

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 2004 Nr. 19

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A. TITEL

*Verdrag inzake sociale zekerheid tussen de Regering van het Koninkrijk der Nederlanden en de Regering van Nieuw-Zeeland; 's-Gravenhage, 30 juni 2000*

B. TEKST

De tekst van het Verdrag is geplaatst in *Trb.* 2001, 102.

C. VERTALING

Zie *Trb.* 2002, 38.

D. PARLEMENT

De voorlopige toepassing van het Verdrag (zie rubriek G hieronder) is medegedeeld aan de Eerste en de Tweede Kamer der Staten-Generaal bij brieven van 13 juli 2000.

Bij brieven van 25 maart 2002 (Kamerstukken II 2001/2002, 28 278 nr. 1) is het Verdrag in overeenstemming met artikel 2, eerste lid, en artikel 5, eerste lid, van de Rijkswet goedkeuring en bekendmaking verdragen overgelegd aan de Eerste en de Tweede Kamer der Staten-Generaal.

In een brief gedateerd 10 april 2002 heeft de Voorzitter van de Tweede Kamer der Staten-Generaal aan de Minister van Buitenlandse Zaken medegedeeld dat de Kamer de wens te kennen heeft gegeven dat het Verdrag aan de uitdrukkelijke goedkeuring van de Staten-Generaal wordt onderworpen.

Artikel 1 van de Wet van 6 februari 2003 (*Stb.* 80) luidt:

„Het op 30 juni 2000 te 's-Gravenhage tot stand gekomen Verdrag inzake sociale zekerheid tussen het Koninkrijk der Nederlanden en Nieuw-Zeeland, waarvan de Engelse tekst en de vertaling in het Nederlands zijn geplaatst in Tractatenblad 2001, 102 respectievelijk Tractatenblad 2002, 38 wordt goedgekeurd voor Nederland.”.

Deze Wet is gecontrasigneerd door de Staatssecretaris van Sociale Zaken en Werkgelegenheid M. RUTTE en de Minister van Buitenlandse Zaken J. G. DE HOOP SCHEFFER.

Zie voor de behandeling in de Staten-Generaal: Kamerstukken II 2001/2002, 2002/2003, 28 278; Hand. II 2002/2003, blz. 1928–1931; 2244–2245; 2539; Kamerstukken I 2002/2003, 28 278 (151); Hand. I 2002/2003, blz. 561–562.

#### G. INWERKINGTREDING

Zie *Trb.* 2001, 102.

De bepalingen van het Verdrag, die vanaf 1 augustus 2000 voorlopig werden toegepast, zijn ingevolge artikel 35, eerste en tweede lid, op 1 november 2003 in werking getreden.

Wat het Koninkrijk der Nederlanden betreft, geldt het Verdrag alleen voor Nederland.

#### J. GEGEVENS

Zie *Trb.* 2001, 102.

#### **Verwijzingen:**

Titel	: Protocol bij het Verdrag inzake sociale zekerheid tussen de Regering van het Koninkrijk der Nederlanden en de Regering van Nieuw-Zeeland; Wellington, 10 maart 2003
Tekst	: <i>Trb.</i> 2003, 46 (Engels) <i>Trb.</i> 2003, 130 (vertaling)
Laatste <i>Trb.</i>	: <i>Trb.</i> 2004, 8

Op 9 september 2003 is een administratieve regeling tot stand gekomen ter uitvoering van artikel 29 van het Verdrag. De tekst van deze regeling luidt als volgt:

#### **Administrative Arrangement**

Pursuant to Article 29 of The Agreement on Social Security between  
The Government of the Netherlands  
and  
The Government of New Zealand  
signed at The Hague on 30 June 2000

## PART I

## GENERAL PROVISIONS

## Section 1

*Definitions*

1. For the application of this Administrative Arrangement “Agreement” means the Agreement on Social Security between the Government of New Zealand and the Government of the Netherlands, signed at The Hague on 30 June 2000.

2. Authorised information matching means: the comparison of any document, whether by manual or electronic means, that contains personal information with one or more other documents that contain personal information for the purpose of producing or verifying information about an identifiable individual.

3. Other terms will have the meaning given to them in the Agreement or in this Arrangement.

## Section 2

*Liaison Bodies*

1. For the application of the Agreement, the following are designated as Liaison Bodies:

## A. in the Netherlands

(a) for old age and survivors’ benefits and children’s allowances;

Sociale verzekeringsbank (Social Insurance Bank), Amstelveen

(b) for sickness and invalidity benefits;

Uitvoeringsinstituut werknemersverzekeringen (Institute for Employee Benefits), Amsterdam;

## B. in New Zealand

International Services of Work and Income, Ministry of Social Development, Wellington.

