

No. 22923

**NETHERLANDS
and
TUNISIA**

Convention on social security (with administrative arrangement signed at Leidschendam on 25 April 1979). Signed at Tunis on 22 September 1978

Authentic text: French.

Registered by the Netherlands on 29 May 1984.

**PAYS-BAS
et
TUNISIE**

Convention de sécurité sociale (avec arrangement administratif signé à Leidschendam le 25 avril 1979). Signée à Tunis le 22 septembre 1978

Texte authentique : français.

Enregistrée par les Pays-Bas le 29 mai 1984.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON SOCIAL SECURITY BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE REPUBLIC OF TUNISIA

The Government of the Kingdom of the Netherlands and the Government of the Republic of Tunisia,

Desiring to regulate the relations existing between the two States in the matter of social security,

Have agreed as follows:

TITLE I. GENERAL PROVISIONS

Article 1. For the Purposes 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 Tunisia: the territory of the Republic of Tunisia;

(b) The term “national” means:

- In the case of the Netherlands: a person of Netherlands nationality;
- In the case of Tunisia: a person of Tunisian 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;

(e) The term “competent authority” means the Minister, Ministers or corresponding authority in charge of social security schemes;

(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 “residence” means customary stay;

(i) The term “stay” means temporary stay;

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

(k) The term “institution of the place of stay” means the institution authorized to provide the relevant benefits at the place where the person concerned is tempora-

¹ Came into force on 1 December 1979, i.e., the first day of the second month following the date of the last of the notifications (effected on 20 June and 22 October 1979) by which the Contracting Parties informed each other of the completion of the required constitutional procedures, in accordance with article 48.

rily staying in accordance with the legislation of the Contracting Party which is applied by that institution, or, if there is no such institution, the institution designated by the competent authority of the Contracting Party concerned;

(l) 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;

(m) The term “survivors” means persons defined or accepted as such by the legislation under which the benefits are awarded; however, if such legislation regards as survivors only such persons who were living under the roof of the deceased, this requirement shall be deemed to have been fulfilled when the person concerned was mainly dependent on the deceased;

(n) 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 similar periods in so far as they are recognized by that legislation as equivalent to insurance periods;

(o) The terms “benefits”, “pensions” and “annuities” mean any benefits, pensions or annuities, 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 or maternity benefits;
- (b) Benefits for the incapacity for work;
- (c) Old-age benefits;
- (d) Survivors’ benefits;
- (e) Unemployment benefits;
- (f) Family benefits;

B. In Tunisia, to the legislation concerning:

- (a) The organizations of the social security scheme;
- (b) Industrial accidents and occupational diseases;
- (c) The invalidity, old age and survivors’ pension scheme;
- (d) The establishment of the agricultural social security scheme.

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, this Convention shall apply to:

- (a) Laws or regulations governing 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 only if the Government of the Contracting Party concerned does not lodge 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 assistance or to special schemes for civil servants or similar personnel.

Article 3. 1. The provisions of this Convention shall apply to Netherlands or Tunisian 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 legislation of the other Party on the same conditions as nationals of the latter Party.

2. The principle of equal treatment set forth in paragraph 1 shall not, however, apply to the payment of reduced contributions for optional old-age, invalidity and survivors' insurance.

Article 5. Unless otherwise provided in this Convention, invalidity, old-age or survivors' benefits in cash, industrial-accident or occupational-disease annuities and death grants acquired under the legislation of one Contracting Party shall be furnished to the persons concerned even if they establish their residence in the territory of the other Party.

Article 6. 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 III, shall not be taken into account.

TITLE II. PROVISIONS TO DETERMINE WHICH LEGISLATION IS APPLICABLE

Article 7. Subject to the provisions of articles 8 to 10, a person employed in the territory of one of the Contracting Parties shall be subject solely 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 said other Party.

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

(a) A person having his residence in the territory of one of the Contracting Parties who is assigned to the territory of the other Party by an enterprise for which he normally works in the territory of the first Party in order to work there on its behalf shall remain subject to the legislation of the first-mentioned Party, as if he continued to work in its territory, for the first 12 months of his work in the territory

of the other Party; if the duration of the work is extended beyond 12 months, the legislation of the first-mentioned Party shall remain applicable for a further period of not more than 12 months, provided that the competent authority of the second Party has given its consent before the end of the first 12-month period;

(b) Itinerant personnel in the service of an enterprise which is engaged, on behalf of others or on its own account, in the transport of passengers or goods by rail, road, air or water and which has 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 which territory the enterprise has its principal place of business; however, an employed person who is employed and paid by a branch or a permanent representation which the said enterprise has in the territory of the Contracting Party other than the one in whose territory it has its principal place of business shall be subject to the legislation of the Contracting Party in whose territory the said branch or permanent representation is situated;

(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 those in the personal service of officials of those missions or posts.

