

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 2000 Nr. 47

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A. TITEL

*Verdrag tussen het Koninkrijk der Nederlanden en de Republiek Slovenië inzake sociale zekerheid, met Slotprotocol; Ljubljana, 22 maart 2000*

B. TEKST

**Convention between the Kingdom of the Netherlands and the Republic of Slovenia on social security**

The Kingdom of the Netherlands

and

The Republic of Slovenia,

– desiring to regulate the relations between the two States in the field of social security,

– taking into account that the actual relations between the two countries are arranged through an exchange of letters of 18 March 1992 and 21 April 1992;

have agreed to conclude a Convention with the following provisions:

PART I

GENERAL PROVISIONS

Article 1

*Definitions*

1. For the purpose of this Convention:

a) “Territory” means,

in relation to Slovenia: the territory of the Republic of Slovenia;

in relation to the Netherlands: the territory of the Kingdom in

Europe;

b) “National” means, as regards Slovenia, a person with the citizenship of the Republic of Slovenia and as regards the Netherlands a person of the Netherlands nationality;

c) “Employed person” means a person who is employed by an employer as well as any person who is deemed equivalent to an employed person by the legislation applied;

d) “Legislation” means laws, ordinances and regulations relating to the systems and branches of social security specified in Article 2;

e) “Competent authority” means, in relation to Slovenia: the Minister of Labour, Family and Social Affairs, and as far as benefits in cash and in kind of the legislation on sickness insurance are concerned, the Minister of Health;

in relation to the Netherlands: the Minister for Social Affairs and Employment and, as far as benefits in kind of the legislation on sickness insurance are concerned, the Minister for Health, Welfare and Sport;

f) “Insurance institution” means the body or authority charged with the implementation of the legislation specified in Article 2, or a portion thereof;

g) “Competent institution” means the institution which is competent according to the applicable legislation;

h) “Competent state” means the Contracting Party in the territory of which the competent institution is situated;

i) “Insurance period” means a contribution period, a period of employment, a period of residence or any other period defined, recognized or treated as a period of insurance under the legislation applicable to the person during such a period;

j) “Pension or cash benefit” means a pension or a cash benefit under the applicable legislation including all the constituent parts thereof which are financed out of public funds as well as all increases and additional benefits;

k) “Member of the family” means a person defined or recognized as such in the legislation of the Contracting Party in whose territory such a person resides; where, however, this legislation regards only persons living with the person concerned as members of the family, this condition shall be deemed to be satisfied if such persons are mainly maintained by the person concerned;

l) “Institution of the place of residence” means the institution empowered, under the Contracting Party’s legislation which it applies, to provide the benefits in question at the place of residence or, where no such institution exists, the institution designated by the competent authority of the Contracting Party concerned;

m) “Institution of the place of temporary stay” means the institution empowered, under the Contracting Party’s legislation which it applies, to provide the benefits in question at the place of temporary stay or, where no such institution exists, the institution designated by the competent authority of the Contracting Party concerned.

2. Other words and expressions which are used in this Convention shall have the meanings respectively assigned to them in the legislation applied.

## Article 2

### *Matters covered*

1. This Convention shall apply:
  - A. In relation to Slovenia, to the legislation on:
    - a) obligatory pension- and invalidity insurance;
    - b) obligatory health insurance (cash benefits and benefits in kind);
    - c) unemployment insurance;
    - d) children's allowances;
    - e) maternity insurance (cash benefits).
  - B. In relation to the Netherlands, to the legislation on:
    - a) sickness insurance (cash benefits and benefits in kind in the case of sickness and maternity), including the scheme concerning the liability of an employer;
    - b) invalidity insurance;
    - c) old age insurance;
    - d) survivors' insurance;
    - e) unemployment insurance;
    - f) children's allowances.
2. With the reservations made in paragraphs 3 and 4 of this Article, this Convention shall apply also to all legislation codifying, amending or supplementing the legislation specified in paragraph 1 of this Article.
3. This Convention shall apply to any legislation of a Contracting Party extending the legislation specified in paragraph 1 of this Article to new categories of persons, if that Contracting Party had not, within six months of the official announcement of such legislation, notified the other Contracting Party to the effect that the Convention shall not apply to such legislation.
4. This Convention shall not apply to legislation instituting a new branch of social security unless the Contracting Parties make an agreement to that effect.
5. This Convention does not apply to social assistance schemes or to special schemes for civil servants or persons treated as such.

## Article 3

### *Persons covered*

- Unless otherwise provided in this Convention it shall apply to:
- a) Persons who are or have been subject to the legislation of one or both Contracting Parties;

b) Persons deriving rights from a person mentioned under paragraph a of this Article.

#### Article 4

##### *Equality of treatment*

Unless otherwise provided in this Convention, nationals of one Contracting Party shall, when they stay or reside in the territory of the other Contracting Party, have the same obligations and rights as nationals of that Contracting Party regarding the application of the legislation of that Contracting Party.

#### Article 5

##### *Payment of benefits abroad*

1. Unless otherwise provided in this Convention pensions and other cash benefits in case of old-age, invalidity and death acquired under the legislation of one Contracting Party may not be reduced, modified, suspended or withdrawn in account of the recipient staying or residing in the territory of the other Contracting Party.

2. Unless otherwise provided in this Convention cash benefits under the legislation of a Contracting Party shall be payable to persons designated in Article 3, who are staying or residing outside the territories of either Contracting Party, on the same conditions and to the same extent as to nationals of that Contracting Party who are staying or residing outside those territories.

#### Article 6

##### *Prevention of overlapping of benefits*

Provisions in the legislation of a Contracting Party for the reduction, suspension or suppression of benefits from one branch of social security where there is overlapping with benefits from another branch or with other income, or because of an occupational activity, shall apply also to the beneficiary in respect of benefits acquired under the legislation of the other Contracting Party or in respect of income obtained, or occupation exercised, in the territory of the other Contracting Party.

### PART II

#### DETERMINATION OF THE APPLICABLE LEGISLATION

#### Article 7

##### *General rule*

1. 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 provisions of Articles 8 to 13.

2. A person who is subject to the legislation of one Contracting Party in accordance with the provisions of this Part shall be considered as residing in the territory of that Contracting Party.

#### Article 8

##### *Employed and self-employed persons*

1. A person employed in the territory of one Contracting Party shall be subject to the legislation of that Contracting Party even if he resides in the territory of the other Contracting Party or if the registered office or place of business of the undertaking or individual employing him is situated in the territory of the other Contracting Party.

2. A person employed in the territory of both Contracting Parties shall be subject to the legislation of the Contracting Party in the territory of which he is resident. If he is not resident in the territory of either Contracting Party he shall be subject to the legislation of the Contracting Party in the territory of which the employer has his principal place of business.

3. Travelling personnel employed by an undertaking which for hire or reward or on its own account operates international transport services for passengers or goods by rail, road or air shall be subject to the legislation of the Contracting Party in whose territory the undertaking has its head office even if the employee concerned resides in the territory of the other Contracting Party.

If however a person is employed by a branch or permanent agency which the said undertaking has in the territory of the other Contracting Party or if that person is employed and resident in the territory of this Party, the legislation of this Contracting Party shall apply.

4. The provisions of paragraphs 1 and 2 of this Article shall equally apply to self-employed persons.

#### Article 9

##### *Posted workers*

Article 8, paragraph 1, shall apply subject to the following exceptions and circumstances:

If a person employed in the territory of a Contracting Party is posted by his employer to which he is normally attached to the territory of the other Contracting Party to perform a certain work there for that employer and whilst staying in paid employment with this employer, he shall continue to be subject to the legislation of the former Contracting Party for the duration of that work as if he were still employed in the territory of this Contracting Party, provided that the relevant work will not exceed a period of two years and that the certificate of posting has

been submitted no later than within the first three months of that period. Successive postings of the same employee by the same employer shall be counted as one unless they are separated by at least twelve months.

#### Article 10

##### *Posted civil servants*

Article 9 shall apply correspondingly, but without any time limit, to posted civil servants.

#### Article 11

##### *Crew members on vessels*

A person who is employed on board of a vessel and who is resident in the territory of a Contracting Party shall be subject to the legislation of Slovenia, if the vessel is flying under the flag of Slovenia, and to the legislation of the Netherlands, if the employer has his registered office or his place of business in the Netherlands.

