

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1986 Nr. 81

A. TITEL

Briefwisseling tussen de Nederlandse en de Britse bevoegde autoriteiten ter uitvoering van artikel 36, derde lid, van Verordening nr. 1408/71 van de Raad van de Europese Gemeenschappen inzake de toepassing van de sociale zekerheidsregelingen op werknemers en zelfstandigen, alsmede op hun gezinsleden, die zich binnen de Gemeenschap verplaatsen;

Londen/Leidschendam, 25 april/26 mei 1986

B. TEKST

Nr. I

Department of Health & Social Security
Alexander Fleming House
Elephant and Castle
London SE1

25 april 1986

Sir,

I refer to Article 36 of Regulation 1408/71 of 14 June 1971 of the Council of the European Communities (The Regulation), which Article concerns reimbursement of the cost of benefits in kind provided by the institution of one Member State on behalf of the institution of another Member State under the provisions of Chapter 1 of Title III of the Regulation.

It is my understanding that, as a result of discussions between the competent authorities of the United Kingdom of Great Britain and Northern Ireland and of the Kingdom of the Netherlands,

reimbursement between the competent institutions of these Member States will be effected on the following basis:

1. Reimbursement of the costs of benefits in kind provided under Chapter 1 of Title III of the Regulation will be effected in accordance with the provisions of Articles 93, 94 or 95, as appropriate, of Regulation 574/72 of 21 March 1972 of the Council of the European Communities except as provided otherwise in Paragraphs 2 to 7 below.

2. Reimbursement of the costs of benefits in kind under Article 19(1) of the Regulation, and under Article 19(2) where the members of the family reside in the same Member State as the employed or self-employed person, will be on the basis of a lump sum determined by multiplying the average annual cost per person by the average annual number of persons to be taken into account. The average annual cost per person will be that calculated for the purposes of Article 94 of Regulation 574/72.

3. Reimbursement by the competent institutions of the United Kingdom of the costs of benefits in kind under Article 19(2) of the Regulation where unlike the employed or the self-employed person members of the family reside in the Netherlands will be on the basis of a lump sum determined by multiplying the average annual cost per person by the average annual number of persons to be taken into account, and reducing the resultant amount by the percentage referred to in Article 94 of Regulation 574/72. The average annual cost per person will be that calculated for the purposes of Article 94 of Regulation 574/72.

4. Reimbursement by the competent institutions of the United Kingdom of the costs of benefits in kind provided under Article 28 of the Regulation to pensioners and members of their families who reside in the Netherlands will be on the basis of a lump sum determined by adding together the average annual cost per person under the age of 65 multiplied by the average annual number of such persons to be taken into account, and the average annual cost per person aged 65 and over multiplied by the average annual number of such persons to be taken into account, and reducing the resultant amount by the percentage referred to in Article 95 of Regulation 574/72. The average annual costs per person will be those calculated for the purposes of Article 95 of Regulation 574/72.

5. The Liaison Bodies will agree annually the numbers of persons to be taken into account for the purposes of implementing Paragraphs 2-4 above and of determining the amounts to be credited to the United Kingdom under Articles 94 and 95 of Regulation 574/72.

6. Reimbursement of the costs of benefits in kind under Article 22(1)(a)(i)

Article 22(3) as applied to Article 22(1)(a)(i)

Article 31(a)

of the Regulation will be effected as follows:

a. For the Netherlands, the amounts owed will be those shown in the accounts of the institution that has provided the benefits concerned.

b. For the United Kingdom, the amounts owed will be calculated by multiplying the amount claimed by the Netherlands, referred to in a. above, by a correcting factor (c) calculated as follows:

$$c = \frac{Z \times \text{number of visitors to the UK}}{\text{Number of visitors to the Netherland}} \times \frac{\text{average costs (UK)}}{\text{average costs (Netherlands)}}$$

For the purposes of this formula:

i. "Z" represents the percentage of the Dutch population which is insured under the law on sickness insurance funds (Ziekenfondswet). The Dutch liaison body will communicate this percentage to the British liaison body annually.

ii. The statistics used as the basis for calculating the numbers of visitors will be those published in the United Kingdom Department of Trade and Industry's "Business Monitor - Overseas Travel and Tourism".

iii. The average costs to be taken into account will be those costs per person calculated for the purposes of Article 94 of Regulation 574/72.

