

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2021 Nr. 142

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*

Voor een overzicht van de verdragsgegevens, zie verdragsnummer 010132 in de Verdragenbank.

E. PARTIJGEGEVENS

In nota's van 12 oktober 2021 en 22 oktober 2021 hebben de regering van het Koninkrijk der Nederlanden en de regering van het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland een gemeenschappelijke uitleg over de toepassing en interpretatie van de personele werkingsfeer van het Verdrag vastgelegd. De Engelse tekst van de nota's luidt als volgt:

Nr. I

EMBASSY OF THE KINGDOM OF THE NETHERLANDS
38 Hyde Park Gate
SW7 5DP London

London, 12 October 2021

Min-BuZa.2021.9241-59

The Embassy of the Kingdom of the Netherlands presents its compliments to the Foreign, Commonwealth and Development Office of the United Kingdom of Great Britain and Northern Ireland ("the United Kingdom") and has the honour to refer to the Convention on social security between the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland, signed at The Hague on 21 December 2005 (hereinafter referred to as "the Convention") and to recent discussions between the Ministry of Social Affairs and Employment of the Netherlands and Her Majesty's Revenue and Customs and the Department for Work and Pensions of the United Kingdom.

The said discussions have concerned the application of the Convention in light of the recent changes to relations on social security between the Kingdom of the Netherlands and the United Kingdom as a consequence of the United Kingdom's departure from the European Union. In these discussions, the Netherlands welcomed the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (hereafter referred to as the "Withdrawal Agreement"), which protects the rights of persons who were in a cross-border situation between the United Kingdom and the Kingdom of the Netherlands (hereinafter referred to as a 'a cross-border situation') before or on the 31st of December 2020. The Netherlands also welcomed the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland of the other part (hereafter referred to as the "Trade and Cooperation Agreement") which provides for the rights of persons who are not covered by the Withdrawal Agreement and find themselves in a cross-border situation from the 1st of January 2021.

After discussions between our two Governments, the mutual understanding is that the withdrawal of the United Kingdom from the European Union has not altered the personal scope of the Convention as it applies between the United Kingdom and the Kingdom of the Netherlands. Our two Governments have noted that

the Convention is not applicable to persons in cross-border situations between the Kingdom of the Netherlands and the United Kingdom whom are governed by the personal scope of:

- The Withdrawal Agreement for those persons who were in a cross-border situation before or on 31 December 2020; and/or
- The Trade and Cooperation Agreement for those not covered by the Withdrawal Agreement.

Our two Governments have further noted that the Convention will continue to apply between them unchanged in respect of the territories of the Isle of Man, Jersey and Guernsey (hereinafter referred to as the 'UK Crown Dependencies') and the Kingdom of the Netherlands.

The Embassy therefore has the honour to propose that this Note, together with the reply of the Foreign, Commonwealth and Development Office to that effect, constitutes confirmation of a common understanding between the Kingdom of the Netherlands and the United Kingdom of the interpretation and application of the personal scope of the Convention. In addition, to expressly clarify the aforementioned in the text of the Convention, the Embassy has the honour to propose, on behalf of the Government of the Netherlands, that the provisions of this Convention will be amended accordingly in due course. Furthermore, the Embassy notes that our two Governments intend to discuss additional amendments to the Convention in order to align the text of the Convention more closely with the current national legislation of the Parties and of the UK Crown Dependencies. To that end, the governments of the Crown Dependencies may be invited to such future discussions, where necessary.

The Embassy of the Kingdom of the Netherlands avails itself of this opportunity to renew to the Foreign, Commonwealth and Development Office of the United Kingdom of Great Britain and Northern Ireland the assurances of its highest consideration.

To the Foreign, Commonwealth and Development Office

Nr. II

FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE
King Charles Street
Whitehall
London SW1A 2AH

London, 22 October 2021

No. NV 021-2021

The Foreign, Commonwealth and Development Office of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Embassy of the Kingdom of the Netherlands and has the honour to acknowledge receipt of Note no. Min-BuZa.2021.9241-59 of 12 October 2021, which reads as follows:

(Zoals in Nr. I)

The Foreign, Commonwealth and Development Office has the honour to inform the Embassy that the proposals of the aforementioned note are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland ("the United Kingdom") and therefore confirms that the aforementioned note, together with this reply, constitutes confirmation of a common understanding between the United Kingdom and the Kingdom of the Netherlands of the interpretation and application of the personal scope of the Convention.

The Foreign, Commonwealth and Development Office has further the honour to confirm that the aforementioned Note and this Note in reply confirms a shared intention between the Governments of the United Kingdom and the Kingdom of the Netherlands to expressly clarify the aforementioned common understanding by amending the text of the Convention in due course, and to discuss additional amendments to the Convention in order align it more closely with the current national legislation of the Parties and of the UK Crown Dependencies.

The Foreign, Commonwealth and Development Office of the United Kingdom of Great Britain and Northern

Ireland avails itself of this opportunity to renew to the Embassy of the Kingdom of the Netherlands the assurances of its highest consideration.

To the Embassy of the Kingdom of the Netherlands

Uitgegeven de *vijfde* november 2021.

De Minister van Buitenlandse Zaken,

H.P.M. KNAPEN