

No. 17900

**NETHERLANDS
and
YUGOSLAVIA**

**Convention on social security (with final protocol). Signed
at Belgrade on 11 May 1977**

**Administrative Agreement on procedures for implementing
the above-mentioned Convention. Signed at Belgrade
on 16 May 1977**

Authentic texts: French.

Registered by the Netherlands on 17 July 1979.

**PAYS-BAS
et
YUGOSLAVIE**

**Convention de sécurité sociale (avec protocole final). Signée
à Belgrade le 11 mai 1977**

**Arrangement administratif relatif aux modalités d'applica-
tion de la Convention susmentionnée. Signé à Belgrade
le 16 mai 1977**

Textes authentiques : français.

Enregistrés par les Pays-Bas le 17 juillet 1979.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON SOCIAL SECURITY BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

The Government of the Kingdom of the Netherlands and the Government of the Socialist Federal Republic of Yugoslavia,

Desiring to bring the relations existing between the two States in the matter of social security into conformity with the developments which have taken place in their respective legislations since the signature of the General Convention on Social Security between the Kingdom of the Netherlands and the Federal People's Republic of Yugoslavia, signed at Belgrade on 1 June 1956,²

Having decided to conclude a new Convention to replace the Convention of 1 June 1956,

Have agreed as follows:

TITLE I

GENERAL PROVISIONS

Article 1. For the purpose of this Convention:

(a) The term "territory" means:

—In the case of the Netherlands: the territory of the Kingdom in Europe;

—In the case of Yugoslavia: the territory of the Socialist Federal Republic of Yugoslavia;

(b) The term "national" means:

—In the case of the Netherlands: a person of Netherlands nationality;

—In the case of Yugoslavia: a person of Yugoslav nationality;

(c) The term "employed person" means a person earning a wage or salary or a person treated as such under the legislation of the Contracting Party concerned;

(d) The term "legislation" means the laws, regulations and statutory provisions and all other implementing decisions relating to the schemes and branches of social security specified in article 2, paragraph 1, which are in force on the date of the signing of this Convention or which will enter into force subsequently in all or any part of the territory of each Contracting Party;

(e) The term "competent authority" means the Minister, the Ministers or the corresponding authority in charge of social security schemes, for all or any part of the territory of each Contracting Party;

¹ Came into force on 1 April 1979, i.e., the first day of the third month after the date of the last of the notifications (effected on 8 May 1978 and 15 January 1979) by which the Contracting Parties notified each other of the completion of their constitutional procedures, in accordance with article 45.

² United Nations, *Treaty Series*, vol. 276, p. 319.

(f) The term “competent institution” means the institution with which the person concerned is insured at the time of application for benefits or from which he has an entitlement to benefits or would have an entitlement to benefits if he were resident in the territory of the Contracting Party where that institution is situated;

(g) The term “competent country” means the Contracting Party in whose territory the competent institution is situated;

(h) The term “institution of the place of residence” means the institution authorized to provide the relevant benefits at the place in which the person concerned is a resident in accordance with the legislation of the Contracting Party applied by that institution, or, if there is no such institution, the institution designated by the competent authority of the Contracting Party concerned;

(i) The term “institution of the place of temporary residence” means the institution authorized to provide the relevant benefits at the place in which the person concerned is temporarily resident in accordance with the legislation of the Contracting Party applied by that institution, or, if there is no such institution, the institution designated by the competent authority of the Contracting Party concerned;

(j) The term “dependants” means dependants defined or accepted as such by the legislation of the Contracting Party in whose territory they are resident; however, if such legislation recognizes as dependants only those persons who are living under the roof of the insured person, this requirement shall be deemed to have been fulfilled when they are mainly dependent on the insured person;

(k) The term “survivors” means persons defined or accepted as such by the legislation under which the benefits are granted;

(l) The term “insurance periods” means contribution periods and periods of employment or residence which are defined or accepted as insurance periods by the legislation under which they have been completed, or are deemed to have been completed, and any identical periods in so far as they are recognized by that legislation as equivalent to insurance periods;

(m) The terms “benefits” and “pensions” mean benefits and pensions, including any payments out of public funds, reassessment increases or supplementary allowances, and any lump-sum payments made in lieu of a pension.

Article 2. 1. This Convention shall apply:

A. In the Netherlands, to the legislation concerning:

- (a) Sickness and maternity benefits;
- (b) Industrial disablement benefits;
- (c) Old-age benefits;
- (d) Survivors' benefits;
- (e) Unemployment benefits;
- (f) Family allowances;
- (g) Special pension schemes for miners.

B. In Yugoslavia, to the legislation concerning:

- (a) Compulsory sickness insurance for employed persons, including maternity benefits;
- (b) Compulsory old-age and invalidity insurance for employed persons, including survivors' pensions;
- (c) Unemployment benefits;
- (d) Family allowances.

2. This Convention shall also apply to any laws or regulations which have amended or supplemented, or may in future amend or supplement, the legislative provisions referred to in paragraph 1 of this article.

Nevertheless, the Convention shall apply to:

- (a) Laws or regulations covering a new branch of social security, only if an arrangement to that effect is agreed upon between the Contracting Parties;
- (b) Laws or regulations extending existing schemes to new classes of beneficiaries, unless the Government of the Contracting Party concerned lodges an objection with the Government of the other Contracting Party within a period of three months after the official publication of the said laws or regulations.

3. This Convention shall not apply to social security or to special schemes for civil servants or similar personnel.

Article 3. 1. The provisions of this Convention shall apply to Netherlands and Yugoslav employed persons who are or have been subject to the legislation of one of the Contracting Parties, and to their dependants and survivors to the extent that they derive their insurance rights from the employed person.

2. The provisions of this Convention shall not apply to career diplomatic or consular personnel, including chancellery officials.

Article 4. 1. Subject to the provisions of this Convention, nationals of one of the Contracting Parties, to whom the provisions of this Convention apply, shall be subject to the requirements and entitled to the benefits of the legislations specified in article 2, in the same manner as nationals of the other Party.

2. The principle of equal treatment, set forth in paragraph 1, shall, however, not apply to optional old-age and survivors' insurance so far as reduced contribution payments are concerned.

Article 5. 1. Unless otherwise provided in this Convention, invalidity, old-age or survivors' benefits in kind acquired under the legislation of one of the Contracting Parties shall not be reduced, modified, suspended, discontinued or confiscated because the beneficiary is resident in the territory of the other Party.

2. The said benefits, deriving from the legislation of one of the Contracting Parties, shall be provided to nationals of the other Party, who are resident in a third country, in the same manner and to the same extent as to its own nationals resident in that third country.

Article 6. 1. Except in respect of invalidity, old-age and survivors' benefits which shall be paid in accordance with the provisions of title III, chapter 2, this Convention shall not confer or maintain any right to receive more than one

benefit of the same nature or more than one benefit relating to the same compulsory insurance period.

2. The provisions of the legislation of one Contracting Party concerning the reduction, suspension or discontinuance of benefits in the event that the beneficiary is simultaneously in receipt of other benefits or other income or engaged in an occupation shall apply to him even where the benefits in question are acquired under the legislation of the other Contracting Party or where the income is received or the occupation carried out in the territory of the other Contracting Party. For the purpose of this regulation, however, invalidity, old-age or survivors' benefits of the same nature, which are paid in accordance with the provisions of title III, chapter 2, shall not be taken into account.

TITLE II

PROVISIONS TO DETERMINE WHICH LEGISLATION IS APPLICABLE

Article 7. 1. Subject to the provisions of articles 8 to 10, a person employed in the territory of one of the Contracting Parties shall be subject to the legislation of that Party, even if he is resident in the territory of the other Party, or if the principal place of business of the enterprise which employs him, or his employer's domicile, is in the territory of the other Party.

2. If, as a result of the preceding paragraph, an employed person is subject to the legislation of one of the Contracting Parties in whose territory he does not reside, that legislation shall apply to him as if he resided in the territory of that Party.

Article 8. The principle laid down in article 7 shall be subject to the following exceptions:

- (a) A person employed in the territory of one of the Contracting Parties by an enterprise for which he normally works and who is assigned to the territory of the other Contracting Party by that enterprise in order to work there on its behalf shall remain subject for the entire period of his assignment to the legislation of the first-mentioned Party, as though he continued to be employed in its territory;
- (b) Itinerant personnel in the service of an enterprise engaged, on behalf of others or on its own account, in the transport of passengers or goods by rail, road, air or water, and with its principal place of business in the territory of one of the Contracting Parties, shall be subject to the legislation of the Contracting Party in whose territory the enterprise has its principal place of business;
- (c) An employed person belonging to a public administrative service of one of the Contracting Parties, who is assigned to the territory of the other Party, shall remain subject to the legislation of the first-mentioned Party.

Article 9. 1. Without prejudice to the provisions of article 3, paragraph 2, the provisions of article 7 shall apply to persons employed at the diplomatic missions or consular posts of the Contracting Parties and to the household staff privately employed by officials of these missions or posts.

2. However, an employed person, as specified in paragraph 1 of this article, who is a national of the Contracting Party, whether it be the accrediting

State or the sending State, may elect to be subject to the legislation of that Party. This elective right may only be exercised once, within the three months following the entry into force of this Convention or at the time when the person is recruited by the diplomatic mission or the consular post or enters the private service of officials of such a mission or post, as the case may be.

Article 10. The competent authorities of the Contracting Parties may, by agreement, make exceptions to the provisions of articles 7 to 9 on behalf of the employed persons concerned.

TITLE III

SPECIAL PROVISIONS FOR VARIOUS CATEGORIES OF BENEFITS

CHAPTER 1. SICKNESS AND MATERNITY

Article 11. For the purposes of acquiring, maintaining or recovering the right to benefits, where an employed person has been subject successively or alternately to the legislation of both Contracting Parties, the insurance periods completed under the legislation of each of the Contracting Parties shall be aggregated, provided that they do not overlap.

Article 12. 1. Employed persons who move from Yugoslavia to the Netherlands or vice versa, as well as their dependants, shall be, in the country of their new place of employment, entitled to sickness and maternity insurance, if they satisfy the requirements of the legislation of the country to which they have moved, account being taken, where required, of the aggregation of the periods indicated in the preceding article.

2. If an employed person such as indicated in the previous paragraph does not fulfil the requirements referred to in that paragraph and if he is still entitled to benefits under the legislation of the Contracting Party to which he was previously subject, assuming he was in its territory, he shall continue to be entitled to benefits. The competent institution of this Party may request the institution of the place of residence to provide the benefits in kind in the manner prescribed in the legislation applied by that latter institution.

Article 13. 1. An employed person who satisfies the requirements of the legislation of one of the Contracting Parties for entitlement to benefits shall be entitled to benefits during a temporary stay in the territory of the other Contracting Party if his state of health necessitates immediate medical treatment, including admission to hospital.

2. An employed person who, after acquiring entitlement to benefits from an institution of one of the two Contracting Parties, is authorized by that institution to transfer his residence to the territory of the other Contracting Party shall retain that entitlement. Authorization may be withheld only if it is established that the transfer is liable to jeopardize his state of health or the provision of medical treatment.

3. Where an employed person is entitled to benefits under the provisions of the preceding paragraphs, benefits in kind shall be provided, at the expense of the competent institution, by the institution of his place of permanent or temporary residence in accordance with the provisions of the legislation applied by that institution, particularly as regards the scale of such benefits and the

manner of providing them; the duration of such benefits shall, however, be that prescribed by the legislation of the competent country.

4. In the cases specified in paragraphs 1 and 2 of this article, the provision of prostheses, of large prosthetic appliances and of other major benefits in kind shall be subject, except in cases of unmistakable urgency, to prior authorization by the competent institution.

5. In the cases specified in paragraphs 1 and 2 of this article, cash benefits shall be paid by the competent institution in accordance with the provisions of the legislation which it applies. Such benefits may be paid by the institution of the temporary or permanent place of residence as agent for the competent institution according to rules to be laid down in an administrative agreement to be established by the competent authorities.

6. The provisions of the preceding paragraphs shall apply *mutatis mutandis* to dependants in cases where they are staying temporarily in the territory of the other Contracting Party or where they transfer their residence to the territory of the other Contracting Party after falling sick or becoming pregnant.

Article 14. 1. Dependants of an employed person who is insured with an institution of one of the Contracting Parties shall, when resident in the territory of the other Contracting Party, be entitled to benefits in kind, as though the employed person were insured with the institution of their place of residence. The scale and duration of such benefits and the manner of providing them shall be determined in accordance with the provisions of the legislation applied by the last-mentioned insurance authority.

2. Where dependants transfer their residence to the territory of the competent country they shall be entitled to benefits in accordance with the provisions of the legislation of that country, even if they have already received, in respect of the same case of sickness or the same pregnancy, benefits provided before the transfer of their residence; if the legislation applied by the competent institution prescribes a maximum duration for the provision of benefits, the period for which benefits were provided immediately before the transfer of residence shall be taken into account.

3. The provisions of this article shall not apply to dependants, as specified in paragraph 1 of this article, who carry on an occupation in their country of residence or who receive a pension which entitles them to benefits in kind.

Article 15. For the purpose of implementing article 13, paragraphs 1, 3, 4 and 6, and article 14, in addition to the employed person who is entitled to benefits by virtue of being compulsorily insured with a Yugoslav sickness insurance institution or a Netherlands sickness benefit fund, as the case may be, a person who is entitled to benefits by virtue of being voluntarily insured with a Netherlands sickness benefit fund shall be deemed to be entitled to benefits in kind.

Article 16. 1. Where a person in receipt of pensions payable under the legislation of both Contracting Parties is entitled to benefits in kind under the legislation of the Contracting Party in whose territory he is resident, such benefits shall be provided to him and to his dependants by the institution of his place of residence at the expense of that institution as though he were in receipt of a pension payable solely under the legislation of the latter Party.

2. Where a person in receipt of a pension payable under the legislation of one of the Contracting Parties is resident in the territory of the other Contracting Party, any benefits in kind to which he may be entitled under the legislation of the first-mentioned Party, or would be entitled if he were a resident in the territory of that Party, account being taken, where applicable, of the provisions of the final protocol, shall be provided to him and to his dependants by the institution of the place of residence, in accordance with the provisions of the legislation which it applies.

3. A person in receipt of a pension, who is entitled to benefits in kind under the legislation of one of the Contracting Parties, shall be entitled to those benefits, as shall his dependants, during a temporary stay in the territory of the Party other than the one in whose territory he is resident, if his state of health necessitates immediate benefits, including admission to hospital. Those benefits shall be provided by the institution of the place of temporary residence in accordance with the provisions of the legislation which it applies, in particular in respect of the scale and manner of delivery of such benefits in kind. The duration of such benefits shall be that prescribed by the legislation of the country of residence.

The competent institution or the institution of the place of residence, as the case may be, shall bear the cost.

The provisions of article 13, paragraph 4, of this Convention shall apply *mutatis mutandis*.

4. In addition to persons who are entitled to benefits by virtue of being compulsorily insured with a Yugoslav sickness insurance institution or a Netherlands sickness benefit fund, a person who is entitled to benefits by virtue of being voluntarily insured with a Netherlands sickness benefit fund shall be deemed to be entitled to benefits in kind.

5. If the legislation of one Contracting Party provides for contributory deductions from the amounts payable to a pensioner, in order to cover the cost of benefits in kind, the institution which is liable for the pension shall be authorized to make such deductions when payment for the benefits in kind devolves upon an institution of the said Party by virtue of this article.

Article 17. 1. The cost of benefits in kind provided under article 12, paragraph 2, article 13, paragraphs 1, 2 and 6, article 14, paragraph 1, and article 16, paragraphs 2 and 3, of this Convention shall be reimbursed by the competent institutions or the institutions of the place of residence, as the case may be, which provided the said benefits.

2. The amount due shall be determined and reimbursed according to rules to be laid down in an administrative agreement, subject to proof of actual expenditures or on the basis of lump sums.

CHAPTER 2. INVALIDITY, OLD AGE AND DEATH

Section 1. COMMON PROVISIONS

Article 18. 1. Where the legislation of one Contracting Party makes the acquisition, maintenance or recovery of entitlement to benefits conditional on the completion of insurance periods, the institution which applies that legislation

shall, for purposes of aggregation, take into account the insurance periods completed under the legislation of the other Contracting Party, as if they were insurance periods completed under the legislation of the first-mentioned Party.

2. If the legislation of one Contracting Party makes it a condition for the award of particular benefits that the insurance periods should have been completed in an occupation which is subject to a special scheme, or, as the case may be, in a particular occupation or post, insurance periods completed under the legislation of the other Contracting Party shall be taken into account for the granting of those benefits only if they were completed under a corresponding scheme or, if not, in the same occupation or, as the case may be, in the same post. Where, account having been taken of the insurance periods completed in this manner, the person concerned does not fulfil the requirements entitling him to the said benefits, these periods shall be taken into account for granting benefits under the general scheme.

3. Where the legislation of one Contracting Party, while not requiring any period of insurance coverage for the acquisition of and entitlement to benefits, makes it a condition for the granting of such benefits that the employed person was insured under that legislation at the time the contingency occurred, such a condition shall be deemed to have been fulfilled if the employed person was insured at that time under the legislation of the other Party.

Article 19. 1. The institution of each Contracting Party shall determine, in accordance with the provisions of the legislation which it applies, whether the beneficiary fulfils the requirements for entitlement to benefits, account being taken as appropriate of the provisions of article 18.

2. Where the beneficiary fulfils these requirements, the said institution shall calculate the theoretical amount of the benefit which he might claim if all the insurance periods, taken into account in accordance with the provisions of article 18 for determining entitlement, had been completed exclusively under the legislation which it applies.

3. However, where the amount of benefits is independent of the duration of insurance periods completed, it shall be deemed to be the theoretical amount referred to in the preceding paragraph.

4. The said institution shall then determine the actual amount of the benefit which it owes to the beneficiary, on the basis of the theoretical amount calculated in accordance with the provisions of paragraph 2 of this article, according to the proportion which the duration of the insurance periods completed before the occurrence of the contingency under the legislation which it applies bears to the total duration of the insurance periods completed before the occurrence of the contingency under the legislation of both Contracting Parties, provided that they do not overlap.

5. Where the theoretical amount is determined under the provisions of paragraph 3 of this article, the institution concerned shall determine the actual amount of the benefit which it owes to the beneficiary, according to the proportion which the duration of the insurance periods completed before the occurrence of the contingency under the legislation which it applies bears to the number of years which have elapsed between the date on which the beneficiary reached the age of 20 years or, if he was insured as an employed person under the legislation

of one of the Contracting Parties before the age of 20 years, between the commencement of the insurance and the date of occurrence of the contingency.

Article 20. 1. Notwithstanding the provisions of article 19, where the total duration of insurance periods completed under the legislation of one Contracting Party is less than one year and where, account being taken only of those periods, no entitlement to benefits arises under that legislation, the institution of that Party shall not be obliged to grant benefits for those periods.

2. The periods indicated in the preceding paragraph shall be taken into account by the other Contracting Party for the implementation of the provisions of article 19 of this Convention with the exception of those of its paragraph 4.

Article 21. Where the person concerned does not, at a given moment, fulfil the requirements of the legislations of both Contracting Parties, account being taken of the provisions of article 18 of this Convention, but satisfies only the requirements of one of them, his entitlement to benefits shall be established in respect of the legislation whose requirements have been met. The benefit shall be recalculated, in accordance with the provisions of article 19 of this Convention, when the requirements of the legislation of the other Party have been met, account being taken of the provisions of article 18.

Article 22. 1. Where the amount of benefits to which the person concerned might be entitled, under the legislation of one of the Contracting Parties, without application of the provisions of articles 18 and 19, is greater than the total amount of benefits due under those provisions, the competent institution of that Party shall be required to provide him with a supplement equal to the difference between those two amounts. The cost of that supplement shall be fully borne by that institution.

2. Where application of the provisions of the preceding paragraph would have the effect of providing the person concerned with supplements from the institutions of both Contracting Parties, he shall receive only the larger supplement. The cost of that supplement shall be apportioned in the ratio of the amount of the supplement for which each of the Parties would be accountable, if it were the only one involved, to the total amount of the supplements which the two institutions would have to provide.

Article 23. 1. Where, as a result of an increase in the cost of living or of a change in the level of remuneration, benefits are altered by a percentage or by a fixed amount, this percentage or amount must be applied directly to the benefits established in accordance with the provisions of articles 19 and 22, without any further calculations having to be made in line with those articles.

2. Where, however, the benefit of either Contracting Party is revised to take account of a change in the personal circumstances of the person concerned, a new calculation shall be made in accordance with the provisions of articles 19 and 22.

Section 2. SPECIAL PROVISIONS FOR INVALIDITY

Article 24. 1. Where invalidity benefits are to be resumed, after having been suspended, they shall be provided by the institution which was responsible for the benefits at the time of suspension.

2. Where, after invalidity benefits have been discontinued, the state of health of the insured person justifies the granting of new invalidity benefits, these benefits shall be provided in accordance with the provisions of articles 18 to 22.

Article 25. An employed person who is entitled to invalidity benefits in kind at the expense of an institution of one of the Contracting Parties and who is resident in the territory of that Party shall retain that entitlement when he transfers his residence to the territory of the other Party. However, prior to the transfer, he must obtain authorization from the competent institution. Such authorization may be withheld only if his change of residence is liable to jeopardize his state of health or the provision of medical treatment.

Article 26. Insurance periods prior to 1 July 1967, during which an employed person would have been insured if the Netherlands legislation concerning industrial disablement insurance had already been in force, shall also be deemed to be insurance periods completed under Netherlands legislation for the purposes of article 19, paragraph 5.

Section 3. SPECIAL PROVISIONS FOR OLD AGE

Article 27. Notwithstanding the provisions of article 19, Netherlands institutions which apply the legislation referred to in article 2, paragraph 1, subparagraph A (c), shall calculate old-age pensions directly on the basis of only those periods of insurance completed under Netherlands legislation.

Article 28. 1. For the purpose of calculating the old-age pension to which a married man is entitled under Netherlands legislation, periods prior to the date on which his wife reaches the age of 65 years and during which she resided while married in Yugoslav territory, to the extent that such periods coincide with insurance periods completed by the husband under that legislation, shall also be taken into account.

2. For the purpose of calculating the old-age pension under Netherlands legislation to which the widow of a person who has completed insurance periods under that legislation is entitled, periods prior to the date on which she reached the age of 65 years and during which she resided while married in Yugoslav territory, to the extent that those periods coincide with the insurance periods completed by her husband under that legislation, shall also be taken into account.

3. Periods to be taken into consideration under the preceding paragraphs shall not be taken into account when they coincide with old-age insurance periods completed by the wife or widow under the legislation of a State other than the Netherlands which confers entitlement to an old-age pension, or with periods during which she received an old-age pension under such legislation.

Section 4. SPECIAL PROVISIONS FOR DEATH

Article 29. 1. For the purposes of article 19, paragraph 5, periods prior to 1 October 1959 during which a person since deceased resided in the Netherlands after the age of 20 years, or during which he worked in the Netherlands for an employer established in that country, shall also be deemed to be completed insurance periods under the Netherlands legislation referred to in article 2, paragraph 1, subparagraph A (d).

2. Periods to be taken into consideration under the preceding paragraph shall not be taken into account when they coincide with old-age and survivors'

insurance periods completed under the legislation of a State other than the Netherlands that confers entitlement to a survivor's pension.

Section 5. SPECIAL PROVISIONS FOR OCCUPATIONAL DISEASES

Article 30. An employed person who, in the territory of one of the Contracting Parties, has ceased to engage in an occupation capable of causing an occupational disease, shall be entitled to benefits under the legislation of that Party, even if such a disease is medically established for the first time in the territory of the other Party, provided that he has not subsequently engaged in the territory of the last-mentioned Party in an occupation capable of causing such a disease.

CHAPTER 3. UNEMPLOYMENT

Article 31. For the purpose of acquiring entitlement to benefits, when an employed person has been subject successively or alternately to the legislation of both Contracting Parties, the insurance periods completed under the legislation of each of the Contracting Parties shall be aggregated, provided that they do not overlap.

Article 32. An employed person who is a national of one of the Contracting Parties and who moves to the territory of the other Contracting Party shall be entitled, so long as he remains in that territory, to the unemployment benefits provided for by the legislation of the last-mentioned Contracting Party, provided that:

- (a) He was taken on in accordance with the provisions of the legislation concerning the employment of aliens;
- (b) He satisfies the requirements for entitlement to those benefits under the legislation of the last-mentioned Contracting Party, account being taken of the aggregation of periods referred to in article 31.

CHAPTER 4. FAMILY ALLOWANCES

Article 33. Where the legislation of one of the Contracting Parties makes the acquisition of entitlement to family allowances contingent on the completion of insurance periods, the institution which applies that legislation shall take into account for that purpose, so far as necessary, insurance periods completed under the legislation of the other Party as if they were periods completed under the legislation of the first-mentioned Party.

Article 34. 1. An employed person insured under Yugoslav legislation who has children resident or being raised in the territory of the Netherlands shall be entitled, in respect of those children, to family allowances in accordance with the provisions of Yugoslav legislation, taking into account, where appropriate, the aggregation of periods indicated in article 33.

2. An employed person insured under Netherlands legislation who has children resident or being raised in Yugoslav territory shall be entitled, in respect of those children, to family allowances in accordance with the provisions of Netherlands legislation, even if he is resident in Yugoslav territory.

3. Where the legislation of one of the Contracting Parties provides for family allowances for the recipients of a pension or benefit, such recipients who are resident in the territory of the other Party shall also be entitled thereto.

4. Where, over the same period, entitlement to family allowances exists for the same child under the legislations of both Contracting Parties, only the family allowances to which entitlement exists under the legislation of the Contracting Party in whose territory the child is resident or being raised shall be paid.

T I T L E I V

MISCELLANEOUS PROVISIONS

Article 35. 1. The competent authorities

- (a) Shall make such administrative arrangements as may be necessary for implementing this Convention;
- (b) Shall communicate to each other full information regarding measures taken for its implementation;
- (c) Shall communicate to each other full information regarding changes in their legislation which may affect its implementation;
- (d) Shall agree upon the procedures to be adopted for the medical and administrative supervision and surveillance of persons entitled to benefits under this Convention.

2. The competent authorities shall regulate, by agreement and as necessary, the status of the individual categories of employed persons.

Article 36. The authorities and institutions responsible for implementing this Convention shall assist one another in so doing and shall act as if they were applying their own legislation. The mutual administrative assistance provided by these authorities and institutions shall in principle be free of charge. However, the competent authorities of the Contracting Parties may agree on the reimbursement of certain expenses.

Article 37. 1. Any exemption from or reduction of charges, stamp duties, court fees, or registration fees provided for by the legislation of one of the Contracting Parties in respect of papers or documents required to be produced for the purposes of the legislation of that Party shall be extended to similar papers and documents required to be produced for the purposes of the legislation of the other Contracting Party or of this Convention.

2. Legalization or any other similar formality shall be waived in respect of all instruments, documents and papers of any kind of an official nature required to be produced for the purpose of applying this Convention.

Article 38. 1. For the purposes of this Convention the institutions of the Contracting Parties may correspond directly with each other in French or English.

2. The authorities, institutions or judicial authorities of either of the Contracting Parties shall not reject claims or other documents addressed to them on the ground that they are drawn up in one of the languages of the Yugoslav peoples or in Dutch, as the case may be.

Article 39. Claims, declarations or appeals which should have been made under the legislation of one of the Contracting Parties within a prescribed time-limit to an authority, institution or judicial authority of that Party shall be admissible if they are submitted within the same time-limit to an authority, institu-

tion or a judicial authority of the other Contracting Party. In such cases the authority, institution or judicial authority involved shall transmit those claims, documents or appeals to the competent authority, institution or judicial authority of the first-mentioned Party.

Article 40. Transfers of funds resulting from the implementation of this Convention shall be transacted in accordance with the relevant agreements in force between the two Contracting Parties at the time of the transfer.

Article 41. Where, under the legislation which it applies, the competent institution of one of the Contracting Parties has a direct entitlement *vis-à-vis* a third party which has an obligation to pay compensation for damage, that entitlement shall be recognized by the other Contracting Party.

Article 42. 1. Where, during the payment or review of invalidity, old-age or death benefits (pensions), under the provisions of title III, chapter 2, the institution of one of the Contracting Parties has paid to a recipient a sum larger than that to which he is entitled, that institution may request the institution of the other Contracting Party responsible for providing corresponding benefits to that recipient to withhold the overpayment from the arrears which it remits to that recipient. The last-mentioned institution shall make the deductions and transfer the amount thus withheld to the creditor institution. Where the amount cannot be recovered from the arrears, the provisions of the following paragraph shall apply.

2. Where the institution of one of the Contracting Parties has paid a recipient a sum in excess of the amount to which he is entitled, that institution may, in the manner and subject to the limitations prescribed by the legislation which it applies, request the institution of the other Contracting Party, responsible for paying benefits to that recipient, to withhold the overpayment from the sums which it remits to the recipient. That last-mentioned institution shall make the deductions in the manner and subject to the limitations prescribed for such compensation by the legislation which it applies, as if it had itself made overpayments, and shall transfer the amount thus withheld to the creditor institution.

3. Where the institution of one of the Contracting Parties has paid an advance on benefits for a period during which the recipient was entitled to receive corresponding benefits under the legislation of the other Contracting Party, it may request the institution of the other party to withhold the amount of the advance from the sums which it is obliged to pay to that recipient for the same period. The last-mentioned institutions shall make the deduction and transfer the amount thus withheld to the creditor institution.

4. Where a person has received social assistance in the territory of one of the Contracting Parties during a period when he was entitled to receive benefits under the legislation of the other Contracting Party, the authority which provided the social assistance may, if it has a legal right of recovery in respect of benefits due to recipients of social assistance, request the other Contracting Party's institution liable for paying benefits to that person to withhold the amount of the social assistance disbursements over the said period from the sums that it remits to that person. The last-mentioned institution shall make the deduction and transfer the amount thus withheld to the creditor institution.

Article 43. 1. Any dispute between the Contracting Parties relating to the interpretation or application of this Convention shall be the subject of direct negotiations between the competent authorities of the Contracting Parties.

2. If the dispute has not been resolved within a period of six months from the first request to open the negotiations prescribed in paragraph 1 of this article, it shall be submitted to an arbitral commission, whose composition and procedure shall be determined by agreement between the Contracting Parties. The arbitral commission shall resolve the dispute in accordance with the fundamental principles and the spirit of this Convention; its decisions shall be binding and final.

T I T L E V

TRANSITIONAL AND FINAL PROVISIONS

Article 44. 1. This Convention shall in no case confer any entitlement for a period before the date of its entry into force.

2. Any insurance period completed under the legislation of one of the Contracting Parties before the date of the entry into force of this Convention shall be taken into account for the purpose of determining any entitlements deriving from the provisions of this Convention.

3. Subject to the provisions of paragraph 1 of this article, an entitlement shall be acquired under this Convention even in respect of an event which occurred before the date of the entry into force of the Convention.

4. Where a contingency occurs on a date before the date of the entry into force of this Convention and the application for a pension is made after that date, payment in respect of the application shall be twofold, viz.:

- (a) For the period before the date of entry into force of this Convention, in accordance with the provisions of the Convention of 1 June 1956;
- (b) For the period from the date of entry into force of this Convention, in accordance with its provisions.

5. The entitlements of persons who were receiving pension payments before the entry into force of this Convention shall be reviewed at their request, with due regard to the provisions of this Convention. Such entitlements may also be reviewed without a request being made. Such review shall in no case have the effect of reducing previous entitlements of the persons concerned.

6. If the request referred to in paragraph 5 of this article is submitted within two years from the date of entry into force of this Convention, any entitlements conferred under the provisions of this Convention shall be acquired as from that date, and any legislative provisions of the Contracting Party concerning the lapse of entitlement shall not apply to the persons concerned.

7. If the request referred to in paragraph 5 of this article is submitted after two years from the entry into force of this Convention, entitlements which have not lapsed shall be acquired as from the date of submission of the request, subject to more favourable legislative provisions of the Contracting Party in question.

Article 45. The Governments of the Contracting Parties shall notify each other of the completion in their respective countries of the constitutional procedures required for the entry into force of this Convention.

It shall enter into force on the first day of the third month following the date of the last of these notifications.

Article 46. The annexed final protocol shall be an integral part of this Convention.

Article 47. As from the entry into force of this Convention, the provisions of the General Convention on Social Security between the Kingdom of the Netherlands and the Federal People's Republic of Yugoslavia, signed at Belgrade on 1 June 1956, shall no longer apply. Entitlements acquired under the provisions of the General Convention shall be maintained.

Article 48. This Convention is concluded for an indefinite period. It may be denounced by either of the Contracting Parties. Notice of denunciation shall be given not later than six months before the end of any calendar year; the Convention shall then cease to have effect at the end of that year.

Article 49. 1. In the event of denunciation of this Convention, any entitlement acquired in accordance with its provisions shall be maintained.

2. Entitlements which are in course of acquisition in respect of periods completed before the date on which denunciation takes effect shall not be extinguished as a result of the denunciation; subsequent preservation of such rights shall be determined by agreement or, in the absence of such agreement, by the legislation applied by the institution concerned.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Belgrade, on 11 May 1977, in duplicate, in the French language.

For the Government
of the Kingdom of the Netherlands:

J. BOERSMA
J. VAN DER VALK

For the Government of the Socialist
Federal Republic of Yugoslavia:

S. PEPOVSKI

FINAL PROTOCOL

On the signature today of the Convention on Social Security between the Kingdom of the Netherlands and the Socialist Federal Republic of Yugoslavia (hereinafter referred to as the Convention) the undersigned plenipotentiaries have confirmed the agreement of the Contracting Parties on the following points:

1. The term "persons in receipt of pensions", used in article 16 of the Convention, shall also include, so far as the Netherlands is concerned, any person receiving benefits under the legislation on industrial disablement benefits, referred to in article 2, paragraph 1, subparagraph A (b), of the Convention;

2. The term “benefits”, used in article 19 of the Convention, in the case of invalidity means

- In the case of Yugoslavia: invalidity pensions, as well as cash benefits linked to the entitlement to rehabilitation and employment;
- In the case of the Netherlands: cash benefits, provided periodically under the legislation on industrial disablement insurance referred to in article 2, paragraph 1, subparagraph A (b), of the Convention.

3. A person in receipt of an old-age pension under Netherlands legislation, who is resident in Yugoslavia and not entitled to benefits in kind under Yugoslav legislation, shall qualify for Netherlands voluntary sickness benefit fund insurance, provided that he was covered by a compulsory insurance scheme under the law on sickness benefit funds or the statutory regulations which were superseded by that law.

A contribution shall be required for such insurance, and it shall be deducted from the old-age pension. The amount of the contribution and, where required, the special insurance terms not governed by the law on sickness benefit funds shall be established by the competent Netherlands authority. A person who has joined a voluntary insurance scheme shall be deemed, so far as implementation of article 16, paragraph 2, is concerned, to be entitled to benefits in kind under Netherlands legislation.

4. For the purpose of implementing the provisions of articles 13, 14 and 16, a person who, so far as benefits in kind are concerned, is subject only to the General Law on special sickness expenses (*Algemene Wet Bijzondere Ziektekosten*) shall be deemed not to be entitled to benefits in kind.

This final protocol, which is an integral part of the Convention, shall be operative in the same manner and for the same period as the Convention itself.

IN WITNESS WHEREOF, the undersigned, duly authorized for this purpose, have signed this Convention.

DONE at Belgrade on 11 May 1977, in duplicate, in the French language.

For the Government
of the Kingdom of the Netherlands:

J. BOERSMA

J. VAN DER VALK

For the Government of the Socialist
Federal Republic of Yugoslavia:

S. PEPOVSKI

[TRANSLATION — TRADUCTION]

ADMINISTRATIVE AGREEMENT¹ ON PROCEDURES FOR IMPLEMENTING THE CONVENTION ON SOCIAL SECURITY BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA, SIGNED AT BELGRADE ON 11 MAY 1977²

Pursuant to article 17, paragraph 2, article 35, paragraph 1, and article 36 of the Convention on Social Security between the Kingdom of the Netherlands and the Socialist Federal Republic of Yugoslavia, signed at Belgrade on 11 May 1977² (hereinafter referred to as "the Convention"), the competent Netherlands and Yugoslav authorities, namely:

- The Netherlands Minister of Social Affairs and the Netherlands Minister for Public Health and Protection of the Environment, and
- The Chairman of the Federal Labour and Employment Committee on behalf of the Federal Labour and Employment Committee,

Have by agreement drawn up the following provisions:

TITLE I

GENERAL PROVISIONS

Article 1. For the purposes of this Agreement the terms defined in article 1 of the Convention shall have the meaning assigned to them in that article.

Article 2. For the purposes of this Agreement the following shall be designated as "liaison agencies":

1. In the case of the Netherlands:

- (a) For benefits in kind in the event of sickness or maternity: the Ziekenfondsraad (Board of Sickness Insurance Funds) at Amstelveen;
- (b) For old-age and survivors' pensions, and for family allowances: the Sociale Verzekerings Bank (Social Insurance Bank) at Amsterdam;
- (c) In all other cases: the Gemeenschappelijk Administratiekantoor (Joint Administrative Office) at Amsterdam.

2. In the case of Yugoslavia:

- (a) For benefits in kind in the event of sickness or maternity: the Yugoslav Union of Sickness Insurance Associations;
- (b) For old-age, survivors', invalidity and unemployment benefits: the Yugoslav Union of Invalidity Pension Insurance Associations;

¹ Came into force on 1 April 1979, the date of entry into force of the Convention on Social Security of 11 May 1977 (see note 2 below), in accordance with article 45.

² See p. 282 of this volume.

- (c) For family allowances: the joint service of the Yugoslav Union of Sickness Insurance Associations and the Yugoslav Union of Invalidity Pension Insurance Associations.

Article 3. 1. In the case specified in article 8 (a) of the Convention, the agency described below, of the country whose legislation remains applicable, shall issue to the employed person upon request a certificate of detachment, stating that he remains subject to the legislation of that country.

2. The certificate shall be issued

—In the Netherlands: by the Sociale Verzekeringsraad (Social Insurance Board) at the Hague;

—In Yugoslavia: by the nadležna zajednica zdravstvenog osiguranja radnika (competent workers' sickness insurance community).

3. The certificate must be produced, as necessary, by the employer's agent in the other country if there is such an agent, or otherwise by the employed person himself.

4. When several employed persons leave the country of their usual place of employment at the same time to work together in the other country and to return to the first-mentioned country at the same time, a single certificate may cover all such persons.

Article 4. An employed person who exercises his option under article 9, paragraph 2, of the Convention shall inform the agency indicated in article 3, paragraph 2, of the country for whose legislation he has opted, through his employer. That agency shall inform the agency of the other country. The option shall become operative on the date on which the Convention came into force or on the date on which the employed person was engaged by the diplomatic mission or the consular post, or entered the personal service of officials of that mission or that post.

T I T L E I I

SPECIAL PROVISIONS

CHAPTER 1. SICKNESS AND MATERNITY BENEFITS

Article 5. For the purposes of this chapter the terms "institution of the place of residence" and "institution of the place of temporary residence" mean:

A. In Yugoslavia: the workers' sickness insurance community competent for the place of residence or temporary residence;

B. In the Netherlands:

—For benefits in kind: the Ziekenfonds (Sickness Insurance Fund) competent for the place of residence and the Algemeen Nederlands Onderling Ziekenfonds (General Netherlands Mutual Sickness Insurance Fund) at Utrecht in the case of temporary residence;

—For cash benefits: the Nieuwe Algemene Bedrijfsvereniging (New General Occupational Association) at Amsterdam.

Article 6. 1. In order to benefit from the aggregation of insurance periods in the cases specified in article 11, paragraph 1, of the Convention, an employed

person must submit to the competent institution of the country to which he has moved a certificate of the insurance periods completed under the legislation to which he was subject immediately before the date of his latest entry into the first-mentioned country.

2. The certificate shall be issued, at the request of the employed person,
- (a) So far as insurance periods completed in the Netherlands are concerned, by the occupational association with which his last employer in the Netherlands was registered. However, if the employed person was insured for benefits in kind only, the certificate shall be issued by the sickness insurance fund with which he was last insured;
- (b) So far as insurance periods completed in Yugoslavia are concerned, by the competent workers' sickness insurance community.

If the employed person does not provide a certificate, the competent institution shall contact the designated institution of the other country in order to obtain it.

3. Where an employed person in the cases specified in article 12, paragraph 1, of the Convention has been granted, for himself or a dependant, the right to a prosthesis, to a large prosthetic appliance or to other major benefits in kind by the competent institution of the country where the employed person was last insured before entering the other country, the cost of such benefits shall be borne by that institution, even if they are in fact provided after his departure.

Article 7. In order to receive benefits in kind, an employed person, as specified in article 12, paragraph 2, of the Convention, shall apply to the institution of his place of residence. That institution shall contact the competent institution in order to obtain a certificate confirming that the employed person is entitled to benefits in kind and declaring that the cost of such benefits shall be borne by the last-mentioned institution. In addition, the certificate shall indicate the maximum period during which those benefits may be provided.

Article 8. 1. In order to receive benefits in kind, including, where necessary, admission to hospital, while temporarily resident in the country other than the competent country, an employed person, as specified in article 13, paragraph 1, of the Convention, shall submit to the institution of the place of temporary residence a certificate issued by the competent institution, if possible before the commencement of the temporary residence in the said country, proving that he is entitled to the aforementioned benefits in kind. The certificate shall indicate in particular the length of time for which the benefits may be provided. If the employed person does not submit the certificate, the institution of the place of temporary residence shall request it from the competent institution.

2. The provisions of the preceding paragraph shall apply *mutatis mutandis* to dependants in cases where they are temporarily resident in the country other than the competent country.

3. The provisions of paragraph 1 shall also apply in the cases specified in article 8 and article 9, paragraph 2, of the Convention.

Article 9. 1. In the event of admission to hospital, in the cases specified in article 12, paragraph 2, and article 13, paragraphs 1 and 6, of the Convention, the institution of the place of residence or of temporary residence shall notify

the competent institution, as soon as possible, of the date of admission and the probable duration of stay in a hospital or other medical establishment, as well as of the date of discharge.

2. For the purpose of obtaining the authorization to which the provision of the benefits referred to in article 13, paragraph 4, of the Convention is subject, the institution of the place of residence or of temporary residence shall apply to the competent institution.

Where such benefits must be provided, in cases of absolute urgency, without the authorization of the competent institution, the institution of the place of residence or of temporary residence shall advise that institution immediately. The competent liaison agencies shall establish the list of benefits to which the provisions of article 13, paragraph 4, of the Convention shall apply.

Article 10. 1. In order to retain the right to benefits in kind in his new country of residence, an employed person in the cases specified in article 13, paragraph 2, of the Convention must submit to the institution of his new place of residence a certificate in which the competent institution authorizes him to retain the right to benefits after his change of residence. The said institution shall, where necessary, indicate in the certificate the maximum duration of benefits in kind as prescribed by the legislation which it applies. The competent institution may issue the certificate after the change of residence of the employed person at his request or at the request of the institution of the new place of residence, if it was not possible for the last-mentioned institution to do so in advance for justifiable reasons.

2. The provisions of article 9 shall apply *mutatis mutandis* to the provision of benefits in kind by the institution of the new place of residence.

Article 11. 1. In order to receive benefits in kind in their country of residence, the dependants specified in article 14, paragraph 1, of the Convention must register with the institution of their place of residence, submitting the following documentary evidence:

- (i) A certificate issued by the competent institution at the request of the employed person, stating that the employed person is entitled to benefits in kind. The certificate shall be valid until such time as the competent institution notifies the insurance authority of the place of residence of the cancellation of the said certificate;
- (ii) The documentary evidence normally required by the legislation of the country of residence for the provision of benefits in kind to dependants.

2. The institution of the place of residence shall inform the competent institution which of the dependants are entitled to benefits under the legislation applied by the first-mentioned institution.

3. The employed person and his dependants must inform the institution of the place of residence of such dependants of any change in their circumstances which might affect the entitlement of the dependants to benefits in kind, including, in particular, any termination or change of employment on the part of the employed person or any change in the place of residence or of temporary residence of the employed person or any of his dependants.

4. The institution of the place of residence shall assist the competent institution for the purpose of instituting recovery proceedings against a beneficiary who has wrongfully obtained benefits.

Article 12. 1. In order to receive benefits in kind in his country of residence, a person in receipt of a pension in the cases specified in article 16, paragraph 2, of the Convention must register with the institution of his place of residence, producing a certificate in which the competent Yugoslav institution or the Ziekenfondsraad, respectively, indicates that the pensioner is entitled, for himself and his dependants, to benefits in kind. The agency issuing the certificate shall forward a copy thereof to the Ziekenfondsraad or to the Union of Workers' Sickness Insurance Communities of the republic or autonomous province concerned, respectively.

2. A pensioner must inform the institution of his place of residence of any change in his circumstances which might affect his entitlement to benefits in kind, including in particular any suspension or discontinuance of his pension and any change in his place of residence or that of his dependants.

3. The agency issuing the certificate shall inform the Ziekenfondsraad or the Union of Workers' Sickness Insurance Communities of the republic or autonomous province concerned, respectively, when a pensioner's entitlement to benefits in kind lapses or is extinguished.

Article 13. The provisions of articles 8 and 9 shall apply *mutatis mutandis* to the provisions of benefits in kind to pensioners and their dependants during the temporary residence specified in article 16, paragraph 3, of the Convention.

Article 14. 1. Where the formalities referred to in article 8 could not be completed during the temporary residence, the costs incurred shall be reimbursed, at the request of the person employed or of the pensioner, by the competent institution at the rates applied by the institution of the place of temporary residence.

2. The institution of the place of temporary residence must provide the necessary information on those rates to the competent institution so requesting.

Article 15. 1. An employed person who claims entitlement to benefits in kind from Netherlands sickness insurance for an industrial disablement which arose during his stay in Yugoslav territory shall submit his application to the institution of his place of temporary residence, together with a medical certificate from his physician. The institution shall forward the application and certificate to the competent Netherlands institution. The certificate shall indicate the date of commencement of the disablement as well as the diagnosis and prognosis.

2. An employed person who claims entitlement to benefits in kind from Yugoslav sickness insurance for an industrial disablement which arose during his stay in Netherlands territory shall submit his application to the Nieuwe Algemene Bedrijfsvereniging (New General Occupational Association) which shall inform the competent Yugoslav institution accordingly.

Article 16. 1. The institution of the place of temporary residence shall exercise medical and administrative supervision and surveillance in accordance with the procedures which it applies to its own policyholders.

2. The medical report prepared by the examining physician or the medical board, containing an opinion on the industrial disablement, its diagnosis and

prognosis, shall be forwarded in confidence by the institution of the place of temporary residence to the competent institution.

3. If the examining physician or the medical board is of the opinion that the employed person is fit to resume work, the institution of the place of temporary residence shall immediately notify him of this opinion and send a copy of that notification to the competent institution, together with the report prepared by the examining physician or the medical board.

Article 17. 1. The employed person shall be subject to the administrative supervision and surveillance regulations of the institution of the place of temporary residence.

2. Where the institution of the place of temporary residence finds that the employed person is infringing the administrative supervision and surveillance regulations, it shall notify the competent institution immediately, describing the nature of the infringement and indicating what action is normally taken in the case of such infringement by one of its own policy-holders.

Article 18. The competent institution shall provide benefits in kind to the beneficiary by all appropriate means, in particular by international postal money order. However, if the institution of the place of temporary residence agrees, such benefits may be provided by that last-mentioned institution as agent for the competent institution. In that case, the competent institution shall authorize payment to the institution of the place of temporary residence, indicating the amount of benefits, the dates on which they are to be provided and the maximum length of time for which they are to be granted.

Article 19. 1. The actual amount of the costs relating to benefits in kind granted under article 12, paragraph 2, article 13, paragraphs 1, 2 and 6, and article 16, paragraph 3, of the Convention, as shown in the books of the institutions which have provided them, shall be repaid every three months by the competent institutions to the first-mentioned institutions.

2. No rates higher than those applicable to benefits in kind provided to employed persons who are subject to the legislation applied by the institution which provided the benefits referred to in paragraph 1 of this article may be taken into account for the purpose of repaying costs.

Article 20. 1. Costs relating to benefits in kind provided under article 14, paragraph 1, of the Convention, shall be estimated at a lump sum for each calendar year.

2. The amount of the lump sum to be paid by the Netherlands institutions shall be arrived at by multiplying the average annual cost per dependant in a republic and autonomous province by the average annual number of dependants in the republic and province involved. The average annual cost per dependant in a republic and autonomous province shall be equal to the average of the costs relating to all benefits in kind provided by the institutions in that republic and autonomous province to all insured persons subject to Yugoslav legislation.

3. The amount of the lump sum to be paid by the Yugoslav institution shall be arrived at by multiplying the average annual cost per dependant by the average annual number of dependants involved. The average annual cost per dependant shall be equal to the average of the costs relating to all benefits in

kind provided by the Netherlands institutions, to all insured persons subject to Netherlands legislation.

Article 21. 1. Costs relating to benefits in kind provided under article 16, paragraph 2, of the Convention, shall be estimated at a lump sum for each calendar year.

2. The amount of the lump sum shall be arrived at by multiplying the average annual cost (for Yugoslavia, by republic and autonomous province) per pensioner and dependant of such person by the average annual number (for Yugoslavia, by republic and autonomous province) of pensioners and their dependants involved.

3. The average cost per pensioner and dependant of such person shall be equal, for each republic and autonomous province of Yugoslavia, to the average per pensioner and dependant of the costs relating to all benefits in kind provided by the institutions in that republic and autonomous province to all pensioners subject to Yugoslav legislation.

4. The average cost per pensioner and dependant shall be equal, for the Netherlands, to the average per pensioner and dependant of such person of the costs relating to all benefits in kind provided by the Netherlands institutions to all insured persons subject to Netherlands legislation.

5. In the application of paragraphs 1, 2 and 4 of this article, calculations may vary according to the age group to which the pensioners belong.

Article 22. 1. The repayments provided for in article 17 of the Convention shall be made through the liaison agencies (for Yugoslavia, by republic and autonomous province).

2. The agencies referred to in the preceding paragraph may agree that the amounts referred to in articles 20 and 21 shall be increased by a percentage for administrative expenses.

3. For the purpose of applying the provisions of articles 19 to 21, the agencies referred to in this article may agree on arrangements with regard to advance payment.

CHAPTER 2. INVALIDITY, OLD AGE AND DEATH (PENSIONS) SUBMISSION AND EXAMINATION OF APPLICATIONS

Article 23. 1. An employed person or a survivor of an employed person, resident in Yugoslavia or the Netherlands, who requests payment of a benefit under the legislation of the other country or of both countries, must submit his application to the competent institution of his country of residence.

2. Where the person concerned is resident in the territory of a third State, he must submit his application to the competent institution of the country under whose legislation the employed person was last insured.

3. The Nieuwe Algemene Bedrijfsvereniging in Amsterdam shall be designated as the competent Netherlands institution for industrial disablement benefits in cases where the entitlement to benefits is acquired under article 18, paragraph 3, of the Convention.

4. Applications shall be submitted on forms specified by the legislation of the country where the application must be lodged in accordance with the preceding paragraphs of this article.

5. The applicant must indicate, so far as possible, the institution or institutions of the two countries with which the employed person is registered. He shall further provide all other information which the competent institution requests on special forms prepared for the purpose.

6. The institution other than the one specified in paragraphs 1 or 2 of this article, having received an application, shall transmit it without delay to the institution specified in paragraphs 1 or 2 of this article, informing it of the date of receipt of the application. That date shall be considered as the date of submission to the last-mentioned institution.

Article 24. 1. In their examination of applications for benefits, the competent institutions of the two countries shall use a liaison form. This form shall include, *inter alia*, a statement and summary of the insurance periods completed by the insured person under the legislations to which he has been subject.

2. Transmittal of this form to the competent institution of the other country shall take the place of transmittal of documentary evidence.

Article 25. 1. The competent institution of the country of residence shall enter on the form specified in the preceding article the insurance periods completed under the legislation which it applies and shall send two copies of the form to the competent institution of the other country.

2. The last-mentioned institution shall complete the form by indicating:

- (a) Insurance periods completed under the legislation which it applies;
- (b) The amount of entitlements under the legislation which it applies, account being taken of the provisions of title III, chapter 2, of the Convention;
- (c) The amount of the benefit to which, but for the application of articles 18 and 19 of the Convention, the applicant might be entitled under the legislation which it applies.

3. The institution indicated in the preceding paragraph shall return a copy of the form thus completed to the institution of the country of residence, together with two copies of the final decision and an indication of the procedures and time-limits for the submission of appeals.

Article 26. Where a delay may occur, the competent institution of the country of residence shall make a recoverable advance payment to the beneficiary, the amount of which shall be as close as possible to the amount that will probably be disbursed, account being taken of the provisions of the Convention.

Article 27. 1. Where the competent institution of the country of residence finds that the applicant qualifies for entitlement under article 22 of the Convention, it shall determine the additional amount to which the applicant is entitled thereunder.

2. For the purpose of applying the provisions of article 22 of the Convention, amounts expressed in different national currencies shall be converted at the official exchange rate prevailing on the day when those provisions are to be applied.

Article 28. 1. The competent institution of the country of residence shall inform the applicant of all decisions taken, by means of a summary note in the applicant's language, together with the decisions taken by the institutions involved.

This statement shall also indicate the procedures and time-limits for the submission of appeals provided for under the legislation of the two countries. Time-limits for the submission of appeals shall be counted from the date of the applicant's receipt of the summary note.

2. It shall then inform the competent institution of the other country of the date on which it informed the applicant of both decisions, enclosing a copy of its own decision and of the summary note.

PAYMENT OF BENEFITS

Article 29. 1. Where the competent institution finds that the applicant is entitled to benefits under the legislation which it applies, without any need to resort to the provisions of article 18 of the Convention, it shall accord him those benefits provisionally without delay. When the final decision has been taken on the application, the institutions involved shall balance their accounts in accordance with the provisions of article 42 of the Convention.

2. In cases where the institutions of the two countries can apply the preceding paragraph, provisional benefits shall be paid only by the institution of the place of residence. That institution shall inform the institution of the other country as soon as possible.

3. In cases where provisional benefits are paid in accordance with the provisions of the preceding paragraphs, article 26 shall not apply.

Article 30. Benefits payable by an institution in one of the countries to beneficiaries residing in the other country shall be paid directly and within the time-limits prescribed by the legislation which it applies. On the other hand, payments of arrears shall be made to the competent institution of the country of residence.

Article 31. The competent institutions of both countries shall request, either directly from the beneficiary, or through the competent institution of the country of residence, the certificate of continuing entitlement, civil status certificate and other documentation required for establishing continuing entitlement to benefits.

CHAPTER 3. UNEMPLOYMENT AND FAMILY ALLOWANCES

Article 32. 1. In order to avail himself of one of the provisions of articles 31 and 33 of the Convention, the person concerned must submit to the competent institution a certificate of the periods which are to be taken into account, to such extent as may be necessary, in addition to the periods completed under the legislation applied by that institution.

2. The certificate shall be issued, at the request of the person concerned, by the institution with which he was last insured in the other country. If the person concerned does not submit the certificate, the competent institution shall apply for it to the relevant institution.

Article 33. A person who applies for family allowances in respect of children who are resident or being brought up in the country other than the competent

country shall produce a family status certificate issued by the competent civil registry authorities of that country. Article 31 shall apply *mutatis mutandis* to any other documentation required.

Article 34. 1. Family allowances shall be paid in accordance with the provisions of the legislation applied and within the time-limits laid down therein.

2. Where family allowances are not used for the maintenance of children by the person to whom they are to be paid, the competent institution shall pay the aforementioned benefits, in full discharge, to the natural or legal person effectively in charge of the children, at the request and through the liaison agency.

TITLE III

MISCELLANEOUS PROVISIONS

Article 35. 1. In the cases indicated in articles 11, 18, 19, 31 and 33 of the Convention, the insurance periods completed under the legislation of both countries shall be aggregated, so far as necessary, for the purposes of acquiring, maintaining or recovering entitlement to benefits, and for calculating benefits, in accordance with the following rules:

- (a) Where an insurance period completed in a compulsory insurance scheme under the legislation of one country coincides with an insurance period completed in a voluntary or optionally continued insurance scheme under the legislation of the other country, only the first-mentioned period shall be taken into account;
- (b) Where an insurance period, other than an equivalent period, completed under the legislation of one country coincides with an equivalent period under the legislation of the other country, only the first-mentioned period shall be taken into account;
- (c) Any period which is an equivalent period under the legislation of both countries shall be taken into account only by the institution of the country under whose legislation the person concerned was last compulsorily insured prior to the said period; where the person concerned was not compulsorily insured under the legislation of either country prior to the said period, that period shall be taken into account by the competent institution of the country under whose legislation he was first compulsorily insured after the period in question;
- (d) If it is not possible to determine precisely when particular insurance periods were completed under the legislation of one country, it shall be assumed that these periods do not overlap with periods completed under the legislation of the other country and they shall be taken into account to the extent that they can be usefully considered.

2. If, under paragraph 1 (a) of this article, insurance periods completed in a voluntary or optional insurance scheme under the legislation of one country concerning invalidity, old-age and death (pensions) insurance are not to be taken into account, the contributions in respect of such periods shall be deemed to be for the purpose of increasing the benefits payable under the said legislation.

Article 36. 1. Administrative and medical surveillance of persons in receipt of benefits under Yugoslav legislation who are resident or temporarily resident in the Netherlands shall be conducted, at the request of the competent institution, through:

- (a) The competent institution, in the case of invalidity benefits; however, if no invalidity benefit is payable from the Netherlands side, through the Nieuwe Algemene Bedrijfsvereniging;
- (b) The Nieuwe Algemene Bedrijfsvereniging, in the case of benefits payable under industrial accident insurance;
- (c) The Sociale Verzekeringsbank, in the case of other cash benefits.

2. Administrative and medical surveillance of persons in receipt of benefits other than sickness and maternity benefits under Netherlands legislation who are resident or temporarily resident in Yugoslavia shall be conducted, at the request of the competent institution, through the invalidity pension insurance communities of the republics and autonomous provinces.

3. Each competent institution shall, however, retain the right to have the person in receipt of benefits examined by a physician of its choice, at its own expense, and to prescribe measures to preserve, restore and improve the health of the person entitled to the benefits, as well as his capacity for work.

4. In order to evaluate the degree of invalidity, the institutions of both countries shall take the medical findings into account as well as the administrative information compiled by the institutions of the other country.

Article 37. Where, as a result of the surveillance referred to in article 36, it is found that the recipient of the benefit is employed, or that he disposes of means in excess of the prescribed limit, or that he has resumed work, the institution of the place of residence or of temporary residence must send a report to the competent institution which requested such surveillance. This report shall provide the information requested by the competent institution, and shall indicate in particular the nature of the work carried on, the amount of the earnings or resources which the person concerned had at his disposal during the last three months, the normal remuneration received in the same locality by a person in the occupational category to which the person concerned belonged in the occupation he exercised before his invalidity and, where appropriate, the opinion of a medical specialist on the state of health of the person concerned.

Article 38. Where, after suspension of the benefits which he received, the person concerned recovers his entitlement to benefits while resident in the territory of the other country, the institutions involved shall exchange all necessary information with a view to resuming payment of the said benefits.

Article 39. All benefits shall be paid to recipients without deductions for postal or bank charges.

Article 40. The costs of administrative surveillance, as well as of medical examinations, medical observations, travel and checks of all kinds, required for granting or reviewing benefits shall be reimbursed to the institution carrying out the surveillance or checks on the basis of the rates applied by that last-mentioned institution.

Article 41. For the purposes of article 39 of the Convention, the authority, institution or judicial authority which has received a claim, declaration or appeal which should have been addressed to an authority, institution or judicial authority of the other country shall indicate the date on which it received the claim, declaration or appeal.

Article 42. Information provided to competent institutions, in particular medical reports, shall be accompanied by a translation into French or English.

Article 43. Any difficulties concerning the implementation of the Convention and of this Agreement shall be resolved by a commission composed of representatives of the authorities who are competent in social security matters and who may be accompanied by experts. The Commission shall meet in each country alternately.

Article 44. The liaison agencies may agree upon standard forms for the certificates, applications and other documents required for implementing the Convention and this Agreement.

Article 45. This Agreement shall enter into force on the same date as the Convention. It shall remain in force for the same period as the Convention.

DONE in duplicate in the French language, at Belgrade, on 16 May 1977.

For the Netherlands Ministers:

J. BOERSMA

S. PEPOVSKI

Chairman of the Federal Labour
and Employment Committee