

No. 15144

**BELGIUM
and
TUNISIA**

**General Convention on social security. Signed at Tunis on
29 January 1975**

**Protocol to the above-mentioned Convention relating to
social security for students. Signed at Tunis on 29 Jan-
uary 1975**

Authentic texts: French, Arabic and Dutch.

Registered by Belgium on 30 November 1976.

**BELGIQUE
et
TUNISIE**

**Convention générale sur la sécurité sociale. Signée à Tunis le
29 janvier 1975**

**Protocole à la Convention susmentionnée relatif à la sécurité
sociale des étudiants. Signé à Tunis le 29 janvier 1975**

Textes authentiques : français, arabe et néerlandais.

Enregistrés par la Belgique le 30 novembre 1976.

[TRANSLATION — TRADUCTION]

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

His Majesty the King of the Belgians and the President of the Republic of Tunisia,

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 for this purpose have appointed as their plenipotentiaries:

His Majesty the King of the Belgians:

Mr. Placide De Paepe, Minister of Social Welfare;

The President of the Republic of Tunisia:

Mr. Mohamed Ennaceur, Minister for Social 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

Belgian or Tunisian 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 Tunisia 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

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

1. In Belgium:

- (a) the legislation concerning sickness and invalidity insurance for employed persons and merchant seamen and the legislation concerning invalidity pensions for miners and persons treated as miners;
- (b) the legislation concerning retirement and survivors' pensions for employed persons;
- (c) the legislation concerning family allowances for employed persons;
- (d) the legislation concerning industrial accidents;
- (e) the legislation concerning occupational diseases.

2. In Tunisia:

- (a) the legislation governing the social security scheme;
- (b) the legislation concerning industrial accidents and occupational diseases;
- (c) the legislation concerning the invalidity, old age and survivors' pension scheme;

¹ Came into force on 1 November 1976, i.e. the first day of the second month which followed the exchange of the instruments of ratification, which took place at Tunis on 15 September 1976, in accordance with article 44.

(d) the legislation concerning the establishment of the agricultural social security scheme.

Paragraph 2. This Convention shall apply also to any laws or regulations amending or supplementing the legislation specified 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 Parties;
- (b) laws or regulations extending existing schemes to new classes of beneficiaries, if the Government of the country which amends its legislation 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

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

Paragraph 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 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;
- (b) travelling personnel belonging to public or private transport enterprises in either country shall be subject exclusively to the provisions in force in the country in which the enterprise has its head office;
- (c) employed persons or persons treated as such who belong to official administrative departments and are posted by and on account of either country for service in the other country shall remain subject to the legislation in force in the country by which they are so posted.

Paragraph 3. The competent administrative authorities of the Contracting Parties 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 4

Paragraph 1. The provisions of this Convention shall not apply to career diplomatic and consular officers, including officials on the staffs of chancelleries.

Paragraph 2. The provisions of article 3, 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 Tunisia or Belgium or are in the personal employ of agents of such posts.

Nevertheless, employed persons or persons treated as such who are nationals of the State 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 by agreement between the Contracting Parties.

Article 5

Where the legislation of either country provides for the reduction, discontinuance or suspension of a benefit in the event that the beneficiary is simultaneously in receipt of another social security benefit or income, the benefit acquired under the legislation of the other country or income received in the territory of the other country shall also be chargeable against the recipient of the benefit in question.

This rule is not, however, applicable to the combined amount of two benefits of the same nature calculated in proportion to the duration of the periods completed in the two countries.

TITLE II. SPECIAL PROVISIONS

Chapter I. SICKNESS AND MATERNITY BENEFITS

Article 6

Employed persons and persons treated as such and their dependants who go from Tunisia 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:

- 1) were fit for employment when they last entered that country;
- 2) have been in employment for wages or in equivalent employment in 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 7

Employed persons and persons treated as such and their dependants who go from Tunisia 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:

- 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 8

Aggregation of the periods referred to in articles 6, 3), 7, 2), and 31, paragraph 1(b) shall apply only if employment begins in the country of the new place of employment within one month from the date of entry into that country.

