

PART III

Applicable Legislation

ARTICLE 5

1. Subject to the following provisions of this Article, an employed person who works in the territory of one of the Contracting States shall, in respect of that work, be subject only to the legislation of that State.

2. (a) An employed person who is covered under the legislation of one of the Contracting States and who performs services in the territory of the other Contracting State for the same employer shall, in respect of those services, remain subject only to the legislation of the former Contracting State as though those services were performed in its territory and provided that such assignment does not exceed twenty-four months.

(b) The prior consent of the competent authorities of both Contracting States shall be required for the extension, as appropriate, of the application of the legislation of the former Contracting State when the assignment extends beyond twenty-four months.

3. The provisions of paragraph 2 shall apply even if the services performed in the territory of the other Contracting State are considered to be self-employment under the legislation of that State.

4. (a) A self-employed person who works as such in the territories of both Contracting States shall be subject only to the legislation of the Contracting State in the territory of which he ordinarily resides.

(b) In determining the amount of contributions payable under the legislation of that Contracting State, the earnings derived from the self-employment in the territories of both Contracting States may be taken into account.

5. (a) A person who is employed as a member of the crew of a ship or aircraft shall, in respect of that work, be subject only to the legislation of the Contracting State in the territory of which the enterprise by which he is employed has its head office.

(b) However, persons who are not ordinarily employed at sea but who are employed in the territorial waters or in a port of one of the Contracting States on a ship of the other Contracting State without belonging to the crew of that ship, shall be subject to the legislation of the former Contracting State.

(c) For the purposes of subparagraph (b) the expression ship of a Contracting State means, in relation to Canada, a ship whose crew is employed by an employer whose head office is located in Canada, and in relation to Belgium, a ship that flies the flag of Belgium.