

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2007 Nr. 96

A. TITEL

*Europese Code inzake sociale zekerheid;
(Met Bijlage, Addenda en Protocol)
Straatsburg, 16 april 1964*

B. TEKST

De Franse en de Engelse tekst van de Code, met Bijlage, Addenda en Protocol zijn geplaatst in *Trb.* 1965, 47.

C. VERTALING

Zie *Trb.* 1965, 47, *Trb.* 1967, 53 en *Trb.* 1975, 71.

D. PARLEMENT

Zie *Trb.* 1967, 53 en rubriek J van *Trb.* van 1967, 53.

E. PARTIJGEGEVENS

Zie *Trb.* 1965, 47.

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
België	13-05-64	13-08-69	R	14-08-70		
Cyprus	15-04-92	15-04-92	R	16-04-93		
Denemarken	16-04-64	16-02-73	R	17-02-74		
Duitsland	16-04-64	27-01-71	R	28-01-72		
Estland	24-01-00	19-05-04	R	20-05-05		
Frankrijk	04-10-76	17-02-86	R	18-02-87		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Griekenland	21-04-77	09-06-81	R	10-06-82		
Ierland	16-02-71	16-02-71	R	17-02-72		
Italië	16-04-64	20-01-77	R	21-01-78		
Letland	28-11-03					
Litouwen	15-11-05					
Luxemburg	16-04-64	03-04-68	R	04-04-69		
Moldavië	16-09-03					
Nederlanden, het Koninkrijk der – Nederland – Ned. Antillen – Aruba	15-07-64	16-03-67 – –	R – –	17-03-68 – –		
Noorwegen	16-04-64	25-03-66	R	17-03-68		
Oostenrijk	17-02-70					
Portugal	19-11-81	15-05-84	R	16-05-85		
Roemenië	22-05-02					
Slovenië	20-01-03	26-02-04	R	27-02-05		
Spanje	12-02-93	08-03-94	R	09-03-95		
Tsjechië	10-02-00	08-09-00	R	09-09-01		
Turkije	13-05-64	07-03-80	R	08-03-81		
Verenigd Koninkrijk, het	14-03-67	12-01-68	R	13-01-69		
Zweden	16-04-64	25-09-65	R	17-03-68		
Zwitserland	01-12-76	16-09-77	R	17-09-78		

*) O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Be-
krachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding,
VG=Voortgezette gebondenheid, NB=Niet bekend

Uitbreidingen

Verklaringen, voorbehouden en bezwaren

België, 13 augustus 1969

The ratification by Belgium of the European Code of Social Security and

Protocol thereto must be interpreted to mean that Belgium accepts all the obligations entailed by the Code, especially those of Parts II to X, and that it is not availing itself of the provisions of paragraph 2 of Article 2 as modified by the Protocol.

Cyprus, 15 april 1992

In accordance with Article 2 paragraph 1.b of the Code, Cyprus undertakes to comply with the following parts of the said Code:

Part III – Sickness benefit
Part IV – Unemployment benefit
Part V – Old-age benefit
Part VI – Employment injury benefit
Part IX – Invalidity benefit
Part X – Survivors' benefit.

Denemarken, 16 februari 1973

Denmark accepts the obligations of the European Code of Social Security in respect of the following Parts from among Parts II to X:

Part II – Medical care
Part IV – Unemployment benefit
Part V – Old age benefit
Part VI – Employment injury benefit
Part VII – Family benefit
Part VIII – Maternity benefit
Part IX – Invalidity benefit

Since the application of the above-mentioned Parts fulfills the conditions of Article 2, paragraph 1(b), Denmark does not avail itself of the provisions of Article 2, paragraph 2.

Denemarken, 10 juni 1980

I have the honour to inform you that the Government of Denmark, in accordance with Article 4 of the European Code of Social Security of 16 April 1964, accepts the obligations of Part III concerning Sickness benefit.

