided that the person concerned fulfils the conditions required by that legislation, taking into account, where appropriate, the provisions of articles 32 and 33.

Article 32

Where the legislation of one of the two countries 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 33

Paragraph 1. For the purpose of assessing the degree of permanent incapacity resulting from an industrial accident or occupational disease under Portuguese or Belgian 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 country.

Paragraph 2. Where, in the event of the worsening of an occupational disease, an employed person who is receiving or has received compensation in respect of an occupational disease under the legislation of one of the two 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;
- (c) The person concerned is required to submit to the social security authority with which he is insured in the second country a statement concerning the benefits awarded previously under the legislation of the first country.

Paragraph 3. Where the person concerned is resident in the territory of the country which is not 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 34

The provisions of article 15, 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 authority to return to the territory of the other country or to transfer his residence to that territory. However, 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

Any industrial accident sustained or occupational disease contracted by a Portuguese national employed in Belgium or a Belgian national employed in Portugal 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.

Chapter VIII. BENEFITS IN CASE OF UNEMPLOYMENT

Article 36

(1) Employed persons from one of the two 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.

(2) Entitlement to unemployment insurance benefits in one of the two 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.

(3) The date and the procedures for applying the provisions of this article shall be determined by an administrative agreement.

Chapter IX. FUNERAL OR DEATH GRANTS

Article 37

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

- (a) They have been in employment for wages or in equivalent employment in that country;
- (b) 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.

Paragraph 2. The social security authority of the country in which the person concerned is insured must award the grant due under the legislation applied by it even if the recipient is resident in the territory of the other country.

Paragraph 3. 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 countries, the grant 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.

Paragraph 4. (1) In the event of the death of a person in receipt of an old-age or invalidity pension or of invalidity compensation from the social security authority of only one of the countries or of a benefit due under the Belgian or Portuguese legislation concerning industrial accidents or occupational diseases, the grant 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.

(2) If death is due to an occupational disease and entitlement to the grant has been acquired in both countries, the grant shall be payable by the competent social security authority of the country in which the employed person was last exposed to the risk of contracting the occupational disease.

TITLE IV. MISCELLANEOUS PROVISIONS

Article 38

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

(2) The authorities of each country which shall be empowered to correspond directly with one another for this purpose and, where appropriate, to centralize claims for and payment of benefits shall be determined by an administrative agreement.

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

Paragraph 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 two 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 40 and 41, the term "court" means, in the case of Belgium, 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

(1) Claims and appeals which should be lodged within a prescribed period with an administrative authority, social security authority or court of one of the two 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.

(2) The competent administrative authorities of each Party shall designate the authorities and agencies which may validly receive claims or appeals.

Article 42

(1) The competent administrative authorities of the Contracting Parties shall agree upon the measures necessary for the implementation and application of this Convention.

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

(3) The competent administrative authorities shall notify one another of other arrangements made within their respective countries for the purpose of implementing this Convention.

Article 43

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

- In Portugal: the Minister for Corporations and Social Welfare;
- In Belgium: the Minister of Social Welfare.

Article 44

Paragraph 1. (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.

(2) If currency restrictions are at any time imposed in either of the two countries, 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.

Paragraph 2. (1) A 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 Parties may pay the said annuities and pensions quarterly, half-yearly or yearly.

(2) Subject to the agreement of the person concerned, 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 (1).

Article 45

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

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.

(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 prescribed by the laws or regulations of one of the two countries in respect of the payment outside its territory of benefits furnished by its social security authorities shall also apply, under the same conditions as apply to nationals, to persons entitled to receive such benefits under 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 Parties.

Article 49

Paragraph 1. Any insurance period or period treated as such completed under the legislation of either country before the date of the entry into force of this Convention shall be taken into account for the purpose of determining entitlement to benefits in accordance with the provisions of this Convention.

Paragraph 2. A benefit shall be payable under this Convention even in respect of an event which occurred before the date of its entry into force. To this end, any benefit which has not been paid or which has been suspended by reason of the nationality of the person concerned or because he is resident in the territory of one of the two countries shall, upon his application, be paid or reinstated as from the date of the entry into force of this Convention, provided that the entitlement previously awarded has not been liquidated by a lump-sum payment.

Paragraph 3. Pensions or annuities determined before the date of the entry into force of this Convention may be determined afresh upon the application of the person concerned. The effect of the revision shall be to grant to the beneficiaries, as from the date of the entry into force of this Convention, the same rights as if the Convention has been in force at the time of the determination of the pension or annuity. The application for revision shall be submitted within two years of the date of the entry into force of this Convention.

Paragraph 4. With regard to the right arising out of the application of paragraphs 2 and 3 of this article, the legislation of the two countries concerning the lapse and extinction of rights shall not apply to the beneficiary, provided that the application referred to in paragraphs 2 and 3 of this article is submitted within two years of the date of the entry into force of this Convention. If the application is submitted after the expiry of that period, such right to benefits as has not lapsed or been extinguished shall be acquired as from the date of the application, unless more favourable provisions of the legislation of either country are applicable.

Article 50

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

Paragraph 2. It shall enter into force on the first day of the second month following the exchange of the instruments of ratification.

Article 51

Paragraph 1. This Convention is concluded for an indefinite period. It may be terminated by either Contracting Party. 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.

Paragraph 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.

Paragraph 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 Parties.

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

DONE at Lisbon on 14 September 1970, in duplicate in the Dutch, French and Portuguese languages, the three texts being equally authentic.

For the Kingdom
of Belgium:

PLACIDE DE PAEPE

For the Portuguese
Republic:

RUI MANUEL DE MEDEIROS D'ESPINEY
PATRÍCIO

PROTOCOL

The Government of the Kingdom of Belgium and
The Government of the Portuguese Republic
have decided to adopt the following provisions:

Article 1. The General Convention on Social Security between the Portuguese Republic and the Kingdom of Belgium shall apply to refugees, as defined in article 1 of the Convention relating to the Status of Refugees of 28 July 1951,¹ who are resident in the territory of the Portuguese Republic or the Kingdom of Belgium to which the said Convention applies.

Article 2. This Protocol shall enter into force on the same date as the Convention and shall remain in force for the same period as the Convention.

DONE at Lisbon on 14 September 1970, in duplicate in the Dutch, French and Portuguese languages, the three texts being equally authentic.

For the Kingdom
of Belgium:

PLACIDE DE PAEPE

For the Portuguese
Republic:

RUI MANUEL DE MEDEIROS D'ESPINEY
PATRÍCIO

¹ United Nations, *Treaty Series*, vol. 189, p. 137.