

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 2001 Nr. 141

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A. TITEL

*Verdrag tussen het Koninkrijk der Nederlanden en de Staat Israël  
inzake sociale zekerheid, met Protocol, betreffende herziening van het  
op 25 april 1984 te Jeruzalem ondertekende Verdrag tussen het  
Koninkrijk der Nederlanden en de Staat Israël;  
Jeruzalem, 17 juli 2001*

B. TEKST

**Convention on social security between the Kingdom of the  
Netherlands and the State of Israel concerning revision of the  
Convention between the Kingdom of the Netherlands and the  
State of Israel signed at Jerusalem on April 25, 1984**

The Government of the Kingdom of the Netherlands and the Govern-  
ment of the State of Israel,

Wishing to strengthen the existing friendly relations between their two  
countries, and

Resolved to continue the cooperation in the field of social security,

Guided by the wish to revise certain provisions of the Convention on  
social security between the two countries signed at Jerusalem on April  
25, 1984,

Have agreed as follows:

Article I

To be replaced:

1. "Article 1, paragraph 1, sub 11 by

11. "benefit" or "pension" means a cash benefit or pension under the  
applicable legislation, including all the constituent parts thereof as well  
as all increases and additional payments by virtue of this legislation."

To be inserted:

2. "Article 1a

Unless otherwise provided in this Convention it shall apply to persons who are or who have been subject to the legislation of either of the Contracting Parties, and to other persons with respect to the rights they derive from the aforementioned persons."

3. Article 2, paragraph 1, under A

"a "sickness insurance" has to be replaced by

"a) sickness cash benefits insurance, including the scheme concerning the liability of an employer;"

"d) widow's and orphans' insurance has to be replaced by

"d) survivors insurance;"

4. Article 2, paragraph 1, under B

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

"B in relation to Israel, to the National Insurance Law (Consolidated Version) 5755-1995 as far as it applies to the following branches:"

To be replaced:

5. Article 4, paragraph 1 by

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

## Article II

To replace Article 6 to Article 9 included:

"Article 6

Persons to whom the provisions of this Part of the Convention apply shall be subject to the legislation of one Contracting Party only. That legislation shall be determined in accordance with the provision of Articles 6a to 6d.

### Article 6a

1. A person employed in the territory of one Contracting Party shall be subject to the legislation of that Contracting Party.

2. A self-employed person who ordinarily resides in the territory of a Contracting Party and who works for his or her own account in the territory of the other Contracting Party shall, in respect of that work, be subject to the legislation of the first Party if the duration of that work does not exceed twenty-four months.

3. A self-employed person who ordinarily resides in the territory of a Contracting Party and who works for his or her own account in the territories of both Contracting Parties shall, in respect of that work, be subject to the legislation of the first Party.

#### Article 6b

If a person employed in the territory of a Contracting Party is posted by his employer to the territory of the other Contracting Party to perform work on behalf of the same employer, he shall continue to be subject to the legislation of the first Party during a period of twenty-four months after his posting as though he were still employed in the territory of that Party.

#### Article 6c

1. Travelling personnel employed by an undertaking which, for hire or reward or on its own account, operates transport services and working in the territory of both Contracting Parties shall be subject to the legislation of the Contracting Party in whose territory the undertaking has its head office as if they were working in that territory.

2. Persons who are employed on board a seagoing ship or vessel or an aircraft by an undertaking having its head office in the territory of a Contracting Party, shall be subject to the legislation of that Party as if they were working in that territory.

#### Article 6d

1. The present Convention does not affect the provisions of the Vienna Convention of 18th April 1961 on Diplomatic Relations or the general rules of customary international law regarding consular privileges and immunities with respect to the legislation specified in paragraph 1 of Article 2.

2. The provisions of Article 6b shall apply without limitation in time to government and other public employees, except to the persons to which the provisions and rules referred to in paragraph 1 of this Article apply, when they are posted to the territory of the other Contracting Party.

#### Article 7

1. An employee or self-employed person who is subject to the legislation of a Contracting Party under the provision of paragraph 2 of Article 6a, Article 6b and paragraph 2 of Article 6d shall, as well as the members of his family accompanying him, for such purposes be considered as persons who are subject to the legislation of that Contracting Party.

2. If a member of the family, mentioned in paragraph 1 of this Article, is gainfully occupied in the territory of the Contracting Party to which the person is posted, or receiving a pension or a cash benefit under the legislation of this Contracting Party, this person shall be subject to the legislation of this Contracting Party.

