

No. 4464

**BELGIUM
and
SPAIN**

**Convention on social security. Signed at Brussels, on
28 November 1956**

Official texts: French and Spanish.

Registered by Belgium on 6 August 1958.

**BELGIQUE
et
ESPAGNE**

**Convention sur la sécurité sociale. Signée à Bruxelles, le
28 novembre 1956**

Textes officiels français et espagnol.

Enregistrée par la Belgique le 6 août 1958.

[TRANSLATION — TRADUCTION]

No. 4464. CONVENTION¹ BETWEEN BELGIUM AND SPAIN
ON SOCIAL SECURITY. SIGNED AT BRUSSELS, ON
28 NOVEMBER 1956

His Majesty the King of the Belgians and the Head of the Spanish State,

Desirous of guaranteeing the benefits of the legislative provisions concerning social security in force in the two Contracting States to the persons to whom these legislative provisions apply or have been applied, have resolved to conclude a convention and for this purpose have appointed as their plenipotentiaries :

His Majesty the King of the Belgians :

His Excellency Mr. P.-H. Spaak, Minister of Foreign Affairs;

The Head of the Spanish State :

His Excellency the Count of Casa Miranda, Ambassador of Spain at Brussels, who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

TITLE I

GENERAL PRINCIPLES

Article 1

Belgian or Spanish workers who are employed persons or persons treated as employed persons under the legislative provisions concerning social security set out in article 2 of this Convention shall be subject to the said legislative provisions in force, respectively, in Belgium or Spain and shall, together with their dependants, enjoy the benefits thereof in accordance with the laws of each contracting country and, subject to proof of nationality, under the same conditions as the nationals of each country.

*Article 2**Paragraph 1*

The legislative provisions concerning social security to which this Convention applies shall be :

1. In Belgium:

(a) The laws and regulations concerning sickness and invalidity insurance for wage earners, salaried employees, miners and persons treated as miners, and merchant seamen;

¹ Came into force on 1 July 1958, in accordance with article 35, paragraph 2. The exchange of the instruments of ratification took place at Madrid on 5 May 1958. This Convention is not applicable to the Territories of the Belgian Congo and Ruanda-Urundi.

- (b) The laws and regulations concerning the insurance for old-age and early death of wage earners, salaried employees and merchant seamen;
- (c) The laws and regulations concerning the special scheme for the retirement of miners and persons treated as miners;
- (d) The laws and regulations concerning family allowances for employed persons;
- (e) The laws and regulations concerning industrial accidents, including the legislation relating to seafarers;
- (f) The laws and regulations concerning occupational diseases;
- (g) The laws and regulations concerning provision for the support of persons involuntarily unemployed and the payment of allowances for waiting periods in respect of the merchant seamen's pool;

2. *In Spain:*

- (a) The laws and regulations concerning old-age and invalidity insurance, including the special schemes;
- (b) The laws and regulations concerning industrial accident and occupational disease insurance;
- (c) The laws and regulations concerning sickness and maternity insurance;
- (d) The laws and regulations concerning family allowances, including the special schemes;
- (e) The workers' mutual-aid scheme;
- (f) The welfare scheme for large families;
- (g) The laws and regulations concerning technological unemployment, involuntary unemployment in the cotton industry and unemployment caused by electric-power deficiencies.

Paragraph 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.

The above notwithstanding, the Convention shall not apply to :

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

Article 3

Paragraph 1

Employed persons or persons treated as employed persons under the relevant laws of each contracting country shall, when employed in either country, be subject to the laws in force at their place of employment.

Paragraph 2

The provision of paragraph 1 shall be subject to the following exceptions :

(a) Employed persons or persons treated as employed persons who are employed in a country other than that of their normal residence by an undertaking having in the country of such residence an establishment to which the said persons normally belong shall remain subject to the legislative provisions in force in the country in which they are normally employed, on condition that the duration of their employment in the territory of the second country does not exceed twelve months; where, for unforeseeable reasons, this employment is extended beyond the period originally contemplated and exceeds twelve months, the application of the legislative provisions in force in the country in which the said persons are normally employed may, as an exceptional measure, be continued with the agreement of the Government of the country in which the temporary place of employment is situated;

(b) Employed persons or persons treated as employed persons who belong to public or private transport undertakings in either contracting country and are employed in the other country either permanently or temporarily or as travelling personnel shall be subject exclusively to the provisions in force in the country in which the undertaking has its head office.

Paragraph 3

The supreme administrative authorities of the Contracting States may provide by agreement for further exceptions to the provision of paragraph 1. They may also agree that the provision of paragraph 1 and the exceptions provided for in paragraph 2 shall not apply in specific cases.

*Article 1**Paragraph 1*

The provision of article 3, paragraph 1, shall be applicable to :

(1) Employed persons and administrative employees who are employed under contract or temporarily at Spanish diplomatic or consular missions or who are in the personal employ of the heads, members or employees of such missions;

(2) Employed persons and persons treated as employed persons who are employed at Belgian diplomatic or consular missions or who are in the personal employ of the heads, members or employees of such missions.

Paragraph 2

Employed persons as referred to in paragraph 1 of this article who are of the nationality of the country represented by the diplomatic or consular office and who are posted temporarily in the country where they are employed may opt between the legislation of the country in which they are employed and the legislation of their country of origin.

Paragraph 3

Paragraphs 1 and 2 shall not apply to diplomatic and consular officers *de carrière*, including officials on the staff of the chancellery.

TITLE II

SPECIAL PROVISIONS

CHAPTER I

SICKNESS AND MATERNITY INSURANCE

Article 5

Employed persons and persons treated as employed persons who go from Belgium to Spain or vice versa, shall, together with their dependants living with them in the country of the new place of employment, be eligible for sickness insurance benefits in that country if :

(1) They were certified fit for employment when they last entered that country;

(2) They have become covered by social insurance since they last entered the territory of the new country of employment;

(3) They fulfil the conditions required by the legislation of that country, account being taken, where appropriate, of insurance periods or equivalent periods completed under the legislation of the other country.

The provisions of Belgian law under which the grant of benefits is made conditional upon investigation into the origin of the sickness shall not apply to the dependants of such persons.

If the dependants of employed persons or persons treated as employed persons are in hospital at the time when the place of employment is transferred from one country to the other, the country of the former place of employment shall continue to bear the cost of hospitalization and treatment for a period of not more than three months.

Article 6

Employed persons and persons treated as employed persons who go from Belgium to Spain or vice versa shall, together with their dependants living with them in the country of the new place of employment, be eligible for maternity insurance benefits in that country if :

(1) They were certified fit for employment when they last entered that country;

(2) They have become covered by social insurance since they last entered the territory of the new country of employment.