2. However, an employed person, as specified in paragraph 1 of this article, who is a national of the Contracting Party represented by the diplomatic mission or consular post in question may elect to be subject to the legislation of that Party. The elective right may be exercised only once, within the three months following the date on which the person is recruited by the diplomatic mission or consular post or enters the private service of officials of the 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 article 7 to 9 on behalf of the employed person concerned.

Article 11. If, as a result of the provisions of this title, 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.

TITLE III. SPECIAL PROVISIONS FOR VARIOUS CATEGORIES OF BENEFITS

CHAPTER I. SICKNESS AND MATERNITY

Article 12. For the purposes of the acquisition, maintenance or recovery of entitlement to benefits, where an employed person has been subject successively or alternately to the legislations of both Contracting Parties, the insurance or employment periods completed under the legislation of each of the Contracting Parties shall be aggregated.

Article 13. 1. An employed person who has completed periods of insurance under the legislation of one of the Contracting Parties and who moves to the territory

of the other Contracting Party shall be entitled, for himself and his dependants in that territory, to the benefits provided under the legislation of the second Contracting Party subject to the following conditions:

- (a) Having been fit for work at his most recent entry into the territory of that Contracting Party;
- (b) Having been subject to compulsory insurance after his most recent entry into that territory;
- (c) Satisfying the conditions required by the legislation of the second Contracting Party, taking into account the aggregation of the periods referred to in the preceding article.

2. If the employed person referred to in the preceding paragraph does not satisfy the conditions stipulated therein, and where the said employed person would still be entitled to benefits under the legislation of the Contracting Party to which he was previously subject if he were in the territory of that Party, he shall retain that entitlement. The competent institution of that Party may ask the institution of the place of residence to pay benefits in kind under the terms of the legislation applied by the latter institution.

Article 14. 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.

7. The competent authorities of the Contracting Parties may stipulate by mutual agreement the application of provisions other than those referred to in paragraph 3 of this article in respect of the range of benefits in kind and the manner of providing them.

Article 15. 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 cash benefits from social security which entitle them to benefits in kind.

Article 16. For the purpose of receiving, in application of articles 14 and 15, benefits in kind from Netherlands institutions, an employed person shall be deemed to be a person entitled to benefits under compulsory insurance and belonging to a Netherlands health insurance scheme.

Article 17. 1. The term “person in receipt of a pension”, within the meaning of this article, means a person who receives regular benefits under laws concerning old-age, survivors’ and long-term disability benefits.

2. 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 furnished to him and to his dependants by the institution of his place of residence at the expense of that institution as if he were in receipt of a pension payable solely under the legislation of the latter Party.

3. 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 is entitled under the legislation of the first-mentioned Party, or would be entitled if he were resident in the territory of that Party, shall be furnished 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.

4. A person in receipt of a pension payable under the legislation of one Contracting Party who is entitled to benefits in kind under the legislation of that Party shall be entitled to those benefits, as shall his dependants, during a stay in the territory of the Contracting Party other than the one in whose territory they are resident if their state of health necessitates immediate benefits. Such benefits shall be furnished by the institution of the place of stay in accordance with the provisions of the legisla-

tion which it applies, but the cost thereof shall be payable by the competent institution or by that of the place of residence of the entitled person, as the case may be. The provisions of article 14, paragraphs 4 and 7 shall apply *mutatis mutandis*.

5. A person who is entitled to benefits by virtue of being compulsorily insured with a Netherlands sickness fund shall be deemed to be entitled to benefits in kind.

6. 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 18. 1. The cost of benefits in kind furnished under the provisions of article 13, paragraph 2, article 14, paragraphs 1, 2 and 6, article 15, paragraph 1, and article 17, paragraphs 3 and 4 shall be reimbursed by the competent institutions to those institutions which furnished the said benefits.

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

CHAPTER II. INVALIDITY

Article 19. For the purposes of the acquisition, maintenance or recovery of entitlement to benefits, where an insured person has been subject successively or alternately to the legislations of both Contracting Parties, the insurance periods and equivalent periods completed under the legislation of each of the Contracting Parties as an employed person shall be aggregated, provided that they do not overlap.

Article 20. Cash benefits shall be paid, in accordance with the provisions of the legislation which was applicable to the person concerned at the time when the inability to work, followed by invalidity, occurred, and shall be borne by the institution competent under the terms of that legislation.

Article 21. Where after account has been taken of the aggregation of insurance periods referred to in article 19, the person concerned does not satisfy the conditions required for entitlement to cash benefits provided for by the legislation which was applicable to him at the time when the inability to work, followed by invalidity, occurred and where he is still entitled to benefits under the legislation of the Contracting Party in whose territory he was insured immediately before that time, he shall be entitled to those benefits in the country to which he has moved. The cost of the said benefits shall be borne by the institution of the Party referred to above, in accordance with the provisions of its legislation.

Article 22. 1. If, after the suspension of benefits, the furnishing of benefits must be resumed, they shall be furnished by the institution which was liable for the benefits at the time of their suspension.

2. If, after the termination of benefits, the insured person's state of health becomes such as to justify the awarding of new benefits, they shall be furnished in accordance with the provisions of articles 19 to 21.

Article 23. An employed person who is entitled to invalidity benefits in cash at the expense of an institution of one of the Contracting Parties and who is resident in

the territory of that Contracting Party shall retain that entitlement if 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 the transfer of residence of the person concerned is liable to jeopardize his state of health or the furnishing of medical treatment.

CHAPTER III. OLD AGE AND SURVIVAL

Section 1. COMMON PROVISIONS

Article 24. 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 the insurance periods completed under the legislation of the other Contracting Party into account as if they were insurance periods completed under the legislation of the first-mentioned Party.

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

Article 25. 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 24.

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 24 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.

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 time which has 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.

6. For the purpose of applying the method of calculation referred to in the preceding paragraphs, the procedure for taking overlapping periods into account shall be laid down under an administrative arrangement.

Article 26. 1. Notwithstanding the provisions of article 25, 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 25 of this Convention with the exception of those of its paragraph 4.

Article 27. 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 24 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 25 of this Convention, when the requirements of the legislation of the other Party have been met, account being taken of the provisions of article 24.

Article 28. 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 24 and 25, 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.

Article 29. 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 25 and 28, 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 25 and 28.

Article 30. The widow's pension shall, where applicable, be distributed among the beneficiaries in the manner prescribed in accordance with the personal status of the insured person. The procedure for implementing this article shall be established under an administrative arrangement.

Section II. SPECIAL PROVISIONS CONCERNING THE APPLICATION OF NETHERLANDS LEGISLATION

Article 31. Notwithstanding the provisions of article 25, Netherlands institutions shall calculate old-age pensions directly on the basis of only those periods of insurance completed under Netherlands legislation.

Article 32. 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, while married to him, resided in Tunisian territory shall, to the extent that such periods coincide with insurance periods completed by the husband under that legislation, 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, while married to the said person, resided in Tunisian territory shall, to the extent that such periods coincide with the insurance periods referred to above, 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 entitling her to an old-age or survivors' pension or with periods during which she received an old-age pension under such legislation.

Article 33. 1. For the purposes of article 25, paragraph 5, periods considered to be insurance periods completed under the Netherlands legislation referred to in article 2, paragraph 1, (A) (d) shall include the periods prior to 1 October 1959 during which the deceased was resident in the Netherlands after the age of 20 years or during which he engaged in an employment in the Netherlands for an employer established in that country.

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, conferring entitlement to a survivor's pension.

CHAPTER IV. FAMILY ALLOWANCES

Article 34. Where the legislation of one of the Contracting Parties makes the acquisition of entitlement to family allowances conditional on the completion of insurance periods, the institution which applies that legislation shall for that purpose, in so far as necessary, take insurance periods completed under the legislation of the other Party into account as if they were periods completed under the legislation of the first-mentioned Party.

Article 35. 1. An employed person insured under Tunisian 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 Tunisian legislation, taking into account, where appropriate, the aggregation of periods referred to in article 34.

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

3. If the legislation of one of the Contracting Parties provides for family allowances to pensioners or beneficiaries, pensioners or beneficiaries resident in the territory of the other Party shall also be entitled to such benefits.

Article 36. The methods of payment of family allowances payable under this chapter and the rules governing the cumulation of such allowances payable under the laws of the two Contracting Parties shall be established in an administrative agreement.

CHAPTER V. UNEMPLOYMENT

Article 37. For the purposes of the acquisition of entitlement to unemployment benefits provided for under Netherlands legislation, the periods of remunerated work in Tunisia and the periods of remunerated work in the Netherlands shall be aggregated.

Article 38. An employed person who is a national of one of the Contracting Parties and travels to the territory of the other Contracting Party shall be entitled, during his stay 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 to 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 37.

TITLE IV. MISCELLANEOUS PROVISIONS

Article 39. 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.

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

Article 40. 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 such 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 41. 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 and 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 purposes of this Convention.

Article 42. 1. For the purposes of this Convention, the institutions of the Contracting Parties shall correspond with each other direct in French.

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 the official language of the other Contracting Party.

Article 43. Claims, declarations or appeals which, under the legislation of one of the Contracting Parties, should have been submitted 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, institution or judicial authority of the other Contracting Party. In such case the authority, institution or judicial authority involved shall transmit the said claims, documents or appeals to the competent authority, institution or judicial authority of the first-mentioned Party.

Article 44. 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 45. 1. Where, during the payment or review of old-age survivors' benefits (pensions), under the provisions of title III, chapter III, 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 of benefits 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 other Contracting Party's institution liable for paying benefits to that recipient to withhold the overpayment from the sums which it remits to the recipient. The 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 institution shall make the deduction in the manner and subject to the limitations prescribed by the legislation which it applies and shall 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 agency which provided the social assistance may, if it has a legal right of recovery in respect of benefits due 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 in the manner and subject to the limitations prescribed by the legislation which it applies and shall transfer the amount thus withheld to the creditor institution.