#### Article 8

For the purpose of Netherlands' legislation a person who is subject to Netherlands' legislation in accordance with this part of the Convention shall be considered to be resident in the territory of the Netherlands.

#### Article 9

1. The competent authorities of the two Contracting Parties may by agreement provide for exceptions to the provisions of Articles 6a to 6d in the interest of the persons affected thereby.

2. The provisions of Article 7 shall apply, *mutatis mutandis*, to cases referred to in this Article."

#### Article III

Both Contracting Parties shall notify each other in writing of the accomplishment of their respective internal or constitutional procedures required for the entry into force of the present Convention. The Convention shall enter into force on the first day of the third month after the date of the last notification.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed this Convention.

DONE in duplicate at Jerusalem on July 17, 2001, which corresponds to the 26<sup>th</sup> day of Tamuz, 5761, in the English language.

*For the Kingdom of the Netherlands*

(sd.) H. R. R. V. FROGER

*For the State of Israel*

(sd.) SHIMON PERES

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**Protocol on mutual assistance covering cooperation on fraud and customer service**

Article 1

*Verification of applications and payments*

1. After receipt of an application, the competent institution of the Contracting Party shall verify the information regarding the applicant and, if applicable, his or her family members and forward this evidence along with other relevant documents to the competent institution of the other Party, so that the latter can process the application further.

2. Section 1 also applies when the competent institution of a Contracting Party requests the other Party to conduct an investigation to verify the legitimacy of payments made to beneficiaries living or residing in the territory of that other Party.

3. The information referred to in the first and second section also includes information regarding address, work, education, income, family situation, ability for work or medical condition.

4. The competent institutions of the Contracting Parties may contact each other, as well as their respective beneficiaries or their representatives, directly.

Article 2

*Identification*

In order to determine the entitlement to benefit and legitimacy of payments under the Israeli or Netherlands' legislation, a person who falls under the scope of this Convention is obliged to identify himself or herself by submitting an official proof of identity to the competent institution in Israel or The Netherlands. The competent institution properly identifies the claimant on the basis of this identification. Proper identification is a passport or the identity card issued by the competent authorities in the person's residence. The competent institution will inform the competent institution of the other Contracting Party that the identity of the claimant has been verified properly by sending a copy of the identification document.

Article 3

*Verification of medical information*

1. At the request of the competent institution, verification of administrative and medical information regarding claimants or recipients of Israeli benefits living in the Netherlands will be carried out by Gak Nederland bv.

2. At the request of the competent institution, verification of administrative and medical information about claimants or recipients of Netherlands' benefits living in Israel will be carried out by the National Insurance Institute.

3. In order to determine the degree of disability for work, the institutions of both Contracting Parties shall use the medical reports and the administrative data provided by the institutions of the other Party, but they nevertheless reserve the right to have the claimant or beneficiary examined by a doctor of their own choice or to summon the person involved to undergo a medical examination in the territory of the competent State.

4. The person involved is obliged to comply with a request as meant in the third section by presenting himself for medical examination. If he feels that, for medical reasons, he is unfit to travel to the territory of the State where he has been summoned by the competent institution, he must inform that institution immediately. He will then be obliged to submit a medical statement issued by a doctor designated for this purpose by the competent institution. This statement must include the medical reasons for his unfitness for travelling as well as the expected duration of this unfitness.

5. The costs of the examination and, in cases where the examination is held in the territory of the competent State, the expenses for travel and accommodation, will be paid for by the institution at whose request the examination is carried out.

#### Article 4

##### *Recovery of undue payments*

1. Any final court decisions or decrees by the institutions or authorities of a Contracting Party regarding the recovery of undue social insurance payments shall be recognized by the other Party.

2. Recognition may only be refused if it is contrary to the public order of the Contracting Party where the decision or decree should be enforced.

3. Any final decisions and decrees which are recognized in accordance with the first section will be implemented by the other Contracting Party. Enforcement is subject to the statutory regulations which apply in the State in whose territory the decision or decree is to be carried out, governing the execution of similar decisions or decrees handed down or issued on that State. Confirmation that a decision or decree is final must be stated on the authentic copy of that decision or decree.

4. If a recipient of a benefit, listed in article 2 of this Convention, which was awarded on the basis of the Convention or under national

law, receives an amount which was unduly paid, the competent institution of the Contracting Party involved may request that the competent institution in the other State from which the beneficiary receives a benefit balance the undue payment with the arrears or amounts still due to the the beneficiary in that other State. The latter institution will deduct the amount in accordance with, and within the limits of the legislation implemented by the institution, and will remit the amount to the institution which is entitled to reimbursement.