#### Article 12

##### *Personnel of diplomatic and consular missions*

1. Nationals of a Contracting Party who are sent by the Government of this Contracting Party to the territory of the other Contracting Party as members of a diplomatic mission or consular post, shall be subject to the legislation of the former Contracting Party.

2. Persons who are employed by a diplomatic mission or consular post of one of the Contracting Parties in the territory of the other Contracting Party, shall be subject to the legislation of the latter Contracting Party.

3. If the diplomatic mission or consular post of one of the Contracting Parties employs persons who according to paragraph 2 of this Article are subject to the legislation of the other Contracting Party, the mission or post shall observe the obligations which the legislation of this Contracting Party imposes on employers.

4. The provisions of paragraphs 2 and 3 of this Article shall equally apply to persons employed in the private service of a person mentioned in paragraph 1 of this Article. In that case the natural person who employs other persons shall observe the obligations which the legislation of the Contracting Party where the employment is performed imposes on employers.

5. The provisions of paragraphs 1 to 4 of this Article do not apply to honorary members of a consular post or to persons employed in the private service of such persons.

## Article 13

*Exceptions to the provisions of Article 8 to 12*

The competent authorities of the two Contracting Parties or the bodies designated by these authorities may agree on exceptions from the provisions of Articles 8 to 12 in the interest of employees and hereby establish obligatory insurance under the relevant legislation.

## PART III

SPECIAL PROVISIONS CONCERNING THE VARIOUS  
CATEGORIES OF BENEFITS

## CHAPTER 1

## SICKNESS AND MATERNITY

## Article 14

*Entitlement to sickness and maternity benefits*

1. If a person has completed insurance periods under the legislation of both Contracting Parties these periods shall be added together for the acquisition, retention or recovery of entitlement to a benefit, in so far as they do not coincide.

2. If the legislation of one Contracting Party makes admission to compulsory insurance conditional upon the completion of insurance periods, such periods completed under the legislation of the other Contracting Party shall, to that end, for the purpose of adding periods together, be taken into account, to the extent necessary, as if they were insurance periods completed under the legislation of the first Contracting Party.

## Article 15

*Residence in the other State than the competent State*

1. Persons who reside in the territory of the Contracting Party other than the competent State and who satisfy the conditions for entitlement prescribed by the legislation of the latter State, regard being had, where appropriate, to the provisions of Article 14, shall receive in the territory of the Contracting Party in which they reside:

a) benefits in kind, provided at the expense of the competent institution by the institution of the place of residence in accordance with the provisions of the legislation which the latter institution applies, as if these persons were affiliated to it;

b) cash benefits, paid by the competent institution in accordance with the provisions of the legislation which it applies, as if these persons were resident in the territory of the competent State.

2. The provisions of the preceding paragraph shall, in respect to benefits in kind, apply by analogy to members of the family who are resident in the territory of a Contracting Party other than the competent State in so far as they are not entitled to such benefits under the legislation of the State in whose territory they reside because of a gainful occupation or because of their receiving a social security benefit of the Party in whose territory they reside.

#### Article 16

##### *Transfer of residence without entitlement to benefits under the legislation of the new State of residence*

If a person who has been insured under the legislation of one of the Contracting Parties is transferring his residence to the territory of the other Party, but does not satisfy the conditions for entitlement to benefits under the legislation of the latter Party, and if that person would still be entitled to such benefits under the legislation of the first Party if he were residing in the territory of that Party, such entitlement will nevertheless be retained.

In that case Article 18, paragraphs 1, 3, 4, 5, 6, and 7 will be applicable by analogy.

#### Article 17

##### *Temporary stay in or transfer of residence to the competent State*

Persons or the members of their family referred to in Article 15, who are staying in or transferring their place of residence to the territory of the competent State shall receive benefits in the territory of the competent State, in accordance with the provisions of the legislation of that State, even if they have already received benefits for the same case of sickness or maternity before their temporary stay, respectively their transfer of residence; if the legislation applied by the competent institution provides for a maximum period for the provision of benefits, the period in which such benefits have been provided immediately before the transfer of residence will be taken into account.

#### Article 18

##### *Stay outside the territory of the competent State – return to or transfer of residence to the territory of the other Contracting Party during sickness or maternity – provision of major benefits*

1. A person who satisfies the conditions for entitlement to benefits under the legislation of one of the Contracting Parties will be entitled to

such benefits during a temporary stay in the territory of the other Contracting Party when his condition necessitates immediate provision of medical care.

2. A person who is entitled to benefits at the expense of an institution of one of the Contracting Parties and who resides in the territory of that Party, retains that entitlement when he transfers his residence to the territory of the other Contracting Party.

However, before the transfer the person concerned will have to obtain the authorization of the competent institution. Such authorization may be refused only if it is established that movement of the person concerned would be prejudicial to his state of health or the receipt of medical treatment.

3. When a person is entitled to benefits in kind according to the provisions of the preceding paragraphs, these benefits shall be provided at the expense of the competent institution by the institution of the place of temporary stay or residence according to the provisions of the legislation applied by the latter institution, as if the person concerned were affiliated to it. The period during which such benefits are provided shall, however, be that laid down under the legislation of the competent State.

4. In the cases referred to in paragraphs 1 and 2 of this Article, the supply of prosthesis, major appliances or other substantial benefits in kind – except in case of absolute urgency – will be subject to the condition that the competent institution will give its authorization.

5. In the cases referred to in paragraphs 1 and 2 of this Article, cash benefits will be provided by the competent institution according to the provisions of the legislation which it applies.

6. The provisions of this Article shall be applicable by analogy to the members of the family of the person concerned.

7. The provisions of paragraphs 1 and 6 of this Article are not applicable to persons who are going to the territory of the Contracting Party other than the competent State, for the purpose of receiving medical care.

#### Article 19

##### *Benefits in kind for pensioners and the members of their families*

1. Where a person receiving pensions under the legislation of both Contracting Parties is entitled to benefits in kind under the legislation of the Contracting Party in whose territory he is resident, such benefits shall be provided to him and the members of his family by the institution of the place of residence at its own cost, as if he were a pensioner under the legislation of the latter Party only.

2. Where a person receiving a pension under the legislation of one Contracting Party resides in the territory of the other Contracting Party and he is not entitled to benefits in kind under the legislation of the lat-

ter Contracting Party, the institution of the place of his residence provides according to the legislation which it applies, and at the expense of the competent institution, this person and the members of his family with benefits in kind to which this person is entitled under the legislation of the first Contracting Party or would be entitled if he were to reside in its territory.

3. Where the members of the family of a person receiving a pension under the legislation of one Contracting Party or pensions under the legislation of both Contracting Parties are resident in the territory of a Contracting Party other than that in which the pensioner himself resides, they shall receive benefits in kind as if the pensioner were resident in the same territory, provided that he is entitled to such benefits under the legislation of a Contracting Party.

These benefits shall be provided at the expense of the competent institution by the institution of the place of residence of the members of the family according to the provisions of the legislation which it applies, as if they were entitled to such benefits under that legislation.

4. If the members of the family referred to in the preceding paragraph transfer their residence to the territory of the Contracting Party in which the pensioner resides, they shall be entitled to benefits in kind in accordance with the legislation of that Party, even if they have already received such benefits for the same case of sickness and maternity before transferring their residence.

5. A person receiving a pension under the legislation of one Contracting Party and who is entitled to benefits in kind under the legislation of this Contracting Party, shall as well as the members of his family, be entitled to such benefits during a temporary stay in the territory of the Contracting Party other than the one in whose territory they reside, when their condition requires the immediate provision of such benefits.

6. In the case referred to in the preceding paragraph, the benefits in kind shall be provided at the expense of the institution of the place of residence of the pensioner or the members of the family, by the institution of the place of temporary stay, according to its legislation, as if the person concerned were entitled to such benefits under this legislation.

The period during which these benefits are provided shall, however, be that laid down under the legislation of the State of residence. The provisions of Article 18, paragraph 4, are applicable by analogy.

7. Where the legislation of a Contracting Party provides for the contributions to be deducted from the pension payable for the purpose of entitlement to benefits in kind, the institution of the Contracting Party which pays the pension shall be authorized to make such deductions if the cost of benefits in kind is borne by an institution of that Contracting Party by virtue of this Article.

