

CONVENTION ON SOCIAL SECURITY BETWEEN THE STATE OF ISRAEL AND THE KINGDOM OF THE NETHERLANDS¹

The Government of the State of Israel and the Government of the Kingdom of the Netherlands, desirous of regulating the relations between the two states in the field of social security, have agreed to conclude the following Convention:

Part I - General Provisions

Article 1

1. For the purpose of the present Convention,

- 1) "**Netherlands**" means the Kingdom of the Netherlands and "Israel" the State of Israel;
- 2) "**Territory**" means in relation to the Netherlands the territory of the Kingdom in Europe, in relation to Israel its territory;
- 3) "**legislation**" means current laws, ordinances and administrative regulations relating to the branches and schemes of social security covered by Article 2;
- 4) "**Competent authority**" means in relation to the Netherlands the Minister for Social Affairs and Employment, in relation to Israel the Minister of Labour and Social Affairs;
- 5) "**Insurance institution**" means the body or authority charged with the implementation of the legislation specified in Article 2;
- 6) "**Competent insurance institution**" means the insurance institution which is competent under the applicable legislation;
- 7) "**Competent state**" means the state in whose territory the competent insurance institution is situated;
- 8) "**Liaison body**" means an institution for liaison and information between the insurance institutions of the two Contracting Parties with a view to simplifying the implementation of this Convention and for the information of the persons affected concerning their rights and obligations under the Convention;
- 9) "**Member of the family**" means a member of the family according to the legislation of the Contracting Party in whose territory the competent insurance institution is based, at whose expense the benefits are granted;
- 10) "**Periods of insurance**" means periods of contribution, employment, occupational activity or residence defined or recognized as periods of insurance

¹. Signed in Jerusalem at: 25/4/1984

Validity from: 1/9/1985

by the legislation under which they were completed, and any other periods, in so far as they are regarded by this legislation as equivalent to periods of insurance;

11) “**Benefit**” or “pension” means a cash benefit or pension under the applicable legislation, including all the constituent parts thereof as well as all increases and additional payments.

2. Other terms used in this Convention has the meaning given to them under the legislation which is being applied.

Article 2

1. This Convention shall apply

A. in relation to the Netherlands, to all legislation concerning the following branches:

- a) sickness insurance,
- b) invalidity insurance,
- c) old age insurance,
- d) widows’ and orphans’ insurance,
- e) unemployment insurance.
- f) children’s allowances,

B. in relation to Israel, to the National Insurance Law (Consolidated Version) 5728-1968 as far as it applies to the following branches:

- a) old age and survivor’s insurance,
- b) invalidity insurance,
- c) work injury insurance,
- d) maternity insurance,
- e) children’s insurance,
- f) unemployment insurance.

2. Except where otherwise indicated by the provisions of paragraph 4 of this Article, this Convention shall also apply to legislation, amending, supplementing or consolidating the legislation specified in paragraph 1 of this Article.

3. This Convention shall apply to legislation concerning a new system or a new branch of social security in excess of that specified in paragraph 1 of this Article only if so agreed between the Contracting Parties.

4. This Convention shall not apply to legislation which extends the application of the legislation specified in paragraph 1 of this Article to new groups of beneficiaries if the competent authority in the state concerned so decides and

gives notice to that effect within six months from the date of the communication of that legislation as mentioned in paragraph 1 of Article 24.

5. This Convention shall not apply to social or medical assistance schemes or to special schemes for civil servants or persons treated as such.

Article 3

Except where otherwise provided in this Convention, the following persons who are residing in the territory of a Contracting Party shall be equated with nationals of the Contracting Party in the application of its legislation:

- a) nationals of the other Contracting Party;
- b) refugees, as referred to in Article 1 of the Convention on the Status of Refugees of 28th July 1951 and in paragraph 1 of Article 1 of the Protocol of 31st January 1967 to the said Convention;
- c) stateless persons, as referred to in Article 1 of the Convention on the Status of Stateless Persons of 28th September 1954;
- d) other persons with regard to rights which they derive from a national of a Contracting Party or from a refugee or stateless person, referred to in this Article.

Article 4

1. Except where otherwise provided in this Convention, pensions and other benefits, apart from benefits in respect of unemployment, may not be reduced, modified, suspended or withdrawn on account of the recipient residing in the territory of the other Contracting Party.

2. Except where otherwise provided in this Convention, pensions and other benefits payable under the legislation of one of the Contracting Parties shall be paid to nationals of the other Contracting Party, who reside in a third state, under the same conditions and to the same extent as to nationals of the first Contracting Party residing in this third state.

Article 5

Provisions in the legislation of a Contracting Party for the reduction, suspension or suppression of pensions and other benefits from one branch of social security where there is overlapping with pensions and other benefits from another branch or with other income, or because of an occupational activity, shall apply also to a beneficiary in respect to pensions and other benefits acquired under the legislation of the other Contracting Party or in respect of income obtained, or occupation exercised, in the territory of the other Contracting Party.

Part II - Provisions Concerning Applicable Legislation

Article 6

Except where otherwise provided in Articles 7, 8 and 9 the persons covered by this Convention shall be subject to the legislation of the Contracting Party in whose territory they reside or, as regards insurance branches specified in paragraph 1 of Article 2 which do not depend on residence, to the legislation of the Contracting Party in whose territory they are employed.

Article 7

1. If a person employed in the territory of a Contracting Party is posted by his employer to the territory of the other Contracting Party to perform work on behalf of the same employer, he shall continue to be subject to the legislation of the former Party during a period of twenty-four months after his posting as though he were still employed in the territory of that Party.
2. Traveling personnel employed by an undertaking which, for hire or reward or on its own account, operates transport services and working in the territory of both Contracting Parties shall be subject to the legislation of the Contracting Party in whose territory the undertaking has its head office as if they were working in that territory.
3. Persons who are employed on board a seagoing ship or vessel or an aircraft by an undertaking having its head office in the territory of a Contracting Party, shall be subject to the legislation of that Party as if they were working in that territory.
4. An employee who is to be subject to the legislation of a Contracting Party under the provisions of this Article shall as well as the members of his family accompanying him, for such purposes be considered to reside in the territory of that Contracting Party.

Article 8

1. There present Convention does not affect the provisions of the Vienna convention of 18th April 1961 on Diplomatic Relations or the general rules of customary international law regarding consular privileges and immunities with respect to the legislation specified in paragraph 1 of Article 2.
2. The provisions of paragraph 1 of Article 7 shall apply without limitation in time to government and other public employees, except to the person to which the provisions and rules referred to in paragraph 1 of this Article apply when they are posted to the territory of the other Contracting Party.

Article 9

1. The competent authorities of the two Contracting Parties may by agreement provide for exceptions to the provisions of Articles 6,7 and 8 in the interest of the persons or categories of persons affected thereby.
2. The provision of paragraph 4 of Article 7 shall apply, mutates mutans, to cases referred to in this Article.

PART III - Special Provisions Concerning the Various Categories of Benefits

Chapter 1 - Sickness and Maternity

Article 10

A person who satisfies the conditions for entitlement to benefits under the legislation of the competent state shall receive these benefits even if this person is present in the territory of the other state. The benefits shall be paid by the competent insurance institution in accordance with the provisions of the legislation which it applies

Article 11

1. If a woman has completed periods of insurance amounting to at least eight weeks under the legislation of one Contracting Party, period of insurance previously completed under the legislation of the other Contracting Party shall, if necessary, be taken into account for the establishment of that woman's entitlement to a maternity benefit as if these periods had been completed under the legislation of the first Contracting Party.
2. When calculating the benefit in accordance with paragraph 1 of this Article, only income accrued in the territory of the Contracting Party which pays the benefit shall be taken into account.

Chapter 2 - Invalidity

Article 12

1. Where a person has been subject successively to the legislation of both Contracting Parties, he shall be exclusively entitled to the benefits provided for by the legislation of the Contracting Party to which he was subject at the time when the occurrence causing the incapacity for work followed by invalidity happened and, in accordance with the provisions of this legislation.

The costs of these benefits shall be borne by the competent insurance institution.

2. If the person concerned does not satisfy the conditions of the legislation of the Contracting Party referred to in paragraph 1 of this Article, he shall receive the benefits to which he is still entitled under the legislation of the other Contracting Party.

The costs of these benefits shall be borne by the insurance institution of the latter Party.

3. In the event of an aggravation of any invalidity for which a person is receiving benefits.

a) under the legislation of Israel while residing in the territory of the Netherlands the competent insurance institution of Israel shall not take the aggravation into account:

b) under the legislation of the Netherlands while residing in the territory of Israel the competent insurance institution of the Netherlands shall take the aggravation into account in accordance with the Netherlands legislation.

4. Special services for handicapped, subsistence allowances for handicapped children of an insured person, professional rehabilitation for a handicapped person, vocational training and a subsistence allowance for his spouse provided for in the Israel legislation shall be payable to such a person as mentioned above provided he is a resident of Israel and for as long as he is actually present in Israel.

Chapter 3 - Work Injuries

Article 13

1. The right to benefits due to an accident at work shall be determined according to the legislation applying to the beneficiary at the time of the accident, as provided in Part II.

2. Compensation for a further accident at work shall be established by the competent insurance institution according to the reduction of work capacity which has been caused by the further accident and in accordance with the legislation which the said institution has to apply.

3. If, in accordance with the legislation of one of the Contracting Parties, previous occupational accidents or diseases are taken into account when determining the degree of disablement, the competent insurance institution shall take into account for the same purpose previous occupational accidents or diseases due to work in the territory of the other Contracting Party, in the same manner as if the legislation of the first Contracting Party had been applicable.

Article 14

1. Benefits in connection with an occupational disease are determined according to the legislation of the Contracting Party whose legislation was applicable when the beneficiary was working in the occupation involving the risk of the occupational disease, even if the disease was first established in the territory of the other Contracting Party.
2. Should the beneficiary have worked in such occupation in the territories of both Contracting Parties, the legislation of the Party in whose territory the beneficiary was most recently occupied shall be applied.
3. If an occupational disease had led to the award of a benefit under the legislation of a Contracting Party, compensation for an aggravation of the disease occurring in the territory of the other Contracting Party shall also be paid according to the legislation of the former Party. This shall not apply, however, if the aggravation is attributable to activity in work involving a risk of the disease in the territory of the other Contracting Party.

Chapter 4 - Old Age and Survivors

Article 15 - Implementation of Israeli Legislation

1. Where a national of one of the Contracting Parties or a person designated in Article 3 b) or c) has been insured in Israel for at least twelve consecutive months but does not have sufficient Israeli periods of insurance for entitlement to an old-age or survivor's pension, periods of insurance completed under the Netherlands legislation shall be taken into account as far as they do not coincide with Israeli periods of insurance. No account shall be taken of any insurance period completed under the legislation of the Netherlands before 1 April 1954.
2. If the beneficiary or his survivor qualifies for the benefit when periods of insurance completed under the legislation of both Contracting Parties are added together, the Israeli competent insurance institution shall determine the benefit as follows:
 - a) The Israeli benefit which is payable to a person who has completed the qualifying periods of insurance according to Israeli legislation shall be taken into account as a theoretical amount;
 - b) On the basis of the above theoretical amount the insurance institution shall calculate the partial benefit payable according to the ratio between the length of the periods of insurance which the person has completed under the legislation of Israel and the total of all insurance periods completed by him under the legislation of both Contracting Parties.
3. The right to an old-age pension shall be conditional on the beneficiary having been a resident of Israel or the Netherlands immediate before attaining the age entitling him to an old age pension.

4. The right to a survivor's pension shall be conditional on the beneficiary and deceased having been residents of Israel or the Netherlands at the time of the death.

5. Any provision under the legislation of Israel regarding exemption of Israel residents from qualifying periods giving entitlement to an old age pension and a survivors pension shall not apply to the provisions of paragraphs 3 and 4 of this Article.

6. Vocational training and subsistence allowance for widows and orphans shall be payable to persons designated in paragraph 1 of this Article only if they reside in Israel and for as long as they are actually present in Israel.

7. Funeral grant shall not be payable in respect of a person who died outside Israel and was not a resident of Israel on the day of his death.

Article 16 - Implementation of Netherlands Legislation

1. In the case of old age the Netherlands insurance institution shall determine the pension directly and exclusively on the basis of the periods of insurance completed under the Netherlands legislation on old age insurance.

2. Periods before 1 January 1957 during which the person concerned resided in the territory of the Netherlands after the age of fifteen or during which, whilst residing in another country, he was gainfully employed in the Netherlands shall also be considered as periods of insurance when he is not satisfying the conditions of the Netherlands legislation permitting him to have such periods treated as periods of insurance.

3. The periods referred to in paragraph 2 of this Article shall only be taken into account for calculation of the old age pension if a national of one of the Contracting Parties or a person designated in Article 3b) or c) has resided throughout six years in the territory of one or both of the Contracting Parties after the age of fifty-nine years and for as long as that person is residing in the territory of one of the Contracting Parties. They shall not be taken into account if they coincide with periods taken into account for the calculation of an old-age pension under the legislation of another state than the Netherlands.

Article 17

Nationals of each Contracting Party who have acquired benefits with application of the transitional provisions of the General Old-Age Pensions Act in respect of persons who on 1 January 1957 had reached the age of fifteen years, but had not yet reached the age of sixty-five years, shall retain these benefits if they transfer their residence to the territory of Israel.