#### Article 5

##### *Collection of contributions*

1. Any final court decisions or decrees by the institutions or authorities of a Contracting Party regarding the collection of contributions shall be recognized by the other Party.

2. Recognition may only be refused if it is contrary to the public order of the Contracting Party where the decision or decree should be enforced.

3. The final decisions and decrees which are recognized in accordance with the first section will be implemented by the other Contracting Party. Enforcement is subject to the statutory regulations which apply in the State in whose territory the decisions or decrees handed down or issued in that State. Confirmation that a court decision or decree is final must be stated on the authentic copy of that decision or decree.

4. The legal representative in Israel for the Netherlands competent institutions, appointed to further the legal procedures described above, is the National Insurance Institute. The legal representative in the Netherlands for the Israeli competent institution, appointed to further the legal procedures described above, are the liaison bodies mentioned in article 2 of the Administrative Arrangement.

#### Article 6

##### *Refusal to pay, suspension, withdrawal*

As to the information and examination described in this Protocol, the competent institution of a Contracting Party may refuse to pay, suspend or withdraw a benefit, listed in Article 2 of the Convention, if in their judgement, the applicant or beneficiary or the competent institution of the other Party fails to undergo any examinations as required, or, as the case may be, fails to carry out any examinations as required under this Protocol.

This protocol forms an integral part of the Convention.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed this Convention.

DONE in duplicate at Jerusalem on July 17, 2001, which corresponds to the 26<sup>th</sup> day of Tamuz, 5761, in the English language.

*For the Kingdom of the Netherlands*

(sd.) H. R. R. V. FROGER

*For the State of Israel*

(sd.) JACOB SASPORTE

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#### D. PARLEMENT

Het Verdrag, met Protocol, behoeft ingevolge artikel 91 van de Grondwet de goedkeuring der Staten-Generaal, alvorens het Koninkrijk aan het Verdrag kan worden gebonden.

De voorlopige toepassing van artikel I van het Verdrag (zie rubriek G hieronder) is in overeenstemming met artikel 15, vierde lid, van de Rijkswet goedkeuring en bekendmaking verdragen medegedeeld aan de Eerste en Tweede Kamer der Staten-Generaal bij brieven van 16 augustus 2001.

#### G. INWERKINGTREDING

De bepalingen van het Verdrag, en het Protocol, zullen ingevolge artikel III, tweede zin, van het Verdrag juncto artikel 6, laatste zin, van het Protocol in werking treden op de eerste dag van de derde maand na de datum van de laatste schriftelijke kennisgeving door de Verdragsluitende Partijen dat aan hun respectieve nationale of grondwettelijke vereisten voor inwerkingtreding van het Verdrag is voldaan.

Ingevolge de toevoeging aan Artikel III, die deel van het Verdrag is gaan uitmaken door de hieronder in rubriek J opgenomen notawisseling, zal artikel I van het Verdrag vanaf 1 september 2001 voorlopig worden toegepast en zal artikel I, vanaf de datum waarop het Verdrag in werking treedt, terugwerkende kracht hebben tot 1 januari 2000.

Wat het Koninkrijk der Nederlanden betreft, gelden het Verdrag en het Protocol alleen voor Nederland.

#### J. GEGEVENS

Van het op 25 april 1984 te Jeruzalem tot stand gekomen Verdrag inzake sociale zekerheid tussen het Koninkrijk der Nederlanden en de Staat Israël, naar welk Verdrag onder meer in de titel van het onderhavige Verdrag wordt verwezen, zijn de Engelse tekst en de Nederlandse vertaling geplaatst in *Trb.* 1984, 65. Zie ook, laatstelijk, *Trb.* 2001, 142.



Op 13 december 2000 en 18 januari 2001 is de volgende notawisseling met betrekking tot het Verdrag tot stand gekomen:

Nr. I

ROYAL NETHERLANDS EMBASSY  
TEL AVIV

13 December 2000

The Royal Netherlands Embassy presents its compliments to the Ministry of Foreign Affairs of the State of Israel and, with reference to the Revision of the Convention on Social Security with Administrative Arrangement of 1984 between the Kingdom of the Netherlands and the State of Israel, the Embassy would like to inform the Ministry as follows.

Further to this Embassy's Note no. 234/00 of 31 July 2000 and Note No. 181.01 of 13 September 2000, which this Embassy received from the Ministry of Foreign Affairs of the State of Israel, the Embassy would like to make the following suggestion. The additional sentence will be considered to be part of the Convention through an exchange of letters, rather than – and as suggested before by this Embassy's aforementioned Note – amending the treaty text to be signed.