8. The provisions of this Article shall not be applicable to members of the family who are entitled to benefits in kind under the legislation of

the Contracting Party in the territory of which they reside because of their gainful occupation or their receiving social security benefit of the Contracting Party in whose territory they reside.

9. The provisions of paragraph 5 of this Article shall not be applicable to persons who are going to the territory of the Contracting Party other than the one in whose territory they reside, for the purpose of receiving medical treatment.

#### Article 20

##### *Calculation of Slovenian maternity cash benefit*

If according to Slovenian legislation the amount of maternity benefit is calculated on the basis of the previous salary of the insured person, the Slovenian competent institution must take into consideration exclusively the salary received by the insured person during his last employment in Slovenia, whereby the average salary of the insured person received in Slovenia is determined as the average salary of the entire prescribed period.

#### Article 21

##### *Reimbursement between institutions*

1. The benefits in kind provided according to this chapter shall be refunded by the competent institutions or, where appropriate, by the institutions of the place of residence, to the institutions who have provided these benefits.

2. The refunds shall be determined and made in accordance with the procedure provided for in the Administrative Arrangement referred to in Article 36, either on production of proof of actual expenditure or on the basis of lump-sum payments.

### CHAPTER 2

#### COMMON PROVISIONS ON DISABILITY, OLD-AGE AND DEATH

#### Article 22

Where, under the legislation of one Contracting Party the conditions for acquisition, retention or recovery of the right to a benefit are not fulfilled solely on the basis of insurance periods completed under this legislation the competent institution shall for the fulfilment of these conditions take into account also insurance periods completed under the legislation of the other Contracting Party, unless the periods overlap.

## Article 23

The right to a pension according to the legislation of one Contracting Party does not exist if the insurance period completed under this legislation amounts to less than 12 months. This shall not apply if the right to a pension exists solely on the basis of this insurance period.

## IMPLEMENTATION OF THE SLOVENIAN LEGISLATION

## Article 24

1. If the conditions for granting the right to a benefit are fulfilled under the Slovenian legislation also without the addition of insurance periods completed in both Contracting Parties, the competent institution in Slovenia shall provide the benefit solely on the basis of insurance periods completed under the Slovenian legislation.

2. In case a person only complies with the conditions required for the granting of benefits if Article 22 is taken into consideration, the competent institution first calculates the theoretic sum of the benefit to which a person would be entitled as if the entire insurance period taken into account under the legislation of both Contracting Parties was completed under the legislation relevant for him. If the benefit sum does not depend on the insurance period, it is regarded as the theoretical sum.

3. On the basis of the sum from the previous paragraph, the competent institution calculates the actual amount of a benefit which he is obliged to pay out in relation to the duration of the insurance period to be taken into account under the legislation relevant for him and the entire insurance period which is to be taken into account under the legislation of both Contracting Parties.

## Article 25

1. For implementing Article 24, paragraph 2, to establish the pension basis according to the Slovenian legislation exclusively the Slovenian pension basis is taken into account.

2. If in the implementing of Article 24, paragraph 3, the entire insurance period which is taken into account under the legislation of both Contracting Parties exceeds the maximum possible insurance period which has been established according to Slovenian legislation for the benefits assessment, the pro rata pension to be paid out is calculated as a relation between the insurance period under Slovenian legislation and the above stated maximum possible number of insurance months.

## IMPLEMENTATION OF THE NETHERLANDS LEGISLATION

## Article 26

Where a person at the time when incapacity for work followed by invalidity occurred, was subject to Slovenian legislation on pensions and entitled to Slovenian invalidity pension, and had previously completed

insurance periods under the Netherlands legislation on invalidity insurance, he shall be entitled to a benefit under the latter legislation, calculated according to the rules of Article 27.

#### Article 27

1. The amount of the benefit referred to in Article 26 shall be calculated in proportion to the ratio of the total length of the periods of insurance completed by the person concerned under the Netherlands legislation after the age of 15 years to the period between the date on which he reached the age of 15 and the date of his incapacity for work followed by invalidity.

2. If, at the time when incapacity for work followed by invalidity occurred, the person concerned was an employed person or a person treated as such, the benefit due shall be determined according to the Disablement Benefits Act of 18 February 1966 (WAO). If not, the benefit due shall be determined according to the Self-employed Persons Disablement Benefits Act of 24 April 1997 (WAZ).

3. As periods of insurance completed under the Netherlands legislation shall be considered:

- a) periods of insurance completed under the Disablement Benefits Act of 18 February 1966 (WAO);
- b) periods of insurance completed under the Self-employed Persons Disablement Benefits Act of 24 April 1997 (WAZ);
- c) periods of employment and periods treated as such completed in the Netherlands before 1 July 1967.

4. In the case referred to in paragraph 2, first sentence of this Article, when an insurance period under the WAO coincides with an insurance period under the WAZ, only the period completed under the WAO shall be taken into account.

5. In the case referred to in paragraph 2, second sentence of this Article, when an insurance period under the WAZ coincides with an insurance period under the WAO, only the period completed under the WAZ shall be taken into account.

#### Article 28

##### *Provisions relating to Netherlands' old age pension*

1. In case of old age the Netherlands' insurance institution determines the pension directly and exclusively on the basis of the periods of insurance completed under the Netherlands' legislation on old age insurance.

2. The reduction referred to in Article 13, paragraph 1 of the Law on general old-age insurance (AOW) shall not be applied to calendar years or parts thereof before the entry into force of this Convention during

which a married woman or a widow between the age of 15 years and 65 years, residing in Slovenia, was not insured under the abovementioned law in so far as the calendar years or parts thereof coincide with periods of insurance completed during their marriage by her husband under that legislation.

By way of derogation from Article 7 of the AOW, the said woman shall be considered as being entitled to a pension.

3. The reduction referred to in Article 13, paragraph 2 of the AOW shall not be applied to calendar years or parts thereof before the entry into force of this Convention during which the married woman of the pensioner resided in Slovenia between the age of 15 years and 65 years and was not insured under the abovementioned legislation in so far as the calendar years or parts thereof coincide with periods of insurance completed during their marriage by her husband under that legislation.

4. The provisions referred to in paragraphs 2 and 3 of this Article shall be applied only if the person concerned has resided for six years in the territory of Slovenia or the Netherlands after the age of 59 years and for as long as that person is residing in the territory of one of the Contracting Parties.

5. By way of derogation from the provisions of Article 45, paragraph 1 of the Law on general old-age insurance (AOW), and Article 63, paragraph 1 of the general insurance for survivors Act (ANW), the spouse of an employed person covered by the compulsory insurance scheme, residing in Slovenia shall be authorized to take out voluntary insurance under that legislation but only for the periods after the entry into force of this Convention during which the employed person is or was compulsorily insured under the abovementioned legislation. This authorization ceases on the date of termination of the compulsory insurance of the employed person.

The aforementioned authorization shall not cease, however, where the compulsory insurance of the employed person is terminated as a result of his death and where his widow receives only a pension under the Netherlands legislation on general insurance for survivors Act (ANW).

In any event, the authorization in respect of voluntary insurance ceases on the date on which the voluntarily insured person reaches the age of 65 years.

The contribution which has to be paid for the aforementioned voluntary insurance shall be determined for the spouse of an employed person who is compulsorily insured under the AOW and the ANW in accordance with the provisions relating to the determination of the contribution of compulsory insurance, subject to the condition that his or her income shall be deemed to have been received in the Netherlands.

For the spouse of an employed person who was compulsorily insured on or after the date of entry into force of this Convention the contribu-

tion shall be determined in accordance with the provisions relating to the determination of the contribution for voluntary insurance under the AOW and the ANW.

6. The authorization referred to in paragraph 5 of this Article shall be granted only if the spouse of an employed person has informed the Sociale Verzekeringsbank (Social Insurance Bank) not later than one year after commencement of the compulsory insurance period of the employed person of the intention to take out voluntary insurance.

For the spouse of an employed person who was compulsorily insured immediately prior to or on the date of entry into force of this Convention, the period of one year shall commence on the date of the entry into force of this Convention.

7. The provisions referred to in paragraphs 2 and 3 of this Article shall not be applicable to periods coinciding with periods which may be taken into account for the calculation of pension rights under the legislation governing old-age pensions in a State other than the Netherlands, or for periods during which the person concerned received an old-age pension under such legislation.

8. The provisions of paragraphs 2 and 3 of this Article shall only be applied to the spouse who has taken out voluntary insurance under Netherlands legislation according to paragraph 5 of this Article.

#### Article 29

When a person at the time of his death was subject to Slovenian legislation on pensions and had previously completed insurance periods under the Netherlands legislation on general insurance for survivors (ANW), his survivors shall be entitled to a benefit under this legislation, calculated in accordance with the rules of Article 30.

#### Article 30

The amount of the benefit referred to in Article 29 shall be calculated in proportion to the ratio of the total length of the periods of insurance completed by the deceased under the Netherlands legislation before he reached the age of 65 to the period between the date on which he reached the age of 15 years and the date of his death, but at the latest the date on which he reached the age of 65 years.

### CHAPTER 3

#### UNEMPLOYMENT

#### Article 31

If the legislation of both Contracting Parties has been applicable to a person, then the periods of insurance or employment, which are to be taken into consideration according to both Parties' legislation, shall be

added together for the acquisition, retention or recovery of the right to receive unemployment benefits, in so far as these periods do not coincide.

#### Article 32

An employed person, residing in the territory of a Contracting Party, moving to the territory of the other Contracting Party and being last subject to the legislation of the latter Contracting Party, is entitled to unemployment benefits under the legislation of the latter Contracting Party during his stay on its territory, if:

- a) he satisfies the conditions of the legislation of that Party, taking into account the totalisation of periods of insurance of Article 31; and
- b) he has been employed in the territory of that Party for at least four weeks in total during the last twelve months before submitting the claim; and
- c) he has been licensed for working in the territory of that Party according to its legislation on the placement of foreign workers.

#### Article 33

When calculating the benefit, in cases where this Chapter applies, only income accrued in the territory of the Contracting Party which pays the benefit shall be taken into account.

### CHAPTER 4

#### CHILDREN'S ALLOWANCES

#### Article 34

1. A person employed in the territory of one Contracting Party shall be entitled to children's allowances under its legislation even if the child resides on the territory of the other Contracting Party.

2. Paragraph 1 of this Article shall be applied as long as the Netherlands' legislation allows the payment of children's allowances on behalf of children residing outside the territory of the Netherlands.

#### Article 35

If the conditions for the entitlement to children's allowances are satisfied under the legislation of both Contracting Parties the entitlement to children's allowances shall be awarded solely under the legislation of the Contracting Party in whose territory the child resides.

## PART IV

## MISCELLANEOUS PROVISIONS

## Article 36

*Administrative arrangement*

The competent authorities shall agree on provisions for the implementation of this Convention by way of an administrative arrangement. Furthermore, they shall designate liaison bodies in their respective territories to facilitate the implementation of this Convention.

## Article 37

*Identification*

For being entitled to or for maintaining the entitlement to a benefit in cash according to the Netherlands legislation an employed person, a person treated as such and his survivors, residing in Slovenia, are obliged for identifying themselves towards the Slovenian competent institution by way of an official identification card. The Slovenian competent institution duly identifies the person on presentation of his identification card. An identification card is a passport or other valid identification-document delivered by the competent authority of the place of residence. The Slovenian competent institution informs the Netherlands competent institution that the identity has been duly verified, by sending a copy of the identification card.

## Article 38

*Mutual assistance*

1. The competent authorities shall communicate to each other all amendments in their legislations which are of substantial significance to the application of this Convention.
2. For the purpose of applying this Convention, the authorities and insurance institutions of the Contracting Parties shall lend their good offices as though applying their own legislation. Such mutual administrative assistance shall be provided free of charge.
3. The authorities and insurance institutions of the Contracting Parties may for the purpose of applying this Convention, communicate directly with each other and with the persons concerned or their representatives.
4. The authorities, insurance institutions and jurisdictions of a Contracting Party may not reject claims or other documents submitted to

them by reason of the fact that they are written in a foreign language provided they are in the official language of the other Contracting Party or in the English language.

#### Article 39

##### *Verification of claims and payments*

1. The competent institution of the Contracting Party with which an application for benefits has been filed shall verify the accuracy of the information pertaining to the applicant and his family member and provide such evidence and other documentation as may be necessary for the institution of the other Contracting Party to complete action on the claim.

2. Paragraph 1 of this Article applies *mutatis mutandis* if the competent institution of one of the Contracting Parties makes a request for verification of information with the institution of the other Contracting Party for the purpose of establishing the legitimacy of payments to the pensioners residing in the territories of the respective Contracting Parties.

3. The information referred to in paragraphs 1 and 2 of this Article also includes information on income, household status and medical state.

4. The competent institutions of the Contracting Parties may communicate directly with each other and with their respective pensioners or their representatives.

5. The diplomatic and consular representatives and the institutions of the Contracting Parties may request information directly from authorities in the territory of the other Contracting Party for the purpose of establishing entitlement to benefit and the legitimacy of payments in respect of the respective pensioners of the Contracting Parties.

#### Article 40

##### *Language*

The competent authorities, liaison bodies and insurance institutions of the Contracting Parties shall correspond with each other in the English or the French language.

#### Article 41

##### *Exemption from fees*

Any exemption granted in the territory of one of the Contracting Parties from stamp duty, notarial or registration fees in respect of certifi-

cates and documents required to be submitted to authorities and insurance institutions in the same territory, shall also apply to certificates and documents which, for the purpose of the implementation of this Convention, have to be submitted to authorities and insurance institutions in the territory of the other Contracting Party. Documents and certificates required to be produced for the purpose of the implementation of this Convention shall be exempted from authentication by diplomatic or consular authorities.

#### Article 42

##### *Submitting of claims, appeals or other documents*

1. Applications, appeals and other documents which, in accordance with the legislation of a Contracting Party, have to be submitted to an authority or insurance institution within a specified period shall be admissible if they are submitted within the same period to a corresponding authority or insurance institution of the other Contracting Party. The authority or insurance institution of the latter Contracting Party shall without delay forward them to the authority or insurance institution of the former Contracting Party. The date on which these documents were submitted to the authority or insurance institution of the latter Contracting Party shall be considered as the date of their submission to the authority or insurance institution of the former Contracting Party.

2. An application for a benefit submitted in accordance with the legislation of one Contracting Party shall be considered as an application for the corresponding benefit under the legislation of the other Contracting Party. With respect to old-age pensions, however, this shall not apply if the applicant states or if it is quite evident that the application refers solely to a pension under the legislation of the former Contracting Party.

#### Article 43

##### *Currencies*

1. Where, under this Convention, an insurance institution of a Contracting Party is liable to pay cash benefits to a beneficiary who is in the territory of the other Contracting Party, its liability shall be expressed in the currency of the first Contracting Party. That institution may validly discharge its liability in the currency of the second Contracting Party.

2. Where, under this Convention, an insurance institution of a Contracting Party is liable to make payments to an insurance institution of the other Contracting Party, its liability shall be expressed in the currency of the second Contracting Party. The first insurance institution may validly discharge its liability in that currency.

3. Money transfers which result from the application of this Convention shall be effected in accordance with the relevant agreements in force between the Contracting Parties at the date of transfer.

4. In the event of restrictions on currency being enforced by one of the Contracting Parties, both Contracting Parties shall immediately agree upon necessary measures to ensure the transfer between the territories of both Contracting Parties of any amount payable pursuant to this Convention.

5. In the event there is no convertibility between Netherlands' and Slovenian currencies, the payments between institutions for the application of Article 21 of this Convention and Article 30 of the Administrative Arrangement will be calculated on the basis of the indicative exchange-rate applying at the date on which the payment can be made, as advised by the Netherlands Central Bank.

6. In the event there is no convertibility between Netherlands' and Slovenian currencies, the undue payments or the contributions for the application of Articles 44 and 45 will be calculated on the basis of the indicative exchange-rate, as advised by the Netherlands Central Bank at the date specified for the enforcement of the decision on the recovery of undue payments and on the collection of contributions.

#### Article 44

##### *Recovery of undue payments*

1. The Contracting Parties recognize each other's administrative or judicial decisions on the recovery of undue payments made under their legislations, provided that such decisions are no longer subject to appeal before any national court.

2. The Contracting Parties will lend their good offices to the implementation of decisions as referred to in paragraph 1 of this Article.

3. At the request of a competent institution the other competent institution will initiate administrative or judicial proceedings to implement decisions as referred to in paragraph 1 of this Article. The costs of these proceedings shall be reimbursed by the requesting institution.

4. If, when awarding or reviewing benefits in respect of invalidity, old-age or death pursuant to the Convention, the competent institution of one of the Contracting Parties has paid to a recipient of benefits a sum in excess of that to which he is entitled, that institution may request the competent institution of the other Party responsible for the payment of corresponding benefits to that recipient to deduct the amount overpaid from the arrears which it pays to the said recipient. The latter competent institution shall transfer the amount deducted to the creditor institution. Where the amount overpaid cannot be deducted from the arrears the provisions of paragraph 5 of this Article shall apply.

5. When a competent institution of a Contracting Party has paid to a recipient of benefits a sum in excess of that to which he is entitled, that

institution may, within the conditions and limits laid down by the legislation which it administers, request the competent institution of the other Contracting Party responsible for the payment of benefits to that recipient, to deduct the amount overpaid from the amounts which it pays to the said recipient. The latter institution shall make the deduction under the conditions and within the limits provided for such setting-off by the legislation which it administers, as if the sums had been overpaid by itself, and shall transfer the amount deducted to the creditor institution.

#### Article 45

##### *Collection of Contributions*

1. The Contracting Parties recognize each other's decisions on collection of contributions made under their legislations, provided that such decisions are no longer subject to appeal before any national court.
2. The Contracting Parties will lend their good offices to the implementation of decisions as referred to in paragraph 1 of this Article.
3. At the request of a competent institution, the other competent institution will initiate legal proceedings to implement decisions as referred to in paragraph 1 of this Article. The costs of these proceedings shall be reimbursed by the requesting institution.

#### Article 46

##### *Disputes*

1. Disputes arising in connection with the application of this Convention are to be resolved by negotiations between the competent authorities.
2. If the dispute has not been settled within six months following the first request to start the negotiations prescribed in paragraph 1 of this Article, it shall be submitted to an arbitral tribunal whose composition and procedure shall be agreed upon by the Contracting Parties. The arbitral tribunal shall settle the dispute according to the fundamental principles and in the spirit of the present Convention. The decision by the arbitral tribunal shall be final and binding upon the Contracting Parties.

#### PART V

#### TRANSITIONAL AND FINAL PROVISIONS

#### Article 47

##### *Transitional provisions relating to benefits*

1. Subject to paragraph 3 of this Article this Convention shall also apply to contingencies arising prior to its entry into force. However, no

benefits shall be provided under this Convention with respect to any period prior to its entry into force, although periods of insurance or residence completed before the said entry into force shall be taken into account in the determination of benefits.

2. Provisions in the laws of the Contracting Parties concerning the prescription and the termination of the right to cash benefits shall not apply to rights arising out of the provisions of paragraph 1 of this Article, provided that the beneficiary submits his application for a benefit within two years after the date of entry into force of this Convention.

3. Benefits, that have been awarded before the date of entry into force of this Convention and in accordance with the provisions of the Convention on Social insurance between the Kingdom of the Netherlands and the Socialist Federal Republic of Yugoslavia of 11 May 1977, shall be maintained on the basis of the last mentioned Convention. However, if the method of determining benefits, the rules for calculating benefits including by reason of an increase in the cost of living or changes in the level of wages or salaries or other reasons for adjustment or new facts or circumstances affecting the benefits have to be considered, a recalculation shall be carried out in accordance with this Convention.

#### Article 48

##### *Annulment of former Convention*

From the date of entry into force of this Convention, the Convention on Social insurance between the Kingdom of the Netherlands and the Socialist Federal Republic of Yugoslavia, signed at Belgrade on 11 May 1977, shall cease to be in force between the Republic of Slovenia and the Kingdom of the Netherlands.

#### Article 49

##### *Denunciation*

1. This Convention may be denounced by either of the Contracting Parties. Notice of denunciation shall be given in written form through diplomatic channels not less than three months before the expiry of the current calendar year, whereupon the Convention shall cease to be in force at the expiry of the calendar year in which it is denounced.

2. If the Convention is denounced, its provisions shall continue to apply to benefits which have already been acquired, notwithstanding any provision that may have been enacted in the legislation of the two Contracting Parties concerning restrictions of the right to benefits in connection with residence in, or citizenship of, other countries. Any right to future benefits which may have been acquired by virtue of the Convention shall be settled by special agreement.

## Article 50

*Final Protocol*

The Final Protocol attached to this Convention forms an integral part of this Convention.

## Article 51

*Entry into force*

Both Contracting Parties shall notify each other in writing of the fulfilment of their respective constitutional requirements 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, on the understanding that Article 3 and Article 5 shall enter into force with retroactive effect to 1 January 2000.

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

DONE in two original copies at Ljubljana, on this 22<sup>nd</sup> day of March 2000, in the English language.

*For the Kingdom of the Netherlands*

(sd.) J. RAMAKER

*For the Republic of Slovenia*

(sd.) NATAŠA BELOPAVLOVIČ

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**Final Protocol**

At the moment of signing the Convention between the Kingdom of the Netherlands and the Republic of Slovenia on social security, the undersigned plenipotentiaries have agreed as follows.

*Application of the Netherlands legislation on health insurances*

1. As regards entitlement to benefits in kind under the Netherlands legislation Chapter 1 of Part III of this Convention is only applicable to persons who are insured under the provisions of the Health Insurance Act (Ziekenfondswet).

2. For the purpose of Article 19 of this Convention, the following pensions shall be treated as pensions due under the Netherlands legislation:

- pensions pursuant to the Law of 6 January 1966 establishing a new pension scheme for civil servants and their survivors (Algemene burgerlijke pensioenwet);
- pensions pursuant to the Law of 6 October 1966 establishing a new pension scheme for servicemen and their survivors (Algemene militaire pensioenwet);
- pensions pursuant to the Law of 15 February 1967 establishing a new pension scheme for members of the personnel of the Netherlands Railways and their survivors (Spoorwegpensioenwet);
- pensions pursuant to the Regulation on conditions of employment of the Netherlands Railways (R.D.V. 1964 N.S.);
- a retirement benefit for persons aged under 65 provided under a pension scheme designated to provide an old age pension to employed persons and formerly employed persons, and
- a benefit on account of accelerated retirement from professional activities under a scheme laid down by the government or under a regulation laid down according to a collective labour agreement concerning accelerated retirement or under such regulation indicated by the «Ziekenfondsraad».

3. The members of the family referred to in Article 15, paragraph 2, or the person or the members of the family referred to in Article 16, or the pensioner and the members of his family referred to in Article 19, paragraphs 2 and 3, of the Convention, who are residing in the Netherlands but who are entitled to benefits in kind at the expense of the Republic of Slovenia, are not insured under the Exceptional Medical Expenses Act (AWBZ).

IN WITNESS WHEREOF the undersigned, duly authorized by their respective Governments, have signed the Final Protocol.

DONE in duplicate at Ljubljana on this 22<sup>nd</sup> day of March 2000 in the English language.

*For the Kingdom of the Netherlands*

(sd.) J. RAMAKER

*For the Republic of Slovenia*

(sd.) NATAŠA BELOPAVLOVIČ

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D. PARLEMENT

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

G. INWERKINGTREDING

De bepalingen van Verdrag en Slotprotocol zullen ingevolge artikel 51 van het Verdrag, juncto artikel 50 van het Verdrag, in werking treden op de eerste dag van de derde maand na de datum van de laatste schriftelijke kennisgeving van de Partijen aan elkaar dat aan hun onderscheiden constitutionele vereisten voor de inwerkingtreding van het Verdrag is voldaan, met dien verstande dat de artikelen 3 en 5 van het Verdrag dan met terugwerkende kracht tot 1 januari 2000 in werking zullen treden.

J. GEGEVENS

Van het op 11 mei 1977 te Belgrado tot stand gekomen Verdrag inzake sociale zekerheid tussen het Koninkrijk der Nederlanden en de Socialistische Republiek Joegoslavië, naar welk Verdrag in artikel 48 van het onderhavige Verdrag wordt verwezen en welk Verdrag bij de inwerkingtreding van het onderhavige Verdrag in de verhouding Koninkrijk der Nederlanden-Slovenië ophoudt van kracht te zijn, is de tekst geplaatst in *Trb.* 1977, 156; zie ook, laatstelijk, *Trb.* 1987, 182. Zie ook voor de voortgezette toepassing van het Verdrag van 1977 in de verhouding Koninkrijk der Nederlanden-Slovenië rubriek J van *Trb.* 1995, 98.

Op 22 maart 2000 is te Ljubljana tot stand gekomen een administratief akkoord tussen de bevoegde Nederlandse en Sloveense autoriteiten inzake de toepassing van het onderhavige Verdrag. De tekst van het akkoord luidt als volgt:

**Administrative Arrangement for the application of the  
Convention on social security between the Kingdom of the  
Netherlands and the Republic of Slovenia**

Pursuant to Article 36 of the Convention between the Kingdom of the Netherlands and the Republic of Slovenia on social security, signed at Ljubljana on the 22nd day of March 2000, the competent authorities of the Contracting Parties namely:

- for the Netherlands, the Minister for Social Affairs and Employment and the Minister for Health, Welfare and Sport;
- for Slovenia, the Minister of Labour, Family and Social Affairs and the Minister of Health;

have agreed on the following provisions for the application of the Convention:

## PART I

## GENERAL PROVISIONS

## Article 1

*Definitions*

For the purpose of the present Arrangement:

- a) the term “Convention” means the Convention between the Kingdom of the Netherlands and the Republic of Slovenia on social security;
- b) the terms defined in Article 1 of the Convention have the meaning given to them in that Article.

## Article 2

*Liaison bodies*

1. The liaison bodies in accordance with Article 36 of the Convention are:

## A. In the Netherlands

- a) for the benefits in kind in case of sickness and maternity, the Sickness Funds Council (Ziekenfondsraad), Amstelveen;
- b) for old-age and survivors pensions and for family allowances: the Social Insurance Bank (Sociale Verzekeringsbank), Amstelveen;
- c) for the administration regarding posted workers under Article 9 and 13 of the Convention: the Social Insurance Bank (Sociale Verzekeringsbank), Amstelveen;
- d) in all other cases: the National Institute for Social Insurances (het Landelijk Instituut Sociale Verzekeringen, Lisv), c/o GAK Nederland bv, Amsterdam.

## B. In Slovenia

- a) for the benefits in kind and benefits in cash in case of sickness: Health Insurance Institute of Slovenia, (Zavod za zdravstveno zavarovanje Slovenije), Ljubljana;
- b) for the benefits in cash in the field of pension and invalidity insurance: Institute for Pension and Disability Insurance of Slovenia (Zavod za pokojninsko in invalidsko zavarovanje Slovenije), Ljubljana;
- c) for children allowances and benefits in cash in case of maternity: the Ministry of Labour, Family and Social Affairs (Ministrstvo za delo, družino in socialne zadeve), Ljubljana;
- d) for unemployment benefit; Employment Service of Slovenia (Republiski zavod za zaposlovanje), Ljubljana;
- e) for the administration regarding posted workers under Article 9 and 13 of the Convention: Health Insurance Institute of Slovenia (Zavod za zdravstveno zavarovanje Slovenije), Ljubljana.

2. The duties of the liaison bodies are stated in this Arrangement. For the application of the Convention, the liaison bodies may communicate directly with each other as well as with the persons concerned or their representatives. They shall assist each other in the application of the Convention.

3. The duties of the social insurance institutions subordinate to the liaison bodies are stated in this Arrangement. The liaison bodies may delegate other tasks to such subordinate institutions and shall, in case, notify each other thereof.

### Article 3

#### *Occupational activities in both territories*

For the purpose of Article 8, paragraphs 2 and 4, of the Convention a person who normally pursues his activity in the territory of both Contracting Parties shall, if he resides in the Netherlands, notify this situation to the institution designated in Article 2, paragraph 1, under A, c) and if he resides in Slovenia, to the institution designated in Article 2, paragraph 1, under B,c).

### Article 4

#### *Applicable legislation*

1. In cases referred to in Articles 9, 10 and 13 of the Convention, the institution of the Contracting Party whose legislation applies, mentioned in paragraphs 2 and 3 of this Article, will at the request of the employer or the employed person issue a certificate of fixed duration certifying that the employed person continues to be subject to that legislation. In the certificate are also mentioned the family members who accompany the employed person. The certificate shall be given in an agreed form.

2. Where the legislation of Slovenia applies, the certificate mentioned in paragraph 1 of this Article will be issued by the Health Insurance Institute of Slovenia (Zavod za zdravstveno zavarovanje Slovenije), Ljubljana and sent to the Social Insurance Bank, Amstelveen.

3. Where the legislation of the Netherlands applies, the certificate mentioned in paragraph 1 of this Article will be issued by the Social Insurance Bank, Amstelveen and sent to the Health Insurance Institute of Slovenia (Zavod za zdravstveno zavarovanje Slovenije), Ljubljana.

## PART II

APPLICATION OF THE SPECIAL PROVISIONS CONCERNING  
THE VARIOUS CATEGORIES OF BENEFITS

## CHAPTER 1

## SICKNESS AND MATERNITY

## Article 5

*Institutions*

For the application of this chapter:

- the term “institution of the place of temporary stay” means:  
in the Netherlands, the ANOZ Zorgverzekeringen, Utrecht;  
in Slovenia, Health Insurance Institute of Slovenia – branch office
- the term “institution of the place of residence” means:  
in the Netherlands, a sickness fund at the place of residence, as chosen by the person concerned;  
in Slovenia by the Health Insurance Institute of Slovenia – branch office.
- the term “competent institution” means:  
in the Netherlands:
  - a) for benefits in kind: the sickness fund (ziekenfonds) to which the person concerned is affiliated at the time of the application for benefits;
  - b) for benefits in cash: the National Institute for Social Insurances (Landelijk Instituut Sociale Verzekeringen), c/o the implementation institution (uitvoeringsinstelling) to which the insured person’s employer is affiliated;
- in Slovenia:
  - a) for benefits in kind: Health Insurance Institute of Slovenia, Ljubljana;
  - b) for benefits in cash: – in case of sickness: Health Insurance Institute of Slovenia,  
Ljubljana,  
–in case of maternity: Ministry of Labour, Family and Social Affairs,  
Ljubljana.

## Article 6

*Certification of periods of insurance*

1. For the application of Article 14 of the Convention by the competent institution of one of the Contracting Parties, a person shall submit to this institution a certificate showing the periods of insurance completed under the legislation of the other Contracting Party and he shall supply any additional information required under the legislation of that institution.

2. At the request of the person concerned, this certificate shall be issued:

– in the Netherlands, by the National Institute for Social Insurances (Landelijk Instituut Sociale Verzekeringen), c/o the implementation institution (uitvoeringsinstelling) to which the insured person's last employer was affiliated. However, if the person concerned has only been insured for benefits in kind, the certificate shall be issued by the sickness fund to which that person has lastly been affiliated;

– in Slovenia, Health Insurance Institute of Slovenia – branch office to which the person was last affiliated.

3. If the person concerned is not able to submit the required certificate, the institution referred to in paragraph 1 of this Article shall obtain it from the insurance institution mentioned in paragraph 2 of this Article.

#### Article 7

##### *Benefits in kind during residence in the other State than the competent State*

1. In order to receive benefits in kind under Article 15 of the Convention, the person concerned must register himself and the members of his family with the institution of his place of residence by submitting a certificate testifying that he and the members of his family are entitled to the said benefits. This certificate shall be issued by the competent institution on the basis of information supplied, where appropriate, by the employer. If the person concerned or the members of his family fail to submit such a certificate, the institution of the place of residence shall itself apply for it to the competent institution.

2. The certificate referred to in the preceding paragraph shall be valid until such date as the institution of the place of residence receives notice of its cancellation.

3. The institution of the place of residence shall advise the competent institution of any registration made in accordance with the provisions of paragraph 1 of this Article.

4. For any claim for benefits in kind the claimant shall submit the supporting documents normally required for the provision of benefits in kind under the legislation of the Contracting Party in whose territory he resides.

5. The person concerned or the members of his family shall advise the institution of the place of residence of any change in their circumstances which might affect their entitlement to benefits in kind and, in particular, of any cessation or any change of employment or occupational activity on the part of the person concerned or any change of the latter's residence or of temporary stay, or in that of a member of his fam-

ily. The competent institution shall likewise inform the institution of the place of residence of the person concerned, of the termination of his affiliation or of his entitlement to benefits. The institution of the place of residence may at any time request the competent institution to supply any information relating to the said person's affiliation or entitlement to benefits.

6. The institution of the place of residence shall lend its good offices to the competent institution in order to take action against a person who has received benefits which were not due to him.

#### Article 8

##### *Benefits in kind in case of temporary stay in or transfer of residence to the competent State*

1. For the application of Article 17 of the Convention in case of temporary stay of the member of the family referred to in Article 15, paragraph 2, of the Convention in the territory of the competent State, the Articles 9 and 10 shall be applicable by analogy. In that case the institution of the place of residence shall be considered to be the competent institution.

2. For the application of Article 17 of the Convention, the competent institution may request, if necessary, the institution of the place of the last residence to supply it with information relating to the provision of benefits received immediately before the temporary stay in or the transfer of residence to the competent State.

#### Article 9

##### *Benefits in kind in case of temporary stay in the other State than the competent State*

1. In order to receive benefits in kind in case of a temporary stay in the territory of a Contracting Party other than the competent State, the person referred to in Article 18, paragraph 1, of the Convention shall submit to the institution of the place of temporary stay a certificate, issued by the competent institution, if possible, before he leaves the competent State, stating that he is entitled to such benefits. This certificate shall indicate in particular the period during which benefits in kind may be provided. If the person concerned does not submit such a certificate, the institution of the place of temporary stay shall apply for it to the competent institution.

2. The provisions of the preceding paragraph shall be applicable by analogy to the members of the family of the person concerned.

3. The provisions of paragraph 1 of this Article shall also be applicable to persons referred to in Article 16 of the Convention.

## Article 10

*Supply of substantial benefits in kind*

1. In the event of hospitalisation in the situations referred to in the Articles 16, 17 and 18, paragraphs 1 and 6, of the Convention, the institution of the place of residence or of temporary stay shall, within three days of becoming aware of the fact, notify the competent institution of the date of entry into hospital and the probable duration of hospitalisation; at the date of discharge from the hospital the institution of the place of residence or of temporary stay shall notify, within the same period, the competent institution of the date of discharge.

2. In order to receive the authorization to which the provision of benefits referred to in Article 18, paragraph 4, of the Convention, is subject, the institution of the place of residence or of temporary stay shall request the competent institution for it. The latter institution shall have fifteen days from the day on which such a request is received to raise any objection and to state the reasons on which such objection is based. If, at the end of that period, no such objection has been raised, the institution of the place of residence or of temporary stay shall grant the benefits in kind.

3. Where the benefits referred to in Article 18, paragraph 4, of the Convention, have to be granted, in a case of absolute urgency, without the authorization of the competent institution, the institution of the place of residence or of temporary stay shall immediately inform the competent institution thereof.

4. The cases of absolute urgency referred to in Article 18, paragraph 4, of the Convention, are those where the provision of the benefit cannot be delayed without seriously endangering the life or health of the person concerned. In the case in which a prosthesis or an appliance is broken or damaged, it shall be sufficient in order to establish absolute urgency, to demonstrate the necessity of the reparation or the renewal of the requisite concerned.

5. The competent liaison bodies shall draw up the list of benefits to which the provisions of Article 18, paragraph 4, of the Convention, will apply.

## Article 11

*Benefits in kind in case of return to or transfer of residence to the territory of the other Contracting Party during sickness or maternity*

1. In order to retain the service of benefits in kind in the State of his new residence, the person referred to in Article 18, paragraph 2, of the Convention shall submit to the institution of his new place of residence

a certificate by which the competent institution authorizes him to continue receiving benefits after the transfer of his residence. The latter institution shall indicate, where appropriate, in that certificate the maximum period during which the benefits in kind may be provided according to the legislation which it applies. The competent institution can, after the transfer of residence of the person concerned and at his request or at the request of the institution of the new place of residence, deliver the certificate where, for stated reasons, it could not have been drawn up beforehand.

2. With regard to the provision of benefits in kind by the institution of the new place of residence, the provisions of Article 10 are applicable by analogy.

#### Article 12

*Benefits in kind for pensioners and members of their families who are not resident in the territory of a Contracting Party under whose legislation a pension is received and are entitled to benefits.*

1. In order to receive benefits in kind in the territory of the Contracting Party in which he resides, the pensioner and the members of his family referred to in Article 19, paragraph 2, of the Convention, shall register with the institution of the place of residence, submitting the following documents:

a) a certificate testifying that he is entitled to benefits in kind for himself and for the members of this family. That certificate is delivered by the competent institution who will send the double of the certificate to the liaison body of the other Party. If the pensioner does not submit the certificate, the institution of the place of residence shall apply for it to the competent institution.

The certificate will be valid as long as the liaison body of the other Party has not been notified of its cancellation by the institution which has delivered the certificate;

b) the supporting documents normally required for the provision of benefits in kind by the legislation of the State of residence.

2. The institution of the place of residence shall notify the competent institution of any registration made in accordance with the preceding paragraph.

3. The provision of benefits in kind is subject to the validity of the certificate referred to in paragraph 1, a) of this Article.

4. The pensioner shall inform the institution of the place of residence of any change in his circumstances which might alter his entitlement to benefits in kind, in particular any suspension or withdrawal of the pension and of any transfer of his residence or that of the members of his family.

5. The institution of the place of residence shall inform, as soon as it becomes aware of it, the competent institution of any alteration susceptible to extend the right to benefits in kind of the pensioner or the members of his family.

6. The institution of the place of residence shall lend its good offices to the competent institution in order to take action against a person who has received benefits which were not due to him.

#### Article 13

*Benefits in kind for members of the family who are resident in the territory of a State other than the State in which the pensioner is resident*

The provisions of Article 12 shall be applicable by analogy to the members of the family referred to in Article 19, paragraph 3, of the Convention. In that case, the certificate testifying that the members of the family are entitled to benefits shall be delivered by the competent institution, or, where appropriate, by the institution of the place of residence of the pensioner.

#### Article 14

*Benefits in kind for pensioners and the members of their family staying in a State other than the one where they are resident*

With regard to the provision of benefits in kind to pensioners and the members of their family, during a temporary stay referred to in Article 19, paragraph 5, of the Convention, the provisions of the Articles 9 and 10 shall be applicable by analogy. In that case the institution of the place of residence shall be considered to be the competent institution.

#### Article 15

*Refund by the competent institution or by the institution of the place of residence of one Contracting Party, of expenses of benefits in kind incurred during a stay in the territory of the other Contracting Party*

1. If the formalities referred to in Article 9 could not have been completed during the temporary stay, the expenses of benefits in kind shall, at the request of the person concerned, be refunded by the competent institution, or where appropriate, by the institution of the place of residence, in accordance with the refund rates administered by the institution of the place of temporary stay.

2. The institution of the place of temporary stay shall, at the request of the competent institution, or, where appropriate, at the request of the institution of the place of residence, supply it with the necessary information about such rates.

## Article 16

*Daily cash benefits in case of sickness and maternity*

1. a) In order to receive benefits under the Netherlands' legislation an insured person who is present in the territory of Slovenia shall submit his claim to the Health Insurance Institute of Slovenia, Ljubljana.

b) In order to receive benefits under the Slovenian legislation an insured person who is present in the territory of the Netherlands shall submit his claim to the "Landelijk Instituut Sociale Verzekeringen", c/o GAK Nederland bv, Amsterdam.

2. The claim submitted to the institution mentioned in paragraph 1 of this Article must be accompanied by a certificate of incapacity for work issued by the doctor providing treatment. This certificate shall indicate the initial date of the incapacity for work, diagnosis and the probable duration of the incapacity for work.

3. a) The institution mentioned in paragraph 1a) of this Article which has received the claim shall as soon as possible notify the competent institution or if this institution is not known, the "Landelijk Instituut Sociale Verzekeringen", c/o GAK Nederland bv, Amsterdam, of the submitting of the claim for benefits, stating the date on which the claim has been submitted as well as the name and the address of the employer, if any, and send the certificate of incapacity for work which was annexed to the claim to the competent institution or if this institution is not known, the "Landelijk Instituut Sociale Verzekeringen", c/o GAK Nederland bv, Amsterdam.

b) The institution mentioned in paragraph 1b) of this Article which has received the claim shall as soon as possible notify the Health Insurance Institute of Slovenia, Ljubljana, of the submitting of the claim for benefits, stating the date on which the claim has been submitted as well as the name and the address of the employer, if any, and send the certificate of incapacity for work which was annexed to the claim to the Health Insurance Institute of Slovenia, Ljubljana.

