

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2008 Nr. 193

A. TITEL

*Verdrag inzake sociale zekerheid tussen het Koninkrijk der
Nederlanden en het Verenigd Koninkrijk van Groot-Brittannië en
Noord-Ierland;
's-Gravenhage, 21 december 2005*

B. TEKST

De Engelse tekst van het Verdrag is geplaatst in *Trb.* 2006, 9.

Op 19 augustus 2008 is te Londen een Administratief Akkoord ter uitvoering van het onderhavige Verdrag tot stand gekomen. De tekst van dit Akkoord luidt als volgt:

**Administrative Agreement for the implementation of the
Convention on Social Security between the Kingdom of the
Netherlands and the United Kingdom of Great Britain and
Northern Ireland**

For the purpose of applying the Convention on Social Security between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of the Netherlands in accordance with the provisions of Article 28(1) of the Convention, the competent authorities of the Parties have agreed the following.

PART I

GENERAL PROVISIONS

Section 1

1. For the purpose of this Administrative Agreement, “Convention” means the Convention on Social Security between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of the Netherlands, signed at The Hague on the 21st of December 2005

2. Other words and expressions used in this Administrative Agreement will have the same meaning as in the Convention.

Section 2

1. In accordance with Article 28(3) of the Convention the following bodies have been designated liaison offices between the competent authorities or competent institutions of both Parties for the purpose of applying the provisions of the Convention.

a) in the United Kingdom:

(i) in Great Britain and Northern Ireland

For all contingencies including pension claims for Northern Ireland, except Articles 7 to 13 of the Convention and the provision of Great Britain insurance records for Sickness Benefit, Maternity Benefit and Unemployment Benefit,
Department for Work and Pensions
The Pension Service
International Pension Centre
Tyneview Park
Newcastle upon Tyne
England
NE98 1BA;

For Articles 7 to 13 and to provide Great Britain insurance records for Sickness Benefit, Maternity Benefit and Unemployment Benefit,
Her Majesty’s Revenue and Customs
Charity, Assesses, and Residence
Benton Park View
Newcastle upon Tyne
England
NE98 1ZZ

(ii) In Northern Ireland:

For all matter relating to benefits, other than pension claims
Network Support Branch
Overseas Benefit Unit
Block 2, Castle Buildings

- Stormont, Belfast
Northern Ireland
BT4 3SP
- (iii) in the Isle of Man,
For all provisions of the Convention.
Department of Health and Social Security of the Isle of Man
Markwell House
Market Street
Douglas
Isle of Man;
IM1 2RZ
- (iv) In Jersey,
For all provisions of the Convention.
Employment and Social Security Department
Philip Le Feuvre House
La Motte Street
St Helier
Jersey
Channel Islands;
JE4 8PE
- (v) in Guernsey,
For all provisions of the Convention.
Social Security Department
Edward T Wheadon House
Le Truchot
St Peter Port
Guernsey
Channel Islands
GY1 3WH
- b) in the Netherlands:
As regards Article 3 b, under (i) legislation concerning sickness insurance providing for benefits in cash, including maternity, (iii) legislation concerning invalidity and (iv) legislation concerning unemployment insurance,
Uitvoeringsinstituut werknemersverzekeringen (UWV)
Hoofdkantoor- afdeling internationale zaken
La Guardiaweg 94
1043 DL Amsterdam
Nederland
As regards Article 3 b, under (iii) legislation concerning old age and survivor's insurance and (v) legislation concerning child benefits and Article 8 Detached Workers,
Sociale Verzekeringsbank (SVB)
Van Heuven Goedhartlaan 1
Postbus 1100
1180 BH Amstelveen

2. The competent authorities or competent institutions and the liaison offices may communicate directly with one another and with any person affected by the Convention or with his legal representative.

3. The competent authorities, the competent institutions or the liaison offices will decide the texts of any certificates, reports and forms to be used for the purpose of undertaking the tasks laid down in this Administrative Agreement.

The liaison offices decide in consultation the procedures concerning claims for benefits.

PART II

APPLICATION OF THE PROVISIONS WHICH DETERMINE THE LEGISLATION APPLICABLE CONCERNING CONTRIBUTION LIABILITY

Section 3

1. In cases arising under Articles 7 to 11 of the Convention, the competent authority or competent institution of the Party whose legislation is being applied will issue to the insured person or to his employer, on application, a certificate showing that the insured person remains liable for contributions under that legislation.

2. Where the last sentence of Article 10(2) or Article 13 of the Convention applies and the employer has made an application to the competent authority or competent institution whose legislation is being applied for an extension of the period of liability, the application will be dealt with by correspondence between the competent authorities or competent institutions of the two Parties.