2. The duties of the Liaison Bodies are stated in this Arrangement. For the application of this Agreement and Administrative Arrangement, the Liaison Bodies may communicate directly with each other as well as with the persons concerned or their representatives. The Liaison Bodies will assist each other in the application of the Agreement.

## PART II

## PROVISIONS CONCERNING SECONDMENT

## Section 3

*Certificates of Secondment*

1. For the purpose of this Section, “institution” means the Sociale verzekeringsbank (Social Insurance Bank), Amstelveen.

2. Where Article 5 of the Agreement applies, the Netherlands Institution will, at the request of the employed person or his or her employer, issue a certificate stating that, as long as the employed person fulfils the conditions laid down in Article 5 of the Agreement, the employed person remains subject to the Netherlands legislation until the date indicated on the certificate.

3. In the event of an extension in accordance with Article 5 of the Agreement, the Netherlands Institution again issues a certificate of secondment.

4. The certificates referred to in the previous paragraphs will be proof that the Netherlands Institution authorises the secondment.

5. The Netherlands Institution will send copies of a certificate issued under paragraph 2 or 3 to the employed person and to his or her employer.

## PART III

## PROVISIONS CONCERNING APPLICATIONS AND APPEALS

## Section 4

*Applications*

1. In the application of the Agreement, a claim for a benefit under the Agreement may be presented to the Liaison Body of either Contracting Party whose legislation applies.

2. When a claim for a benefit referred to under paragraph 1 is presented to a Liaison Body, that Liaison Body will send the claim to the Liaison Body of the Contracting Party whose legislation is applicable, along with supporting documents necessary to establish the claimant's eligibility for that benefit.

3. In the case of New Zealand, the documentary evidence will include, as the circumstances require:

a) a certified copy of the claimant's identification such as passport, birth certificate, marriage certificate or drivers license;

b) verification of the Netherlands pension reference number and/or social fiscal number of the claimant, his or her spouse and dependent children;

c) a copy of the birth certificate of each dependent child;

d) a copy of the death certificate of the claimant's spouse;

e) verification produced by the claimant of his or her Netherlands or New Zealand bank account number, the name of the bank, the location of the bank and the name of the account.

4. In the case of the Netherlands, the documentary evidence will include, as the circumstances require:

(i) a certified copy of the claimant or recipient's identity such as a passport or drivers license;

(ii) marriage certificate;

(iii) decree nisi (attestation of divorce);

(iv) wage slip or tax assessment certificate;

(v) life certificate;

(vi) medical data held by the New Zealand institute.

5. All documentary evidence will be date stamped by the Contracting Party receiving the claim on the date of receipt.

6. The Liaison Body of New Zealand will indicate on the liaison form any requirement to withhold arrears in terms of Article 23 of the Agreement; and the Liaison Body of the Netherlands will remit the arrears that have been held immediately after a decision to grant the benefit has been made.

7. Any payment of arrears made by the Liaison Body of the Netherlands will be deposited in a bank account nominated by the Liaison Body of New Zealand.

8. As soon as a decision on a claim for benefit has been reached, the Liaison Body of the Contracting Party whose legislation applies, will notify the claimant giving information about review and appeal procedures and the time related limits set down by that legislation; the Liaison Body will also advise the Liaison Body of the other Contracting Party of the details of the decision, by means of a liaison form.

9. When requested, the Liaison Body of a Contracting Party, within the conditions and limits laid down under its own legislation, will provide verification of details of the income for a claimant and of that claimant's spouse or partner or dependent child for a benefit payable under the legislation of the other Contracting Party.

10. The Liaison Bodies will inform each other by means of a liaison form of the award, revision, suspension or withdrawal of pensions or benefits under the Agreement.

## Section 5

*Appeals and Related Documents*

A Competent Authority or Liaison Body that receives appeals and related documents under the legislation of the other Contracting Party will:

- a) Stamp on each document the date of receipt;
- b) Record the receipt of each document by its own Liaison Body; and
- c) Send the documents as soon as possible to the Liaison Body of the other Contracting Party.

## Section 6

*Claims Under Other Agreements*

1. A Liaison Body will accept on behalf of the other Liaison Body, a claim for a benefit under an agreement on social security that the Contracting Party of the latter Liaison Body has entered into with a third State; will stamp that claim with the date of receipt; and send it to the other Liaison Body as soon as possible.

2. A Liaison Body that has received an application under paragraph 1 may request specific assistance from the other Liaison Body in regard to the determination of that claim and the other Liaison Body will provide, to the extent practicable, the same degree of assistance as if the claim were made under the Agreement.

## Section 7

*Exchange of Information*

1. Except as provided in this section, where a Competent Authority or Liaison Body requests information under Article 20 of the Agreement, the Competent Authority or Liaison Body so requested will supply that information in as timely a manner as possible.

