

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 1988 Nr. 17

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A. TITEL

*Akkoord tussen de Nederlandse en de Portugese bevoegde autoriteiten betreffende de vergoeding van verstrekkingen bij ziekte en moederschap in het kader van Verordening 1408/71 van de Raad van de Europese Gemeenschappen inzake de toepassing van sociale zekerheidsregelingen op werknemers en zelfstandigen, alsmede op hun gezinsleden, die zich binnen de Gemeenschap verplaatsen;  
Brussel, 11 december 1987*

B. TEKST

**Arrangement between the Dutch and the Portuguese authorities concerning the reimbursement of the costs of benefits in kind provided in respect of sickness or maternity within the framework of Regulation (EEC) No.1408/71 of the Council of 14 June 1971 on the application of social security schemes to workers and self-employed persons, as well as their families, moving within the Community**

The Secretary of State for Welfare, Health and Culture of the Netherlands and

the Minister of Health of Portugal,

Having regard to Article 36, paragraph 3 of Regulation (EEC) No. 1408/71 of the Council of 14 June 1971 on the application of social security schemes to workers and self-employed persons, as well as their families, moving within the Community, and to the Articles 93, paragraph 6, 94, paragraph 6, and 95, paragraph 6, of Regulation (EEC) No. 574/72 of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No. 1408/71,

Wishing to ease the administrative task of the Dutch and the Portuguese institutions by making use of the possibility offered by

Regulations (EEC) Nos. 1408/71 and 574/72 to agree upon other methods of assessing the amounts to be refunded;

Have agreed upon the following:

#### Article 1

In the application of Article 93 of Regulation (EEC) No. 574/72 on each invoice concerning real costs the amount of the costs of benefits in kind granted by the Portuguese institutions shall be raised by a fixed percentage related to the costs of medicines and diagnostic examinations. The above-mentioned percentage shall be communicated every year by the Portuguese liaison body to the Dutch liaison body.

#### Article 2

Contrary to Article 93 of Regulation (EEC) No. 574/72 the Portuguese competent institution shall refund the costs of benefits in kind that have been provided

a) according to Article 19, paragraph 2, of Regulation (EEC) No. 1408/71 to members of the families of boatmen, who reside in the Netherlands, by a lump-sum which is based on 80% of the average yearly costs pro capita;

b) according to Article 26, of Regulation (EEC) No. 1408/71 to pension claimants and members of their families or their survivors, who reside in the Netherlands, by a lump-sum which is based on 80% of the average yearly costs pro capita;

c) according to Article 29, paragraph 1, of Regulation (EEC) No. 1408/71 to in the Netherlands residing members of the families of the holders of pension rights who reside in Portugal, by a lump-sum which is based on 80% of the average yearly costs pro capita.

#### Article 3

Contrary to Article 93 of Regulation (EEC) No. 574/72 the Dutch competent institution shall refund the costs of benefits in kind that have been provided according to Article 19, paragraph 2, of Regulation (EEC) No. 1408/71 to members of the families of boatmen, who reside in Portugal, by a lump-sum which is based on 80% of the average yearly costs per family.

#### Article 4

In the cases referred to in the Articles 2 and 3 of this Arrangement, the institution of the place of residence shall be considered the competent institution for the application of the Articles 22 and 31 of

Regulation (EEC) No. 1408/71 and Article 93 of Regulation (EEC) No. 574/72.

#### Article 5

Contrary to Article 94, paragraphs 2, 3 and 4, of Regulation (EEC) No. 574/72, the Portuguese competent institution shall refund the costs of benefits in kind that have been provided according to Article 19, paragraph 2, of Regulation (EEG) No. 1408/71 to members of the families of workers or self-employed persons who reside in the Netherlands, by a lump-sum which is based on 80% of the average yearly costs pro capita.

#### Article 6

Contrary to Article 95, paragraphs 2, 3 and 4, of Regulation (EEC) No. 574/72 the Portuguese competent institution shall refund the costs of benefits in kind that have been provided according to the Articles 28 and 28 bis of Regulation (EEC) No. 1408/71 to holders of pension rights and the members of their families, who reside in the Netherlands, by a lump-sum which is based on 80% of the average yearly costs pro capita split-up in an amount for persons under 65 years of age and an amount for persons of 65 years of age and older.

#### Article 7

This Arrangement will enter into force on the first day after it has been signed by both Contracting Parties, with retrospective effect from 1 January 1986.

#### Article 8

This Arrangement will remain in force for the period of one year from the date of its entering into force.

It will continue to be in force from year to year unless one of the Contracting Parties gives at least three months' notice of termination.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective authorities, have signed this Arrangement.

DONE in duplicate at Brussels on 11 December 1987 in the English language.

*For the Secretary of State for Welfare,  
Health and Culture of the Netherlands,*

(w.g.) A. G. BLOEMHEUVEL

*For the Minister of Health of Portugal,*

(w.g.) S. PIZARRO

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#### G. INWERKINGTREDING

Het Akkoord is ingevolge zijn artikel 7 op 12 december 1987 in werking getreden, met terugwerkende kracht vanaf 1 januari 1986.

#### 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.* 1987, 116.

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 het Akkoord wordt verwezen, is geplaatst in *Pb.* EG nr. L 149/71. Deze Verordening is laatstelijk gewijzigd op 11 december 1986 bij Verordening 3811/86 (*Pb* EG nr. L 355/86).

Verordening 574/72 van de Raad van de Europese Gemeenschappen, naar welke Verordening in het Akkoord wordt verwezen, is geplaatst in *Pb* EG nr. 74/72. Deze Verordening is laatstelijk gewijzigd op 11 december 1986 bij Verordening 3811/86 (*Pb* EG nr. L 355/86).

Uitgegeven de negentiende februari 1988.

*De Minister van Buitenlandse Zaken,*

H. VAN DEN BROEK