Article 18

1. When a national of one of the Contracting Parties or a person designated in Article 3b) or c) at the time of his death was subject to Israeli legislation on pensions and had previously completed a total insurance period of at least twelve months under the Netherlands legislation, on widows' and orphans' insurance, his widow shall be entitled to benefit under this legislation. calculated in accordance with the provisions of the next paragraph.
2. The amount of the benefit shall be calculated in proportion to the ratio of the total length of the periods of insurance completed by the deceased under the Netherlands legislation before he reached the age of sixty-five years to the period between the date on which he reached the age of fifteen years and the date of his death, but at the latest the date on which he reached the age of sixty-five years.

Article 19

National of each Contracting Party who have acquired benefits with application of the transitional provisions of the General Widows' Orphans' Act shall retain the benefits if they transfer their residence to the territory of Israel.

Article 20

The principle of equality of treatment laid down in Article 4 shall not apply to the old-age and survivors optional continued insurance in so far as the payment of contributions at reduced rates is concerned.

Chapter 5 - Unemployment

Article 21

1. If the legislation of both Contracting Parties has been applicable to a person, then the periods of insurance or employment, which are to be taken into consideration according to both Parties' legislation, shall be added together for the acquisition of the right to receive unemployment benefits, in so far as these periods do not coincide.
2. The application of paragraph 1 of this Article presupposes that the person concerned was last subject to the legislation of the Contracting Party under the legislation of which he is claiming the benefit and has been employed in the territory of that Party for at least a hundred days in total during the last twelve months before submitting the claim. However, paragraph 1 of this Article shall apply even when his employment has terminated before the expiration of a hundred days, if it was terminated through no fault of the employee and had been intended to last for a longer period.

3. When calculating the benefit, in cases where this Article applies, only income accrued in the territory of the Contracting Party which pays the benefit shall be taken into account.

Article 22

The duration of the period of payment of benefits, for which a claim exists under the Israeli legislation pursuant to Article 21, shall be reduced to take account of the time for which benefits have been paid to the unemployed person by a Netherlands insurance institution during the last twelve months immediately before the claim was submitted.

Chapter 6 - Children's Allowance

Article 23

If entitlement to children's allowances exists according to the legislations of both Contracting Parties with regard to the same child and the same period, they shall be paid only in accordance with the legislation of the Contracting Party in whose territory the child resides.

Party IV - Miscellaneous Provisions

Article 24

1. The competent authorities shall communicate to each other, as soon as possible, information regarding any changes made under their national legislation which affect the application of the Convention.
2. The competent authorities may agree on provisions for the implementation of this Convention. Furthermore, they shall take steps to ensure that liaison bodies are designated in their respective territories to facilitate the implementation of this Convention.

Article 25

1. For the purpose of applying this Convention, the authorities and insurance institutions of the Contracting Parties shall lend their good offices as though applying their own legislation. Such mutual administrative assistance shall be provided free of charge.
2. The authorities and insurance institutions of the Contracting Parties shall, for the purpose of applying this Convention, communicate directly with one another in English.

3. The authorities, insurance institutions and jurisdictions of a Contracting Party may not reject claims of other documents submitted to them by reason of the fact that they are written in a foreign language, provided they are written in the official language of the other Party or in English.

4. The diplomatic and consular representations of a Contracting Party may request information directly from authorities and institutions in the territory of the other Contracting Party in order to safeguard the interests of their nationals.

Article 26

The competent authorities shall keep each other informed of the measures taken to apply this Convention within their territories.

Article 27

Any exemption granted in the territory of one of the Contracting Parties from stamp duty, notarial or registration fees in respect of certificates and documents required to be submitted to authorities and insurance institutions in the same territory, shall also apply to certificates and documents which, for the purposes of this Convention, have to be submitted to authorities and insurance institutions in the territory of the other Contracting Party. Documents and certificates required to be produced for the purposes of this Convention shall be exempt from authentication by diplomatic or consular authorities.

Article 28

1. Claims, appeals and other documents which, according to the legislation of a Contracting Party, should have been submitted within a specified time to a competent authority or insurance institution shall be admissible if they are submitted within that time-limit to a corresponding authority or insurance institution of the other Contracting Party.

2. A claim for a benefit submitted in accordance with the legislation of one Contracting Party shall be considered as a claim for the corresponding benefit under the legislation of the other Contracting Party. With respect to old age pensions, however, this shall not apply if the claimant states that the claim refers solely to benefits under the legislation of the former Contracting Party.