PART III

APPLICATION OF THE SPECIAL PROVISIONS FOR SICKNESS BENEFIT AND MATERNITY ALLOWANCE

Section 4

For the implementation of Article 15 of the Convention, the competent authority or competent institution of one Party will send the appropriate form for Sickness Benefit or Maternity Allowance to the competent authority or competent institution of the other Party which will provide such information as may be required.

Section 5

For the implementation of Article 15(5) of the Convention where a person has not paid a contribution of the appropriate class for the ben-

efit claimed since last arriving in the territory of a Party, the claim shall be transferred to the competent authority or competent institution of the Party by whom he was last insured. Confirmation of the date of claim and evidence of incapacity must be included when the claim is transferred.

Section 6

Where a person who is resident in the territory of one Party claims Sickness Benefit or Maternity Allowance under the legislation of the other Party and the provision of Article 15(7) of the Convention may apply, the competent authority or competent institution in the latter Party will inquire, from the competent authority or competent institution in the former Party, whether a claim for Sickness Benefit or Maternity Allowance has been made under the legislation of that former Party.

PART IV

APPLICATION OF THE SPECIAL PROVISIONS FOR INVALIDITY BENEFIT

Section 7

For the implementation of Article 16 of the Convention, the competent authority or competent institution of one Party will provide the competent authority or competent institution of the other Party with such information as may be required.

Section 8

When a person claims Invalidity Pension under the legislation of one Party and the provisions of Article 16(2) of the Convention may apply, the competent authority or competent institution which receives the claim will inquire, from the competent authority or competent institution in the other Party whether a claim for Invalidity Pension has been made under the legislation of the latter Party.

PART V

APPLICATION OF THE SPECIAL PROVISIONS FOR UNEMPLOYMENT BENEFIT

Section 9

For the implementation of Article 17 of the Convention the competent authority or competent institution of one Party will send the appropriate form for Unemployment Benefit to the competent authority or competent institution of the other Party which will provide such information as may be required.

PART VI

APPLICATION OF THE SPECIAL PROVISIONS FOR
RETIREMENT PENSIONS AND SURVIVOR'S BENEFIT

Section 10

1. Where a claim to benefit under the provisions of Articles 18, 19 and 24 of the Convention is received by the competent authority, the competent institution or the liaison offices of one Party and it appears that there may be entitlement to benefit under the legislation of the other Party, details of the claim and all relevant information will be passed to other interested competent authorities or competent institutions or the liaison offices, as follows:

(i) Where the claim is made to one of the competent authorities in the United Kingdom that competent authority will;

a) send two copies of the appropriate liaison form to the competent institution or liaison office in the Netherlands,

or,

b) liaise with any competent authority in the United Kingdom under whose legislation the claimant has been insured. The latter competent authority shall send two copies of the appropriate liaison form to the competent institution or the liaison office in the Netherlands.

The competent institution or the liaison office in the Netherlands will return one copy of the liaison forms which it receives to the competent authority which issued the form.

(ii) Where the claim is made to the competent institution or the liaison office in the Netherlands that competent institution or liaison office will;

a) send two copies of the appropriate liaison form to each of the liaison offices or the competent authorities in the United Kingdom with which the claimant has been insured,

b) where necessary, each of liaison offices or the competent authorities in the United Kingdom shall liaise to exchange insurance records.

Each of the competent authorities in the United Kingdom shall return one copy of the liaison forms to the liaison office or the competent institution in the Netherlands and provide the information requested.

2. Information on liaison forms about the claimant, the insured person and any dependants will, where necessary, be verified by the issuing competent authority or competent institution.

3. The competent authorities or competent institutions of each Party will thereafter notify each other of any fact relevant to the determination of the claim and to the continuation of the right to the benefit.

4. The decision on a pension claim will be sent direct to the claimant by the competent authority, or the liaison office or competent institution.

PART VII

APPLICATION OF THE SPECIAL PROVISIONS FOR INDUSTRIAL ACCIDENTS AND INDUSTRIAL DISEASES

Section 11

For the implementation of Article 25 of the Convention, the competent authority or competent institution of one Party will provide the competent authority or competent institution of the other Party with such information as may be required.

PART VIII

APPLICATION OF THE SPECIAL PROVISIONS FOR CHILD BENEFIT

Section 12

For the implementation of Article 26 of the Convention, the competent authority or competent institution of one Party will provide the competent authority or competent institution of the other Party with such information as may be required.

