

No. 7056

**NETHERLANDS
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement (with Protocol) concerning the application of the
Netherlands legislation on general old age insurance.
Signed at The Hague, on 9 March 1961**

Official texts : Dutch and German.

Registered by the Netherlands on 9 January 1964.

**PAYS-BAS
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord (avec Protocole) concernant l'application de la
léislation néerlandaise relative à l'assurance-vieillesse
générale. Signé à La Haye, le 9 mars 1961**

Textes officiels néerlandais et allemand.

Enregistré par les Pays-Bas le 9 janvier 1964.

[TRANSLATION — TRADUCTION]

No. 7056. AGREEMENT¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE APPLICATION OF THE NETHERLANDS LEGISLATION ON GENERAL OLD AGE INSURANCE. SIGNED AT THE HAGUE, ON 9 MARCH 1961

The Kingdom of the Netherlands and the Federal Republic of Germany,

Seeking to regulate the application of the Netherlands legislation on general old age insurance to Netherlands and German nationals,

Desiring to determine the conditions under which benefits not dependent upon periods of contribution shall be payable,

Have agreed as follows :

Article 1

German nationals resident in the Federal Republic of Germany or in the Netherlands and Netherlands nationals resident in the Federal Republic of Germany shall be eligible under the Netherlands legislation on general old age insurance for benefits not dependent upon periods of contribution provided that, for the six years immediately preceding the attainment of the age of sixty-five years, they

- (a) Were resident in the Netherlands and
- (b) Were in the service of an employer permanently established in the Netherlands.

Article 2

(1) German and Netherlands nationals resident in the Federal Republic of Germany or in the Netherlands who do not satisfy the conditions laid down in article 1 shall also be eligible under the Netherlands legislation on general old age insurance for benefits not dependent upon periods of contribution provided that, for the six years immediately preceding the attainment of the age of sixty-five years, they were resident in the Federal Republic of Germany or by turns in the Federal Republic of Germany and in the Netherlands.

¹ Came into force on 4 July 1962, the date of the exchange of the instruments of ratification at Bonn, with retroactive effect as from 1 January 1957, in accordance with article 14. The Protocol (see p. 214 of this volume) came into force on the same date, with the same retroactive effect, in accordance with its paragraph 8.

(2) The benefits referred to in paragraph (1) shall be calculated in accordance with articles 3 and 4.

Article 3

(1) Persons who had reached the age of fifteen but not of sixty-five years by 1 January 1957 and who are eligible under article 2, paragraph (1), for benefits under article 43 of the Netherlands General Old Age Act shall receive such benefits in accordance with the provisions of the following paragraphs.

(2) Of the amounts specified in article 8, paragraphs (1) and (3), of the Netherlands General Old Age Act, reduced by 2 per cent for every calendar year between 31 December 1956 and the attainment of the age of sixty-five years, a part expressed as a fraction shall accrue to beneficiaries annually. The numerator shall be equal to the number of calendar years between 31 December 1926 and 1 January 1957 or, if the beneficiary had not reached the age of fifteen years by 1 January 1927, between the attainment of the age of fifteen years and 1 January 1957. These years shall be taken into consideration only in so far as it is proved that, during the said years, the beneficiaries were in the service of an employer permanently established in the Netherlands. The denominator shall be equal to the number of calendar years between the attainment of the age of fifteen years and 1 January 1957. The denominator shall not exceed thirty.

(3) Of the amount specified in article 8, paragraph (2), of the Netherlands General Old Age Act, reduced by 2 per cent for each calendar year between 31 December 1956 and the attainment of the age of sixty-five years,

1. A married man entitled to a pension shall receive annually 50 per cent of :
 - (a) A part expressed as a fraction of which the numerator and denominator shall be calculated in accordance with paragraph (2), and
 - (b) A part expressed as a fraction of which the numerator shall be equal to the number of calendar years between 31 December 1926 and 1 January 1957 or, if the beneficiary's wife had not reached the age of fifteen years by 1 January 1927, between the attainment of the age of fifteen years and 1 January 1957. In this case the third, fourth and fifth sentences of paragraph (2) shall apply *mutatis mutandis* to the beneficiary's wife ;
2. A married woman entitled to a pension shall receive annually 50 per cent of :
 - (a) A part expressed as a fraction of which the numerator and denominator shall be calculated in accordance with paragraph (2), and
 - (b) A part expressed as a fraction of which the numerator shall be equal to the number of calendar years between 31 December 1926 and 1 January 1957 or, if the beneficiary's husband had not reached the age of fifteen years by 1 January 1927, between the attainment of the age of fifteen years and 1 January 1957. In this case the third, fourth and fifth sentences of paragraph (2) shall apply *mutatis mutandis* to the beneficiary's husband.

(4) For the purposes of paragraph (2), paragraph (3), sub-paragraph 1 (b), and paragraph (3), sub-paragraph 2 (a), a married woman shall be deemed to have been in the service of an employer permanently established in the Netherlands for the period of her marriage during which her husband was in the service of an employer permanently established in the Netherlands. This provision shall not apply to periods during which, under the laws in force in the Federal Republic of Germany,

(a) She is or was engaged in an insurable occupation, or

(b) Is in receipt of an old age pension.

(5) For the purposes of paragraph (3), sub-paragraph 2 (b), the provisions of paragraph (4) shall apply *mutatis mutandis* to the husband of a married woman entitled to a pension.

(6) The benefit calculated in accordance with the foregoing paragraphs shall be rounded off to the next higher multiple of 6 guilders.

(7) The conversion of parts of calendar years to full calendar years shall be governed by the Netherlands provisions.

Article 4

(1) Persons who reached the age of sixty-five years before 2 January 1957 and who are eligible under article 2, paragraph (1), for benefits under article 46 of the Netherlands General Old Age Act shall receive such benefits in accordance with the provisions of the following paragraphs.

(2) Of the amounts specified in article 8, paragraphs (1) and (3), of the Netherlands General Old Age Act, beneficiaries shall receive one-thirtieth for each calendar year between the attainment of the age of thirty-five and of sixty-five years. The third sentence of article 3, paragraph (2), of this Agreement shall apply.

(3) Of the amount specified in article 8, paragraph (2), of the Netherlands General Old Age Act,

1. A married man entitled to a pension shall receive annually :

(a) One-sixtieth for each calendar year between the attainment of the age of thirty-five and of sixty-five years, in so far as it is proved that, during those years, he satisfied the conditions laid down in the third sentence of article 3, paragraph (2), of this Agreement, and

(b) One-sixtieth for each calendar year between the attainment by him of the age of thirty-five and of sixty-five years, in so far as it is proved that his wife satisfied the conditions laid down in the third sentence of article 3, paragraph (2), of this Agreement ;