

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2003 Nr. 46

A. TITEL

*Protocol bij het Verdrag inzake sociale zekerheid tussen het Koninkrijk der Nederlanden en Nieuw-Zeeland;
Wellington, 10 maart 2003*

B. TEKST

**Protocol to the Agreement on social security between the
Government of the Kingdom of the Netherlands and the
Government of New Zealand**

The Government of the Kingdom of the Netherlands
and
the Government of New Zealand

Wishing to amend and supplement the Agreement on Social Security between the two Governments signed at The Hague on the 30th day of June 2000, have agreed as follows:

Article 1

Article 1 of the Agreement is amended:

- a) by inserting in paragraph 1 a), after the expression "1990", the words "or Part 1 of the New Zealand Superannuation Act 2001";
- b) by deleting from paragraph 1 b) the words "Department of Social Welfare", and substituting the words "Ministry of Social Development (the Department of Work and Income)";
- c) by inserting, after paragraph 1 b), the following subparagraph:
“(ba) ‘income tested benefit’ means any benefit where eligibility for or the rate of it is dependent on the income of any person;”.

Article 2

Article 2 of the Agreement is amended:

- a) by inserting in paragraph 1 a), after the word "Agreement", the words "and Part 1 of the New Zealand Superannuation Act 2001,";

b) by deleting from paragraph 1 a) the words “that Act, in so far as that Act”, and substituting the words “any of those Acts, in so far as those Acts”.

Article 3

Article 19 of the Agreement is amended by deleting from paragraph 2 the words “its debts to that person incurred by the”, and substituting the words “its debts of that person incurred by reason of that”.

Article 4

Article 20 of the Agreement is amended:

a) by deleting from each of subparagraphs a) and b) of paragraph 2 the words “and other assistance”, and substituting in each case “or that they are lawfully able to obtain”;

b) by deleting from paragraph 2 c) the words “or assistance”, and substituting the words “in their possession or that they are lawfully able to obtain”;

c) by inserting in paragraph 4, after the word “tax” where it appears for the fourth time, the word “evasion”;

d) by deleting from paragraph 6 b) the word “Article.” and substituting the word “Article.”;

e) by adding to paragraph 6 the following subparagraph:

“c) limit the supply of information to the items listed in accordance with subparagraph b).”;

f) by deleting from paragraph 8, the word “protected”, and substituting the words “given the same protections (including privacy protection)”;

g) by adding the following paragraph:

“9. A Party that receives, under this Article, personal information about an individual from the other Party may not supply that information to any other country without the consent of the competent institution that supplied the information or the individual concerned.”.

Article 5

Article 21 of the Agreement is amended:

a) by inserting in paragraph 1, after the word “request”, the words “in accordance with Article 20”;

b) by deleting from paragraph 1 the words “a claimant or recipient’s

sickness, injury or disability”, and substituting the words “the sickness, injury, or disability of a person claiming or receiving a benefit payable on the grounds of sickness, injury, or disability under this Agreement”.

Article 6

Article 22 of the Agreement is amended:

- a) by inserting in the definition of “social security debt” in paragraph 1, after the word “and”, the words “, in relation to the Netherlands,”;
- b) by deleting from that definition the words “as well as any related interest and costs”;
- c) by deleting from paragraphs 3, 5, 8, and 13 the words “Except where Article 23 applies, the”, and substituting in each case the word “The”;
- d) by deleting in paragraph 3 the word “paragraph 1”, and substituting the word “paragraph 2”;
- e) by deleting paragraph 3 g), and substituting the following subparagraph:
 - “g) any right of review or appeal of the debt under the social security laws of the requesting Party has been exhausted or has expired. For the purposes of this subparagraph a right of review or appeal has expired:
 - (i) if the right has not been exercised within the time limit provided for its exercise; and
 - (ii) irrespective of whether the court or tribunal or body or person that would have jurisdiction in respect of the review or appeal, or any other person, retains a discretion (however expressed in those laws) to allow the right of review or appeal to be exercised after that time.”;
- f) by deleting paragraph 10, and substituting the following paragraph:
 - “10. If the debtor exercises a right or review or appeal of a debt after a request for its recovery is made under paragraph 2:
 - (a) the requesting institution shall immediately advise the requested institution of the exercise of the right; and
 - (b) the requested institution shall:
 - (i) defer recovery of the debt until notified by the requesting institution that the review or appeal is finally determined; and
 - (ii) take measures to conserve any funds it holds that are attributable to the debtor with a view to recovery of the debt after such notification is received.”;
 - g) by deleting from paragraph 11 the word “requesting” where it first appears, and substituting the word “requested”;
 - h) by deleting from paragraph 15 the words “Except where Article 23 applies, an”, and substituting the word “An”.

Article 7

Article 23 of the Agreement is amended:

- a) by inserting in paragraph 1, after the words “if requested”, the words “in accordance with Article 22”;
- b) by inserting in paragraph 1, after the words “this Article”, the words “and Article 22”.

Article 8

The Agreement is amended by deleting Article 24, and no substitution for it is made.

Article 9

This Protocol shall enter into force on the same date as the Agreement.

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

DONE in two copies in the English language at Wellington this 10th day of March 2003.

For the Government of the Kingdom of the Netherlands

(sd.) A. E. DE BIJL NACHENIUS

For the Government of New Zealand

(sd.) STEVEN MAHAREY

D. PARLEMENT

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

G. INWERKINGTREDING

Het Protocol zal ingevolge artikel 9 van het Protocol op dezelfde dag in werking treden als het hieronder in rubriek J genoemde Verdrag inzake sociale zekerheid van 30 juni 2000.

J. GEGEVENS**Verwijzingen**

- Titel : Verdrag inzake sociale zekerheid tussen het Koninkrijk der Nederlanden en Nieuw-Zeeland;
's-Gravenhage, 30 juni 2000
- Tekst : *Trb.* 2001, 102 (Engels)
Trb. 2002, 38 (vertaling)

Uitgegeven de vierde april 2003.

De Minister van Buitenlandse Zaken,

J. G. DE HOOP SCHEFFER