PART IX

MISCELLANEOUS PROVISIONS

Section 13

1. For the implementation of Article 27 of the Convention the competent authority or competent institution which has overpaid an amount of benefit and wishes to recover that overpayment from the arrears of benefit held by the other Party, will notify the latter Party of its request either by the appropriate form or by letter.

2. The arrears of benefit available when the request is received or which later become available after the request, will be sent to the competent authority or competent institution which is to make the recovery. After recovering the appropriate amount under Article 27 of the Convention the balance of the arrears, if any, will be paid to the beneficiary. Confirmation of the amount received and the amount paid to the beneficiary will be notified to the competent authority or competent institution which sent the arrears.

Section 14

Referring to Article 28(6) of the Convention

1. The competent authority or competent institution of one Party wishing to have a person medically examined whilst resident in the territory of the other Party will provide the competent authority or competent institution of the latter Party with details of the medical examination it requires to be made.

2. The competent authority or competent institution of the latter Party will make the necessary arrangements for the medical examination of the person and forward the resulting reports to the competent authority or competent institution of the former Party.

Section 15

Any claim or appeal received by the competent authority or competent institution of the territory in which a person resides but proper to the competent authority or competent institution of the other Party will be endorsed with the date of its receipt and sent to the competent authority or competent institution of the other Party.

Section 16

The competent authority or competent institution of one Party will obtain, where necessary, from the competent authority or competent institution of the other Party, any declaration or other information which may be required concerning any person for the purpose of the application of the Convention.

Section 17

Where a competent authority or competent institution of one Party is unable to collect contributions or a fine from an employer, or person, residing or staying in the territory of the other Party, the competent authority or competent institution of the latter Party will provide assistance to collect the contributions or the fine. The assistance will be limited to passing the demand for contributions or for a fine, with instructions on how the contributions or the fine can be paid, to the liable employer or person.

PART X

FINAL PROVISIONS

Section 18

This Administrative Agreement shall come into operation with retro-active effect as of 1 June 2007, shall have the same duration as the Convention and may be modified as required by agreement between the competent authorities.

SIGNED,

*On behalf of:
Secretary of State for Social Affairs and Employment*

PIM WALDECK
*Ambassador of the Kingdom of the Netherlands to the Court of
St. James*
Date: 19-08-08

*On behalf of:
The Secretary of State for Work and Pensions*

Department of Health and Social Services for Northern Ireland

Department of Health and Social Security of the Isle of Man

*The Employment and Social Security Department of the States of
Jersey*

The Social Security Department of the States of Guernsey

GEOFF OGLE
*Pension Centre Manager
International Pension Centre*
Date: 21-07-08

STEVE RESZETNIAK
*Senior Policy Advisor
Customs and International Her Majesty's Revenue and Customs*
Date: 23-07-08

C. VERTALING

Zie *Trb.* 2006, 226.

D. PARLEMENT

Zie *Trb.* 2007, 68.

F. VOORLOPIGE TOEPASSING

Zie *Trb.* 2006, 9.

G. INWERKINGTREDING

Zie *Trb.* 2007, 68.

Het Akkoord heeft ingevolge artikel 7, onderdeel b, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

Het Akkoord is ingevolge onderdeel 18 van het Akkoord op 19 augustus 2008 in werking getreden, met terugwerkende kracht tot 1 juni 2007.

Wat betreft het Koninkrijk der Nederlanden, geldt het Akkoord alleen voor Nederland.

J. VERWIJZINGEN

Zie *Trb.* 2006, 9, *Trb.* 2006, 226 en *Trb.* 2007, 68.

Verbanden

Het Verdrag en het bijbehorende Administratief Akkoord dienen ter vervanging¹⁾ van:

¹⁾ In *Trb.* 2007, 68 stond ten onrechte vermeld dat het Verdrag, met Protocol, en het bijbehorende Administratief Akkoord worden vervangen door het Verdrag inzake sociale zekerheid tussen het Koninkrijk der Nederlanden en het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland van 11 augustus 1954.

Titel : Verdrag inzake sociale zekerheid tussen het Koninkrijk der Nederlanden en het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland;
's-Gravenhage, 11 augustus 1954
Laatste *Trb.* : *Trb.* 2007, 69

Overige verwijzingen

Titel : Verdrag tot oprichting van de Europese Gemeenschap;
Rome, 25 maart 1957
Laatste *Trb.* : *Trb.* 2008, 51

Titel : Overeenkomst betreffende de Europese Economische Ruimte;
Oporto, 2 mei 1992
Laatste *Trb.* : *Trb.* 2006, 92

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

Uitgegeven de *derde* oktober 2008.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN