

No. 9273

**NETHERLANDS
and
PORTUGAL**

**Convention on Social Security. Signed at The Hague, on
12 October 1966**

**Administrative Agreement concerning the manner of appli-
cation of the above-mentioned Convention. Signed at
Lisbon, on 1 May 1968**

Official texts: French.

Registered by the Netherlands on 3 October 1968.

**PAYS-BAS
et.
PORTUGAL**

**Convention sur la sécurité sociale. Signée à La Haye, le 12
octobre 1966**

**Arrangement administratif relatif aux modalités d'application
de la Convention susmentionnée. Signé à Lisbonne, le
1^{er} mai 1968**

Textes officiels français.

Enregistrés par les Pays-Bas le 3 octobre 1968.

[Translation — Traduction]

No. 9273. CONVENTION¹ BETWEEN THE KINGDOM OF
THE NETHERLANDS AND THE PORTUGUESE REPUBLIC
ON SOCIAL SECURITY. SIGNED AT THE HAGUE,
ON 12 OCTOBER 1966

Her Majesty the Queen of the Netherlands and

The President of the Portuguese Republic,

desiring to co-ordinate the application to nationals of their countries of Netherlands legislation on social security and Portuguese legislation on social insurance, family allowances and industrial accidents and occupational diseases,

Have decided to conclude a convention with this object and, for this purpose, have appointed as their plenipotentiaries:

Her Majesty the Queen of the Netherlands:

Dr. J. M. A. H. Luns, Minister for Foreign Affairs,

The President of the Portuguese Republic:

Dr. Carlos de Liz Branquinho, Ambassador Extraordinary and Plenipotentiary at The Hague,

Who, having exchanged their full powers, found in good and due form,

Have agreed on the following provisions:

TITLE I

GENERAL PROVISIONS

Article 1

Paragraph 1. This convention shall apply:

a. In the Netherlands, to the legislation concerning:

1. Sickness insurance (benefits in cash and in kind in the event of sickness or maternity);
2. Invalidity insurance;
3. Old age insurance;
4. Widows' and orphans' insurance;

¹ Came into force on 1 June 1968, the first day of the month following that of the exchange of the instruments of ratification, which took place at Lisbon on 1 May 1968, in accordance with article 44.

5. Industrial accident and occupational disease insurance, including increases in annuities;
6. Unemployment insurance;
7. Family allowances;
8. Special schemes for persons employed by coal-mining enterprises;

b. In Portugal, to the legislation concerning:

1. Social insurance concerning sickness, maternity, invalidity, old age and death;
2. Industrial accidents and occupational diseases;
3. Special insurance schemes for particular categories, in so far as they concern the risks or benefits covered by the legislation specified in the preceding sub-paragraphs, and particularly the legislation relating to the staff of enterprises holding concessions to operate public transport service;
4. Family allowances;
5. Protection against involuntary unemployment.

The term "legislation" shall, where appropriate, also include regulations.

Paragraph 2. This Convention shall also apply to all laws or regulations by which the legislation specified in paragraph 1 of this article has been or may be amended or supplemented.

It shall apply to:

- a. Laws or regulations covering a new branch of social insurance, provided that an agreement to that effect is concluded between the Contracting Parties.
- b. Laws or regulations extending existing schemes to new categories of beneficiaries, provided that the Government of the Contracting Party concerned raises no objection within a period of three months from the date of notification of the official publication of such laws or regulations.

Paragraph 3. The competent authorities within the meaning of this Convention shall be the ministers respectively responsible for the schemes specified in article 1.

Article 2

Paragraph 1. The provisions of this Convention shall apply to employed persons or persons treated as such who are or have been subject to the legislation

of one of the Contracting Parties and are nationals of one of the Parties, and to their dependants and survivors.

Paragraph 2. For the purposes of the interpretation of the term “employed persons” within the meaning of this Convention, no distinction shall be made, as regards Portuguese legislation, between salaried employees and wage-earners.

Paragraph 3. The provisions of this Convention shall not apply to career diplomatic or consular agents, including chancellery officials, or to persons who are in the government service of one of the Contracting Parties and are sent by their Government to the territory of the other Party.

Article 3

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 advantages of the legislation specified in article 1, under the same conditions as nationals of the other Party.

Article 4

Paragraph 1. Subject to the provisions of article 25, pensions or annuities, including increases, acquired under the legislation of one of the Contracting Parties shall not be reduced, modified, suspended, discontinued or confiscated on the ground that the beneficiary is resident in the territory of the Contracting Party other than that in whose territory the institution liable for the benefit is situated.

Paragraph 2. Social insurance benefits of one of the Contracting Parties shall be paid to nationals of the other Contracting Party resident in the territory of a third State under the same conditions and to the same extent as to nationals of the first-mentioned Party resident in the territory of that third State.

Article 5

Paragraph 1. The provisions of this Convention shall not operate to confer or maintain any right to receive, under the legislation of the Contracting Parties, more than one benefit of the same nature or more than one benefit relating to the same insurance period or equivalent period, save where, under invalidity and old age insurance schemes, and death (pensions) insurance schemes, liability for payment is divided between the institutions of both Contracting Parties.

Paragraph 2. The provisions of the legislation of one Contracting Party concerning the reduction or suspension of benefits in the event that the beneficiary is simultaneously in receipt of other social security benefits or other income

or carries on an occupation shall apply to him even where the benefits in question are acquired under a scheme of the other Contracting Party or where the income is received or the occupation carried on in the territory of the other Contracting Party.

Paragraph 3. Where the application of this rule would result in the reduction or suspension of the benefits payable under the legislation of both Contracting Parties, the amount of each such benefit affected by the reduction or suspension shall not exceed one half of the amount which is not to be paid.

Paragraph 4. The provisions of the preceding paragraph shall not, however, apply in cases where benefits of the same nature are acquired under articles 18 and 19 of this Convention.

Paragraph 5. Where the application of paragraph 2 results in the reduction or suspension of a benefit awarded under articles 18 and 19, account shall be taken, for the purpose of such reduction or suspension, only of such part of the benefits, income or remuneration as is determined in proportion to the duration of the periods completed in accordance with the provisions of article 19, paragraph 1, sub-paragraph *b*.

TITLE II

METHOD OF DETERMINING WHICH LEGISLATION IS APPLICABLE

Article 6

Paragraph 1. Subject to the provisions of this title, an employed person or a person treated as such who is employed in the territory of one of the Contracting Parties shall be subject to the legislation of that Party, even if he is still deemed to be resident in the territory of the other Party or his employer or the principal place of business of the enterprise which employs him is in the territory of the other Party.

Paragraph 2. Members of the crew of a ship or aircraft shall be subject to the legislation of the Contracting Party in whose territory the ship or aircraft is registered.

Article 7

The principles laid down in the preceding article shall be subject to the following exceptions:

a. An employed person or a person treated as such who is resident in the territory of one Contracting Party and is sent to the territory of the other Contracting Party by the enterprise which normally employs him in the territory of the first-mentioned Party shall remain subject to the legislation of the first-mentioned Party, as though he were employed in its territory, for the first twelve months of