

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2001 Nr. 113

A. TITEL

Verdrag tussen het Koninkrijk der Nederlanden en de Slowaakse Republiek inzake de export van socialeverzekeringssuitkeringen; Bratislava, 28 mei 2001

B. TEKST

Agreement between the Kingdom of the Netherlands and the Slovak Republic on the export of Social Security benefits

The Kingdom of the Netherlands

and

The Slovak Republic,

Hereinafter referred to as the Contracting Parties,

Wishing to establish relations in the field of social security between each other's countries,

Being desirous to regulate the co-operation between the two States to ensure the enforcement of its legislation in each other's country,

Have agreed as follows:

Article 1

Definitions

1. For the purpose of this Agreement:

a) "territory" means in relation to the Kingdom of the Netherlands the territory of the Kingdom in Europe; in relation to the Slovak Republic the territory of the Slovak Republic;

b) "legislation" means the legislation relating to the branches of social security mentioned under Article 2;

c) "competent authority" means in relation to the Kingdom of the Netherlands the Minister of Social Affairs and Employment of the

Netherlands; in relation to the Slovak Republic the Ministry of Labour, Social Affairs and Family of the Slovak Republic;

d) “competent institution” means in relation to the Kingdom of the Netherlands regarding the branches of social security mentioned under Article 2, paragraph 1, under a, b and c: the “Landelijk instituut sociale verzekeringen” (National Institute for Social Insurance) c/o Gak Nederland bv, or any body authorised to perform any functions at present exercised by the said institution and regarding the branches of social security mentioned under Article 2, paragraph 1, under d, e and f: the “Sociale Verzekeringsbank” (Social Insurance Bank); in relation to the Slovak Republic: the Social Insurance Agency;

e) “agency” means any organisation that is involved in the implementation of this Agreement, and includes inter alia the population registers, tax authorities, registers on birth, marriage and death, employment agencies, schools and other educational institutes, commercial registers, police, prison services and immigration offices;

f) “benefit” means any cash benefit or pension under the legislation;

g) “beneficiary” means a person who applies for or who is entitled to a benefit;

h) “member of the family” means a person defined, or recognised as such by the legislation;

i) “residence” means permanent or long-term residence;

j) “stay” means temporary residence.

2. Other terms used in this Agreement have the meaning given to them under the legislation which is being applied.

Article 2

Material scope

This Agreement shall apply:

1. With respect to the Kingdom of the Netherlands, to the Netherlands’ legislation concerning the following branches of social security:

- a) sickness and maternity benefits;
- b) disablement benefits for employed persons;
- c) disablement benefits for self-employed persons;
- d) old age benefits;
- e) survivors’ benefits;
- f) child benefits.

2. With respect to the Slovak Republic, to the Slovak legislation concerning sickness insurance and pension security within the scope of the following benefits:

- a) sickness benefit;
- b) support for care of a family member;
- c) compensatory contribution in pregnancy and maternity;
- d) financial assistance for maternity;

- e) old age pension;
- f) disability pension;
- g) partial disability pension;
- h) widow pension;
- i) widower pension;
- j) orphan pension.

Article 3

Personal scope

Unless otherwise provided in this Agreement, this Agreement shall apply to any beneficiary as well as to members of their family insofar as they reside or stay in the territory of the Contracting Parties.

Article 4

Export of benefits

Unless otherwise provided in this Agreement, any legislation which restricts the entitlement to or the payment of a benefit solely because the beneficiary or the member of his family resides or stays outside the territory of either Contracting Party, shall not be applicable with respect to beneficiaries or to members of their family who reside or stay in the territory of the other Contracting Party.

Article 5

Identification

In order to determine the entitlement to benefits and legitimacy of payments under the Slovak or Netherlands' legislation, a beneficiary or a member of his family shall identify himself to the competent institution in whose territory this person resides or stays, by submitting an official proof of identity. An official proof of identity includes a passport or any other valid proof of identity issued by the agency in whose territory that person resides or stays. The competent institution identifies the beneficiary or the member of his family on the basis of this identification. The competent institution concerned shall inform the competent institution of the other Contracting Party that the identity of the beneficiary or the member of his family has been verified by sending a copy of the identification document.

Article 6

Verification of applications and payments

1. For the purpose of this Article, "information" shall at least include information regarding identity, address, household, work, education, income, medical condition, death and detention.

2. Concerning the application for or the legitimacy of payment of benefits, the competent institution of a Contracting Party shall, at the request of the competent institution of the other Contracting Party, verify the information regarding the beneficiary or the members of his family. If necessary, this verification is to be carried out with the agencies. The competent institution shall forward a statement of the verification along with authenticated copies of the relevant documents to the competent institution of the other Contracting Party.

3. Notwithstanding paragraph 2, the competent institution of a Contracting Party shall, without prior request and to the extent possible, inform the competent institution of the other Contracting Party of any changes in the information regarding the beneficiary or the member of his family.