Article 29

1. Payment under this Convention may legitimately be made in the currency of the Contracting Party making the payment.

2. Should currency restrictions be introduced by either of the Contracting Parties the two Governments shall immediately and conjointly take steps to safeguard

transfers between their territories of necessary amounts of money for the purposes of implementing this Convention.

Article 30

1. If, when awarding or reviewing pensions in respect of old age or death pursuant to Chapter 4 of Part III, the insurance institution of a Contracting Party has paid to a beneficiary a sum in excess of that to which he is entitled, that institution may request the insurance institution of the other Contracting Party responsible for the payment of corresponding benefits to that beneficiary to deduct the amount overpaid from the arrears which it pays to him. The latter institution shall transfer the amount deducted to the creditor institution. Where the amount overpaid cannot be deducted from the arrears, the provisions of paragraph 2 of this Article shall apply.

2. When in other cases the insurance institution of a Contracting Party has paid to a beneficiary a sum in excess of that to which he is entitled, that institution may, within the conditions and limits laid down by the legislation which it applies, request the insurance institution of the other Contracting Party responsible for the payment of benefits to that beneficiary to deduct the amount overpaid from the amounts which it pays to him. The latter institution shall make the deduction under the conditions and within the limits provided for such setting-off by the legislation which it applies as if the sums had been overpaid by itself, and shall transfer the amount deducted to the creditor institution.

Article 31

1. Disputes arising in connection with the application of this Convention shall be resolved by negotiations between the competent authorities.

2. If the dispute has not been settled within six months from the date when such negotiations were first requested, it shall be submitted to an arbitration tribunal whose composition and procedure shall be agreed upon by the Contracting Parties.

The arbitration tribunal shall settle the dispute in accordance with the principles and spirit of this Convention. The arbitration shall be final and binding for the Contracting Parties.

Part V - Transitional and Final Provisions

Article 32

1. This Convention shall also apply to contingencies arising prior to its entry into force. However, no benefits shall be payable under this Convention with respect to any period prior to its entry into force, although periods of insurance or

residence completed before the said entry into force shall be taken into account in the determination of benefits.

2. Any benefit which has not been awarded on account of the nationality of the person concerned, or which has been withdrawn on account of his residence in the territory of the other Contracting Party, shall, on application, be awarded or resumed with effect from the date of entry into force of this Convention.

3. Upon a claim being received, a benefit granted prior to the entry into force of this Convention shall be recalculated in compliance with the provisions of the Convention. Such benefits may also be recalculated without any claim being made. This recalculation may not result in any reduction of the benefit paid.

4. Provisions in the laws of the Contracting Parties concerning the prescription and the termination of the right to benefits shall not apply to rights arising out of the provisions of paragraphs 1, 2 and 3 of this Article, always provided that the beneficiary submits his claim for a benefit within two years after the date of entry into force of this Convention.

If the claim is submitted after the expiry of the two-years period mentioned above, the benefits shall be paid from the date of submission of the claim, except where more favorable provisions of the legislation of the Contracting Party which has to pay the benefit apply.

Article 33

This convention shall replace the Agreement between the Government of the Kingdom of the Netherlands and the Government of the State of Israel regarding the payment of old age pensions and widows' and orphans' pensions' signed at The Hague on 25th April 1963.

Article 34

1. This Convention may be denounced by either of the two Contracting Parties. Notice of denunciation shall be given not less than three months before the expiry of the current calendar year, whereupon the Convention shall cease to be in force at the expiry of the calendar year in which it is denounced.

2. If the Convention is denounced, its provisions shall continue to apply to benefits which have already been acquired, notwithstanding any provision that may have been enacted in the legislation of the two Contracting Parties concerning restrictions of the right to benefits in connection with residence in, or citizenship of other countries. Any right to future benefits which may have been acquired by virtue of the convention shall be settled by special agreement.

Article 35

Both Contracting Parties shall notify each other in writing of the accomplishment of their respective constitutional procedures required for the entry into force of the present Convention.

The Convention shall enter into force on the first day of the third month after the date of the last notification.

In witness whereof the undersigned,. duly authorized by their respective Governments, have signed this Convention.

Done in duplicate at Jerusalem on 25 April 1984, which corresponds to the 23rd day of Nissan 5744, in the English language.

(-)
Aharon Uzan

For the Government Of the
State of Israel

(-)
L.D. Graaf
(-)

M.P.S. Van Berkel
For the Government of the
Kingdom of the Netherlands