The additional sentence is considered to be added in Article III, after the second sentence and reads as follows:

“The Kingdom of the Netherlands shall apply Article I of this Convention provisionally from the first day of the second month following signature, and for the Kingdom of the Netherlands, the Convention shall enter into force on the understanding that Article I shall have retrospective effect to 1 January 2000.”

If this proposal is acceptable to you I suggest that this sentence will constitute – through an exchange of this letter and a letter of reply by the Ministry of Foreign Affairs of the State of Israel – a part of the Convention still to be signed.

The Royal Netherlands Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the State of Israel the assurances of its highest consideration.

*Ministry of Foreign Affairs  
Of the State of Israel  
General Law Division  
Hakirya – Romema  
Jerusalem*

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MINISTRY OF FOREIGN AFFAIRS  
JERUSALEM

Jerusalem, 18 January 2001

181. 01

The Ministry of Foreign Affairs presents its compliments to the Royal Netherlands Embassy and has the honour to refer to the Embassy's note of 13 December 2000 concerning the revision of the Convention on Social Security and Administrative Arrangement of 1984 between the State of Israel and the Kingdom of the Netherlands.

The Ministry wishes to inform the Embassy that the Embassy's proposal in its note is acceptable to the Ministry.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Royal Netherlands Embassy the assurances of its highest consideration.

*The Royal Netherlands Embassy  
In Israel*

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Op 17 juli 2001 is te Jeruzalem nog tot stand gekomen een herziening van het hieronder genoemde Administratief Akkoord van 25 april 1984 voor de toepassing van het op 25 april 1984 te Jeruzalem ondertekende Verdrag inzake sociale zekerheid tussen het Koninkrijk der Nederlanden en de Staat Israël. De tekst van dit wijzigingsakkoord luidt als volgt:

**Agreement between the competent authorities of the Netherlands and Israel concerning revision of the Administrative Arrangement of April 25, 1984 for the application of the Convention on social security between the Kingdom of the Netherlands and the State of Israel signed at Jerusalem on April 25, 1984.**

The competent authority of the Netherlands, namely

The Minister for Social Affairs and Employment,

and

the competent authority of Israel, namely

The Minister of Labour and Social Affairs,

Wishing to give the Administrative Arrangement of April 25, 1984 full effect,

Have agreed the following:

Article I

1. Article 2, par. 1, under B), sub.a):  
“Amsterdam” has to be replaced by: “Amstelveen”;
2. Article 2, par. 1, under B), sub b):  
“Gemeenschappelijk Administratiekantoor (Joint Administration Office), Amsterdam” has to be replaced by: “Landelijk Instituut Sociale Verzekeringen (National Institute Social Security) c/o Gak Nederland BV, Amsterdam”;
3. Article 3, par. 2:  
“Sociale Verzekeringsraad (Social Insurance Council), Zoetermeer” has to be replaced by: “Sociale Verzekeringsbank (Social Insurance Bank), Amstelveen”;
4. Article 4, par. 1:  
“to the competent district-office of the Gemeenschappelijk Administratiekantoor (Joint Administration Office) acting on behalf of the Nieuwe Algemene Bedrijfsvereniging (New General Professional Association)” has to be replaced by: “Landelijk Instituut Sociale Verzekeringen (National Institute Social Security) c/o Gak Nederland BV, Amsterdam”.

Article II

This Arrangement shall enter into force concurrently with the Convention.

Done in duplicate at Jerusalem on July 17, 2001, which corresponds to the 26<sup>th</sup> day of Tamuz, 5761, in the English language.

*For the Netherlands competent authority*

(sd.) H. R. R. V. FROGER

*For the Israeli competent authority*

(sd.) JACOB SASPORTE

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De wijziging van het Administratief Akkoord van 25 april 1984 zal ingevolge artikel II van het onderhavige Akkoord in werking treden op dezelfde datum als het onderhavige Verdrag.

Van het op 25 april 1984 te Jeruzalem tot stand gekomen Administratief Akkoord voor de toepassing van het op 25 april 1984 te Jeruzalem ondertekende Verdrag inzake sociale zekerheid tussen het Koninkrijk der

Nederlanden en de Staat Israël, naar welk Akkoord onder meer in de titel van het onderhavige Akkoord wordt verwezen, zijn de Engelse tekst en de Nederlandse vertaling geplaatst in *Trb.* 1984, 66. Zie ook, laatstelijk, *Trb.* 2001, 143.

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het Verdrag zal zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *zestiende* augustus 2001.

*De Minister van Buitenlandse Zaken,*

J. J. VAN AARTSEN