4. At the request of the competent institution the institution mentioned in paragraph 1 of this Article shall carry out any necessary administrative checks or medical examinations.

However, the competent insurance institution maintains the right to have the person concerned examined by a doctor in the competent State.

5. The competent institution shall pay the benefits directly to the beneficiary by the appropriate method.

## Article 17

*Refund of costs of benefits in kind in other cases than provided for in the Articles 18 and 19*

1. The actual amount of the costs of benefits in kind provided under the Articles 15, 16, 17 (in case of temporary stay), 18, paragraphs 1, 2,

and 6, and Article 19, paragraph 5, of the Convention, shall be refunded by the competent institutions, or, where appropriate, by the institutions of the place of residence, to the institutions which have provided the said benefits as shown in the accounts of these institutions.

2. For the purposes of the refund, rates higher than those applicable to the benefits in kind provided to persons who are subject to the legislation administered by the institutions which provided the benefits referred to in the preceding paragraph, may not be taken into account.

#### Article 18

*Refund of costs of benefits in kind provided to members of the family residing in the other State than the competent State or in the other State than the State where the pensioner is resident*

1. The amount of benefits in kind provided under Article 15, paragraph 2, of the Convention, to members of the family who are not residing in the territory of the same Contracting Party as the person from who they derive their entitlement, as well as the amount of benefits in kind provided under Article 19, paragraph 3, of the Convention shall be evaluated on the basis of a lump-sum in respect of each calendar year.

2. The lump-sum payment due by the Netherlands institutions shall be determined by multiplying the average annual costs per member of the family in Slovenia by the average of the annual number of members of the family to be taken into account. The average annual costs per member of the family in Slovenia shall be equal to the average annual expenditure on all the benefits in kind provided by the institutions in Slovenia to all active insured persons and their family members subject to the Slovenian legislation.

3. The lump-sum payment due by the Slovenian institutions shall be determined by multiplying the average annual costs per member of the family in the Netherlands by the average annual number of members of the family to be taken into account. The average annual costs per member of the family shall be equal to the average of the annual expenditure on all the benefits in kind provided by the institutions in the Netherlands to all insured persons younger than 65 years of age subject to the Netherlands legislation.

#### Article 19

*Refund of costs of benefits in kind provided to pensioners and the members of their family who are not resident in the territory of a Contracting Party under whose legislation a pension is received*

1. The expenditure on the benefits in kind provided under Article 19, paragraph 2, of the Convention, shall be evaluated on the basis of a lump-sum in respect of each calendar year.

2. The lump-sum payment shall be determined by multiplying the average annual costs per pensioner and per member of the family by the average annual number of pensioners and the members of the family to be taken into account.

3. The average costs per pensioner and per member of the family of the pensioner for Slovenia shall be equal to the average per pensioner and per member of his family of the expenditure on all the benefits in kind provided by the Slovenian institutions to all pensioners and their family members subject to the Slovenian legislation.

4. The average costs per pensioner and per member of the family shall be equal, for the Netherlands, to the average per pensioner and per member of the family of the expenditure on all the benefits in kind provided by the Netherlands institutions to all pensioners and their family members subject to the Netherlands legislation.

5. For the application of the paragraphs 1, 2 and 4 of this Article, different calculations according to the group of age the pensioners belong to may be passed on.

#### Article 20

##### *Agreement on other methods of reimbursement*

The liaison bodies may agree, with the consent of the competent authorities, upon other methods of reimbursement of all the benefits in kind or part of them than the methods provided for in Articles 17, 18 and 19.

#### Article 21

##### *Other provisions concerning refunds*

1. The refunds referred to in Article 21 of the Convention, shall be paid through the liaison bodies.

2. The liaison bodies may agree on raising the amounts referred to in the Articles 18 and 19, by a percentage for administration costs.

3. For the application of the provisions of Articles 18 and 19, the liaison bodies may agree upon the payment of advances.

#### CHAPTER 2

##### BENEFITS IN CASH IN THE CASE OF INVALIDITY, OLD AGE AND DEATH

#### Article 22

##### *Competent Institutions*

For the application of this chapter the term “competent institution” means in the Netherlands:

a) as regards invalidity benefits: “the ‘Landelijk Instituut Sociale Verzekeringen’, c/o the implementation institution” to which the insured person’s employer is affiliated;

b) as regards old-age and survivors’ pensions: the Social Insurance Bank (Sociale Verzekeringsbank), Amstelveen.

in Slovenia:

for invalidity old-age and survivors pensions: Institute for Pension and Disability Insurance of Slovenia (Zavod za pokojninsko in invalidsko zavarovanje Slovenije), Ljubljana.

#### Article 23

##### *Application for benefits*

1. The competent institutions shall inform each other immediately of any application for a pension to which Part III, Chapter 2, and Article 42 of the Convention are applicable. This information shall be supplied on a special form which also contains all information necessary for the investigation of the claim by the competent institution of the other Contracting Party. This form shall take the place of supporting documents.

2. The competent institutions shall furthermore inform each other of circumstances which are of importance when deciding on a pension, and circumstances which are of influence to the continuation of the right to the pension or benefits, enclosing relevant medical documents.

3. The competent institutions shall decide upon the application and notify the applicant and the institution of the other Contracting Party of the decision.

#### Article 24

##### *Certification of periods of insurance*

In order to determine the entitlement to or the calculation of a pension under Part III, chapter 2 of the Convention, the competent institution of one Contracting Party will at the request of the competent institution of the other Contracting Party certify the periods of insurance completed under its legislation and will provide such other information as may be required.

#### Article 25

##### *Medical examinations*

1. If the beneficiary of an invalidity or survivors’ pension under the legislation of one of the Contracting Parties is resident or stays temporarily in the territory of the other Contracting Party, the competent insur-

ance institution of the Contracting Party which pays the pension may require the beneficiary to undergo medical examinations in order to determine or monitor this medical condition.

2. Request for medical examination shall be presented to the competent insurance institution of the other Contracting Party which will notify the competent insurance institution of the former Contracting Party of the result of the examinations as quickly as possible. However, the competent insurance institution maintains the right to have the person concerned examined by a doctor in the competent state.

#### Article 26

##### *Payment of benefits*

Except where Article 44 of the Convention is applied, pensions shall be paid out directly to the beneficiaries.

#### CHAPTER 3

##### UNEMPLOYMENT AND CHILDREN'S ALLOWANCES

#### Article 27

##### *Exchange of information*

Where a person, in the application of Part III, Chapters 3 and 4, of the Convention, applies for cash benefits in the territory of a Contracting Party, information shall be obtained from the institution of the other Contracting Party, through the liaison body of that Contracting Party.

#### PART III

##### FINAL PROVISIONS

#### Article 28

##### *Mutual assistance*

1. Models of certificates and other documents for the application of this Arrangement shall be drawn up by the liaison bodies.

2. Provided they are authorised to do so by the competent authorities, the liaison bodies may take additional measures of an administrative nature for the application of this Arrangement.

3. The liaison bodies shall, where necessary, assist each other in translating applications and other documents, written in their respective official languages, into English.

## Article 29

For the purpose of client service the liaison body of one Contracting Party is allowed to contact beneficiaries residing in the territory of the other State directly.

## Article 30

*Costs of medical examinations*

The costs entailed in medical examinations necessary for the award or review of benefits shall not be refunded by the institutions, unless these examinations are carried out solely at the request of the competent institution.

## Article 31

*Entry into force*

This Arrangement shall enter into force together with the Convention and may be denounced in accordance with the same rules as apply to the Convention.

DONE in two original copies at Ljubljana on this 22<sup>nd</sup> day of March 2000, in the English language.

*For the Netherlands' competent authorities*

(sd.) J. RAMAKER

*For the Slovenian competent authorities*

(sd.) NATAŠA BELOPAVLOVIČ

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

De bepalingen van het administratief akkoord zullen ingevolge zijn artikel 31 in werking treden op de datum van inwerkingtreding van het Verdrag.

Uitgegeven de *achtste* mei 2000.

*De Minister van Buitenlandse Zaken,*

J. J. VAN AARTSEN