

**AGREEMENT
BETWEEN THE UNITED STATES OF AMERICA
AND THE KINGDOM OF BELGIUM
ON SOCIAL SECURITY**

(B.S./M.B.: 30.06.1984 - Entering into force: 01.07.1984)

The United States of America

and

The Kingdom of Belgium

BEING DESIROUS of regulating the relationship between their two countries in the field of Social Security, have agreed to conclude an Agreement for that purpose, as follows

PART I

Definitions and Laws

ARTICLE 1

For the purposes of this Agreement:

1. "Territory" means,

as regards the United States, the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa,

and as regards Belgium, the territory of the Kingdom of Belgium;

2. "National" means,

as regards the United States, a national of the United States as defined in Section 101, Immigration and Nationality Act of 1952, as amended, and

as regards Belgium, a person of Belgian nationality;

3. "Laws" means the laws and regulations specified in Article 2;

4. "Worker" means an employed person ("un travailleur salarie") or a person deemed equivalent to an employed person, as well as a self-employed person, as established by the respective laws;

5. "Competent Authority" means,

as regards the United States, the Secretary of Health and Human Services, and

as regards Belgium, the Minister for Social Affairs, the Minister for the Middle Classes with regard to obligations imposed by virtue of the social security system for self-employed persons and the Secretary of State for Pensions with regard to old age and survivors benefits (pensions) of the system for employed and self-employed persons;

6. "Agency" means, as regards the United States, the Social Security Administration, and

as regards Belgium, any institution, agency or authority responsible for applying all or part of the laws designated in Article 2.1(b);

7. "Period of coverage" means a period of payment of contributions or a period of earnings from employment or self-employment, as defined or recognized as a period of coverage by the laws under which such period was completed or any similar period

- insofar as it is recognized by such laws as equivalent to a period of coverage;
8. "Benefit" means any cash benefit provided for in the laws of either Contracting State;
 9. "Basic benefit amount" means, as regards the United States, the primary insurance amount as provided under United States laws, and as regards Belgium, the amount of the benefit which is payable on a worker's record under Belgium laws;
 10. "Family member" means any person defined or recognized as a family member or designated as a member of the household by the laws under which the benefits are paid;
 11. "Survivor" means any person eligible for benefits based on periods of coverage of a deceased person under the laws of each of the Contracting States;
 12. "Stateless person" means a person defined as a stateless person in Article 1 of the Convention relating to the Status of Stateless Persons dated September 28, 1954;
 13. "Refugee" means a person defined as a refugee in Article 1 of the Convention relating to the Status of Refugees dated July 28, 1951, and the Protocol to that Convention dated January 31, 1967.

ARTICLE 2

1. For the purpose of this Agreement, the applicable laws are:
 - a. As regards the United States, the laws governing the Federal old-age, survivors and disability insurance program:
 - i. Title II of the Social Security Act and regulations pertaining thereto except sections 226, 226A and 228 of that title and regulations pertaining to those sections,
 - ii. Chapter 2 and Chapter 21 of the Internal Revenue Code of 1954 and regulations pertaining to those chapters;
 - b. As regards Belgium, the laws governing:
 - i. old-age and survivors pensions insurance for employed and self-employed persons,

ii. disability insurance for employed and self-employed persons, sailors of the merchant marine and miners,

and, with regard to Part III only, the laws governing:

iii. social security for employed persons,

iv. the social code for self-employed persons,

v. sickness insurance for employed and self-employed persons,

vi. unemployment insurance,

vii. family allowances for employed and self-employed persons,

viii. annual vacations for employed persons,

ix. work accidents in the private sector,

x. occupational disease in the private sector.

2. This agreement shall also apply to the same extent to future laws amending or supplementing the laws specified in this Article.

3. Unless otherwise provided in this Agreement, laws within the meaning of paragraph one shall not include treaties or other international agreements concluded between one Contracting State and a third State or laws or regulations promulgated for their specific implementation.

PART II

General Provisions

ARTICLE 3

Unless otherwise provided, this Agreement shall apply to:

a. persons who are or have been subject to the laws of a Contracting State and who are:

i. nationals of a Contracting State, or

- ii. stateless persons or refugees residing in the territory of one Contracting State, as well as
 - iii. family members and survivors of persons in (i) or (ii);
- b. family members and survivors of persons who have been subject to the laws of a Contracting State regardless of the latter persons' nationality if the family members or survivors are nationals of a Contracting State, or stateless persons or refugees who reside in the territory of one Contracting State.