Article 46. 1. Any dispute which arises between the Contracting Parties concerning the interpretation or implementation 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.

TITLE V. TRANSITIONAL AND FINAL PROVISIONS

Article 47. 1. This Convention shall in no case confer any entitlement to the payment of benefits for a period prior to the date of its entry into force.

2. Any insurance period completed under the legislation of one of the Contracting Parties before 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 entry into force of the Convention.

4. Any benefit which has not been paid or which has been suspended because of the nationality of the person concerned or because of his residence abroad shall, at the request of the person concerned, be paid or restored as from the entry into force of this Convention.

5. The entitlements of persons who are 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 a review shall in no case have the effect of reducing previous entitlements of the persons concerned.

6. If the request referred to in paragraphs 4 or 5 of this article is submitted within two years after 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 or prescription of entitlement shall not apply to the persons concerned.

7. If the request referred to in paragraph 4 or 5 of this article is submitted after the expiry of two years following the entry into force of this Convention, entitlements which have not been lost through lapse or prescription shall be acquired only with due regard for the date of submission of the request, subject to more favourable provisions of the legislation of the Contracting Party in question.

Article 48. 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 second month following the date of the later such notification.

Article 49. This Convention is concluded for an indefinite period. It may be denounced by either of the Contracting Parties. Notice of denunciation must be given not less 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 50. 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 cancelled as a result of the denunciation; subsequent preservation of such entitlements 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 Tunis on 22 September 1978, in duplicate, in the French language.

For the Government
of the Kingdom of the Netherlands:

C. TH. R. BAARDA

For the Government
of the Republic of Tunisia:

A. GANA

ADMINISTRATIVE ARRANGEMENT ON PROCEDURES FOR IMPLEMENTING THE CONVENTION ON SOCIAL SECURITY BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE REPUBLIC OF TUNISIA

Pursuant to article 18, paragraph 2, article 25, paragraph 6, article 30, article 36, article 39, paragraph 1, and article 40 of the Convention on Social Security between the Kingdom of the Netherlands and the Republic of Tunisia signed at Tunis on 22 September 1978 (hereinafter referred to as "the Convention"), the competent Netherlands and Tunisian authorities have by agreement drawn up the following provisions:

TITLE I. GENERAL PROVISIONS

Article 1. For the purposes of this Arrangement 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 Arrangement 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: the Sociale Verzekeringsbank (Social Insurance Bank) at Amsterdam;
- (c) For family allowances: The Vereeniging van Raden van Arbeid (Association of Labour Boards) at Amsterdam;
- (d) In all other cases: the Gemeenschappelijk Administratiekantoor (Joint Administrative Office) at Amsterdam.

2. In the case of Tunisia: The Caisse Nationale de Sécurité Sociale (National Social Security Fund) at Tunis.

Article 3. 1. In the case referred to in article 8 subparagraph (a) of the Convention the agency designated below, of the country whose legislation remains applicable, shall issue to the employed person upon request a certificate of assignment, 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 Tunisia: by the Caisse Nationale de Sécurité Sociale (National Social Security Fund) at Tunis.

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. If the period of work is extended beyond 12 months, the employer shall, before the expiry of such period, address a request for the extension of the assignment to the agency which issued the initial certificate; the latter shall request the consent of the competent authority of the country of the place of temporary work and shall, upon receipt of such consent, issue a second certificate.

Article 4. An employed person who exercises his option under article 9, paragraph 2, of the Convention shall so inform the agency designated in article 3 paragraph 2, of the country for whose legislation he has opted, through his employer. The said agency shall so inform the agency of the other country.

The option shall take effect on the date of entry into force of the Convention or the date on which the employed person is taken on by the diplomatic mission or consular post, or by an official of such mission or post, as the case may be.

TITLE II. 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 stay" mean:

A. 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 a temporary stay;
- For cash benefits: the Nieuwe Algemene Bedrijfsvereniging (New General Occupational Association) at Amsterdam.

B. In Tunisia: The Caisse Nationale de Sécurité Sociale (National Social Security Fund) at Tunis.

Article 6. 1. In order to benefit from the aggregation of insurance periods in the cases specified in article 13 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) In so far as periods completed in the Netherlands are concerned, by the occupational association with which his last employer in the Netherlands is affiliated. 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) In so far as periods completed in Tunisia are concerned, by the Caisse Nationale de Sécurité Sociale.

If the employed person does not submit the certificate, the competent institution shall communicate with the aforementioned institution of the other country in order to obtain it.

3. Where an employed person in the cases specified in article 13, 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.

Benefits in kind

Article 7. In order to receive benefits in kind, an employed person, as specified in article 13, 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 staying in a country other than the competent country, an employed person, as specified in article 14, paragraph 1, of the Convention, shall submit to the institution of the place of stay a certificate issued by the competent institution, before he leaves the competent country if possible, 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 furnished. If the employed person does not submit the certificate, the institution of the place of stay shall communicate with the competent institution in order to obtain it.

2. The provisions of the preceding paragraph shall apply *mutatis mutandis* to dependants in the event of a stay in a country other than the competent country.

3. The provisions of paragraph 1 shall also apply in the cases referred to in article 8, subparagraphs (a) and (b), first sentence, and article 9, paragraph 2 of the Convention.

Article 9. 1. In the event of admission to hospital, in the cases referred to in article 13, paragraph 2, and article 14, paragraphs 1 and 6, of the Convention, the institution of the place of residence or stay shall notify the competent institution, as soon as it learns thereof, of the date of admission to and the probable duration of stay in a hospital or other medical establishment and the date of discharge.

2. For the purpose of obtaining the authorization to which the award of the benefits referred to in article 14, paragraph 4, of the Convention is subject, the institution of the place of residence or stay shall apply to the competent institution. The latter shall have a period of one month, counted from the sending of the application, to register an objection, where necessary, giving a statement of its reasons; the institution of the place of residence shall award the benefits if no objection has been received by the expiry of that time-limit.

3. When the benefits referred to in article 14, paragraph 4, of the Convention are to be furnished, in cases of absolute urgency, without the authorization of the competent institution, the institution of the place of residence or stay shall immediately notify the competent institution accordingly.

4. The competent liaison agencies shall establish the list of benefits to which the provisions of article 14, paragraph 4, of the Convention shall apply.

Article 10. 1. In order to retain entitlement to benefits in kind in his new country of residence, an employed person in the cases referred to in article 14, paragraph 2, of the Convention shall submit to the institution of his new place of residence a certificate in which the competent institution authorizes him to retain entitlement to benefits after his change of residence. The said institution shall, where necessary, indicate in the certificate the maximum duration of the furnishing of benefits in kind as provided for 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 furnishing 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 15, 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. If the certificate is not submitted to the institution of the place of residence, that institution shall request it from the competent institution.
- (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 certificate referred to in paragraph 1, subparagraph (i), shall be valid as from the date indicated therein and so long as the competent institution has not notified the institution of the place of residence of its cancellation. The certificate

shall cease to be valid not later than the thirtieth day from the date on which notification of cancellation was sent from the competent institution to the institution of the place of residence.

However, where the employed person is subject to the legislation of the country in which his dependants reside, the certificate shall cease to be valid as from the first day on which the employed person becomes subject to the legislation of the country of his new residence.

4. 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 stay of the employed person or any of his dependants.

5. If the institution of the place of residence learns of any change which might cancel the entitlement to benefits in kind of a pensioner or his dependants, it shall immediately notify the fact to the competent institution.

6. 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. In the case referred to in article 15, paragraph 2 of the Convention, the competent institution shall request, if necessary, the institution of the place of the last residence of each dependant who has transferred his residence to the territory of the competent country to provide it with information concerning the period of payment of benefits made immediately before the transfer.

Article 13. 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 17, paragraph 3, of the Convention must register with the institution of his place of residence, producing a certificate in which the competent Tunisian 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 liaison agency of the other country. If the pensioner does not produce the certificate, the institution of the place of residence shall request it from the competent Tunisian institution or the Ziekenfondsraad, as the case may be.

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 liaison agency of the other country when a pensioner's entitlement to benefits in kind lapses.

Article 14. The provisions of articles 8 and 9 shall apply *mutatis mutandis* to the furnishing of benefits in kind to pensioners and their dependants during a temporary stay as specified in article 17, paragraph 4 of the Convention.

Article 15. 1. Where the formalities referred to in article 8 could not be completed during the temporary stay, the costs incurred shall be reimbursed, at the request of the employed person or of the pensioner, by the competent institution at the rates applied by the institution of the place of stay.

2. The institution of the place of stay must furnish the necessary information concerning the said rates to the competent institution requesting it.

Cash benefits

Article 16. To receive cash benefits during a temporary stay in a country other than the competent country, the employed person must submit an application immediately to the institution of the place of stay in accordance with the rules applicable to employed persons affiliated with that institution; however, during a temporary stay in the Netherlands, the employed person shall submit the application directly to the institution without the intervention of his employer.

Article 17. 1. The institution of the place of stay shall exercise medical and administrative supervision in accordance with the procedures which it applies to its own policy holders.

2. The medical report shall indicate whether the employed person is unfit for work and, if so, the date on which his unfitness for work began, the diagnosis and the probable period of his unfitness for work.

3. Where the examining physician finds that the employed person is or will be fit to resume work, the institution of the place of stay shall immediately inform him of the termination of his period of unfitness and shall without delay transmit a copy of the notice to the competent institution, annexing the report of the examining physician.

Article 18. 1. The employed person shall be subject to the administrative supervision and surveillance regulations of the institution of the place of stay.

2. Where the institution of the place of stay finds that the employed person is infringing the administrative supervision 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.

3. Where the employed person under medical treatment wishes to return to the competent country, he shall so inform the institution of the place of stay. This institution shall have an examining physician determine whether or not the move is likely to compromise the health or medical treatment of the employed person. The institution of the place of stay shall notify as soon as possible the competent institution and the employed person of the opinion of its examining physician.

Article 19. The competent institution shall provide benefits in kind by all appropriate means, in particular by international postal money order. However, if the institution of the place of stay agrees, such benefits may be provided by that last-mentioned institution as agent for the competent institution. In that case, the competent institution shall so inform 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.

Financial provisions

Article 20. 1. The actual amount of the costs relating to benefits in kind granted under article 13, paragraph 2, article 14, paragraphs 1, 2 and 6, and article 17 paragraph 4 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.

3. Notwithstanding the provisions of the foregoing paragraphs, the liaison agencies may agree, with the consent of the competent authorities, that reimbursement of all benefits in kind, or a part thereof, shall be made on the basis of lump-sums instead of computing costs individually.

Article 21. 1. Costs relating to benefits in kind furnished under article 15, 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 family by the average annual number of families to be taken into account. The average annual cost per family shall be equal to the average per family of the costs relating to all benefits in kind furnished by Tunisian institutions to all families of insured persons who are subject to Tunisian legislation.

3. The amount of the lump-sum to be paid by the Tunisian institutions shall be arrived at by multiplying the average annual cost per dependant by the average annual number of dependants to be taken into account. The average annual cost per dependant shall be equal to the average of the costs relating to all benefits in kind furnished by Netherlands institutions to all insured persons who are subject to Netherlands legislation.

Article 22. 1. Costs relating to benefits in kind furnished under article 17, paragraph 3, of the Convention shall be estimated at a lump-sum for each calendar year.

2. In the case of the Netherlands, the amount of the lump-sum shall be arrived at by multiplying the average annual cost per pensioner and per pensioner's dependant by the average annual number of pensioners and pensioners' dependants to be taken into account. The average annual cost per pensioner and per pensioner's dependant shall be equal to the average cost per pensioner and per pensioner's dependant of the costs relating to all benefits in kind furnished by Netherlands institutions to all insured persons who are subject to Netherlands legislation.

3. In the case of Tunisia, the amount of the lump-sum shall be arrived at by multiplying the average annual cost per family by the average annual number of pensioners to be taken into account. The average cost per family shall be equal to the average per family of the costs relating to all benefits in kind furnished by Tunisian institutions to all families of insured persons who are subject to Tunisian legislation.

Article 23. 1. The reimbursements provided for in article 18 of the Convention shall be made through the competent liaison agencies.

2. The agencies referred to in the preceding paragraph may agree that the amounts referred to in articles 20, 21 and 22 shall be increased by a percentage for administrative expenses.

3. For the purposes of the provisions of articles 20 and 22, the competent liaison agencies may make arrangements for the payment of advances.

CHAPTER 2. INVALIDITY BENEFITS

Article 24. The application for invalidity benefits, in the case referred to in article 21 of the Convention, must be submitted by the person concerned to the institution of his place of residence, which shall then transmit the application to the competent institution of the other country, adding thereto the following data and information:

- (a) The reasons why the person concerned is not entitled to benefits in pursuance of article 20 of the Convention;
- (b) A medical report concerning the commencement, cause and degree of the invalidity, as well as possible measures with a view to the recovery of working capacity;
- (c) A certificate concerning the insurance periods completed by the applicant under his legislation;
- (d) Data concerning the maximum period during which the person concerned may be paid cash benefits for the sickness or accident that caused the invalidity;
- (e) The date of receipt of the application.

Article 25. 1. Benefits shall be paid directly by the institution responsible for payment, whatever the residence of the beneficiary in either country. Where recurring benefits are paid, payment may be made through a bank or the mail or in cash according to the time-scale prescribed in the legislation which it applies.

The competent institutions shall submit to each other an annual statement of payments made.

2. Where the institution responsible for payment does not furnish the benefits directly to the beneficiaries residing in the other country, payment may be made, at the request of the institution responsible for payment, by the institution of the place of residence of the beneficiary or of the liaison agency by mutual agreement.

CHAPTER 3. OLD-AGE AND DEATH BENEFITS; SUBMISSION AND HANDLING OF APPLICATIONS

Article 26. 1. An employed person, or a survivor of an employed person, resident in Tunisia or in the Netherlands who applies for a benefit under the legislation of the other country or both countries shall 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. Applications shall be submitted on forms specified by the legislation of the country where the application is to be submitted in accordance with the preceding paragraphs of this article.

