

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2002 Nr. 185

A. TITEL

*Europees Verdrag inzake sociale zekerheid, met Aanvullend Akkoord;
Parijs, 14 december 1972*

B. TEKST

De tekst van het Verdrag met bijlage, en Aanvullend Akkoord, met bijlagen, is geplaatst in *Trb.* 1976, 54.

Voor de ondertekeningen zie ook *Trb.* 1977, 35, *Trb.* 1983, 135 en *Trb.* 1987, 14.

Behalve voor de aldaar genoemde zijn het Verdrag en het Akkoord nog ondertekend voor de volgende staten:

| | |
|--------------------|--------------|
| Moldavië | 22 mei 2002 |
| Tsjechië | 21 juni 2002 |

De Engelse tekst van de Bijlagen I tot en met VII bij het Verdrag, zoals gewijzigd en aangevuld tot 1 januari 1996, is geplaatst in *Trb.* 1996, 157.

De Engelse en de Franse tekst van de wijzigingen in de bijlagen van het Verdrag en van het Aanvullend Akkoord, zoals medegedeeld door het Koninkrijk der Nederlanden op 26 augustus 1998, zijn geplaatst in *Trb.* 1998, 235.

Oostenrijk heeft op 12 september 2001 medegedeeld dat wijzigingen dienen te worden aangebracht in Bijlagen III, V en VII bij het Verdrag en in Bijlagen 1 tot en met 5, en 7 van het Aanvullend Akkoord. De Engelse tekst van de wijzigingen luidt als volgt:

„Annexes to the Convention

Annex III

Austria-Luxembourg

Replace the present text by the following:

“Convention on social security of 31 July 1997.”

Austria-Netherlands

Replace the present text by the following:

“Convention on social security of 9 December 1998.”

Austria-Turkey

Replace the present text by the following:

“Convention on social security of 28 October 1999.”

Annex V

Austria-Luxembourg

Delete the present text.

Austria-Turkey

Delete the present text.

Annex VII

Section I (Application of the legislation of Austria)

Replace the present text by the following:

“1. The provisions of Article 8, paragraph 1, of this Convention do not affect the provisions of the bilateral conventions between Austria and other States which govern insurance liabilities.

2. The provisions of Article 8, paragraph 1, of this Convention shall apply with regard to the provisions of Austrian legislation concerning the taking into account of periods of war service and periods considered as such only to nationals of the other Contracting Parties who were Austrian nationals immediately before 13 March 1938.

3. The benefits provided under Austrian pension insurance shall be calculated in accordance with the provisions of Article 29, paragraph 5, of this Convention directly, solely on the bases of the periods completed under Austrian legislation, taking into account the following provisions:

a. Benefits or parts of benefits, the amount of which does not depend on the duration of the periods of insurance completed, shall be payable in proportion to the ratio of the Austrian periods of insurance to thirty years, but shall not exceed the full amount.

b. Where periods after the contingency arises are to be taken into account for the calculation of invalidity or survivor's benefits, such periods shall be taken into account only in proportion to the ratio of the Austrian periods of insurance to two-thirds of the number of full calendar months between the date on which the person concerned reached the age of sixteen and the date on which the contingency occurred, but shall not exceed the full period.

- c. Sub-paragraph (a) of this paragraph shall not apply to:
- (i) benefits resulting from supplementary insurance;
 - (ii) means-tested benefits or parts of benefits designed to ensure a minimum income.
4. Entitlement to benefits by virtue of Austrian legislation shall not be affected by reason of this Convention where a person has suffered in his social security situation for political or religious reasons or for reasons of his descent.
5. The provisions of Article 51, paragraphs 1 and 2, of this Convention concerning the adding together of periods are not applicable for the acquisition of the right to parental leave benefits.”

Annexes to the Supplementary Agreement

Annex 1

Austria

Replace the present text by the following:

»Bundesminister für soziale Sicherheit und Generationen (Federal Minister of Social Security and Generations), Vienna;
with regard to unemployment: Bundesminister für Wirtschaft und Arbeit (Federal Minister for Economic Affairs and Labour), Vienna.«

Annex 2

Austria

Replace the present text under point 3 by the following:

»Bundesministerium für Wirtschaft und Arbeit (Federal Minister for Economic Affairs and Labour), Vienna.«

Replace the present text under point 4 by the following:

»Bundesministerium für soziale Sicherheit und Generationen (Federal Minister of Social Security and Generations), Vienna.«

Annex 3

Austria

Replace the present text under point 3 by the following:

»Regionale Geschäftsstelle des Arbeitsmarktservice (Local Office and Labour market Service) which is competent for the place of resident or temporary residence of the beneficiary.«

Annex 4

Austria

Replace the present text under point 2 by the following:

»Bundesministerium für Wirtschaft und Arbeit (Federal Minister for Economic Affairs and Labour), Vienna.«

Replace the present text under point 3 by the following:
»Bundesministerium für soziale Sicherheit und Generationen (Federal Minister of Social Security and Generations), Vienna.«

Annex 5

Austria-Luxembourg
Delete the present text.

Austria-Netherlands
Delete the present text.

Austria-Turkey
Replace the present text by the following:
“Arrangement of 15 November 2000 for the application of the Convention on Social Security of 28 October 1999.”

Annex 7

Austria
Replace the present text under point 9 by the following:
»Regionale Geschäftsstelle des Arbeitsmarktservice (Local Office and Labour market Service) of the district where the new place of residence or temporary residence of the unemployed worker is situated.«

Replace the present text under point 10 by the following:
»a) Regionale Geschäftsstelle des Arbeitsmarktservice (Local Office and Labour market Service) from which the worker last received benefit in Austria;
b) where the worker did not receive benefit in Austria: »Regionale Geschäftsstelle des Arbeitsmarktservice (Local Office and Labour market Service) in the district in which the last place of employment in Austria is situated.

Replace the present text under point 12 by the following:
«Regionale Geschäftsstelle des Arbeitsmarktservice (Local Office and Labour market Service) from which the employed person receives benefit.»

Het Koninkrijk der Nederlanden (voor Nederland) heeft op 3 november 2001 medegedeeld dat een wijziging in Bijlage VI bij het Verdrag dient te worden aangebracht. De Engelse en de Franse tekst van de wijziging luiden als volgt:

Annex VI to the Convention

The Netherlands

Article 11, paragraph 3, sub-paragraph d

With effect from 1 January 2000: benefits provided under the Supplementary Benefits Act of 6 November 1986.

Annexe VI à la Convention

Pays-Bas

Article 11, paragraphe 3, alinéa (d)

Avec effet au 1er janvier 2000: prestations accordées en vertu de la loi du 6 novembre 1986 sur les suppléments alloués aux allocataires sociaux.

C. VERTALING

Zie *Trb.* 1976, 158.

D. PARLEMENT

Zie *Trb.* 1977, 35 en *Trb.* 1987, 14.

E. BEKRACHTIGING

Zie *Trb.* 1976, 54, *Trb.* 1977, 35, *Trb.* 1983, 135, *Trb.* 1987, 14 en *Trb.* 1996, 157.

G. INWERKINGTREDING

Zie *Trb.* 1977, 35, *Trb.* 1983, 135 en *Trb.* 1987, 14.

H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1987, 14.

J. GEGEVENS

Zie *Trb.* 1976, 54 en 158, *Trb.* 1977, 35, *Trb.* 1983, 135, *Trb.* 1987, 14, *Trb.* 1996, 157 en *Trb.* 1998, 235.

Verwijzingen

- Titel : Statuut van de Internationale Arbeidsorganisatie;
Versailles, 28 juni 1919
Laatste *Trb.* : *Trb.* 1998, 290
- Titel : Verdrag betreffende de status van vluchtelingen;
Genève, 28 juli 1951
Laatste *Trb.* : *Trb.* 1995, 136
- Titel : Verdrag betreffende de status van staatlozen;
New York, 28 september 1954
Laatste *Trb.* : *Trb.* 1995, 137
- Titel : Europees Sociaal Handvest;
Turiijn, 18 oktober 1961
Laatste *Trb.* : *Trb.* 1995, 233
- Titel : Europese Code inzake sociale zekerheid;
Straatsburg, 16 april 1964
Laatste *Trb.* : *Trb.* 1983, 76
- Titel : Protocol betreffende de status van vluchtelingen;
New York, 31 januari 1967
Laatste *Trb.* : *Trb.* 1995, 138

Uitgegeven de *achttiende* oktober 2002.

De Minister van Buitenlandse Zaken,

J. G. DE HOOP SCHEFFER