ARTICLE 4

1. Unless otherwise provided in this Agreement, the persons designated in Article three who reside in the territory of either Contracting State shall, in the application of the laws of a Contracting State, receive equal treatment with the nationals of that State.
2. Unless otherwise provided in this Agreement, the laws of a Contracting State under which entitlement to or payment of cash benefits is dependent on residence or presence in the territory of that State shall not be applicable to the persons designated in Article 3 who reside in the territory of the other State.
3. Nationals of a Contracting State who reside outside the territories of both Contracting States shall receive benefits provided by the laws of the other Contracting State under the same conditions which the other State applies to its own nationals who reside outside the territories of both States.

PART III

Provisions on Coverage

ARTICLE 5

1. Unless otherwise provided in this Part or the Final Protocol, a person employed or self-employed within the territory of one of the Contracting States shall be subject only to the laws of that State even if the person resides in the territory of the other State, or if the person's employer or the offices of the employer are located in the territory of the other Contracting State.

2. Unless otherwise provided in this Part, persons employed on a vessel which flies the flag of one of the Contracting States shall be subject only to the laws of that State, even if they reside in the territory of the other State. For the purpose of this Part, a vessel which flies the flag of the United States shall be defined as an "American vessel" under the laws of the United States.
3. A person who is self-employed in the territory of both Contracting States shall be subject to the laws of only the Contracting State of which he is resident. In determining the amount of earnings creditable and contributions payable under the laws of that Contracting State, self-employment income earned within the territory of both Contracting States shall be taken into account.

ARTICLE 6

The rules set forth in Article 5 shall be subject to the following exceptions:

1. A person who is normally employed in the territory of a Contracting State by his employer in that territory and who is sent by that employer to work for that employer in the territory of the other Contracting State, shall remain subject to the laws of only the first Contracting State, provided that the employment in the territory of the other Contracting State is not expected to last for more than 5 years.
2. A person who is normally employed or self-employed in the territory of one of the Contracting States and who pursues a self-employed activity in the territory of the other Contracting State, shall remain subject to the laws of the first Contracting State, provided that the duration of the work in the other Contracting State is not expected to last for more than 5 years.
3. Article 5.2 shall not apply in the case of a person who is employed in the territorial waters or in a port of a Contracting State on a vessel flying the flag of the other Contracting State, if the person is not ordinarily employed at sea. In such cases Article 5.1 or Article 6.1 shall apply as appropriate.
4. A worker who is employed in a public or private international air transport enterprise of one of the Contracting States as a member of the traveling personnel and who works in the territory of the other Contracting State on either a permanent or a temporary basis shall be subject to the laws of only the Contracting State where the enterprise is headquartered.

ARTICLE 7

1. This Agreement shall not affect the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961, or of the Vienna Convention on Consular Relations of April 24, 1963.
2. Notwithstanding Article 5, nationals of one of the Contracting States who are employed by that State in the territory of the other Contracting State but to whom the Conventions mentioned in paragraph 1 do not apply shall be subject to the laws of only the first Contracting State.
3. Persons employed by the United States Government in Belgium who are nationals or permanent residents of Belgium and who are not United States nationals shall be subject to Belgian laws unless they are covered under the civil service retirement system of the United State.
4. The persons referred to in paragraph 3 who are already covered by the civil service retirement system of the United States shall remain covered by that system and shall be exempt from the application of Belgian laws.

ARTICLE 8

The Competent Authorities may agree to grant an exception to the provisions of Part III in the interest of particular workers or particular categories of workers, provided that any affected worker shall be subject to the laws of one of the Contracting States.

PART IV

PROVISIONS ON BENEFITS

CHAPTER I: General Provisions

ARTICLE 9

1. Where a person has completed periods of coverage under the laws of both Contracting States, the agency of a Contracting State which determines entitlement to benefits under its laws shall take account of periods of coverage which are creditable under the laws of the other Contracting State and which do not coincide with periods of coverage credited under its own laws.
2. An agency of a Contracting State shall not apply the provisions of Article 9.1 if the person on whose account benefits are based has sufficient periods of coverage to satisfy the requirements for entitlement to benefits under the laws of that Contracting State.
3. Entitlement to a benefit from a Contracting State which results from Article 9.1 shall terminate with the acquisition of sufficient periods of coverage under the laws of that Contracting State to establish entitlement to a higher benefit without the need to invoke the provisions of this Article.
4. This Agreement shall not prevent the application of provisions of the laws of either Contracting State concerning the payment of benefits that are more favorable to the persons listed in Article 3.
5. The laws of one Contracting State which provide for reduction, suspension or termination of benefits to take account of other social security benefits or other income may be applied to beneficiaries even if benefits are being paid by virtue of the laws of the other Contracting State or if the individual receives income in the territory of the other Contracting State. However, old-age, survivors, or disability benefits (pensions) shall not be reduced by benefits of the same type if they are paid by both Contracting States in conformity with the provisions of Article 10. For the application of this paragraph, old-age and survivors benefits granted under United States laws shall be treated as benefits under Article 10.