The correcting factor (c) will be revised annually on the basis of figures to be agreed by the Liaison Bodies.

7. Reimbursement of the costs of benefits in kind provided under Article 22(1)(b)(i),

Article 22(3) as applied to Article 22(1)(b)(i),

Article 25(1)(a),

Article 25(3)(i),

Article 26 and

Article 29(1)(a) of the Regulation

will be mutually waived.

8. For each year, the competent institution of the Member State whose claim resulting from the application of Paragraphs 1 to 6 above is the smaller will pay to the competent institution of the other Member State an amount equal to the difference between the two claims. The difference will be expressed in the currency of the country to which it is owed. The exchange rate to be used for converting the claim of the debtor state into the currency of the creditor state will be the average of the exchange rates for the four reference periods of that year published by the Commission for the purpose of implementing Article 107 of Regulation 574/72.

9. The Liaison Bodies may agree upon the payment of advances and other measures for the implementation of this agreement.

10. This understanding will remain in operation from 1 January 1986 for a period of three years. Thereafter it will remain effective from year to year unless terminated in writing by the competent authorities of either Member State six months before the end of any such year.

If the foregoing is acceptable to the competent authorities of the Netherlands, I have the honour to suggest that this letter together with your reply to that effect will place on record the understanding of the competent authorities in this matter.

I have the honour to be your obedient servant.

(s.) J. LUPTON

*For the Competent Authorities
of the United Kingdom of Great Britain
and Northern Ireland*

*To the Competent Authorities
of the Kingdom of the Netherlands*

Nr. II

Ministerie van Welzijn, Volksgezondheid en Cultuur

Leidschendam, 26 mei 1986

Arrangement on the basis of article 36,
paragraph 3 of Regulation (EEC) No 1408/71

Sir,

I have the honour to acknowledge receipt of your letter of 25 April 1986 which reads as follows:

(Zoals in Nr. 1)

I, on behalf of the competent Netherlands authorities within the meaning of Article 1(1) of Regulation 1408/71, as specified in Annex 1 of Regulation No. 574/72, agree to the proposals made in

your letter. I have the honour to confirm that your letter, together with my reply to that effect be regarded as placing on record the understanding of the competent authorities in this matter.

I have the honour to be your obedient servant.

*For the Competent Authorities
of the Netherlands*

(s.) J. G. A. STIPHOUT
(drs. J. G. A. Stiphout)

*To the Competent Authorities of
the United Kingdom*

G. INWERKINGTREDING

Het in de brieven vervatte administratief akkoord is op 1 januari 1986 van kracht geworden.

J. GEGEVENS

Van het op 25 maart 1957 te Rome tot stand gekomen Verdrag tot oprichting van de Europese Economische Gemeenschap is de Nederlandse tekst geplaatst in *Trb.* 1957, 91; zie ook, laatstelijk, *Trb.* 1986, 28.

Verordening 1408/71 van de Raad van de Europese Gemeenschappen inzake de toepassing van de sociale zekerheidsregelingen op loontrekkenden en hun gezinnen die zich binnen de Gemeenschap verplaatsen, naar welke Verordening in de brieven wordt verwezen, is geplaatst in *Pb.* EG nr. L 149/71. Deze Verordening is laatstelijk gewijzigd per 1 januari 1986 (*Pb.* EG nr. L 302/85).

Verordening 574/72 van de Raad van de Europese Gemeenschappen, naar welke Verordening in de brieven wordt verwezen, is geplaatst in *Pb.* EG nr. 74/72. Deze Verordening is laatstelijk gewijzigd bij Verordening nr. 513/86 (*Pb.* EG nr. L 51/86).

Uitgegeven de *elfde* juli 1986.

De Minister van Buitenlandse Zaken,

H. VAN DEN BROEK