

No. 12507

**BELGIUM
and
ISRAEL**

**Convention on social security. Signed at Brussels on 5 July
1971**

*Authentic texts: French, Dutch and Hebrew.
Registered by Belgium on 11 May 1973.*

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**Convention sur la sécurité sociale. Signée à Bruxelles le
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Enregistrée par la Belgique le 11 mai 1973.*

[TRANSLATION — TRADUCTION]

CONVENTION ON SOCIAL SECURITY¹ BETWEEN THE KINGDOM OF BELGIUM AND THE STATE OF ISRAEL

The Government of the Kingdom of Belgium and
The Government of the State of Israel,

Desirous of guaranteeing the benefits of certain legislative provisions concerning social security in force in the two Contracting Countries to the persons to whom these legislative provisions apply or have been applied,

Have resolved to conclude a Convention and have agreed on the following provisions:

TITLE I. GENERAL PROVISIONS

Article 1. Belgian or Israeli nationals who are employed persons or persons treated as such under the legislative provisions concerning social security set out in article 2 of the Convention shall be subject to the said legislative provisions in force, respectively, in Israel or in Belgium and shall, together with their dependants, enjoy the benefits thereof under the same conditions as the nationals of the State concerned.

Article 2, paragraph 1. The legislative provisions concerning social security to which this Convention applies shall be:

1. In Belgium:

- (a) The legislation concerning retirement and survivors' pensions for employed persons;
- (b) The legislation concerning industrial accidents, including that concerning seamen;
- (c) The legislation concerning occupational diseases.

2. In Israel:

The national insurance legislation concerning retirement and survivors' pensions for employed persons or persons treated as such and concerning industrial accidents.

Paragraph 2. This Convention shall also apply to any laws or regulations amending or supplementing the legislative provisions referred to in paragraph 1 of this article.

The above notwithstanding, the Convention shall not apply to laws or regulations extending existing schemes to new classes of beneficiaries if the Government amending its legislation 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.

¹ Came into force on 1 May 1973, i.e. the first day of the month following the date (10 April 1973) on which the Contracting Countries notified each other that the required constitutional formalities had been fulfilled, in accordance with article 25.

Article 3. The provisions of this Convention shall not apply to:

- Career diplomatic and consular officers, including officials of the staff of chancelleries;
- Workers other than employed persons or persons treated as such.

Article 4, paragraph 1. Employed persons or persons treated as such under the legislation applicable in each contracting country, who are employed in either country, shall be subject to the legislation in force at their place of employment.

Paragraph 2. The following exceptions shall be made to the principle laid down in paragraph 1 of this article:

- (a) Employed persons or persons treated as such who are employed in a country other than that of their normal residence by an enterprise having, in the country of such residence, an establishment to which the persons concerned normally belong shall remain subject to the legislation in force in the country in which they are normally employed, provided that the duration of their employment within the territory of the second country does not exceed 12 months; where, for unforeseeable reasons, this employment is extended beyond the period originally contemplated and exceeds 12 months, the application of the legislation in force in the country in which the said persons are normally employed may, as an exceptional measure, be continued for a further period of not more than 12 months, with the agreement of the competent authorities of the country in which the temporary place of employment is situated.
- (b) Employed persons or persons treated as such who belong to public or private transport enterprises in either Contracting Country and are employed in the other country, whether permanently or temporarily or as travelling personnel, shall be subject exclusively to the provisions in force in the country in which the enterprise has its head office; if, however, the enterprise has a branch or a permanent agency in the territory of the Contracting Country other than the one in which its head office is situated, persons employed by such branch or permanent agency shall be subject to the legislation of the Contracting Country in whose territory the branch or permanent agency is situated;
- (c) Employed persons or persons treated as such who belong to official administrative departments and are seconded by and on account of one of the Contracting Countries shall remain subject to the legislation in force in the country from which they are so seconded.

Paragraph 3. The competent administrative authorities of the Contracting Countries may provide, by agreement, for exceptions to the rules laid down in paragraph 1 of this article. They may also agree that the exceptions provided for in paragraph 2 shall not apply in specific cases.

Article 5. The provisions of article 4, paragraph 1, shall be applicable to employed persons or persons treated as such, whatever their nationality, who are employed in the diplomatic or consular offices of Belgium or Israel or who are in the personal employ of officers of the diplomatic or consular service of those countries.

Nevertheless, employed persons or persons treated as such who are nationals of the State represented by the diplomatic or consular office may opt for the legislation of their country of origin. This right of option may be exercised only once, within a time-limit to be specified in an administrative arrangement.

Article 6. Where the legislation of one of the Contracting Countries provides for the reduction, discontinuance or suspension of a benefit in the event that the beneficiary is concurrently in receipt of another social security benefit or of remuneration, the benefit acquired under the legislation of the other Contracting Country or the remuneration received in the territory of the other Contracting Country shall also be chargeable against the recipient of the benefit.