Article 9

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 country other than that in which 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 such 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 repay to the social security authority of the country of residence three quarters of the costs relating to such benefits.

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

Article 10

Employed persons or persons treated as such and persons in receipt of pensions, together with their dependants, shall, while temporarily resident in either country for a period not exceeding a limit to be established by agreement between the Contracting Parties, 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.

However, the granting of prostheses, the fitting of major artificial limbs and other substantial benefits in kind shall, except in cases of extreme urgency, be subject to authorization from the social security authority 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 repay to the social security authority of the country of temporary residence three quarters of the actual costs relating to benefits, as shown in the books of the social security authorities which furnished them.

Article 11

Employed persons or persons treated as such who have acquired the right to benefits under the legislation of either country 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 9, second, third and fourth paragraphs, and article 10, second paragraph, shall apply *mutatis mutandis*.

Article 12

Paragraph 1. Where a person in receipt of pensions payable under the legislation of both countries is entitled to sickness and invalidity insurance 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 provided for him and for his dependants by and at the expense of 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. 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.

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.

Paragraph 3. The competent administrative authorities of the Contracting Parties may decide that the repayments referred to in paragraph 2 of this article shall be made on the basis of a lump sum to be determined by them.

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

Article 13

Paragraph 1. In the case of employed persons or persons treated as such 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 17, paragraphs 1, 2 and 3, 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 14

Notwithstanding the provisions of article 13, paragraph 2, the right to invalidity benefits in the case of workers who have been employed in the mines in Belgium and Tunisia shall be determined in accordance with the rules laid down in article 17 where, account being taken of the aggregated periods, those workers fulfil the conditions laid down in the special Belgian legislation concerning the invalidity of mine workers and persons treated as such.

Where such workers do not fulfil the conditions under the latter legislation, their right to benefits shall be determined in accordance with the provisions of article 13.

Article 15

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 invalidity compensation, the latter shall be paid in accordance with the rules laid down in article 13, account being taken, where appropriate, of the provisions of article 14.

Article 16

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

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

Article 17

Paragraph 1. (1) In the case of Belgian or Tunisian 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.

In the event of overlapping, only the insurance period covering benefits in respect of actual occupational activity shall be taken into account.

(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 Tunisian 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 either country 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 practised in the other country shall be aggregated.

(2) Where the legislation of either country 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 under the general scheme applicable to wage-earners in the case of

Belgium and under the legislation concerning the invalidity, old age and survivors' pension scheme in the case of Tunisia.

Paragraph 3. (1) The social security authority of each country shall determine, in accordance with the provisions of the legislation which it applies, whether an insured person fulfils the conditions for entitlement to benefits, account being taken, as appropriate, of the provisions of the preceding paragraphs.

(2) Where an insured person fulfils the conditions referred to in the preceding paragraph, the said social security authority shall calculate the theoretical amount of the benefit to which such person would be entitled if all the periods completed under the legislative provisions of each country had been completed exclusively under the legislation which it applies. If, under that legislation, the amount of the benefit is not conditional upon the duration of the insurance periods, that amount shall be deemed to be the theoretical amount referred to in this paragraph.

(3) On the basis of the theoretical amount referred to in (2) above, the said social security 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. If the total amount of the proportional benefits, calculated in accordance with paragraph 3 above, is less than the amount of the benefit acquired under the legislation of one of the two countries without aggregation of the insurance periods, the competent social security authority of that country shall award a supplementary benefit to make up the difference.

Paragraph 5. If the calculation of the amount determined exclusively on the basis of the insurance periods completed in the country whose legislation stipulates that entitlement to benefits is dependent upon the duration of the insurance periods gives a result which is at least equal to the result obtained by applying the method referred to in paragraph 3 (2) and (3), the competent social security authority of the said country may apply that method of direct calculation.

Paragraph 6. (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 12 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(3).

(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 agreement between the Contracting Parties.