4. The applicant must indicate, in so far as possible, the institution or institutions of the two countries with which the employed person was affiliated. He shall, in addition, furnish all other information which the competent institution requests on special forms prepared for the purpose.

5. An institution other than the one referred to in paragraph 1 or 2 of this article which has received an application must immediately transmit it to the institution referred to in paragraph 1 or 2 of this article, informing it of the date of receipt of the application. That date shall be considered to be the date of submission to the last-mentioned institution.

Article 27. 1. In their handling of applications for benefits, the competent institutions of the two countries shall use a liaison form. The said form shall include, *inter alia*, a statement of account and a summary of insurance periods completed by the insured person under the legislations to which he has been subject.

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

Article 28. 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 3, of the Convention;
- (c) The amount of the benefit to which, but for the application of articles 24 and 25 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 29. In cases in which a delay may occur, the competent institution of the country of residence may 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 30. 1. Where the competent institution of the country of residence finds that the applicant qualifies for entitlement under article 28 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 28 of the Convention, amounts expressed in different national currencies shall be converted at the official exchange rate prevailing on the first day of the month in which the last payment of the benefit is made.

Article 31. 1. The competent institution of the country of residence shall communicate the decisions taken to the applicant, by means of a summary note, to which are annexed the decisions taken by the institutions concerned. The note shall also include an indication of the procedures and time-limits for appeal provided for by the legislations of the two countries. The time-limits for appeal shall not begin to run until after the date of receipt of the summary note by the applicant.

2. Thereafter it shall inform the competent institutions of the other country of the date on which it notified the two decisions to the applicant, annexing thereto a copy of its own decision and of the summary note.

Article 32. Where more than one person is entitled to a widow's pension by reason of the death of the same insured person, the distribution, referred to in article 30 of the Convention, of the pension payable by the Netherlands institution under Netherlands legislation or pursuant to title III, chapter 3, of the Convention shall be made as follows: each widow shall receive a share proportional to the number of beneficiaries of the increased pension as long as she has one or more unmarried children under 18 years of age, or the normal pension if she does not have such children.

Article 33. 1. For the purposes of articles 31 and 32 of the Convention, the amount of the Netherlands old-age pension payable to a married man shall be calculated as follows:

(a) For each calendar year during which a married man has been insured under the general Netherlands old-age insurance scheme, he shall receive an amount equal to one per cent of the amount of the full pension for a couple prescribed in Netherlands legislation, increased by the same amount for each calendar year during which the first spouse to whom he was married when he reached the age of 65 was insured under Netherlands legislation or is deemed to have been insured under article 32 of the Convention;

(b) Where the first spouse of a married man has not been insured under Netherlands legislation before the beginning of their marriage, he shall receive an amount equal to two per cent of the amount of the full pension for an unmarried man prescribed in Netherlands legislation for each calendar year during which he was insured under that legislation as an unmarried man.

2. Periods of less than one calendar year shall be converted into calendar years in accordance with the provisions of Netherlands legislation.

3. The death of the first spouse shall not affect the amount of the old-age pension payable to a married man as long as he remains married.

4. Where the amount of the old-age pension, calculated under Netherlands legislation governing the general old-age insurance scheme and independently of the provisions of the Convention, is greater than the amount calculated in accordance with the preceding paragraphs of this article, the former amount shall apply.

Payment of benefits

Article 34. 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 24 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 45 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 paragraphs 1 and 2, article 29 shall not apply.

Article 35. 1. 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.

2. The competent institutions of the two countries shall transmit to each other annual statements of payments made.

CHAPTER 4. FAMILY ALLOWANCES

Article 36. 1. In order to avail himself of the provisions of article 34 of the Convention, the person concerned shall be obliged to submit to the competent institution a certificate of the periods to be taken into account to the extent that they are needed to supplement 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 of the other country to which he belonged on the last prior occasion. If the person does not submit the said certificate, the competent authority shall communicate with the institution in question in order to obtain it.

Article 37. A person who applies for family allowances in respect of children who are resident or being brought up in a country other than the competent country shall produce a family status certificate issued by the competent civil registry authorities of that country.

Article 38. 1. Family allowances shall be paid to the employed person or the natural or legal person responsible for the care of the children in accordance with the provisions of the legislation applicable 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 of and through the liaison agency.

Article 39. Where in the same period, family allowances are payable for the same child under the legislation of both countries, family allowances payable under the legislation of the country in whose territory the child resides or is raised shall be paid by the competent institution of the latter country and at its expense.

However, where this amount is less than the amount which would have been paid under the legislation of the other country for the same child independently of the provisions of the Convention, the competent institution of the latter country shall be obliged to pay for the same child a supplement equal to the difference between the two amounts.

The full cost of the supplement shall be paid by the latter institution.

CHAPTER 5. UNEMPLOYMENT

Article 40. 1. In order to avail himself of the provisions of article 37 of the Convention, the person concerned shall submit to the competent Netherlands institution a certificate of the remunerated work periods in Tunisia.