ARTICLE 10

1. Where entitlement to a benefit under the laws of a Contracting State is established according to the provisions of Article 9.1, the agency of that Contracting State shall compute a theoretical basic benefit amount by considering (a) all the periods of coverage completed under its own laws and (b) all the periods of coverage completed under the laws of the other Contracting State which do not coincide with periods of coverage completed under its own laws.
2. The agency referred to in paragraph 1 shall then establish a pro rata basic benefit amount on the basis of the theoretical basic benefit amount by applying the ratio of the periods of coverage in clause (a) of paragraph 1 to the total of all periods of coverage in clauses (a) and (b) of paragraph 1.
3. Where a pro rata basic benefit amount has been computed, all benefits payable by the agency referred to in paragraph 1 on the basis of a worker's record shall be paid on the basis of that pro rata basic benefit amount.

CHAPTER II : Provisions Applicable to the United States

ARTICLE 11

1. The agency of the United States shall not apply the provisions of Chapter I in the case of a worker who has less than 6 quarters of coverage under United States laws.
2. In determining eligibility for benefits under Article 9, the agency of the United States shall credit 1 quarter of coverage for every 3 months of coverage certified as creditable by the agency of Belgium; however, no quarter of coverage shall be credited for any calendar quarter already credited as a quarter of coverage under United States laws. The total number of quarters of coverage to be credited for a year shall not exceed 4.
3. For any calendar quarter credited with a quarter of coverage based on Belgian periods of coverage, the agency of the United States shall take into account for purposes of computing a theoretical basic benefit amount under Article 10 the amount of any earnings credited to the person in that period under Belgian laws, subject to the maximum annual creditable earnings limitation under United States laws.

CHAPTER III : Provisions Applicable to Belgium

ARTICLE 12

1. The agency of Belgium shall not be obliged to apply the provisions of Chapter I in the case of a worker who has less than 18 months of coverage under Belgian laws. In the case of disability insurance, the agency of Belgium shall not apply the provisions of Chapter I unless the worker has completed 18 months of coverage under Belgian laws before the beginning of the period of incapacity for work leading to a disability.
2. In determining eligibility for benefits under Article 9, the agency of Belgium shall credit 3 months of coverage for each quarter of coverage certified as creditable by the United States agency to the extent the months do not coincide with months of coverage already credited as periods of coverage under Belgian laws.
3. For periods of coverage which were completed under the laws of the United States, the Belgian agency shall credit the average of the earnings credited under Belgian laws.
4. Where under Belgian laws the basic benefit amount is determined without regard to the duration of the periods of coverage, that amount shall be considered the theoretical basic benefit amount for purposes of Article 10.1.
5. Where periods of coverage resulting from employment or self-employment overlap with assimilated periods, only the former shall be counted in the application of Article 10.1.
6. Where Belgian laws establish as a condition for receiving certain benefits that the periods of coverage be completed in a given profession or occupation which is subject to a special pension system, in determining eligibility for such benefits only the periods completed under United States laws in the same profession or occupation shall be totalized with periods of coverage under such special system. If the total of such periods of coverage does not result in entitlement under the special system, or if totalization of such periods does not result in payment of the highest possible benefit amount, such periods shall be used to determine eligibility for benefits of the general pension system applicable under Belgian laws to employed persons.

PART V

MISCELLANEOUS PROVISIONS

ARTICLE 13

The Competent Authorities of the two Contracting States shall:

- a. Make all necessary administrative arrangements for the application of this Agreement and designate liaison agencies;
- b. Define the procedures for reciprocal administrative assistance, including the allocation of expenses associated with obtaining medical, administrative, and other evidence required for the application of this Agreement;
- c. Directly communicate to each other information concerning the measures taken for the application of this Agreement; and
- d. Directly communicate to each other, as soon as possible information concerning all changes in their respective laws which may affect the application of this Agreement.

ARTICLE 14

The Competent Authorities and the agencies of the Contracting States, within the scope of their respective authority, shall assist each other in implementing this Agreement. This assistance shall be free of charge, subject to exceptions to be agreed upon in an administrative agreement.

ARTICLE 15

Where the laws of a Contracting State provide that any document which is submitted to a Competent Authority or an agency of that Contracting State shall be exempted wholly or partly, from fees or charges, including consular and administrative fees, the exemption shall also apply to documents which are submitted to a Competent Authority or an agency of the other Contracting State in accordance with its laws.

ARTICLE 16

1. The Competent Authorities and agencies of the Contracting States may correspond directly with each other and with any person wherever the person may reside whenever it is necessary for the administration of this Agreement. The correspondence may be in an official language of either Contracting State.
2. An application or document may not be rejected because it is in the official language of the other Contracting State.
3. Documents and certificates which are presented for purposes of this Agreement shall be exempted from requirements for authentication by diplomatic or consular authorities.

ARTICLE 17

1. A written application for benefits filed with an agency of one Contracting State shall protect the rights of the claimants under the laws of the other Contracting State if the applicant (a) requests that it be considered an application under the laws of the other Contracting State or (b) in the absence of a request that it be so considered, it appears in the determination of a claim based on that application that the person on whose record benefits are claimed has completed periods of coverage under the laws of the other Contracting State.
2. An applicant may request that an application for old-age or survivors benefits filed with an agency of one Contracting State not be considered an application under the laws of the other Contracting State or that the application be effective on a different date in the other Contracting State within the limitations of and in conformity with the laws of the other Contracting State.
3. If, according to Belgian laws, the eligibility to certain benefits is determined without an application, the date the eligibility is established under Belgian laws shall, within the limits provided in United States laws, be considered as the basis for a claim for any corresponding benefit under United States law.
4. The provisions of this Agreement shall apply only to an application for benefits which is filed on or after the date this Agreement enters into force.

ARTICLE 18

An application, appeal or other document which according to the laws of a Contracting State must be submitted to an agency of that Contracting State within a specified period shall be considered to have been timely filed if it is submitted within the same period to an agency of the other Contracting State. In such case, the agency with which the application, appeal or document has been filed shall indicate the date of receipt on the document and transmit it without delay to the liaison agency of the other Contracting State.

ARTICLE 19

1. Payments under this Agreement may be made in the currency of the Contracting State making the payment.
2. In case provisions designed to restrict the exchange or exportation of currencies are introduced by either Contracting State, the Governments of both Contracting States shall immediately decide on the measures necessary to insure the transfer of sums owed by either Contracting State under this Agreement.

ARTICLE 20

1. Disagreements between the two Contracting States regarding the interpretation or implementation of this Agreement shall, as far as possible, be settled by the Competent Authorities.
2. If a disagreement cannot be resolved pursuant to paragraph 1 by the Competent Authorities, it shall, at the request of either Contracting State, be submitted for binding arbitration in accordance with procedures to be agreed upon by the Contracting States.

PART VI

TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 21

1. This Agreement shall not establish any claim to payment of a benefit for any period before its entry into force or a lump-sum death benefit if the person died before its entry into force.
2. Consideration shall be given to periods of coverage under the laws of either Contracting State occurring before the entry into force of this Agreement, in order to determine the right to benefits under this Agreement; except that neither State shall take into account periods of coverage occurring prior to the earliest date for which periods of coverage may be credited under its laws.
3. Subject to the provisions of paragraph 1, this Agreement shall also apply to events relevant to rights under the laws which occurred prior to its entry into force.
4. This Agreement shall not result in the reduction of cash benefit amounts because of its entry into force.

ARTICLE 22

The attached Final Protocol shall form an integral part of this Agreement.

ARTICLE 23

1. This Agreement shall remain in force and effect until the expiration of 1 calendar year following the year in which written notice of its denunciation is given by one of the Contracting States to the other Contracting State.
2. If this Agreement is terminated by denunciation, rights regarding entitlement to or payment of benefits acquired under it shall be retained; the Contracting States shall make arrangements dealing with rights in the process of being acquired.

ARTICLE 24

1. This Agreement may be amended in the future by supplementary agreements which from their entry into force shall be considered an integral part of this Agreement. Such supplementary agreements may be given retroactive effect if they so specify.
2. The Competent Authority of either Contracting State may call a meeting for the consideration of a supplementary agreement.

ARTICLE 25

This Agreement shall enter into force on the first day of the second month following the month in which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed the present Agreement.

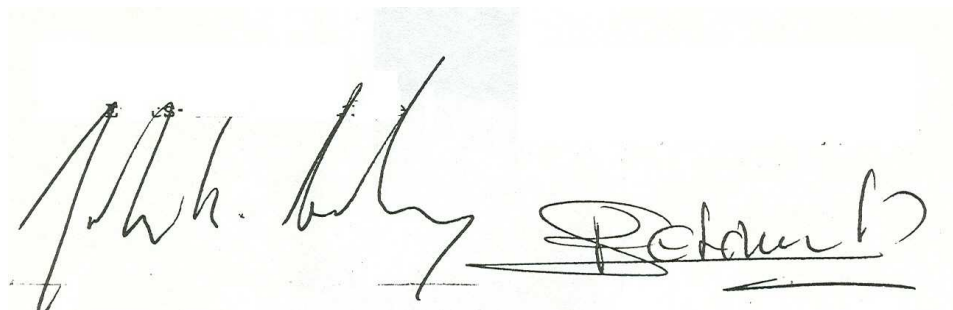
DONE at Washington, D.C. on February 19, 1982 in duplicate in the English, French and Dutch languages, the three texts being equally authentic.

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:

John A. Svahn

FOR THE GOVERNMENT
OF THE KINGDOM OF BELGIUM:

J. Raoul Schoumaker

The image shows two handwritten signatures in black ink. The signature on the left is for John A. Svahn, and the signature on the right is for J. Raoul Schoumaker. Both signatures are written in a cursive style. The signatures are positioned below the printed names of the representatives of the United States and Belgium.

FINAL PROTOCOL

TO THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF BELGIUM ON SOCIAL SECURITY

At the time of signing the Agreement between the United States of America and the Kingdom of Belgium on Social Security, the undersigned stated that they are in agreement on the following points:

1. The Agreement shall not result in coverage under United States laws if those laws do not provide for the collection of contributions with respect to such coverage. Article 5.1 of the Agreement shall apply when Article 6.1 is not applicable as a result of the preceding sentence.
2. Article 6.1 shall apply in cases where a national of a State other than a Contracting State is sent by an employer in the territory of one Contracting State to the territory of the other Contracting State, provided that its application does not conflict with any provision of another treaty or international agreement between a Contracting State and a third State.
3. Article 6.1 shall apply in cases where a person is employed in the territory of a third State, but compulsorily covered under the laws of one of the Contracting States and is then sent by his employer to the territory of the other Contracting State.
4. Notwithstanding Article 5 of this Agreement, Belgian nationals employed in the administrative and technical services of a Belgian diplomatic mission or consular post in the territory of the United States shall be subject to Belgian laws.
5. Where rights to benefits under Belgian laws for persons who have served in the armed forces or civil service are dependent on the completion of a minimum period of coverage either before entry into or after departure from the armed forces or civil service, periods of coverage completed under United States laws shall also be taken into account to the extent necessary.
6. The United States shall apply Chapters I and II of Part IV to nationals of a State other than a Contracting State who are not included among the persons referred to in Article 3.
7. With respect to Belgium, appeals which must be filed within a given period of time with a tribunal in Belgium shall be considered to have been timely filed if

it is shown that the appeal has been filed within such period with an agency in the United States.

8. Article 4 of the Agreement shall be applied by the United States in a manner consistent with section 233(c)(4) of the United States Social Security Act.

(Paragraph 9 added by the Additional Protocol of 11.23.1982, B.S./M.B. 30.06.1984, in force: 01/07/1984):

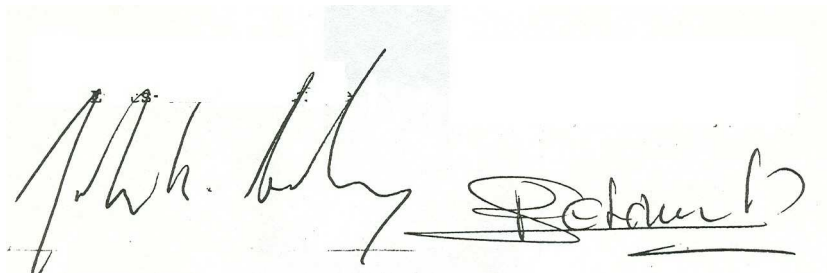
9. When entitlement to a benefit under United States laws is established in accordance with the provisions of Article 9.1 of the Agreement, the requirements of Article 10 and Article 11.3 shall be considered to be met if the agency of the United States (a) computes the theoretical basic benefit amount in accordance with United States laws based on the worker's periods of coverage and average earnings credited exclusively under United States laws, and (b) computes the pro rata basic benefit amount by applying to the theoretical basic benefit amount the ratio of the duration of the worker's periods of coverage credited under United States laws to the duration of a coverage lifetime as determined in accordance with United States laws.

DONE at Washington, D.C. on **February 19, 1982**

in duplicate in the English, French and Dutch languages, the three texts being equally authentic.

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:
John A. Svahn

FOR THE GOVERNMENT
OF THE KINGDOM OF BELGIUM:
J. Raoul Schoumaker

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