

**No. 17900**

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**NETHERLANDS  
and  
YUGOSLAVIA**

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

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

*Authentic texts: French.*

*Registered by the Netherlands on 17 July 1979.*

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**PAYS-BAS  
et  
YUGOSLAVIE**

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

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

*Textes authentiques : français.*

*Enregistrés par les Pays-Bas le 17 juillet 1979.*

## [TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> ON SOCIAL SECURITY BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

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

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

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

Have agreed as follows:

## T I T L E I

## GENERAL PROVISIONS

*Article 1.* For the purpose of this Convention:

(a) The term "territory" means:

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

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

(b) The term "national" means:

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

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

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

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

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

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

<sup>2</sup> United Nations, *Treaty Series*, vol. 276, p. 319.

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

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

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

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

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

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

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

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

*Article 2.* 1. This Convention shall apply:

A. In the Netherlands, to the legislation concerning:

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

B. In Yugoslavia, to the legislation concerning:

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

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

Nevertheless, the Convention shall apply to:

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

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

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

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

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

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

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

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

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

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

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

## T I T L E I I

### PROVISIONS TO DETERMINE WHICH LEGISLATION IS APPLICABLE

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

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

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

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

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

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

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

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

### TITLE III

## SPECIAL PROVISIONS FOR VARIOUS CATEGORIES OF BENEFITS

### CHAPTER 1. SICKNESS AND MATERNITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CHAPTER 2. INVALIDITY, OLD AGE AND DEATH

### *Section 1. COMMON PROVISIONS*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## *Section 2. SPECIAL PROVISIONS FOR INVALIDITY*

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

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

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

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

### *Section 3. SPECIAL PROVISIONS FOR OLD AGE*

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

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

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

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

### *Section 4. SPECIAL PROVISIONS FOR DEATH*

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

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

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

#### Section 5. SPECIAL PROVISIONS FOR OCCUPATIONAL DISEASES

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

#### CHAPTER 3. UNEMPLOYMENT

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

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

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

#### CHAPTER 4. FAMILY ALLOWANCES

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

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

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

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

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

#### T I T L E I V

#### MISCELLANEOUS PROVISIONS

*Article 35.* 1. The competent authorities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## T I T L E V

### TRANSITIONAL AND FINAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For the Government  
of the Kingdom of the Netherlands:

J. BOERSMA  
J. VAN DER VALK

For the Government of the Socialist  
Federal Republic of Yugoslavia:

S. PEPOVSKI

#### FINAL PROTOCOL

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

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

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

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

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

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

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

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

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

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

For the Government  
of the Kingdom of the Netherlands:

J. BOERSMA

J. VAN DER VALK

For the Government of the Socialist  
Federal Republic of Yugoslavia:

S. PEPOVSKI