

No. 40594. Netherlands and New Zealand

AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF NEW ZEALAND. THE HAGUE, 30 JUNE 2000 [*United Nations, Treaty Series, vol. 2280, I-40594.*]

ADMINISTRATIVE ARRANGEMENT PURSUANT TO ARTICLE 29 OF THE AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF NEW ZEALAND. THE HAGUE, 9 SEPTEMBER 2003

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N° 40594. Pays-Bas et Nouvelle-Zélande

ACCORD DE SÉCURITÉ SOCIALE ENTRE LE GOUVERNEMENT DU ROYAUME DES PAYS-BAS ET LE GOUVERNEMENT DE LA NOUVELLE-ZÉLANDE. LA HAYE, 30 JUIN 2000 [*Nations Unies, Recueil des Traités, vol. 2280, I-40594.*]

ARRANGEMENT ADMINISTRATIF PORTANT EXÉCUTION DE L'ARTICLE 29 DE L'ACCORD DE SÉCURITÉ SOCIALE ENTRE LE GOUVERNEMENT DU ROYAUME DES PAYS-BAS ET LE GOUVERNEMENT DE LA NOUVELLE-ZÉLANDE. LA HAYE, 9 SEPTEMBRE 2003

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[ENGLISH TEXT – TEXTE ANGLAIS]

Administrative Arrangement

Pursuant to Article 29 of The Agreement on Social Security between
The Government of the Netherlands
and
The Government of New Zealand
signed at The Hague on 30 June 2000

PART I

GENERAL PROVISIONS

Section 1

Definitions

1. For the application of this Administrative Arrangement “Agreement” means the Agreement on Social Security between the Government of New Zealand and the Government of the Netherlands, signed at The Hague on 30 June 2000.

2. Authorised information matching means: the comparison of any document, whether by manual or electronic means, that contains personal information with one or more other documents that contain personal information for the purpose of producing or verifying information about an identifiable individual.

3. Other terms will have the meaning given to them in the Agreement or in this Arrangement.

Section 2

Liaison Bodies

1. For the application of the Agreement, the following are designated as Liaison Bodies:

A. in the Netherlands

(a) for old age and survivors’ benefits and children’s allowances;

Sociale verzekeringsbank (Social Insurance Bank), Amsterdam

(b) for sickness and invalidity benefits;

Uitvoeringsinstituut werknemersverzekeringen (Institute for Employee Benefits), Amsterdam;

B. in New Zealand

International Services of Work and Income, Ministry of Social Development, Wellington.

2. The duties of the Liaison Bodies are stated in this Arrangement. For the application of this Agreement and Administrative Arrangement, the Liaison Bodies may communicate directly with each other as well as with the persons concerned or their representatives. The Liaison Bodies will assist each other in the application of the Agreement.

PART II

PROVISIONS CONCERNING SECONDMENT

Section 3

Certificates of Secondment

1. For the purpose of this Section, “institution” means the Sociale verzekeringsbank (Social Insurance Bank), Amstelveen.

2. Where Article 5 of the Agreement applies, the Netherlands Institution will, at the request of the employed person or his or her employer, issue a certificate stating that, as long as the employed person fulfils the conditions laid down in Article 5 of the Agreement, the employed person remains subject to the Netherlands legislation until the date indicated on the certificate.

3. In the event of an extension in accordance with Article 5 of the Agreement, the Netherlands Institution again issues a certificate of secondment.

4. The certificates referred to in the previous paragraphs will be proof that the Netherlands Institution authorises the secondment.

5. The Netherlands Institution will send copies of a certificate issued under paragraph 2 or 3 to the employed person and to his or her employer.

PART III

PROVISIONS CONCERNING APPLICATIONS AND APPEALS

Section 4

Applications

1. In the application of the Agreement, a claim for a benefit under the Agreement may be presented to the Liaison Body of either Contracting Party whose legislation applies.