TITLE II. SPECIAL PROVISIONS

Chapter I. OLD AGE AND DEATH BENEFITS (PENSION)

Article 7. Where the legislation of one of the Contracting Countries makes the payment of retirement and survivors' pensions conditional upon residence qualifications, those qualifications shall not apply to Belgian or Israeli nationals as long as they are resident in either of the two Contracting Countries.

Article 8. A claim for benefits submitted to one of the social security authorities with which the person concerned has been insured shall be considered valid by the other competent social security authorities.

Chapter II. BENEFITS IN CASE OF INDUSTRIAL ACCIDENT OR OCCUPATIONAL DISEASE

Article 9. Where the legislation of one of the Contracting Countries makes the payment of the benefits due in case of industrial accident or occupational disease conditional upon residence qualification, those qualifications shall not apply to Belgian or Israeli nationals as long as they are resident in either of the two Contracting Countries.

Article 10. Benefits provided for in the Belgian legislation which are conditional upon need shall be granted only to beneficiaries who are resident in Belgium.

Article 11. Any industrial accident sustained or occupational disease contracted by a Belgian national employed in Israel or an Israeli national employed in Belgium which has resulted or is apt to result in either death or permanent incapacity, whether total or partial, must be notified by the employer or the competent social security authorities to the local consular authorities of the country of which the person concerned is a national.

Article 12. In the case of an industrial accident for which compensation is provided under the legislation of the two Contracting Countries, benefits shall be granted only under the legislation of the country in whose territory the occupation likely to cause such occupational disease was last performed and provided that the person concerned fulfils the conditions laid down in that legislation, taking into account, where necessary, the provisions of article 14 below.

Article 13. Where the legislation of a Contracting Country makes it a condition for the award of occupational disease benefits that an activity likely to cause such a disease should have been exercised for a prescribed length of time, the periods during which the employed person exercised an activity of the same nature in the other country shall also be taken into account in determining eligibility for the benefits.

Article 14, paragraph 1. For the purposes of assessing the degree of permanent incapacity resulting from an industrial accident or occupational disease,

under Israeli or Belgian legislation, industrial accidents sustained or occupational diseases contracted at an earlier date under the legislation of the other country shall be taken into account as though they had been sustained or contracted under the legislation of the first country.

Paragraph 2. Where, in the event of the worsening of an occupational disease, an employed person who is receiving or has received compensation in respect of an occupational disease under the legislation of one of the Contracting Countries claims, in respect of an occupational disease of the same nature, entitlement to benefits under the legislation of the other country, the following rules shall apply:

- (a) If the person concerned has not been employed in the territory of the last-mentioned country in an occupation to which the occupational disease or the worsening thereof may be attributed, the social security authority with which he is insured in the first-mentioned country shall remain responsible for the benefits under its own legislation, account being taken of such worsening;
- (b) If the person concerned has been employed in the territory of the last-mentioned country in such an occupation, the social security authority with which he is insured in the first-mentioned country shall remain responsible for furnishing the benefits under its own legislation, but no account shall be taken of the worsening; the social security authority with which he is insured in the other country shall award the employed person a supplement, the amount of which shall be determined in accordance with the legislation of the second country and shall correspond to the increase in the degree of incapacity.

Paragraph 3. Where the person concerned is resident in the territory of the Contracting Country other than that in which the employed person contracted the occupational disease, the claim for benefits may be submitted to the competent social security of the country of residence of the person concerned. In that case, the claim must be drawn up in the form and manner prescribed by the legislation of the country in which the occupational disease was contracted.

TITLE III. ADMINISTRATIVE CO-OPERATION

Article 15, paragraph 1. The administrative authorities and the insurance or social security authorities of the two Contracting Countries shall assist one another to the same extent as if the matter were one affecting the application of their own schemes.

The authorities of each Contracting Country which shall be empowered to correspond directly with one another for this purpose and, where appropriate, to centralize claims for and payments of benefits shall be determined by virtue of an administrative arrangement.

Paragraph 2. The said authorities may, as an accessory measure, have recourse for the same purpose to the diplomatic and consular authorities of the other country.

Paragraph 3. The diplomatic and consular authorities of either country may apply directly to the administrative authorities of the other country with a view to obtaining any information required for the protection of the interests of their nationals.

Article 16, paragraph 1. Exemptions from registration or court fees, stamp

duties and consular charges provided for in the legislation of one of the Contracting Countries in respect of documents to be produced to the administrative authorities, social security authorities or courts of that country shall be extended to the corresponding documents required to be produced for the purposes of this Convention to the administrative authorities, social security authorities or courts of the other country.

Paragraph 2. For the purposes of this article and of articles 17 and 18, the term “courts” means, in relation to both Contracting Countries: the administrative courts having jurisdiction in social security matters.

Paragraph 3. Legalization by diplomatic and consular authorities shall be waived in respect of all certificates, documents and papers required to be produced for the purposes of this Convention.

Article 17. Communications which for the purposes of this Convention are sent by beneficiaries under the Convention or by administrative authorities, social security authorities or courts to administrative authorities, social security authorities or courts of the other country shall be drawn up in one of the official languages of the two countries.

Article 18. Claims and appeals which must be lodged within a prescribed period with an administrative authority, social security authority or court of one of the Contracting Countries competent to receive claims or appeals in social security matters shall be deemed admissible if they are lodged within the same period with a corresponding authority or court of the other country. In such cases, the latter authority or court shall transmit the claims or appeals without delay.

Article 19, paragraph 1. The competent administrative authorities of the Contracting Countries shall agree on the measures necessary for the implementation and application of this Convention.

The said administrative authorities shall notify one another in due time of changes that have taken place in the legislation or regulations of their respective countries concerning the schemes enumerated in article 2.

Paragraph 2. The competent administrative authorities of the two Contracting Countries shall notify one another of other arrangements made for the purpose for implementing this Convention within their respective countries.

Article 20. For the purposes of this Convention, the competent administrative authorities in each of the Contracting Countries shall be:

In Belgium: the Minister of Social Welfare;

In Israel: the National Insurance Institute.

TITLE IV. MISCELLANEOUS PROVISIONS

Article 21, paragraph 1. The social security authorities responsible for benefits under this Convention shall be held to discharge their responsibility validly by payment in the currency of their country.

If currency restrictions are at any time imposed in either Contracting Country, measures shall be taken forthwith, by agreement between the two Governments, to ensure, in accordance with the provisions of this Convention, the reciprocal transfer of moneys due.

Paragraph 2. The social security authority responsible for annuities or

pensions the monthly amount of which is less than a sum to be specified by an exchange of letters between the competent administrative authorities of the two Contracting Countries may pay the said annuities and pensions quarterly, half-yearly or yearly.

It may also, by payment of a sum equal to their capital value, redeem annuities or pensions the monthly amount of which is less than a sum specified by an exchange of letters in the manner provided for in the preceding subparagraph.

Article 22. The transfer of benefits due under social security legislation to beneficiaries resident in one of the Contracting Countries shall be carried out in accordance with the procedures laid down in an administrative arrangement between the competent administrative authorities of the Contracting Countries.

Article 23. Any formalities that may be laid down by the laws or regulations of one of the Contracting Countries in respect of the payment outside its territory of the benefits dispensed by its social security authorities shall also apply, under the same conditions as apply to their nationals, to persons entitled to receive such benefits by virtue of this Convention.

Article 24. Any difficulties relating to the interpretation and application of this Convention shall be resolved by agreement between the competent administrative authorities of the Contracting Countries.

Article 25. This Convention shall enter into force on the first day of the month following the date on which the two Contracting Countries notify each other that the required constitutional formalities have been fulfilled.

Article 26, paragraph 1. The situation of former employed persons or persons treated as such and of their dependants with regard to their right to an old-age or survivors' pension shall be reviewed:

- (1) If payment of the pension was suspended because of their nationality or place of residence;
- (2) If the pension was denied because of their nationality or place of residence;
- (3) If the application of the Convention will result in their being granted a pension higher than the benefits they already receive or could have received if they had applied for them.

Paragraph 2. The review shall take place on application, to be submitted by the persons concerned through the competent social security authorities of the two Contracting Countries.

Applications shall take effect on the first day of the month following the month in which they are submitted.

However, if such applications are submitted within two years from the date of entry into force of this Convention, they shall take effect from that date.

Article 27, paragraph 1. This Convention is concluded for an indefinite period. It may be terminated by either Contracting Country. Notice of termination must be given not later than six months before the expiry of any calendar year; the Convention shall then cease to have effect at the end of that year.

Paragraph 2. In the event of termination, the provisions of this Convention shall continue to apply to acquired rights, notwithstanding any restrictions that may be provided for under the schemes concerned for cases where a beneficiary is in a foreign country.

Paragraph 3. Any rights that are in process of acquisition in respect of insurance periods completed before the date on which this Convention ceases to have effect shall continue to be governed by the provisions of this Convention in conformity with conditions to be decided upon by agreement between the Contracting Countries.

DONE at Brussels, on 5 July 1971, corresponding to 12 Tammuz 5731, in duplicate in the French, Dutch and Hebrew languages, the three texts being equally authentic. However, in the event of a dispute between the two Governments concerning the interpretation or application of the Convention, the French text shall prevail.

For the Government
of the Kingdom of Belgium:

[P. DE PAEPE]

For the Government
of the State of Israel:

[MOSHÉ ALON]