Article 18

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

Article 19

1. Where an insured person, account being taken of the aggregate of the periods referred to in article 17, paragraphs 1, 2, 3 and 6(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), the pension already paid shall be reviewed in accordance with the provisions of article 17, paragraphs 1 to 3, as from the date on which entitlement to the pension is established under the legislation of the other country.

Article 20

Paragraph 1. The provisions of articles 17 and 19 shall apply *mutatis mutandis* in respect of survivors' pensions.

Paragraph 2. The widow's pension shall, where applicable, be equally and definitively apportioned among the beneficiaries in accordance with the personal status of the insured person.

Chapter IV. PROVISIONS COMMON TO CHAPTERS II AND III

Article 21

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.

Article 22

(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 13 or article 17, those qualifications shall not apply to Belgian or Tunisian 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 23

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 ALLOWANCES

Article 24

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) Tunisian workers employed in Belgium whose children are being brought up in Tunisia shall be entitled to family allowances under Belgian legislation.

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

(3) For the purpose 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 Tunisian legislation" means the family allowances provided for in the legislation governing the social security scheme.

(4) An agreement between the Contracting Parties 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 VI. BENEFITS IN CASE OF INDUSTRIAL ACCIDENT OR OCCUPATIONAL DISEASE

Article 25

Where the legislation of one of the two countries makes the payment conditional upon residence qualifications, those qualifications shall not apply to Tunisian or Belgian nationals as long as they are resident in either of the two countries.

Article 26

(1) Where a person contracting an occupational disease has exercised an activity likely to cause the said disease, under the legislation of both countries, the benefits which the person concerned or his survivors might claim shall be awarded solely under the legislation of the last country the conditions of which are satisfied, taking into account, as appropriate, the provisions of paragraphs 2 and 3.

(2) Where the legislation of one of the two countries makes it a condition for the award of occupational disease benefits that the disease in question should have been medically certified for the first time in the territory of that country, the said condition shall be deemed to be fulfilled if the said disease has been certified for the first time in the territory of the other country.

(3) In the case of sclerogenic pneumoconiosis, the following provisions shall apply:

(a) where the legislation of one of the two countries makes it a condition for the award of occupational disease benefits that the disease in question should have been certified within a given period after the cessation of the last activity likely to cause such disease, the competent social security authority of that country shall, when ascertaining the time at which that last activity was exercised, take into account, as necessary, activities of the same nature exercised under the legisla-

tion of the other country as though they had been exercised under the legislation of the first-mentioned country;

- (b) 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 the disease in question should have been exercised during a prescribed period, the competent social security authority of that country shall take into account, as necessary, the periods during which such activity has been exercised under the legislation of the other country as though it had been exercised under the legislation of the first-mentioned country;
 - (c) the cost of cash benefits, including annuities, shall be apportioned between the competent social security authorities of the two countries in the territory of which the person concerned has exercised an activity likely to cause such disease. Such apportionment shall be made in accordance with the proportional duration of the periods of old age insurance completed under the legislation of each country in relation to the total duration of the periods of old age insurance completed under the legislation of both countries at the date on which such benefits took effect.
- (4) The competent administrative authorities of the two countries shall determine the occupational diseases to which the provisions of paragraph 3 shall apply.

Article 27

Paragraph 1. For the purposes of assessing the degree of permanent incapacity resulting from an industrial accident or occupational disease under the legislation of either country, 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 has received or is receiving 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 shall be required to submit to the social security authority with which he is insured in the second country a statement concerning the benefits previously awarded under the legislation of the first country.

Paragraph 3. Where the person concerned is resident in the territory of the 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 28

In the case of an industrial accident or occupational disease followed by death, the annuity due to the surviving spouse shall, where appropriate, be equally and definitively apportioned among the beneficiaries in accordance with the personal status of the person concerned.

Article 29

(1) An employed person or a person treated as such who sustains an industrial accident or contracts an occupational disease in the territory of one of the two countries and transfers his residence to the territory of the other country shall receive the benefits in kind from the competent social security authority.

(2) Before transferring their residence, employed persons must obtain authorization from the social security authority of the country in which they are insured, which shall take due account of the reasons for such transfer.

