

N° 3171.

BELGIQUE ET PAYS-BAS

Convention relative à l'assimilation de leurs sujets quant à l'application de la législation des deux pays en ce qui concerne l'assurance-invalidité-vieillesse et quant à la réglementation des suites résultant pour ces sujets du fonctionnement des législations des deux pays l'une à côté de l'autre. Signée à La Haye, le 16 octobre 1931.

BELGIUM AND THE NETHERLANDS

Convention respecting Equality of Treatment for the Nationals of each Country under the Legislation of the other in relation to Invalidity and Old Age Insurance and in respect of the Consequences to the said Nationals of the Operation of these Co-Existent Systems of Legislation. Signed at The Hague, October 16, 1931.

¹ TRADUCTION. — TRANSLATION.

No. 3171. — CONVENTION BETWEEN BELGIUM AND THE NETHERLANDS RESPECTING EQUALITY OF TREATMENT FOR THE NATIONALS OF EACH COUNTRY UNDER THE LEGISLATION OF THE OTHER IN RELATION TO INVALIDITY AND OLD AGE INSURANCE AND IN RESPECT OF THE CONSEQUENCES TO THE SAID NATIONALS OF THE OPERATION OF THESE CO-EXISTENT SYSTEMS OF LEGISLATION. SIGNED AT THE HAGUE, OCTOBER 16, 1931.

HER MAJESTY THE QUEEN OF THE NETHERLANDS and HIS MAJESTY THE KING OF THE BELGIANS being equally desirous of assimilating their subjects as regards the application of the legislation of the Netherlands and of Belgium on old age invalidity insurance, and of regulating the consequences to their subjects of the simultaneous operation of the legislations of the two countries, have decided to conclude a Convention with this object and have appointed as their Plenipotentiaries :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

Jonkheer Frans BEELAERTS VAN BLOKLAND, Her Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF THE BELGIANS :

M. Charles MASKENS, His Envoy Extraordinary and Minister Plenipotentiary to Her, Majesty the Queen of the Netherlands ;

Who, thereto duly authorised, have agreed on the following provisions :

Article 1.

1. For the purposes of the Netherlands Invalidity Act and the Belgian Acts respecting insurance against old age and premature death and the regulations issued for the administration of the said Acts, no distinction shall be made in the two countries between persons liable to insurance who are of Belgian nationality and persons liable to insurance who are of Netherlands nationality.

Article 2.

1. An employee who is legally domiciled in the Netherlands and is employed in Belgium in the service of an undertaking established in the Netherlands shall not be liable to insurance under the Belgian Acts and regulations mentioned in Article 1. The contribution under the Belgian Acts shall not be payable in respect of such employee.

2. An employee who is legally domiciled in Belgium and is employed in the Netherlands in the service of an undertaking established in Belgium shall not be liable to insurance under the

¹ Traduction du Bureau International du Travail.

¹ Translation of the International Labour Office.

Netherlands Act mentioned in Article 1. The contribution under the Netherlands Act shall not be payable in respect of such employee.

3. If an employee in the service of an undertaking established in Belgium or in the Netherlands is liable to insurance under the Acts and regulations mentioned in Article 1 of both countries and the provisions of the preceding paragraphs are not applicable to him, he shall only be liable to insurance under the Acts and regulations of the country where he has his legal domicile and in this case the contributions due under the Acts and regulations of the other country shall not be payable.

Article 3.

1. With regard to an insured person who has been successively or alternately insured in accordance with the Acts and regulations of both countries mentioned in Article 1, in fixing the qualifying period or the number of contributions required to ensure the right to statutory benefit, the total duration of the periods of liability to insurance completed or the total number of legal contributions paid in both countries shall be taken into consideration.

2. The provisions of the preceding paragraph shall also apply to the following persons :

(1) A person voluntarily insured under the Belgian Acts who is or has been liable to insurance under the Netherlands Invalidity Act ;

(2) A person liable to insurance under the Netherlands Invalidity Act who is or has been voluntarily insured under the Belgian Acts ;

(3) A person liable to insurance under the Belgian Acts who is or has been voluntarily insured under the Netherlands Old Age Act, 1919 ;

(4) A person voluntarily insured under the Belgian Acts who is or has been voluntarily insured under the Netherlands Old Age Act, 1919.

Article 4.

The rate of the bonuses provided for in the Belgian Acts and regulations mentioned in Article 1 shall be fixed in proportion to the number of annual contributions effected in Belgium.

Article 5.

1. In the case of an insured person whose insurance under the Belgian Acts respecting compulsory insurance began before he attained the age of thirty-five years mentioned in section 33 of the Netherlands Invalidity Act shall be replaced by the age of sixty-five years.

2. In the case of an insured person who has never been liable to insurance under the Netherlands Invalidity Act and who is over the age of thirty-five years, section 372 of the said Act shall no longer apply and for the purposes of the application of section 75 of that Act liability to insurance shall be deemed to have begun as from the age of thirty-five years.

Article 6.

1. The competent administrative departments and authorities of the two countries shall issue the further regulations requisite for carrying out the provisions of this Convention, in particular as regards the examination of the applications submitted by the persons concerned and the method of payment of pensions, allowances, supplements and bonuses.

2. They shall give one another assistance and shall exchange directly and mutually all the information necessary for the proper execution of this Convention.

Article 7.

1. Any amendments which may be made subsequently in the legislation of either country as regards the amount of the benefits under the insurance systems regulated by the above-mentioned Acts shall be extended *de jure* to the nationals of the other country.

2. The same provision shall apply to cases where the insurance provided for in the above-mentioned Acts is extended to new categories of beneficiaries and to cases where the conditions of admission to advantages at present existing are modified, subject to the raising of objections by either Contracting Party within a time limit of six months as from the date of promulgation of the Act.

Article 8.

1. As regards miners, the administrative measures for putting this Convention into force shall be laid down in regulations to be drawn up by mutual agreement between the competent authorities of the two countries.

2. The said regulations shall not come into operation until they have been approved by the competent authorities of each country.

3. The Contracting Governments guarantee in accordance with the laws of their countries that the engagements resulting from this Convention and the regulations mentioned in the first paragraph of this Article shall be carried out.

Article 9.

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

2. The Convention shall come into operation one month after the first day of the month following the month in which the instruments of ratification were exchanged.

3. The duration of this Convention shall be two years ; after the expiry of the period of two years the Convention shall be renewed tacitly for the same period, unless it is denounced by one of the two Contracting Parties six months before the expiry of the current period.

In faith whereof the respective Plenipotentiaries have signed the present Convention in French and Dutch, and have affixed their seals thereto.

Done in duplicate at The Hague on October the sixteenth, one thousand nine hundred and thirty-one.

(L. S.) BEELAERTS VAN BLOKLAND.

(L. S.) Ch. MASKENS.