

No. 3335

**NETHERLANDS
and
FEDERAL REPUBLIC OF GERMANY**

Convention respecting unemployment insurance (with Final Protocol). Signed at The Hague, on 29 October 1954

Administrative Agreement for carrying out the above-mentioned Convention. Signed at The Hague, on 29 October 1954

Official texts: Dutch and German.

Registered by the Netherlands on 30 April 1956.

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

Convention relative à l'assurance-chômage (avec Protocole final). Signée à La Haye, le 29 octobre 1954

Accord technique pour l'application de la Convention susmentionnée. Signé à La Haye, le 29 octobre 1954

Textes officiels néerlandais et allemand.

Enregistrés par les Pays-Bas le 30 avril 1956.

[TRANSLATION¹ — TRADUCTION]

No. 3335. CONVENTION² BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY RESPECTING UNEMPLOYMENT INSURANCE. SIGNED AT THE HAGUE, ON 29 OCTOBER 1954

In accordance with articles 2 and 29, paragraph 1, of the Convention of 29 March 1951,³ between the Kingdom of the Netherlands and the Federal Republic of Germany respecting social insurance and in accordance with sub-paragraph 3 of its Final Protocol, the following Convention in the form of an Additional Agreement has been concluded respecting unemployment insurance, including also social assistance for unemployed workers.

TITLE I

GENERAL PROVISIONS

Article 1

(1) The legislation to which this Convention applies is as follows :

In the Kingdom of the Netherlands, that on :

- (a) unemployment insurance (Unemployment Act) ;
- (b) social assistance for unemployed workers.

In the Federal Republic of Germany, that on :

- (a) unemployment insurance ;
- (b) unemployment assistance.

(2) This Convention shall also apply to all legislative and other enactments amending or supplementing the legislation listed in paragraph (1) of this article : Provided that it shall only apply to legislative and administrative enactments extending the existing law to new categories of persons if the Government of one contracting State lodges no objection with the Government of the other contracting State within three months from the date of the official publication of the enactment.

(3) The benefits under the legislation mentioned in paragraph (1) shall be deemed to include any supplements paid out of public funds for the same purpose, without limitation of their amount.

¹ Translation by the International Labour Office (International Labour Office, *Legislative Series* 1954-Int. 4, March-April 1956), with the exception of the preamble and the last two paragraphs of the Convention and the text of the Final Protocol.

² Came into force on 1 April 1956, in accordance with article 13.

³ United Nations, *Treaty Series*, Vol. 149, p. 71.

Article 2

The Social Insurance Convention of 29 March 1951 shall not apply to the legislation referred to in article 1 unless the contrary is expressly stated in this Convention.

Article 3

Save as otherwise provided in this Convention, German nationals in the Kingdom of the Netherlands and Netherlands nationals in the Federal Republic of Germany shall be subject to the legislation set out in article 1 of this Convention.

They shall have the same rights and obligations as the nationals of the State in which they are resident.

TITLE II

PROVISIONS SPECIFICALLY RELATING TO UNEMPLOYMENT INSURANCE

Article 4

The provisions of paragraphs (1), (2) and (4) of article 4 of the Social Insurance Convention of 29 March 1951 shall apply, *mutatis mutandis*, as regards the scope of compulsory insurance and the obligation to pay contributions.

Article 5

(1) For the purpose of ascertaining the right to benefit, all periods of employment which are to be taken into consideration by the insurance carrier in one of the two contracting States shall likewise be taken into consideration by the insurance carrier of the other contracting State.

(2) Subject to the provisions of paragraph (1) of article 8, the duration of employment required in order to claim benefit shall be that specified in the law of the contracting State in which the claim is made.

Article 6

(1) The duration and rate of unemployment benefit and the procedure for awarding it shall normally be determined by the law of the contracting State in which the unemployed person claims benefit.

(2) In determining the duration of benefit, any periods of receipt of benefit in the other contracting State shall be taken into account. The manner of counting such periods shall be prescribed by administrative agreement.

(3) Where benefit is based on the remuneration previously earned, remuneration from employment in the other contracting State shall be taken into account at the rate of exchange in force on the date of the claim.

Article 7

(1) Nationals of either contracting State who are covered by Netherlands unemployment insurance but :

(a) are domiciled and actually resident in the Federal Republic of Germany, and

(b) had previously acquired the right to unemployment benefit in the Kingdom of the Netherlands when they were domiciled and actually resident there (regardless of the duration of employment required for such entitlement),

shall, as regards unemployment insurance benefit, enjoy the same rights and be subject to the same obligations during unemployment as involuntarily unemployed persons entitled to unemployment benefits under German law.

(2) Nationals of either contracting State who are covered by German unemployment insurance but—

(a) are domiciled and actually resident in the Kingdom of the Netherlands, and

(b) had previously acquired the rights to unemployment benefit in the Federal Republic of Germany when they were domiciled and actually resident there (regardless of the duration required for such entitlement),

shall, as regards unemployment insurance benefit, enjoy the same rights and be subject to the same obligations during unemployment as involuntarily unemployed persons entitled to unemployment benefit payable by the Netherlands General Unemployment Fund.

(3) In the cases referred to in paragraphs (1) and (2), paragraph (2) of article 5 shall apply.

(4) Notwithstanding paragraphs (1) and (2), any person covered by this article who, on account of lack of work, has been employed in a given calendar week for less than the number of hours normally worked at this place of employment, and suffers a loss of remuneration for this reason, shall receive benefit from the insurance carrier of the State in which he is employed, in accordance with the law of that State, subject to the conditions as to domicile and actual residence being fulfilled.

Article 8

(1) If a national of one of the two contracting States moves to the territory of the other contracting State while he is in receipt of unemployment benefit, the

conditions for entitlement to benefit in the latter State shall be deemed to be fulfilled if the competent carrier in this State previously authorised the move.

(2) The duration and rate of benefit and all other rights and obligations shall be determined in accordance with the law applying to employed persons in the latter State. The provisions of paragraph (2) of article 6 shall apply in this case.

TITLE III

COMMON PROVISIONS

Article 9

No settlement of accounts in respect of contributions and benefits shall take place between the two contracting States.

Article 10

The provisions of article 20 (1) and (2), article 22, article 23 (1) to (3), articles 24 to 31, and articles 35 and 36 of the Social Insurance Convention of 29 March 1951 shall apply, *mutatis mutandis*.

Article 11

The supreme administrative authorities of the two contracting States shall agree between themselves upon the detailed rules for carrying out this Convention, in so far as these require mutual agreement.

TITLE IV

CONCLUDING PROVISIONS

Article 12

(1) This Convention is concluded for a period of one year from the date of its coming into force. It shall continue in force from year to year unless it is denounced by the Government of one of the contracting States three months before the expiration of the current period.

(2) In the event of denunciation the provisions of this Convention shall continue to apply in relation to rights already acquired, but only for one year after the date of its expiration.

Article 13

(1) This Convention shall be subject to ratification. The instruments of ratification shall be exchanged in Bonn as soon as possible.