

**AGREEMENT ON SOCIAL SECURITY BETWEEN THE KINGDOM OF BELGIUM AND
THE REPUBLIC OF ALBANIA**

(Entering into force: 01.01.2016 – M.B.22/12/2015)

The Kingdom of Belgium And the Republic of Albania, wishing to arrange the mutual relations between the two countries in the field of social security, decided to conclude an Agreement for this purpose and agreed as follows:

PART I - GENERAL PROVISIONS

Article 1
Definitions

1. For the implementation of this Agreement:
 - a) The term “Belgium” means: the Kingdom of Belgium;
The term “Albania” means: the Republic of Albania.
 - b) The term “territory” means:

In relation to Belgium: the territory of the Kingdom of Belgium;
In relation to Albania: the territory of the Republic of Albania.
 - c) The term “legislation” means: the laws and regulations concerning social security specified in article 2.
 - d) The term “competent authority” means: the Ministers, each to the extent that he is responsible for the implementation of the legislation specified in Article 2.
 - e) The term “agency” means: the institution, organisation or authority responsible in full or in part for the implementation of the legislation specified in paragraph 1 of Article 2.
 - f) The term “competent agency” means: the agency financially in charge of benefits.
 - g) The term “insurance period” means:

as regards Belgium: any period recognised as such in the Belgian legislation under which this period was completed, as well as any period recognised as equivalent to an insurance period under that legislation;
as regards Albania: any period of contribution, working period, occupational activity and any period recognised as equivalent to an insurance period under the Albanian legislation.
 - h) The term “benefit” means: any pension, any benefit in kind or in cash provided for by the legislation of each of the contracting States, including any supplements or increases applicable under the legislation specified in Article 2.
 - i) The term “family member” means: any person defined or recognised as a family member or designated as a member of the household by the legislation under which the benefits are provided, or in the case referred to in article 14, by the legislation of the contracting State in whose territory such person resides.

- j) The term “residence “means: the place where a person habitually resides.
 - k) The term “stay” means: temporary residence.
2. Any term not defined in paragraph 1 of this Article shall have the meaning assigned to it in the applicable legislation.

Article 2

Legislative Scope

1. This Agreement shall apply:
- a) as regards Belgium, to the legislations concerning:
 - (i) sickness and maternity benefits in kind or in cash for employed persons, sailors of the merchant marine and self-employed persons;
 - (ii) benefits in respect of accidents at work and occupational diseases;
 - (iii) old-age and survivors’ pensions for employed and self-employed persons;
 - (iv) invalidity benefits for employed persons, sailors of the merchant marine and self-employed persons;

and, as regards Part II only, to the legislations concerning:

 - (v) the social security for employed persons;
 - (vi) the social statute of self-employed persons;
 - b) as regards Albania, to all legislations concerning:
 - i) as regards the Social Insurance Scheme:
 - sickness benefits in cash for employed persons;
 - maternity benefits in cash for employed and self-employed persons, as well as for employers;
 - benefits in cash in respect of accidents at work and occupational diseases for employed persons;
 - old-age, invalidity and survivors’ pensions for employed and self-employed persons, as well as for employers;
 - ii) as regards the Compulsory Health Insurance Scheme the following categories are benefiting from the compulsory health insurance scheme:
 - a) employed people;
 - b) self-employed individuals;
 - c) unpaid family workers;
 - d) other economically active persons;
 - e) persons receiving benefits from Social Security Institute;
 - f) persons who receive social assistance or disability payments, in accordance with relevant legislation;
 - g) persons registered as unemployed - jobseekers at the National Employment Service;
 - h) foreign asylum seekers in the Republic of Albania;
 - i) children under age 18;

- j) pupils and students under 25 years old, provided they do not have income from economic activities;
 - k) categories of individuals defined by separate laws;
 - l) persons that are voluntary insured.
2. This Agreement shall also apply to all acts or regulations which amend or extend the legislation specified in paragraph 1 of this Article.
- It shall apply to any act or regulation which extends the existing schemes to new categories of beneficiaries, unless, in this respect, the Contracting State which has amended its legislation notifies within six months of the official publication of the said acts the other Contracting State of its objections.
- This Agreement shall not apply to acts or regulations that establish a new social security branch, unless the competent authorities of the Contracting States agree on this application.

Article 3 **Personal Scope**

Unless otherwise specified, this Agreement shall apply to all persons who are or have been subject to the legislation of either of the Contracting States, and to other persons who derive rights from such persons.

Article 4 **Equality of Treatment**

Unless otherwise specified in this Agreement, the persons referred to in Article 3 shall be subject to the obligations and shall benefit from the legislation of the Contracting State under the same conditions as nationals of that State.

Article 5 **Export of Benefits**

1. Unless otherwise specified in this Agreement, benefits in cash in respect of sickness, invalidity, accidents at work and occupational diseases and those in respect of old-age and survivors' pensions, acquired under the legislation of either of the contracting States cannot be subject to any reduction or modification owing to the fact that the beneficiary stays or resides in the territory of the other contracting State.
2. The benefits in cash in respect of old-age, survivors, accidents at work and occupational diseases due from either of the Contracting States are paid to nationals of the other Contracting State residing in the territory of a third State, under the conditions provided in the national legislation of the former Contracting State for its nationals residing in the territory of that third State.

Article 6 **Reduction or Suspension Clauses**

The reduction or suspension clauses provided for in the legislation of one Contracting State, in case one benefit coincides with other social security benefits or with other incomes owing to a professional

activity, shall be applied to the beneficiaries, even if these benefits were acquired by virtue of a scheme of the other Contracting State, or if the related professional activities are exercised in the territory of the other Contracting State.

However, this provision shall not apply when benefits of the same nature are granted by the competent agencies of both Contracting States in accordance with the provisions of articles 29 and 30 of this Agreement.

PART II - PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

Article 7 **General Provisions**

1. Subject to Articles 8 to 10, the applicable legislation is determined according to the following provisions:
 - a) a person who exercises a professional activity in the territory of a Contracting State shall be subject to the legislation of that Contracting State, regardless of the State in which the employer has its registered office;
 - b) a person who is a member of the travelling or flying personnel of an enterprise which, for hire or reward or on its own account, operates international transport services for passengers or goods and has its registered office in the territory of a Contracting State shall be subject to the legislation of that Contracting State;
 - c) a person who works as an employee on board a ship that flies the flag of a Contracting State, shall be subject to the legislation of the State in which he has his residence.
2. In case of simultaneous exercise of a self-employed activity in Belgium and an employed activity in Albania, the activity exercised in Albania shall be assimilated to an employed activity exercised in Belgium, in order to determine the obligations resulting from the Belgian legislation concerning the social status of self-employed persons.
3. The person who exercises simultaneously a self-employed activity in the territory of both Contracting States shall only be subject to the legislation of the Contracting State in which territory he has his habitual residence. For the purpose of determining the amount of the incomes to be taken into account for the contributions to be charged under the legislation of this Contracting State, the professional incomes as a self-employed person acquired in the territories of both States shall be taken into account, in accordance with their respective legislation.
4. The person who exercises simultaneously a salaried activity in the territory of both Contracting States shall only be subject to the legislation of the Contracting State in which territory he has his habitual residence. For the purpose of determining the amount of the incomes to be taken into account for the contributions to be charged under the legislation of this Contracting State, the professional incomes as a salaried person acquired in the territories of both States shall be taken into account, in accordance with their respective legislation.

Article 8 **Special Provisions**

1. An employed person who, being in the service of an employer with an office on which he normally depends in the territory of one of the Contracting States, is posted by that employer in

the territory of the other Contracting State to work on its account, shall remain subject to the legislation of the former Contracting State, as if he continued to be employed in his territory on the condition that the foreseeable duration of his work does not exceed 24 months and that he is not sent to replace another person whose posting period has come to an end. The family members who accompany the employed person will be subject to the legislation of that former Contracting State unless they exercise professional activities.

2. If the posting referred to in paragraph 1 of this Article continues beyond 24 months, the competent authorities of the two Contracting States or the agencies designated by them may agree that the employee remains subject only to the legislation of the first Contracting State.
3. Paragraph 1 of this Article shall apply where a person who has been sent by his employer from the territory of one Contracting State to the territory of a third country is subsequently sent by that employer from the territory of the third country to the territory of the other Contracting State.
4. The employee of a transport company that has its registered office in the territory of one of the Contracting States, and is posted by its employer to the territory of the other Contracting State, or that works there temporarily or ambulatory, is subject to the legislation of the Contracting State on which the company has its registered office.
However, if the company has a branch or a permanent representation on the territory of the other Contracting State, then the there employed employee is subject to the legislation of the Contracting State where the branch or permanent representation is located.
The family members who accompany the employed person will be subject to the legislation of the same Contracting State as the employed person, unless they exercise professional activities.

Article 9 **Civil Servants**

Civil servants and equivalent personnel of a Contracting State, posted in the territory of the other Contracting State to exercise their activity there, as well as their family members who accompany them and do not exercise themselves professional activities, shall remain subject to the legislation of the former Contracting State.

Article 10 **Members of Diplomatic Missions and Consular Posts**

1. Nationals of a Contracting State sent by the government of that Contracting State to the territory of the other Contracting State as members of a diplomatic mission or a consular post are subject to the legislation of the former Contracting State.
2. Persons engaged locally by a diplomatic mission or a consular post of one of the Contracting States in the territory of the other Contracting State are subject only to the legislation of the latter Contracting State.
3. When the diplomatic mission or the consular post of the accrediting State employs persons who, pursuant to paragraph 2 of the present article, are subject to the legislation of the host State, the mission or post will fulfil the obligations imposed on the employers under the legislation of the latter State.

4. The provisions in paragraphs 2 and 3 of the present article also apply by analogy to persons employed in private service of a person specified in paragraph 1 of the present article.
5. The provisions of paragraphs 1 to 4 of the present article neither apply to honorary members of a consular post nor persons employed in private service of these persons.
6. The provisions of the present article also apply to the family members of the persons referred to in paragraphs 1 to 4, living at home, unless they exercise a professional activity.

Article 11
Exceptions

In the interest of certain insured persons or certain categories of insured persons, the competent authorities can, by mutual agreement, specify exceptions to the provisions of Articles 7 to 10 provided that the affected persons shall be subject to the legislation of one of the Contracting States.

PART III - PARTICULAR PROVISIONS CONCERNING BENEFITS

CHAPTER 1
SICKNESS AND MATERNITY

Article 12
Totalisation of insurance periods

For the acquisition, retention or recovery of the right to benefits and the period during which they are provided, the insurance periods completed pursuant to the legislation of both States are totalised where necessary and to the extent that they do not overlap.

Article 13
Benefits in kind during a stay
in the territory of the other Contracting State

1. An insured person entitled to benefits in kind by virtue of the legislation of one of the contracting States and whose condition necessitates immediate medical care during a stay in the territory of the other Contracting State shall be entitled to benefits in kind in the territory of this other Contracting State.
2. The benefits in kind are provided on behalf of the competent agency by the agency of the place of stay in accordance with the provisions it administers; the period during which benefits may be granted is, however, determined by the competent State or agency whose legislation is applicable.
3. Paragraph 1 of the present article shall not apply:
 - a) when an insured person proceeds without the authorisation of the competent agency to the territory of the other contracting State in order to receive there a medical treatment;
 - b) except in case of absolutely emergency, to prosthesis, major appliances and other substantial benefits in kind whose list has been established in common agreement by the competent authorities.

4. The competent agency of the place of stay must determine the immediate necessity of the care referred to in paragraph 1, and the absolute emergency referred to in paragraph 3.

Article 14

Benefits in kind for beneficiaries and their family members residing in the territory of the other Contracting State

1. An insured person entitled to benefits in kind according to the legislation of one of the contracting States and who resides in the territory of the other contracting State receives, as well as his family members who reside there too, benefits in kind in the territory of this other contracting State.
2. The family members of an insured person subject to the legislation of a contracting State and who reside in the territory of the other contracting State receive benefits in kind in the territory of this other contracting State.
3. The benefits in kind are provided on behalf of the competent agency by the agency of the place of residence in accordance with the provisions it administers. The period during which benefits may be granted is, however, determined by the legislation of the competent State.
4. Paragraphs 1, 2 and 3 of the present article shall not apply to family members if they have an independent right to benefits in kind based on the legislation of the Contracting State where they reside.
A derivative right to benefits in kind shall, however, take priority over independent rights, where the independent right in the Contracting State of residence exists directly and solely on the basis of the residence of the family member concerned in that Contracting State.

Article 15

Specific situations concerning benefits in kind

1. The insured person who, by virtue of article 7 paragraphs 3 and 4 and of articles 8 to 11, is subject to the legislation of a contracting State, and the members of his family who accompany him, receive benefits in kind for the entire duration of their stay in the territory of the other contracting State.
2. The benefits in kind are provided on behalf of the competent agency by the agency of the place of stay in accordance with the provisions it administers. The period during which benefits may be granted is, however, determined by the legislation of the competent State.

Article 16

Benefits in kind for the beneficiaries of invalidity, old-age or survivor's benefits

1. The beneficiary of invalidity, old-age or survivors' benefits or annuities from an accident at work or an occupational disease, due under the legislation of both contracting States, receives for himself and for the members of his family benefits in kind in accordance with the legislation of the State in whose territory he resides and on account of the competent agency of this State.
2. The beneficiary of an invalidity, an old-age or a survivors' benefit or annuity from an accident at work or an occupational disease due exclusively under the legislation of either of the contracting States, who resides in the territory of the other contracting State, receives for

himself and for the members of his family benefits in kind. The benefits in kind are provided on behalf of the competent agency by the agency of the place of residence in accordance with the provisions it administers. The period during which benefits may be granted is, however, determined by the legislation of the competent State.

Article 17

Contributions by recipients of old-age, death and invalidity benefits

1. The competent institution of a State which is responsible under the legislation it applies for making deductions in respect of contributions for benefits in kind, may request and recover such deductions, calculated in accordance with the legislation it applies, only to the extent that the cost of the benefits under article 16 of this Agreement is to be borne by an institution of the said State.
2. Where, in the cases referred to in article 16 paragraph 2, the recipient of old-age, death or invalidity benefits is subject to the payment of contributions in order to cover benefits in kind under the legislation of the State in which the recipient concerned resides, these contributions shall not be payable by virtue of such residence.

Article 18

Benefits in kind during a stay on the territory of the competent Contracting State

The persons referred to in paragraphs 1 and 2 of article 14 and in paragraph 2 of article 16 of the present Agreement, who stay in the territory of the competent Contracting State, receive benefits in kind in the territory of this State, on its account and in accordance with the provisions administered by the agency of the place of stay.

Article 19

Reimbursement of benefits in kind between agencies

1. The real amount of the benefits in kind provided by virtue of the provisions of articles 13, 14, 15, and 16 paragraph 2, is reimbursed by the competent agency to the agency who has provided these benefits, in accordance with the procedure determined in the Administrative Arrangement.
2. The competent authorities may, in common agreement, waive in full or in part the reimbursement referred to in paragraph 1 or provide for another method of reimbursement.

Article 20

Accountability of benefits in kind

1. When an insured person or its family members are entitled to benefits in kind according to the legislation of one Contracting State, these benefits are exclusively on account of the competent agency of this Contracting State.

2. When an insured person is entitled to benefits in kind according to the legislation of both contracting States, the following rules are applicable:
 - a) these benefits are on account of the agency of the Contracting State on which territory they have been provided;
 - b) when the benefits are provided on the territory of another State than the two Contracting States, they are exclusively on account of the agency of residence.

Article 21

Benefits in cash in case of sickness and maternity

1. The insured person who satisfies the conditions of the legislation of the competent State for entitlement to benefits in cash of the sickness and maternity insurance, taking into account where appropriate the provisions of article 12 of the present Agreement, shall remain entitled to these benefits if he stays in the territory of the other State. The benefits in cash are directly provided by the agency competent for the beneficiary. The benefits in kind necessary for the continuation of the medical treatment of the person mentioned in this paragraph are provided by the agency of the place of stay according to the legislation this agency applies on behalf of the competent agency. The period during which benefits may be granted is, however, determined by the legislation of the competent State.
2. The beneficiary of benefits in cash under the legislation of a contracting State is still entitled to these benefits if he transfers his residence to the territory of the other contracting State. The competent authority of the State debtor of the benefits may require a prior authorisation of the competent agency for the transfer of residence. This authorisation can, however, only be refused if the movement of the person concerned is not advisable for duly established medical reasons.

CHAPTER 2

ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES

Article 22

Benefits in kind administered on the territory of the other Contracting State

1. The insured person who, due to an accident at work or an occupational disease, is entitled to benefits in kind in accordance with the legislation of a Contracting State receives benefits in kind when he stays or resides in the territory of the other Contracting State.
2. The benefits in kind are provided on behalf of the competent agency by the agency of the place of stay or residence in accordance with the provisions it administers; the period during which benefits may be granted is, however, determined by the legislation of the competent State.

Article 23

Reimbursement of benefits in kind between agencies

1. The real amount of the benefits in kind provided by virtue of article 22 is reimbursed by the competent agency to the agency that has provided these benefits, in accordance with the procedure determined in the Administrative Arrangement.

2. The competent authorities may, in common agreement, waive in full or in part the reimbursement referred to in paragraph 1 or provide for another method of reimbursement.

Article 24

Taking into account of accidents at work and occupational diseases which have occurred previously

If the legislation of a contracting State provides expressly or by implication that accidents at work or occupational diseases which have occurred previously shall be taken into consideration in order to assess the degree of incapacity, the accidents at work and occupational diseases which have occurred previously under the legislation of the other contracting State shall be considered as having occurred under the legislation of the former State.

Article 25

Accidents during commuter traffic

The accident occurred during the commuter traffic on the territory of the Contracting State other than the Competent State is considered to have occurred on the territory of the Competent State.

Article 26

Observation of an occupational disease

1. When an insured person who has contracted an occupational disease has, under the legislation of both contracting States, pursued an activity which by its nature is likely to cause that disease, the benefits that he or his survivors may claim shall be awarded exclusively in accordance with the legislation of the State in whose territory the activity was lastly pursued and subject to the fact that the person concerned satisfies the conditions of this legislation, taking into account, where appropriate, the provisions of paragraph 2.
2. If, under the legislation of a contracting State, the granting of benefits in respect of an occupational disease is subject to the condition that the disease in question was first diagnosed within its territory, such condition shall be deemed to be satisfied if the disease was first diagnosed in the territory of the other contracting State.
3. If, under the legislation of a contracting State, the granting of benefits in respect of an occupational disease is subject to the condition that the activity likely to cause the disease in question was pursued during a certain period, the competent agency of this State takes into account, if necessary, the periods during which this activity has been pursued under the legislation of the other Contracting State, as if it had been pursued under the legislation of the first State.

Article 27

Aggravation of an occupational disease

In the event of aggravation of an occupational disease, if the insured person who has received or is receiving compensation for an occupational disease under the legislation of either of the contracting

States asserts, for an occupational disease of the same nature, rights to benefits under the legislation of the other contracting State, the following rules shall apply:

- a) if the person concerned has not pursued in the territory of the latter State a professional activity likely to cause or to aggravate the disease in question, the competent agency of the former State shall be bound to meet the costs of the benefits under the provisions of the legislation which it administers, taking into account the aggravation;
- b) if the person concerned has pursued such a professional activity in the territory of the latter State, the competent agency of the former State shall be bound to meet the costs of the benefits under the provisions of the legislation which it administers without taking the aggravation into account; the competent agency of the second State shall grant a supplement to the person concerned, the amount of which shall be determined by the legislation of this State and shall be equal to the difference between the amount of the benefit due after the aggravation and the amount of the benefit which would have been due prior to the aggravation.

CHAPTER 3 **OLD-AGE, SURVIVORS AND INVALIDITY**

Article 28

Totalisation of insurance periods

1. Notwithstanding the provisions of paragraph 2, for the acquisition, retention or recovery of the right to old-age, survivors' or invalidity benefits, the insurance periods and the equivalent periods completed pursuant to the legislation of one of the Contracting States concerning old-age, survivors' or invalidity benefits are totalised, when necessary and to the extent that they do not overlap, with the insurance periods completed pursuant to the legislation of the other Contracting State.
When periods recognised as periods equivalent to an insurance period coincide, Belgium will only take into account the equivalent periods directly following a professional activity in Belgium.
2. If the legislation of one of the Contracting States subordinates the granting of old-age, survivors' or invalidity benefits to the condition that the insurance periods are to be completed in a given occupation, only insurance periods completed or recognised as equivalent in the same occupation in the other Contracting State shall be totalised for admission to entitlement to these benefits.
3. If the legislation of one of the Contracting States subordinates the granting of old-age, survivors' or invalidity benefits to the condition that the insurance periods are to be completed in a given occupation, and when these periods did not result in entitlement to the said benefits, the said periods shall be considered valid for the determination of the old-age, survivors' or invalidity benefits provided for in the general scheme of employed persons.
4. If, notwithstanding the application of paragraph 1 of this Article, a person does not fulfil the requirements to create a right to benefits, the insurance periods that have been completed pursuant to the legislation of a third state with whom both Contracting States are joined by social security agreements that provide the totalisation of insurance periods, are totalised.
5. If only Belgium is joined to a third state by a social security agreement that is applicable to the person concerned, the insurance periods completed pursuant to the legislation of this third state

are totalised for the entitlement to old-age, survivors' and invalidity benefits of both Contracting States.

Article 29
Calculation of old-age and survivor benefits

1. If a person is entitled to old-age or survivors' benefits under the legislation of one of the Contracting States without necessarily proceeding to totalisation, the agency of this State shall calculate the benefit entitlement directly on the basis of the insurance periods completed in this State and only under its legislation.
This agency shall also calculate the amount of the old-age or survivors' benefit that would be obtained by applying the rules specified in paragraph 2 a) and b). Only the higher of these two amounts shall be taken into consideration.
2. If a person is entitled to an old-age or survivors' benefit by virtue of the legislation of one of the Contracting States, with his right being created solely by taking the totalisation of the insurance periods into account pursuant to Article 28, the following rules apply:
 - a) the agency of this Contracting State shall calculate the theoretical amount of the benefit due as if all the insurance periods completed according to the two Contracting States' legislations were exclusively completed under its legislation;
 - b) the agency of this Contracting State shall then calculate the amount due, on the basis of the amount specified under a), in proportion to the duration of the insurance periods under its legislation, in relation to the duration of all insurance periods accounted under a).
3. If the length of the insurance periods totalised pursuant to Article 28 of the present Agreement exceeds the maximum insurance period possible under the applied legislation, the competent agency determines the amount of the benefit pro rata to the insurance periods completed under this legislation in proportion to the insurance periods that have served as the base for calculating the amount of the undivided benefit.

Article 30
Calculation of invalidity benefits

1. If the right to invalidity benefits provided for by the legislation of one of the Contracting States is created solely by totalisation of insurance periods completed in both Contracting States in accordance with Article 28 of the present Agreement, the amount of the benefit due is determined according to the procedure determined by Article 29, paragraph 2 of this Agreement.
2. If the right to the Belgian invalidity benefits is opened without recourse to the provisions of Article 28 of the present Agreement, and if the amount resulting from the sum of the Albanian invalidity benefit and of the Belgian invalidity benefit calculated in accordance with paragraph 1 of this Article is lower than the amount of the benefit due solely on the basis of the Belgian legislation, the Belgian competent agency will grant a complement equal to the difference between the total amount of these two benefits and the amount due solely according to the Belgian legislation.

Article 31
Invalidity benefits during a stay in the other Contracting State

The beneficiary of an invalidity benefit under the legislation of one of the Contracting States is still entitled to this benefit during a stay in the other Contracting State when that stay has first been authorised by the competent agency of the first Contracting State. That authorisation can, however, only be refused if the stay takes place in the period during which, by virtue of the legislation of the first Contracting State, the competent agency of this Contracting State must estimate or revise the state of invalidity.

Article 32
Insurance periods inferior to one year

Notwithstanding the provisions of article 28, in the cases aimed at in article 29 paragraph 2 and article 30 paragraph 1, no invalidity, old age or survivors' benefit is due by the Belgian competent agency when the insurance periods fulfilled under its legislation, preceding the realisation of the risk, do not reach, in total, one year.

Article 33
Possible revision of benefits

1. If, due to a rise in the cost of living, the variation of the wage levels or other adaptation clauses, the old-age, survivors' or invalidity benefits of one of the Contracting States are changed with a given percentage or amount, there is no need to proceed to a new calculation of the old-age, survivors' or invalidity benefits of the other Contracting State.
2. On the other hand, in case of modification of the rules or of the computation process with regard to the establishment of the old-age, survivors' or invalidity benefits a new computation shall be performed according to Articles 29 and 30. This provision has no effect on the benefits already paid on the date of entry into force of this modification.

PART IV - MISCELLANEOUS PROVISIONS

Article 34
Responsibilities of the Competent Authorities

The competent authorities:

- a) shall take, by means of an administrative arrangement, the measures required to implement this Agreement, and shall designate the liaison agencies, the agencies of the place of stay or residence and the competent agencies;
- b) shall define the procedures for mutual administrative assistance, including the sharing of expenses associated with obtaining medical, administrative and other evidence required for the implementation of this Agreement;

- c) shall directly communicate to each other any information concerning the measures taken for the application of this Agreement;
- d) shall directly communicate to each other, as soon as possible, all changes in their legislation to the extent that these changes might affect the application of this Agreement.

Article 35
Administrative Collaboration

1. For the implementation of this Agreement, the competent authorities as well as the competent agencies of both Contracting States shall exchange good practices as they would for the application of their own legislation. In principle, this assistance shall be provided free of charge; however, the competent authorities may agree on the reimbursement of some expenses.
2. The benefit of the exemptions or reductions of taxes, of stamp duties or of registration or recording fees provided for by the legislation of one Contracting State in respect of certificates or other documents which must be produced for the application of the legislation of that State shall be extended to certificates and similar documents to be produced for the application of the legislation of the other State.
3. All acts and documents which must be produced for the implementation of this Agreement shall be exempt from notarisation by diplomatic or consular authorities.
4. For the implementation of this Agreement, the competent authorities and agencies of the Contracting States may communicate directly with each other as well as with any person, regardless of the residence of such person. Such communication may be made in one of the languages used for the official purposes of the Contracting States.

Article 36
Claims, Notices and Appeals

Claims, notices or appeals which, according to the legislation of one of the Contracting States, should have been submitted within a specified period to an authority, an agency or a jurisdiction of that Contracting State, are acceptable if they are presented within the same specified period to an authority, agency or jurisdiction of the other Contracting State. In this case, the claims, notices or appeals must be sent without delay to the authority or agency of the former Contracting State, either directly or through the competent authorities of the Contracting States.

The date on which these claims, notices or appeals have been submitted to an authority, an agency or a jurisdiction of the second Contracting State shall be considered to be the date of submission to the authority, agency or jurisdiction authorised to accept such claims, notices or appeals.

An application or document may not be rejected by the competent authority or organisations of a Contracting State solely because it is in an official language of the other Contracting State.

Article 37
Exchange of personal data

1. The agencies of both Contracting States are authorised for the execution of this Agreement to exchange personal data, including data concerning the income of the persons that the agency of a Contracting State needs for the implementation of a legislation concerning social security.

2. In communicating these data, the agency of a Contracting State has to respect the legislation concerning the protection of personal data of this Contracting State.
3. The keeping, processing and distribution of personal data by the agency of the Contracting State to which these data have been communicated, is governed by the legislation concerning the protection of personal data of this Contracting State.
4. The data referred to in the present article shall be used exclusively for the implementation of a legislation concerning social security.

Article 38 **Payment of Benefits**

Payments of benefits under this Agreement may be made in the currency of either Contracting State. If the person concerned decides to have the benefit paid in another currency than the official currency of one of the Contracting States, the risk of exchange is at the charge of the person concerned. Transfers due to the implementation of this Agreement are performed according to the arrangements in force between the Contracting States. Legislative provisions concerning currency controls of a Contracting State cannot interfere with the transfer of funds resulting from the implementation of this Agreement.

Article 39 **Recognition of Executable decisions and documents**

1. All effective decisions of the courts as well as the executable decisions of the competent agency or competent authorities of one of the Contracting States with respect to contributions and other receivables from the social security shall be recognised in the other Contracting State.
2. Recognition may be refused only in case it contradicts the public order of the Contracting State where the said decision or document must be executed.
3. The procedure of execution of irrevocable decisions and acts has to be in accordance with the legislation of the Contracting State on the territory of which the execution takes place governing the execution of such decisions and acts. The decision or act needs to be accompanied by an attestation confirming its enforceability.
4. The due contributions and other receivables have, within the scope of a procedure of execution, bankruptcy or forced settlement on the territory of the other Contracting State, the same degree of preference as corresponding claims on the territory of this Contracting State.
5. The claims subject to reclamation or forced reclamation are protected by the same guaranties and privileges as the claims of the same nature of an agency situated on the territory of the Contracting State on which the reclamation or forced reclamation takes place.

Article 40 **Resolution of Disputes**

Disputes which arise in interpreting or applying this Agreement shall be resolved, to the extent possible, by the competent authorities.

If the competent authorities cannot reach a solution, they can in accordance with international law, resort to arbitration.

Article 41
Undue payments

1. When the agency of a contracting State has paid to a beneficiary of benefits a sum that exceeds the one he is entitled to, this agency may request, under the conditions and within the limits of the legislation it applies, that the agency of the other State that must pay a corresponding benefit in favour of this beneficiary to deduct the excess amount from the outstanding annuities due to the said beneficiary. The latter agency makes the deduction under the conditions and within the limits such compensation is authorised by virtue of the legislation it applies, as if it were sums paid in excess by itself, and transfers the amount so deducted to the crediting agency. The details of implementation of this provision shall be fixed in common agreement between the Belgian and Albanian competent authorities.
2. If the excess amount cannot be deducted from the outstanding arrears, the agency of a contracting State that has paid to a beneficiary of benefits a sum that exceeds the one he is entitled to, can, under the conditions and within the limits specified by the legislation it applies, request that the benefits paying agency of the other contracting State in favour of this beneficiary deduct the excess amount from the sums it pays to the said beneficiary. The latter agency makes the deduction under the conditions and within the limits such compensation is authorised by virtue of the legislation it applies, as if it were sums paid in excess by itself, and transfers the amount so deducted to the crediting agency.

Article 42
Cooperation concerning the fight against fraud

Alongside the implementation of general principles concerning administrative collaboration, the competent authorities will agree in an administrative arrangement on the regulations according to which they will cooperate to fight against fraud with regard to social security contributions and benefits that cross the boundaries of a Contracting State, and particularly with regard to the actual residence of persons, the estimation of income, the calculation of contributions and the accumulation of benefits.

PART V - TRANSITIONAL AND FINAL PROVISIONS

Article 43
Events prior to the entry into force of the Agreement

1. This Agreement shall also apply to events which occurred prior to its entry into force.
2. This Agreement shall not create any entitlement to acquire benefits for any period prior to its entry into force.
3. All insurance periods completed under the legislation of one of the Contracting States prior to the date on which this Agreement enters into force shall be taken into consideration in determining entitlement to any benefit in accordance with the provisions of this Agreement.

4. This Agreement shall not apply to rights that were liquidated by the granting of a lump sum payment or the reimbursement of contributions.

Article 44
Revision, prescription, forfeiture

1. Any benefit that was not paid or that was suspended by reason of the nationality of the interested person or by reason of his residence in the territory of a Contracting State other than that in which the agency responsible for payment is located, shall, on application by the interested person, be paid or restored from the entry into force of this Agreement.
2. The entitlement of interested persons who, prior to the entry into force of this Agreement, obtained the payment of a benefit may be revised upon application by those persons, in accordance with the provisions of this Agreement. In no case shall such a revision result in a reduction of the prior entitlement of the interested persons.
3. If the application referred to in paragraph 1 or 2 of this Article is made within two years of the date of the entry into force of this Agreement, any entitlement arising from the implementation of this Agreement shall be effective from that date, and the legislation of either Contracting State concerning the forfeiture or the prescription of rights shall not be applicable to such interested persons.
4. If the application referred to in paragraph 1 or 2 of this Article is made after two years following the entry into force of this Agreement, the entitlements which are not subject to forfeiture or which are not yet prescribed shall be acquired from the date of the application, unless more favourable legislative provisions of the Contracting State concerned are applicable.

Article 45
Duration

This Agreement is concluded without any limitation on its duration. It may be terminated by either Contracting State giving twelve months' notice in writing to the other State.

Article 46
Guarantee of rights that are acquired or in the course of acquisition

In the event of termination of this Agreement, any rights and payment of benefits acquired by virtue of the Agreement shall be maintained. The Contracting States shall make arrangements regarding the rights in the course of acquisition.

Article 47

Entry into Force

This Agreement shall enter into force on the first day of the third month following the date of receipt of the note through which the last of both Contracting States will have given notice to the other Contracting State that all domestic requirements have been accomplished.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Agreement.**DONE** at Brussels, on the 9th December 2013, in duplicate in English, Albanian, French and Dutch, each text being equally authentic. In case of any divergence of interpretation, the English text will prevail.