(3) The benefits in kind provided for in paragraph 1 shall be furnished by the social security authority in the new place of residence under conditions to be determined by agreement between the Contracting Parties. However, the duration of the grant of such benefits shall be determined in accordance with the provisions of the legislation applied by the competent social security authority.

(4) In the case referred to in paragraph 1, the grant of prostheses, major artificial limbs and other substantial benefits in kind shall, except in cases of extreme urgency, be subject to authorization by the social security authority of the country in which the employed person is insured.

(5) The social security authorities furnishing the benefits in kind referred to in paragraph 1 shall be reimbursed by the competent social security authority in a manner to be determined by agreement between the Contracting Parties.

Article 30

Any industrial accident sustained or occupational disease contracted by a Tunisian national employed in Belgium or a Belgian national employed in Tunisia which has resulted or is apt to result in either death or permanent incapacity, whether total or partial, must be notified by the competent social security authorities to the local consular authorities of the country of which the person concerned is a national.

Chapter VII. FUNERAL OR DEATH GRANTS

Article 31

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 resident 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 invalidity compensation from the social security authority of only one country or of a benefit due under the Belgian or Tunisian 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 III. MISCELLANEOUS PROVISIONS

Article 32

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 administrative and social security 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 payments of benefits shall be determined by virtue of an agreement between the two Contracting Parties.

Paragraph 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.

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 33

(1) Exemptions from registration or court fees, stamp duties and consular charges provided for in the legislation of either country 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) 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 34

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 35

(1) Claims and appeals which should be lodged within a prescribed period with an administrative authority, social security authority or court of either country 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 36

(1) The competent administrative authorities of the contracting countries 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 the legislation or regulations of their respective countries concerning the schemes enumerated in article 2.

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

Article 37

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

- in Tunisia: the Minister for Social Affairs;
- in Belgium: the Minister of Social Welfare.

Article 38

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 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.

Paragraph 2. (1) 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 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 39

The settlement of benefits payable under social security legislation to beneficiaries resident in either country 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 40

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.

Article 41

Any formalities that may be presented by the laws or regulations of either country 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 42

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 43

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 had 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 first day of the month following the date of the

application, unless more favourable provisions of the legislation of either country are applicable.

Article 44

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

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

Article 45

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 Tunis, on 29 January 1975, in duplicate in the French, Arabic and Dutch languages, the three texts being equally authentic.

For the Kingdom of Belgium:

[Signed]

PLACIDE DE PAEPE

For the Republic of Tunisia:

[Signed]

MOHAMED ENNACEUR

[TRANSLATION — TRADUCTION]

PROTOCOL¹ RELATING TO SOCIAL SECURITY FOR STUDENTS

The Government of the Kingdom of Belgium and the Government of the Republic of Tunisia

Have decided to adopt the following provisions:

Article 1. The Belgian compulsory health care insurance scheme for students receiving higher education, established within the framework of the compulsory insurance against sickness and invalidity, shall be applicable, under the same conditions as those pertaining in the case of Belgian students, to Tunisian students pursuing their studies in Belgium and who, in that country, are neither socially insured nor dependants of a socially insured person.

Article 2. The Tunisian social insurance scheme for students shall be applicable, under the same conditions as those pertaining in the case of Tunisian students, to Belgian students pursuing their studies in Tunisia and who, in that country, are neither socially insured nor dependants of a socially insured person.

Article 3. Tunisian students pursuing their studies in Belgium shall be entitled to the family allowances payable to students under Belgian legislation under the same conditions as Belgian students.

Article 4. Belgian students pursuing their studies in Tunisia shall be entitled to the family allowances payable to students under Tunisian legislation under the same conditions as Tunisian students.

Article 5. 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 at Tunis, on 29 January 1975, in duplicate in the French, Arabic and Dutch languages.

For the Kingdom of Belgium:

[Signed]

PLACIDE DE PAEPE

For the Republic of Tunisia:

[Signed]

MOHAMED ENNACEUR

¹ Came into force on 1 November 1976, the same date as the General Convention on Social Security, in accordance with article 5.