

No. 4614

**NETHERLANDS
and
SWITZERLAND**

**Convention (with Additional Protocol) on social insurance.
Signed at Berne, on 28 March 1958**

**Administrative Arrangement concerning the application of
the above-mentioned Convention. Signed at Berne, on
28 March 1958, and at The Hague, on 3 June 1958**

Official text: French.

Registered by the Netherlands on 30 December 1958.

**PAYS-BAS
et
SUISSE**

**Convention (avec Protocole additionnel) sur les assurances
sociales. Signée à Berne, le 28 mars 1958**

**Arrangement administratif relatif aux modalités d'application
de la Convention susmentionnée. Signé à Berne, le
28 mars 1958, et à La Haye, le 3 juin 1958**

Texte officiel français.

Enregistrés par les Pays-Bas le 30 décembre 1958.

[TRANSLATION — TRADUCTION]

No. 4614. CONVENTION¹ BETWEEN THE KINGDOM OF
THE NETHERLANDS AND THE SWISS CONFEDERA-
TION ON SOCIAL INSURANCE. SIGNED AT BERNE,
ON 28 MARCH 1958

Her Majesty the Queen of the Netherlands
and

The Swiss Federal Council,

Being desirous of regulating relations between the two States in the matter
of social insurance,

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 :

His Excellency Mr. J. W. M. Snouck Hurgronje, Her Ambassador Extraor-
dinary and Plenipotentiary at Berne,

The Swiss Federal Council :

Mr. Arnold Saxer, Director of the Federal Office of Social Insurance,

Who, having exchanged their full powers, found in good and due form, have
agreed upon the following provisions :

T I T L E I

GENERAL PROVISIONS

Article 1

1. The provisions of this Convention shall apply,

(a) In the case of Switzerland, to

- (1) The federal legislation concerning old age and survivors insurance ;
- (2) The federal legislation concerning insurance against industrial accidents,
occupational diseases and non-industrial accidents ;

(b) In the case of the Netherlands, to

- (1) The legislation concerning invalidity, old age and survivors insurance for
employed persons ;

¹ Came into force on 1 December 1958, in accordance with article 23, paragraph 2.
The exchange of the instruments of ratification took place at The Hague on 30 October 1958.

- (2) The legislation concerning general old age insurance ;
- (3) The legislation concerning insurance against industrial accidents and occupational diseases.

2. This Convention shall also apply to all legislative or administrative enactments codifying, amending or supplementing the laws listed in paragraph 1 of this article :

Provided that this Convention shall only apply to legislative or administrative enactments extending the existing schemes to new categories of beneficiaries if the High Contracting Party concerned does not object to the other Party within three months from the date of the official publication of the said enactments.

Article 2

Subject to the provisions of this Convention, Swiss and Netherlands nationals shall enjoy equality of treatment with regard to the rights and obligations resulting from the social insurance legislation listed in article 1.

Article 3

1. A person who is a national of one High Contracting Party and is employed in the territory of the other Party shall be subject to the legislation of the latter Party even if he is ordinarily resident in the territory of the former Party and even if his employer or the principal place of business of the undertaking which employs him is situated in the territory of the former Party.

2. This principle shall be subject to the following exceptions :

- (a) An employed person, in the service of an undertaking which has its principal place of business in the territory of one High Contracting Party, who is sent to the territory of the other Party shall remain subject to the insurance of the Party where the undertaking has its principal place of business during the first twelve months of his employment in the territory of the other Party. If his employment in the latter territory should continue after such period, the insurance of the former Party may continue to apply to him by way of exception with the agreement of the high administrative authority of the other Party and for such period as the latter shall authorize.
- (b) A person in the service of a transport undertaking of one High Contracting Party who is employed in the territory of the other Party, either transiently or as travelling personnel, shall be subject only to the provisions in force in the country in which the undertaking has its principal place of business.
- (c) A person employed by an official administrative service of one High Contracting Party who is seconded to the other Party shall be subject to the provisions in force in the country to which he is seconded.

Article 4

The provisions of article 3, paragraph 1, shall apply to persons employed in Swiss or Netherlands diplomatic and consular missions or in the personal employ of such diplomatic or consular representatives :

Provided that :

- (1) Diplomatic and consular officers *de carrière*, including officers on the staff of chancelleries, shall be excepted from the operation of this Convention ;
- (2) Where nationals of the country represented by the diplomatic or consular mission are not permanently established in the country where they are employed, the legislation of their country of origin shall apply to them.

Article 5

The high administrative authorities of the High Contracting Parties may provide, by common agreement, for exceptions to the provisions of articles 3 and 4.

T I T L E I I

SPECIAL PROVISIONS

Chapter 1

*INVALIDITY, OLD AGE AND SURVIVORS INSURANCE**Article 6*

1. Netherlands nationals who are or have been covered by Swiss old age and survivors insurance shall be entitled to the ordinary annuity from the said insurance on the same conditions as Swiss nationals if, at the time when the event insured against occurs, they :

- (a) Have paid Swiss old age and survivors insurance contributions for a total period of at least five full years ; or
- (b) Have been resident in Switzerland for a total period of at least ten years (including five years of uninterrupted residence immediately preceding the occurrence of the insurable event) and have, during such period, paid Swiss old age and survivors insurance contributions for a total period of at least one full year.

2. On the death of a Netherlands national fulfilling the conditions laid down in sub-paragraph (a) or (b) of paragraph 1, his survivors shall be entitled to the ordinary annuity under Swiss old age and survivors insurance.

3. Netherlands nationals not fulfilling the conditions laid down in sub-paragraphs (a) or (b) of paragraph 1, as well as their survivors, shall be entitled to refund of the insured person's and employer's contributions.

4. Netherlands nationals who, under the preceding paragraph, have obtained refund of contributions, shall have no further claim under Swiss insurance by virtue of such contributions.

Article 7

The interim annuities prescribed by the Swiss legislation concerning old age and survivors insurance shall be granted, on the conditions prescribed for Swiss nationals, to Netherlands nationals, provided that they have been resident in Switzerland for an uninterrupted period of ten years preceding the claim for an annuity and have not, during that time, obtained refund of contributions in accordance with article 6, paragraph 3.

Article 8

The interim pensions referred to in article 46 of the Netherlands General Old Age Act shall be granted to Swiss nationals on the same conditions as to Netherlands nationals, provided that the former have been resident in the Netherlands for an uninterrupted period of ten years preceding the claim for a pension.

Article 9

1. Netherlands nationals who are entitled to claim benefits under the social insurance schemes referred to in article 1, paragraph 1, sub-paragraph (a) (1), and Swiss nationals who are entitled to claim benefits under the social insurance schemes referred to in article 1, paragraph 1, sub-paragraph (b) (1) and (2), shall receive such benefits, including any supplement or increment thereto, in full and without curtailment, as long as they are resident in the territory of either High Contracting Party.

2. Provided that :

- (a) The interim Swiss annuities referred to in article 7 shall cease to be paid to Netherlands nationals who leave Swiss territory ;
- (b) The interim Netherlands pensions referred to in article 8 shall cease to be paid to Swiss nationals who leave Netherlands territory.

3. The benefits referred to in paragraph 1, with the exception of those referred to in paragraph 2, shall be granted by one High Contracting Party to nationals of the other Party who are resident in a third country, on the same conditions and to the same extent as to its own nationals resident in that country.