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

5. Notwithstanding paragraph 2, the diplomatic or consular representatives and the competent institutions of a Contracting Party shall be allowed to contact the agencies of the other Contracting Party directly in order to verify entitlement to benefits and legitimacy of payments to the beneficiaries.

6. For the purposes of implementing this Agreement, the agencies shall lend their good offices and act as though implementing their own legislation. The administrative assistance furnished by the agencies shall be free of charge. However, the competent authorities of the Contracting Parties may agree to certain expenses being reimbursed.

Article 7

Verification of information in case of sickness and invalidity

1. At the request of the competent institution of a Contracting Party, verification of medical information regarding the beneficiary residing or staying in the territory of the other Contracting Party shall be carried out by the competent institution of that Contracting Party.

2. In order to determine the sickness, the disability and partial disability of the beneficiary, the competent institutions of either Contracting Party shall use the medical reports and the administrative data provided by the competent institution of the other Contracting Party. However, the competent institution of the former Contracting Party may request the beneficiary to undergo a medical examination by a doctor of its own choice or a medical examination in its territory.

3. The beneficiary shall comply with any request referred to in paragraph 2 by presenting himself for medical examination. If the benefi-

ciary feels that, for medical reasons, he is unfit to travel to the territory of the other Contracting Party, he shall inform the competent institution of that Contracting Party immediately. He shall, in that case, submit a medical statement issued by a doctor designated for this purpose by the competent institution in whose territory he resides or stays. This statement shall include the medical reasons for his unfitness for travelling as well as the expected duration of this unfitness.

4. The costs of the examinations under this Article and, as the case may be, expenses for travel and accommodation, shall be borne by the competent institution at whose request the examination is carried out.

Article 8

Recovery of undue payments

If a beneficiary has been unduly paid by a competent institution of a Contracting Party and he receives a benefit by the competent institution of the other Contracting Party, the former competent institution may request to balance the undue payment with the arrears or amounts still due to the beneficiary in the latter Contracting Party. The latter competent institution shall deduct the amount in accordance with, and within the limits of, the legislation applied by that competent institution, and will remit the amount to the competent institution entitled to reimbursement.

Article 9

Refusal to pay, suspension, withdrawal

The competent institution of a Contracting Party may refuse to grant a benefit, or may suspend or withdraw the payment of a benefit, if in its judgement:

- a) the beneficiary fails to undergo any examinations or to provide any information as required under Article 5 and Article 7, paragraphs 2 and 3 of this Agreement within a period of three months, or
- b) if the competent institution of the other Contracting Party fails to provide any information or fails to carry out any examinations as required under Article 5, Article 6, paragraph 2 and Article 7, paragraph 1 of this Agreement within a period of three months.

Article 10

Implementation of the Agreement

The competent institutions of both Contracting Parties may establish, by means of supplementary arrangements, measures for the application of this Agreement.

Article 11

Settlement of disputes

The competent authorities of both Contracting Parties shall make all reasonable efforts to resolve through mutual agreement any dispute arising from the interpretation or application of this Agreement.

Article 12

Entry into force of the Agreement

This Agreement shall be subject to ratification. Ratification documents shall be exchanged in The Hague. The Agreement shall come into effect on the first day of the month following the day of exchange of ratification documents, on the understanding that Article 4 shall be applied provisionally from the first day of the second month following the date of signature.

Article 13

Application of the Agreement

In relation to the Kingdom of the Netherlands, this Agreement shall only apply to the territory of the Kingdom in Europe.

Article 14

Duration of the Agreement

This Agreement shall be concluded for an indeterminate period. Any Contracting Party shall be allowed to terminate the Agreement at any time, in written form. After the termination, the Agreement shall be valid until the end of the year following the year of reception of the termination notice by a Contracting Party.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

DONE in duplicate at Bratislava, on this 28th day of May of 2001, in the English language.

For the Kingdom of the Netherlands

(s.) H. J. W. SOETERS

Ambassador

For the Slovak Republic

(s.) P. MAGVASI

Minister of Labour, Social Affairs and Family

D. PARLEMENT

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

De voorlopige toepassing van artikel 4 van het Verdrag (zie rubriek G hieronder) is in overeenstemming met artikel 15, vierde lid, van de Rijkswet goedkeuring en bekendmaking verdragen medegedeeld aan de Eerste en Tweede Kamer der Staten-Generaal bij brieven van 12 juni 2001.

G. INWERKINGTREDING

De bepalingen van het Verdrag zullen ingevolge artikel 12 van het Verdrag in werking treden op de eerste dag van de maand na de dag waarop de akten van bekrachtiging door de Verdragsluitende Partijen zijn uitgewisseld.

Ingevolge artikel 12 zal artikel 4 van het Verdrag vanaf 1 juli voorlopig worden toegepast.

Wat het Koninkrijk der Nederlanden betreft, zal het Verdrag ingevolge artikel 13 alleen voor Nederland gelden.

J. GEGEVENS

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse

Zaken bepaald dat het Verdrag zal zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *tweëntwintigste* juni 2001.

De Minister van Buitenlandse Zaken,

J. J. VAN AARTSEN