2. The certificate shall be issued at the request of the person concerned, by the Office des Travailleurs Tunisiens à l'Étranger de l'Emploi et de la Formation Professionnelle (Employment and Vocational Training Office for Tunisian Workers Abroad) (OTTEEFP) in Tunis.

3. If the person concerned does not submit the certificate, the competent institution shall apply to the Office des Travailleurs Tunisiens à l'Étranger de l'Emploi et de la Formation Professionnelle (OTTEEFP) in Tunis.

TITLE III. MISCELLANEOUS PROVISIONS

Article 41. 1. For the purpose of aggregating the insurance periods completed under the legislation of the two countries, as provided for in the Convention, the competent institutions shall apply 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 legislations of both countries shall be taken into account only by the institution of the country to whose legislation the person concerned was last compulsorily subject prior to the said period; where the person concerned was not compulsorily subject to the legislation of either country prior to the said period, that period shall be taken into account by the competent institution of the country to whose legislation he was first compulsorily subject after the period in question;

(d) Where it is not possible to determine precisely when particular insurance periods were completed under the legislation of one country, it shall be assumed that those 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, subparagraph (a), of this article, insurance periods completed in a voluntary or optionally continued insurance scheme under the legislation of one country concerning old-age or death (pensions) are not to be taken into account for the purposes of aggregation, the contributions in respect of such periods shall be deemed to be intended for the purpose of increasing the benefits payable under the said legislation. If this legislation provides for supplementary insurance those contributions shall be taken into account in calculating the benefits payable under such insurance.

Article 42. 1. The administrative and medical supervision of persons in receipt of cash benefits under Tunisian legislation who are resident or staying in the Netherlands shall be conducted, at the request of the competent institution, through:

(a) The Nieuwe Algemene Bedrijfsvereniging in the case of benefits in respect of invalidity and industrial accidents;

(b) The Sociale Verzekeringsbank in the case of other cash benefits, except for sickness and maternity leave 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 Tunisia shall be conducted, at the request of the competent institution, through the Caisse Nationale de Sécurité Sociale in Tunis.

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.

Article 43. Where, as a result of the surveillance referred to in the preceding article, 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 44. The competent institutions of the two countries may request each other at any time to verify or monitor any facts and actions which may, under their own legislation, cause the modification, suspension or cancellation of the entitlement to benefits which is recognized by them.

Article 45. The costs of administrative supervision, as well as of medical examinations, medical observation, travel and verification procedures of all kinds, required for the granting or reviewing of benefits shall be reimbursed to the institution responsible for the supervision or verification, on the basis of the rates applied by the last-mentioned institution.

Article 46. Expenses other than those specified in the preceding article that arise from implementation of the provisions of the Convention may be reimbursed in the manner to be established by mutual agreement between the competent liaison agencies of the two countries.

Article 47. The agencies responsible for payment for benefits to beneficiaries residing in the territory of the other State shall be entitled to pay such benefits in the currency of their State at the rate of exchange in force on the day of settlement.

The amounts of reimbursement calculated on the basis of actual disbursements or on the basis of lump-sum payments shall be expressed in the currency of the State of the institution which has ensured payment of the benefits; the institution responsible for payment of benefits shall pay on the basis of the rate of exchange in force on the day of settlement.

Article 48. Where, after the suspension of the benefits to which he was entitled, the person concerned recovers his entitlement to benefits while resident in the territory of the other country, the institutions concerned shall exchange all necessary information with a view to resuming the furnishing of the said benefits.

Article 49. All benefits shall be furnished to recipients without deductions for postal or bank charges.

Article 50. The competent institutions of the two countries may request, either direct from the beneficiary or through the competent institution of the place of residence, the certificate of continuing entitlement, civil status certificate and any other documents required for establishing the entitlement to or the maintenance of benefits.

Article 51. Information provided to competent institutions, in particular medical reports, shall be accompanied by a translation into French.

Article 52. For the purposes of article 43 of the Convention, the authority, institution or judicial authority which has received a claim, declaration or appeal which should have been submitted 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 53. Any difficulties concerning the implementation of this Administrative Arrangement shall be resolved by a commission composed of representatives of the competent authorities who are competent in social security matters and who may be accompanied by experts. The commission shall meet alternately in the two countries.

Article 54. 1. The liaison agencies may agree upon standard forms for the certificates, applications and other documents required for implementing the Convention and this Administrative Arrangement.

Article 55. This Administrative Arrangement 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 Leidschendam on 25 April 1979.

For the competent Netherlands
authorities:

[Signed]

L. DE GRAAF
Secretary of State for
Social Affairs

[Signed]

E. VEDER-SMIT
Secretary of State for Public Health
and Environmental Protection

For the competent
Tunisian authority:

[Signed]

MONCEF KAAK
President and Director-General
of the National Social Security Fund