

22 (1962) Nr. 8

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2003 Nr. 73

A. TITEL

Verdrag betreffende de gelijkheid van behandeling van eigen onderdanen en vreemdelingen met betrekking tot de sociale zekerheid (Verdrag Nr. 118 aangenomen door de Internationale Arbeidsconferentie in haar zesenvestigste zitting); Genève, 28 juni 1962

B. TEKST

De tekst van het Verdrag is geplaatst in *Trb.* 1962, 122.

C. VERTALING

Zie *Trb.* 1964, 23.

D. PARLEMENT

Zie *Trb.* 1964, 128 en *Trb.* 1965, 214.

E. BEKRACHTIGING

Zie *Trb.* 1965, 214, *Trb.* 1969, 1999, *Trb.* 1977, 43 en *Trb.* 1997, 190.

G. INWERKINGTREDING

Zie *Trb.* 1964, 23, *Trb.* 1965, 214 en *Trb.* 1997, 190.

H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1965, 214.

J. GEGEVENS

Zie *Trb.* 1962, 122, *Trb.* 1964, 23, *Trb.* 1965, 214, *Trb.* 1969, 199, *Trb.* 1977, 43 en *Trb.* 1997, 190.

De regering van het Koninkrijk der Nederlanden heeft op 23 mei 2003 in overeenstemming met artikel 2, zesde lid, van het Verdrag een verklaring, vergezeld van een toelichting, aan de Directeur-Generaal van de Internationale Arbeidsorganisatie doen toekomen. De tekst van de verklaring luidt als volgt:

“Statement

1. With effect from 1 January 1998 the Government of the Netherlands considers benefits provided under the Disablement Assistance Act for Handicapped Young Persons (*Wet Arbeidsongeschiktheidsvoorziening Jonggehandicapten*) of 24 April 1997 to be benefits of the type as referred to in paragraph 6 (a) of Article 2 of the Equality of Treatment Convention (Social Security), 1962 (ILO-Convention no. 118).

2. With effect from 1 January 2000 the Government of the Netherlands considers benefits provided under the Supplementary Benefits Act (*Toeslagenwet*) of 6 November 1986 to be benefits of the type as referred to in paragraph 6 (a) of Article 2 of the Equality of Treatment Convention (Social Security), 1962 (ILO-Convention no. 118).

Explanation

The Disablement Assistance Act for Handicapped Young Persons of 24 April 1997, which entered into force on 1 January 1998, provides for a monthly benefit in cash for people, resident in the Netherlands, who are incapacitated for work when they reach the age of 17, or who have become disabled since that date and who were students for at least six months in the year immediately prior to that date. The grant of the benefit does not depend either on direct financial participation by the persons protected or their employer, or on a qualifying period of occupational activity.

The Supplementary Benefits Act of 6 November 1986, which entered into force on 1 January 1987, provides for a supplement to a sickness-, invalidity- or unemployment benefit in case the income of the beneficiary falls below the minimum guaranteed income in the Netherlands. The grant of the supplement does not depend either on direct financial participation by the persons protected or their employer, or on a qualifying period of occupational activity.

On 1 January 2000 the Export Restrictions on Benefits Act of 27 May 1999 entered into force. This Act has modified the Supplementary Benefits Act. As of 1 January 2000, a person who does not reside in the Netherlands is no longer entitled to a supplement under the Supplementary Benefits Act. This export restriction is based on the fact that:

1. the supplement under the Supplementary Benefits Act is income tested,

2. the amount of the supplement is related to the minimum guaranteed income in the Netherlands, and

3. that the supplement is financed from taxation.

Non-contributory benefits, in the view of the Netherlands' Government, cannot be exported.

The Export Restrictions on Benefits Act provided for a transitional period until 1 January 2003. As of that date no supplements under the Supplementary Benefits Act have in fact been paid. However, the Central Court of Appeal in Utrecht has ruled that supplements should be exported under Article 5, paragraph 1, of Convention no. 118. For this reason, the Netherlands' Government feels obliged to send this statement. To avoid that the Central Court of Appeal in Utrecht will give a similar ruling as regards the benefits under the Disablement Assistance Act for Handicapped Young Persons, this Act is also included in the statement of the Netherlands' Government."

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat de verklaring zal zijn bekendgemaakt in het Koninkrijk op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *zevenentwintigste* mei 2003.

De Minister van Buitenlandse Zaken,

J. G. DE HOOP SCHEFFER