Duitsland, 27 januari 1971

The Federal Republic of Germany has accepted all the obligations resulting from Part II to X of the Code.

Estland, 19 mei 2004

Pursuant to Article 2, paragraph 1, sub-paragraph b, and Article 3 of the Code, the Republic of Estonia declares that it accepts the obligations of the following Parts of the Code:

1. Part II. Medical care
2. Part III. Sickness benefit
3. Part IV. Unemployment benefit
4. Part V. Old-age benefit
5. Part VII. Family benefit
6. Part VIII. Maternity benefit
7. Part IX. Invalidity benefit
8. Part X. Survivors benefit

Pursuant to Article 3 of the Code, the Republic of Estonia declares that it does not avail itself of the provisions of Article 2, paragraph 2, of the Code.

Frankrijk, 17 februari 1986

In accordance with Article 3 of the Code, the French Government specifies that it accepts the obligations of the following Parts:

Part II: Medical Care
Part IV: Unemployment Benefit
Part V: Old-Age Benefit
Part VI: Employment Injury Benefit
Part VII: Family Benefit
Part VIII: Maternity Benefit
Part IX: Invalidity Benefit.

Griekenland, 9 juni 1981

This Code has been approved in Greece only with regard to Parts I, II, III, V, VI, VIII, IX, X, XI, XII, XIII, XIV and its Annex.

Ierland, 16 februari 1971

The Government of Ireland do hereby confirm and ratify the Code, accepting, in accordance with the provisions of Article 2, paragraph 1, sub-paragraph (b) thereof, the obligations laid down in Parts III, IV, V, VII and X of the Code and not availing themselves of the provisions of Article 2, paragraph 2.

Italië, 20 januari 1977

Italy accepts only Parts V, VI, VII and VIII.

Luxemburg, 3 april 1968

We approve the above-mentioned Code including Parts II to X and Protocol thereto.

Nederlanden, het Koninkrijk der, 16 maart 1967

The ratification by the Netherlands of the European Code of Social Security and Protocol thereto must be interpreted to mean that the Netherlands accept all the obligations entailed by the Code, especially those

of Parts II to X, and that they are not availing themselves of the provisions of paragraph 2 of Article 2 as modified by the Protocol.

Nederlanden, het Koninkrijk der, 14 maart 1997

The Minister for Foreign Affairs of the Kingdom of the Netherlands declares, in conformity with Article 81, of the Code, with Annex, Addenda and Protocol, that it denounces Part VI (Employment injury benefit) of the said Code for the Kingdom in Europe.

Nederlanden, het Koninkrijk der, 4 maart 1998

The Government of the Kingdom of the Netherlands has decided to withdraw its denunciation of Part VI (Employment injury benefit) of the European Code of Social Security, with Annex, Addenda and Protocol, for the Kingdom in Europe. This (pro forma) denunciation was deposited originally on 14 March 1997.

Nederlanden, het Koninkrijk der, 22 februari 2007

The Minister of Foreign Affairs of the Kingdom of the Netherlands declares, in conformity with Article 81 of the European Code of Social Security, with Annex, Addenda and Protocol, that the Kingdom of the Netherlands denounces Part VI (Employment injury benefit) of the said Code for the Kingdom in Europe.

In connection with the denunciation on 22 February 2007 of Part VI of the Code of Social Security, the Government of the Kingdom of the Netherlands states the following:

Recently, the Central Appeals Tribunal in Utrecht, the highest judicial authority in the area of social security, has ruled that cost sharing by persons in need of long-term intramural care as a consequence of occupational illness or industrial accidents, contravenes Part VI of the Code. The decision in this case results from the fact that the Netherlands' legislation on social security does not make any distinction between the *risque social* and the *risque professionnel*. In the social security legislation, no differentiation is made in the issuing of benefits in kind or cash, according to the cause of the need for health care.

As a result of the Tribunal ruling, the government of the Netherlands needs to deliberate on subsequent measures. In order to achieve a balanced decision it has been agreed to proceed to a "provisional" denunciation, as denunciation can only take place after the expiration of every five years from the date on which the Code entered into force. The next expiration for the Netherlands will take place on 17 March 2007.

Following the elections in November 2006, a new government will be installed on 22 February 2007. In view of the principal character of this matter, the provisional denunciation will enable the new government to

carefully weigh this decision and possible alternatives to denunciation of Part VI. This could lead to withdrawal of the denunciation by the Netherlands' government within a year after deposition of this act, in which case the provisional denunciation shall be void.

Noorwegen, 25 maart 1966

We undertake to carry out the stipulations contained in Parts II to VII, IX and X of the Code and of Parts III, V to VII, IX and X of the Protocol. In so doing, we do not avail ourselves of the provisions of Article 2, paragraph 2 of the Code and the Protocol.

Noorwegen, 25 maart 1966

In conformity with Article 80 of the European Code of Social Security and the Protocol to the European Code of Social Security signed at Strasbourg on 16 April 1964, the Norwegian Government have the honour to declare that the metropolitan territory of Norway to which the provisions of the Code and the Protocol shall apply, shall be the territory of the Kingdom of Norway with the exception of Svalbard (Spitzbergen) and Jan Mayen. The Code and Protocol shall not apply to the Norwegian dependencies.

Portugal, 15 mei 1984

Portugal does not consider itself bound by the obligations of Part VI of the European Code of Social Security relating to employment injury benefit and does not accept the obligations of Parts IV and VI of the Protocol to the European Code of Social Security relating to unemployment benefit and employment injury benefit respectively. Portugal also does not accept the provisions of Article 10, paragraph 2, a) iii) and Article 49, paragraph 2 c) of the said Protocol relating to the percentage of the beneficiary's share in the cost of pharmaceutical supplies.

Portugal, 20 mei 1985

Portugal ratified the European Code of Social Security and its Protocol on 15 May 1984. Further to this ratification, Portugal declares that it accepts also the obligations of the said Code in respect of Part IV as modified by the Protocol.

Portugal, 20 november 1987

Portugal ratified the European Code of Social Security and the Protocol on 15 May 1984.

Following this ratification, concerning the Code, Portugal has accepted Parts II, III, IV, V, VII, VIII, IX and X (Part VI has not been accepted); concerning the Protocol, Portugal has accepted Part III, IV, V, VII, IX and X (Parts II, VI and VIII have not been accepted).

Slovenië, 26 februari 2004

The Republic of Slovenia accepts obligations from all Parts of the European Code on Social Security, except the obligations from Part IX.

Spanje, 8 maart 1994

Spain accepts the following parts of the Code:

Part I. General Provisions
 Part II. Medical Care
 Part III. Sickness Benefit
 Part IV. Unemployment Benefit
 Part V. Old-Age Benefit
 Part VI. Employment Injury Benefit
 Part VIII. Maternity Benefit
 Part IX. Invalidity Benefit
 Part XI. Standards to be complied with by Periodical Payments
 Part XII. Common Provisions
 Part XIII. Miscellaneous Provisions
 Part XIV. Final Provisions.

Tsjechië, 8 september 2000

The Czech Republic accepts the obligations of this Code as follows:

1. among Parts II to X of the Code the obligations in respect of the following Parts:

Part II – Medical care
 Part III – Sickness benefit
 Part IV – Unemployment benefit
 Part V – Old age benefit
 Part VII – Family benefit
 Part VIII – Maternity benefit
 Part IX – Invalidity benefit
 Part X – Survivors benefit

2. the Czech Republic does not avail itself of the provisions of Article 2, paragraph 2.

Turkije, 7 maart 1980

The Government of Turkey, while ratifying the European Code of Social Security and Protocol to the European Code of Social Security, declares that it does not consider itself bound to carry out the provisions of the said Code and Protocol in relation to the Greek Cypriot Administration, which is not constitutionally entitled to represent alone the Republic of Cyprus.