2. The Liaison Bodies of both Contracting Parties will exchange information of the changes in pension amounts to be paid to each recipient of a benefit and of the effective date and the new amount payable as soon as possible after those changes are known in the manner agreed in writing, from time to time, between the Liaison Bodies.

3. The Liaison Bodies will provide each other in the manner agreed in writing, from time to time, with information on changes in circumstances of benefit recipients that may affect entitlement to a benefit paid by the other Contracting Party.

4. Except in relation to paragraphs 2 and 3 of this Section, where a Liaison Body requests personal information under Article 20 of the

Agreement that constitutes an authorised information matching programme under the privacy laws of either Contracting Party:

- a) the requesting Liaison Body will inform the other Liaison Body of the purpose for which the data is requested;
- b) each Liaison Body will produce a report for the other Contracting Party on the Privacy Laws in force in its jurisdiction that may affect the exchange of information;
- c) the Liaison Bodies will exchange technical reports on the exchange of data;
- d) the Liaison Bodies will provide each other with any information requested by their respective privacy authorities.

5. Requests for information made under Article 20 of the Agreement that constitutes an authorised information matching programme under the privacy laws of either Contracting Party, shall be limited to:

- a) four requests per annum by each Liaison Body; and
- b) one request for income details per tax year.

6. If a request for information made under Article 20 of the Agreement constitutes an authorised information matching programme under the privacy laws of either Contracting Party, the information that the Liaison Body of New Zealand may request from the Liaison Body of the Netherlands, as circumstances require, is:

- a) Netherlands' pension reference number;
- b) benefit or pension type;
- c) nationality;
- d) marital status;
- e) duration of marriage, in the case of widows and widowers;
- f) maiden name and married surname, in the case of women;
- g) residential status i.e. living alone or sharing accommodation;
- h) spouse reference number;
- i) spouse date of birth;
- j) spouse date of death and place of death;
- k) names and birth dates and place of birth of dependent children including those between 16 and 18 years who are still at school;
- l) date of grant of Netherlands pension;
- m) rate of benefit or pension payable, including increases in payment and amounts based upon voluntary contributions;
- n) income details of the claimant or recipient and their spouse or partner and their dependent children, including income generated from assets;
- o) periods of contributions and/or residence in the Netherlands;
- p) periods of contributions and/or residence in a third State, where known;
- q) details of pensions from a third State, where known;
- r) bank account details;
- s) executors of estates;
- t) medical reports;

- u) address;
- v) name and address of employer.

7. If a request for information made under Article 20 of the Agreement constitutes an authorised information matching programme under the privacy laws of either Contracting Party, the information that the Institution of the Netherlands may request from the Institution of New Zealand, as circumstances require, is:

- a) New Zealand pension reference number;
- b) benefit or pension type;
- c) marital status;
- d) date of marriage;
- e) date of divorce;
- f) residential status i.e. living alone or sharing accommodation;
- g) spouse date of birth;
- h) spouse date of death;
- i) names, birth dates and place of birth of dependent children;
- j) income details of the claimant or recipient and their spouse or partner and their dependent children;
- k) medical reports;
- l) full time enrolment at secondary or tertiary institution of dependent child (if known);
- m) name and address of employer.

8. Provided that the Contracting Parties have obtained any necessary consents from their respective Privacy Authorities, the Contracting Parties may agree in writing to add, amend or delete items from the lists in paragraph 6 and 7 of this Section provided that the additions, amendments or deletions have any necessary consents of the privacy authorities of either Contracting Party.

9. In respect of any request for information that constitutes an authorised information matching programme under the privacy laws of New Zealand, no information shall be exchanged if the consent of the New Zealand Privacy Authorities is withheld.

10. The Liaison Bodies will exchange statistics regarding the payments each has made to recipients of benefits residing in the territory of the other Contracting Party upon request. The statistics will include data on the number of benefit recipients and the total number of benefits identified by benefit types.

## Section 8

### *Recovery of Debts*

1. For the implementation of Article 22 of the Agreement, the requesting Liaison Body will send the requested Liaison Body the documentation required under that Article, together with the name, date of



birth and address, where known, of the debtor and, if required, the same details for any other person against whom the debt is to be recovered.

2. Except for the arrears mentioned in Section 4 (6) of this Arrangement, each Liaison Body will advise the other Liaison Body of any overpayment that it has made in the terms of Article 23 of the Agreement, as and when those payments occur, on a liaison form giving the name, address and date of birth of the person in respect of whom the overpayment was made and the amount of the overpayment for which reimbursement is requested and any other documents required for recovery in accordance with the social security laws or administrative practice of that Contracting Party.

3. During December of each year, each Liaison Body will reimburse the other Liaison Body for all the overpayments for which reimbursement has been requested, as specified in Section 8 (1) of this Arrangement, during the previous year and, at the same time, will forward to the other Liaison Body a form giving:

- a) the names, addresses and dates of birth of all persons to whom the overpayments relate;
- b) details of the amounts of each overpayment for which reimbursement was requested by the other Liaison Body; and
- c) the amounts actually reimbursed in respect of each overpayment.

#### Section 9

##### *Minimum Recovery Amounts*

1. In accordance with paragraph 6 of Article 22 of the Agreement, the minimum amounts to be recovered will be:

- a) New Zealand \$ 500 for social security debts incurred in New Zealand; and
- b) Euro 250 for social security debts incurred in the Netherlands.

2. The Liaison Bodies from time to time may agree, in writing, to vary the minimum amount of debt to be recovered under the terms of paragraph 6 of Article 22.

#### Section 10

##### *Reviews and Appeals Process for Debt Recovery*

1. Each Liaison Body will provide the other Liaison Body with the relevant legislation which contains the provisions applicable to the recovery of social security debts, review and appeal processes and the time limits specified for such review and appeal processes.

2. The competent Authorities will advise each other by a note in writing through the diplomatic channel of any changes to their review and appeal processes.

## PART IV

## MISCELLANEOUS PROVISIONS

## Section 11

*Administrative Checks and Medical Examinations*

1. Where the New Zealand Liaison Body requests the Netherlands Liaison Body to undertake administrative checks or medical examinations of claimants or recipients of New Zealand benefits who are resident in the Netherlands, they will be carried out by the Uitvoeringsinstituut werknemersverzekeringen (Institute for Employee Benefits) for sickness and invalidity benefits, and by the Sociale verzekeringsbank (Social Insurance Bank) for old age benefits, survivors' benefits and children's allowances.

2. Where the Netherlands Liaison Body requests the New Zealand Liaison Body to undertake administrative checks and medical examinations of claimants or recipients of Netherlands benefits who reside in New Zealand, they will be carried out at the request of the New Zealand Liaison Body by an agent of that Liaison Body.

3. Where the Institutions of a Contracting Party requires claimants or recipients residing in the territory of the other Contracting Party to undergo an additional medical examination, the Liaison Body of the latter Contracting Party, at the request of the former Contracting Party, will make arrangements for that examination to be carried out in accordance with the provisions it administers.

4. The Netherlands Liaison Body reserves the right to require the claimant or recipient to be examined by a medical practitioner agreed to by the claimant or recipient or, in the case of the Netherlands Liaison Body, to summon the person involved to undergo a medical examination in the territory of the Netherlands.

5. A person to whom paragraph 4 of this Section applies will present him or herself for medical examination. However, if that person considers that he or she is unfit to travel to the territory of the State where he or she has been summoned by a Liaison Body, he or she will inform that Liaison Body immediately and will submit to that Liaison Body a medical statement issued by a medical practitioner designated for this purpose by a Liaison Body. The statement shall include the medical reasons why the person is unfit to travel and the expected duration of that incapacity.

6. The Liaison Body requesting a medical examination shall reimburse the costs of that examination and where a person has been requested to present him or herself in the territory of the Netherlands, the Netherlands shall pay the travel and accommodation expenses of that person.

## Section 12

*Forms and Procedures*

1. The Liaison Bodies will agree on the forms and procedures required to implement the Agreement and this Arrangement.
2. The Liaison Bodies may agree on supplementary administrative procedures for the implementation of this Arrangement.

## Section 13

*Life Certificates*

The Liaison Bodies and Institutions will assist each other with regard to the establishment of the identities of persons in receipt of pensions or benefits, their spouse, partner or dependent child, under the Agreement and in the completion of life certificates issued by the respective Liaison Bodies or Institutions.

## Section 14

*Language*

The Liaison Bodies, where necessary, will assist each other in translating claims and other documents written in their respective official languages.

## Section 15

*Correspondence*

The Institutions will inform each other, by means of the forms referred to in Section 12 of this Arrangement, of the award, revision, suspension or withdrawal of benefits to which the Agreement applies.

## Section 16

*Transaction Costs*

At the discretion and agreement of the Liaison Bodies, benefits may be paid to benefit recipients free from the deduction of transaction costs that may be incurred in paying the benefit.

## Section 17

*Entry into Effect*

This Administrative Arrangement will enter into effect on the date of the entry into force of the Agreement and will have the same period of validity.

SIGNED at The Hague, on 9 September 2003, in duplicate, in the English language.

For the Netherlands competent authority

M. RUTTE

For New Zealand competent authority

D. B. PAYTON

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De bepalingen van de regeling zijn ingevolge paragraaf 17 op 1 november 2003 in werking getreden.

Uitgegeven de *negenentwintigste* januari 2004.

*De Minister van Buitenlandse Zaken,*

B. R. BOT