2. When a claim for a benefit referred to under paragraph 1 is presented to a Liaison Body, that Liaison Body will send the claim to the Liaison Body of the Contracting Party whose legislation is applicable, along with supporting documents necessary to establish the claimant's eligibility for that benefit.

3. In the case of New Zealand, the documentary evidence will include, as the circumstances require:

a) a certified copy of the claimant's identification such as passport, birth certificate, marriage certificate or drivers license;

b) verification of the Netherlands pension reference number and/or social fiscal number of the claimant, his or her spouse and dependent children;

c) a copy of the birth certificate of each dependent child;

d) a copy of the death certificate of the claimant's spouse;

e) verification produced by the claimant of his or her Netherlands or New Zealand bank account number, the name of the bank, the location of the bank and the name of the account.

4. In the case of the Netherlands, the documentary evidence will include, as the circumstances require:

(i) a certified copy of the claimant or recipient's identity such as a passport or drivers license;

(ii) marriage certificate;

(iii) decree nisi (attestation of divorce);

(iv) wage slip or tax assessment certificate;

(v) life certificate;

(vi) medical data held by the New Zealand institute.

5. All documentary evidence will be date stamped by the Contracting Party receiving the claim on the date of receipt.

6. The Liaison Body of New Zealand will indicate on the liaison form any requirement to withhold arrears in terms of Article 23 of the Agreement; and the Liaison Body of the Netherlands will remit the arrears that have been held immediately after a decision to grant the benefit has been made.

7. Any payment of arrears made by the Liaison Body of the Netherlands will be deposited in a bank account nominated by the Liaison Body of New Zealand.

8. As soon as a decision on a claim for benefit has been reached, the Liaison Body of the Contracting Party whose legislation applies, will notify the claimant giving information about review and appeal procedures and the time related limits set down by that legislation; the Liaison Body will also advise the Liaison Body of the other Contracting Party of the details of the decision, by means of a liaison form.

9. When requested, the Liaison Body of a Contracting Party, within the conditions and limits laid down under its own legislation, will provide verification of details of the income for a claimant and of that claimant's spouse or partner or dependent child for a benefit payable under the legislation of the other Contracting Party.

10. The Liaison Bodies will inform each other by means of a liaison form of the award, revision, suspension or withdrawal of pensions or benefits under the Agreement.

Section 5

Appeals and Related Documents

A Competent Authority or Liaison Body that receives appeals and related documents under the legislation of the other Contracting Party will:

- a) Stamp on each document the date of receipt;
- b) Record the receipt of each document by its own Liaison Body; and
- c) Send the documents as soon as possible to the Liaison Body of the other Contracting Party.

Section 6

Claims Under Other Agreements

1. A Liaison Body will accept on behalf of the other Liaison Body, a claim for a benefit under an agreement on social security that the Contracting Party of the latter Liaison Body has entered into with a third State; will stamp that claim with the date of receipt; and send it to the other Liaison Body as soon as possible.

2. A Liaison Body that has received an application under paragraph 1 may request specific assistance from the other Liaison Body in regard to the determination of that claim and the other Liaison Body will provide, to the extent practicable, the same degree of assistance as if the claim were made under the Agreement.

Section 7

Exchange of Information

1. Except as provided in this section, where a Competent Authority or Liaison Body requests information under Article 20 of the Agreement, the Competent Authority or Liaison Body so requested will supply that information in as timely a manner as possible.

2. The Liaison Bodies of both Contracting Parties will exchange information of the changes in pension amounts to be paid to each recipient of a benefit and of the effective date and the new amount payable as soon as possible after those changes are known in the manner agreed in writing, from time to time, between the Liaison Bodies.

3. The Liaison Bodies will provide each other in the manner agreed in writing, from time to time, with information on changes in circumstances of benefit recipients that may affect entitlement to a benefit paid by the other Contracting Party.

4. Except in relation to paragraphs 2 and 3 of this Section, where a Liaison Body requests personal information under Article 20 of the