[The Notification of the above reservation mentioned the Decision taken

by the Committee of Ministers in February 1976, at the 254th meeting of the Minister's Deputies. This Decision concerns an identical reservation, made by the Turkish Government when ratifying seven convention and agreements on 19 December 1975, and reads as follows:

“The Deputies,

In the light of the foregoing discussion, and referring solely to the procedural aspects of the deposit of the seven instruments of ratification, Considered that the Secretary General should proceed, with effect from 19 December 1975 to the registration of these instruments of ratification as presented by the Permanent Representative of Turkey by letters dated 19 December 1975 and notify the Governments of member States thereof, it being understood that the registration of reservations by the Secretary General has no effect on their validity.

The above decision will in no way affect the position of the Government of the Republic of Cyprus in the Committee of Ministers of the Council of Europe.”]

Turkije, 7 maart 1980

The Republic of Turkey accepts the obligations of the European Code of Social Security in respect of the following Parts from among Parts II to X:

- Part II. Medical care
- Part III. Sickness benefit
- Part V. Old age benefit
- Part VI. Employment injury benefit
- Part VIII. Maternity benefit
- Part IX. Invalidity benefit
- Part X. Survivors' benefit.

Verenigd Koninkrijk, het, 14 maart 1967

The Government of the United Kingdom do not regard Article 73 of this Code as binding them to become a Party to any Convention, Agreement, or other instrument governing questions relating to Social Security for foreigners and migrants concluded pursuant to it.

Verenigd Koninkrijk, het, 4 september 1968

[...] Of Parts II to X, the United Kingdom accepts the obligations of the Code in respect only of Parts II, III, IV and V and the instrument of ratification aforesaid, previously deposited on behalf of the United Kingdom, should be understood and interpreted as containing a statement to this effect.

Verenigd Koninkrijk, het, 21 juli 1982

[...] The Government of the United Kingdom accepts the obligations of Part VII of the Code concerning Family Benefits.

Zweden, 25 september 1965

Sweden accepts the obligations of Parts II to V and VII to X of the Code and Parts III to V, VII, IX and X of the Protocol, without wishing to avail itself of the provisions of paragraph 2 of Article 2 of the Code and Protocol.

Zwitserland, 16 september 1977

The Swiss Confederation accepts the obligations of the European Code of Social Security in respect of the following Parts from among Parts II to X:

- Part V. Old age benefit
- Part VI. Employment injury benefit
- Part VII. Family benefit
- Part IX. Invalidity benefit
- Part X. Survivors' benefit.

Availing itself of its right under paragraph 1 of Article 2 of the said Code, the Swiss Confederation declares not to apply:

- provisions of Part II. Medical care
- provisions of Part III. Sickness benefit
- Provisions of Part IV. Unemployment benefit
- Provisions of Part VIII. Maternity benefit.

G. INWERKINGTREDING

Zie *Trb.* 1967, 53.

Deel VI van de Code is per 17 maart 2007 voorlopig opgezegd (zie de verklaring, voor Nederland, van 22 februari 2007).

J. VERWIJZINGEN

Zie *Trb.* 1965, 47, *Trb.* 1967, 53, *Trb.* 1975, 71 en *Trb.* 1983, 76.

Verwijzingen

Titel : Statuut van de Raad van Europa;
Londen, 5 mei 1949

Laatste *Trb.* : *Trb.* 2005, 48

Titel : Statuut van de Internationale Arbeidsorganisatie;
Versailles, 28 juni 1919

Laatste *Trb.* : *Trb.* 1998, 290

Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945
Laatste *Trb.* : *Trb.* 2007, 50

Titel : Verdrag betreffende minimum-normen van sociale
zekerheid;
Genève, 28 juni 1952
Laatste *Trb.* : *Trb.* 1997, 182

Uitgegeven de vierentwintigste mei 2007.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN