

No. 43373

**Belgium
and
Japan**

**Agreement between the Kingdom of Belgium and Japan on social security. Brussels,
23 February 2005**

Entry into force: *1 January 2007 by notification, in accordance with article 35*

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**Belgique
et
Japon**

**Convention entre le Royaume de Belgique et le Japon sur la sécurité sociale.
Bruxelles, 23 février 2005**

Entrée en vigueur : *1er janvier 2007 par notification, conformément à l'article 35*

Textes authentiques : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Belgique, 2 janvier 2007*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN THE KINGDOM OF BELGIUM AND JAPAN ON
SOCIAL SECURITY

The Kingdom of Belgium and Japan,
Being desirous of regulating their mutual relations in the field of social security,
Have agreed as follows:

PART I. GENERAL PROVISIONS

Article 1. Definitions

1. For the purpose of this Agreement,
 - (a) The term “Belgium” means the Kingdom of Belgium;
 - (b) The term “national” means,
 - as regards Japan,
a Japanese national within the meaning of the law on nationality of Japan;
 - as regards Belgium,
a person with Belgian nationality;
 - (c) The term “legislation” means,
 - as regards Japan,
the laws and regulations of Japan concerning the Japanese pension systems and the Japanese health insurance systems specified in paragraph 2 of Article 2 except those promulgated for the implementation of other agreements on social security comparable with this Agreement;
 - as regards Belgium,
the laws and regulations specified in paragraph 1 of Article 2;
 - (d) The term “competent authority” means,
 - as regards Japan,
any of the Governmental organizations competent for the Japanese pension systems and the Japanese health insurance systems specified in paragraph 2 of Article 2;
 - as regards Belgium,
the Ministers responsible, within their competence, for applying the laws and regulations specified in paragraph 1 of Article 2;
 - (e) The term “competent institution” means,
 - as regards Japan,

any of the insurance institutions, or any association thereof, responsible for the operation of the Japanese pension systems and the Japanese health insurance systems specified in paragraph 2 of Article 2;

as regards Belgium,

the institution, the organization or the authority responsible in full or in part for the implementation of the laws and regulations specified in paragraph 1 of Article 2;

(f) The term “period of coverage” means,

as regards Japan,

a period of contributions under the Japanese legislation, concerning the Japanese pension systems specified in paragraph 2 (a) (i) to (v) of Article 2, and any other period taken into account under that legislation for establishing entitlement to benefits;

as regards Belgium,

any period recognized as an insurance period by the Belgian legislation and any period recognized as equivalent to an insurance period by that legislation;

(g) The term “benefit” means a pension or any other cash benefit under the legislation of a Contracting State.

2. For the purpose of this Agreement, any term not defined in this Agreement shall have the meaning assigned to it under the applicable legislation.

Article 2. Matters Covered

This Agreement shall apply,

1. as regards Belgium, to the laws and regulations concerning:

- (a) old-age and survivors’ pensions for salaried persons and self-employed persons;
- (b) the invalidity insurance for salaried persons, sailors of the merchant marine, mine workers and self-employed persons;
- (c) the social security for salaried persons; and
- (d) the social security for self-employed persons;

this Agreement shall also apply to the laws and regulations which will amend the aforementioned laws and regulations;

however, for the purpose of this Agreement, Articles 5, 6, 14 to 24, 29, 30, 33 (except for paragraph 4), 34 and paragraph 2 of Article 36 shall only be applicable to the laws and regulations referred to in subparagraphs (a) and (b); and

2. as regards Japan,

(a) to the following Japanese pension systems:

- (i) the National Pension (except the National Pension Fund);
- (ii) the Employees’ Pension Insurance (except the Employees’ Pension Fund);

- (iii) the Mutual Aid Pension for National Public Officials;
- (iv) the Mutual Aid Pension for Local Public Officials and Personnel of Similar Status (except the pension system for members of local assemblies); and
- (v) the Mutual Aid Pension for Private School Personnel
(the Japanese pension systems specified in (ii) to (v) shall hereinafter be referred to as “Japanese pension systems for employees”);

however, for the purpose of this Agreement, the National Pension shall not include the Old Age Welfare Pension or any other pensions which are granted on a transitional or complementary basis for the purpose of welfare and which are payable wholly or mainly out of national budgetary resources; and

- (b) to the Japanese health insurance systems implemented under the following laws, as amended:
 - (i) the Health Insurance Law (Law No. 70, 1922);
 - (ii) the Seamen’s Insurance Law (including the provisions on employment insurance and workers’ accident compensation insurance) (Law No. 73, 1939);
 - (iii) the National Health Insurance Law (Law No. 192, 1958);
 - (iv) the Law Concerning Mutual Aid Association for National Public Officials (Law No. 128, 1958);
 - (v) the Law Concerning Mutual Aid Association for Local Public Officials and Personnel of Similar Status (Law No. 152, 1962); and
 - (vi) the Law Concerning Mutual Aid for Private School Personnel (Law No. 245, 1953);

however, for the purpose of this Agreement, Articles 5, 6, 14 to 24, 29, 30, 33 (except for paragraph 4), 34 and paragraph 2 of Article 36 shall only be applicable to the Japanese pension systems referred to in subparagraph (a).

Article 3. Persons Covered

This Agreement shall apply to a person who is or has been subject to the legislation of a Contracting State and other persons who derive rights from such person.

Article 4. Equality of Treatment

Unless otherwise provided in this Agreement, the persons specified in Article 3, who ordinarily reside in the territory of a Contracting State, shall receive equal treatment with nationals of that Contracting State in the application of the legislation of that Contracting State.

Article 5. Payment of Benefits to Beneficiaries Abroad

1. Unless otherwise provided in this Agreement, any provision of the legislation of one Contracting State which restricts entitlement to or payment of benefits solely because

the person ordinarily resides outside or is absent from the territory of that Contracting State shall not be applicable to persons who ordinarily reside in the territory of the other Contracting State. However, the foregoing shall not affect the provisions of the Japanese legislation which require a person who is aged 60 or over but under 65 on the date of the first medical examination or of death to reside ordinarily in the territory of Japan for the acquisition of entitlement to the Disability Basic Pension or the Survivors' Basic Pension.

2. The old-age and survivors' benefits to be paid from one Contracting State shall be paid to nationals of the other Contracting State who ordinarily reside in the territory of a third country, under the same conditions as if they were nationals of the first Contracting State who ordinarily reside in the territory of the third country.

Article 6. Reduction of the Amount of Benefits and Suspension of Payment of Benefits

The provisions of the legislation of one Contracting State concerning the reduction of the amount of a benefit or suspension of payment of a benefit, where a benefit payable under that legislation to a beneficiary coincides with a benefit payable under the legislation of the other Contracting State or where a beneficiary of the benefit payable under the legislation of that Contracting State works as an employee or a self-employed person in the territory of the other Contracting State, shall be applied to that beneficiary. However, this Article shall not apply when benefits of the same nature coincide.

PART II. PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

Article 7. General Provisions

1. Unless otherwise provided in this Agreement, a person who works as an employee or a self-employed person in the territory of a Contracting State shall, with respect to that employment or self-employment, be subject only to the legislation of that Contracting State.

2. In case of simultaneous exercise of a self-employed activity in the territory of Belgium and an employed activity in the territory of Japan, the employed activity exercised in the territory of Japan shall be assimilated to an employed activity exercised in the territory of Belgium, in order to determine the obligations resulting from the Belgian legislation concerning the social status of self-employed persons.

Article 8. Special Provisions

1. Where a person who is covered under the legislation of one Contracting State and employed in the territory of that Contracting State by an employer with a place of business in that territory is sent by that employer from that territory to work in the territory of the other Contracting State, the employee shall be subject only to the legislation of the first Contracting State as if that employee were working in the territory of the first Contracting State, provided that the period of such detachment is not expected to exceed five years.