

2002. évi VII. törvény

a Magyar Köztársaság és a Holland Királyság között a szociális biztonsági ellátások kivitelével kapcsolatos együttműködésről szóló Egyezmény kihirdetéséről¹

Hatályos: 2002. 03. 01. –

1. § Az Országgyűlés a Magyar Köztársaság és a Holland Királyság között a szociális biztonsági ellátások kivitelével kapcsolatos együttműködésről szóló Egyezményt (a továbbiakban: Egyezmény), e törvénnyel hirdeti ki. *(A megerősítésről szóló utolsó értesítésre 2002. január 31-én került sor.)*

2. § Az Egyezmény angol nyelvű szövege és annak hivatalos magyar nyelvű fordítása a következő:

„

Agreement between the Kingdom of the Netherlands and the Republic of Hungary on co-operation related to the export of social security benefits

The Kingdom of the Netherlands and the Republic of Hungary, hereinafter referred to as the Contracting Parties, wishing to allow the lawful payment of their social security benefits in each other's country, being desirous to regulate the co-operation between the two States, have agreed as follows:

Article 1

Definitions

1. For the purpose of this Agreement:

- a) „territory” means in relation to Hungary the territory of the Republic of Hungary; in relation to the Kingdom of the Netherlands the territory of the Kingdom in Europe;
 - b) „legislation” means the legislation relating to the branches of social security mentioned under Article 2;
 - c) „competent authority” means in relation to the Republic of Hungary the Ministries or relevant authorities in charge of the social insurance schemes regulated by the legislation mentioned under Article 2, paragraph 2, in relation to the Kingdom of the Netherlands the Minister of Social Affairs and Employment of the Netherlands;
 - d) „competent institution” means in relation to the Republic of Hungary: the „Országos Nyugdíjbiztosítási Főigazgatóság” (Central Administration of National Pension Insurance) or its legal successor; in relation to the Kingdom of the Netherlands regarding the branches of social security mentioned in Article 2, paragraph 1, under a), b) and c): the „Landelijk instituut sociale verzekeringen” (National Institute for Social Insurance) c/o Gak Nederland bv or its legal successor and regarding the branches of social security mentioned under Article 2, paragraph 1, under d), e) and f): the „Sociale Verzekeringsbank” (Social Insurance Bank) or its legal successor;
 - e) „agencies” means all the organisations that are involved in the implementation of this Agreement, including the personal data and address registries, tax authorities, marriage registers, employment agencies, the trade authorities, the police, the prison service and the immigration offices;
 - f) „benefit” means any cash benefit or pension under the legislation referred to under Article 2;
 - g) „beneficiary” means a person who applies for or receives a benefit;
 - h) „member of the family” means a person defined, or recognised as such by the Netherlands' legislation and as next of kin under the Hungarian legislation;
 - i) „place of residence” means a place in the territory of a Contracting Party where the person concerned takes up habitual residence and where such person is registered in line with the applicable regulations of this Contracting Party;
 - j) „place of stay” means, unlike place of residence, temporary short-term residence in the territory of one of the Contracting Parties, the duration of which is usually related to the implementation of the objective of stay defined in advance.
2. Other terms used in this Agreement have the meaning given to them under the legislation, which is being applied.

Article 2

Material scope

This Agreement shall apply:

1. With respect to the Kingdom of the Netherlands, to the Netherlands' legislation concerning the following branches of social security:
 - a) sickness and maternity benefits;
 - b) disablement benefits for employed persons;
 - c) disablement benefits for self-employed persons;
 - d) old age pensions;
 - e) survivors' benefits;
 - f) child benefits.
2. With respect to the Republic of Hungary, to the legislation of Hungary concerning
 - a) the following social insurance benefits:
 - aa) pension benefits under the social insurance pension scheme (old age pension, disability pension, accident disability pension, widows' and widowers' pension, orphans' benefit, parental pension, accident survivors' pension) and other benefits treated as pension benefits under the social insurance pension scheme for the purposes of payment,
 - ab) accident annuity;
 - b) the collection of social insurance contributions.

Article 3

Personal scope

Unless otherwise provided in this Agreement, this Agreement shall apply to any beneficiary as well as to members of his family insofar as they reside or stay in the territory of the Contracting Parties.

Article 4

Export of benefits

1. Unless otherwise provided for in this Agreement, any legislation of a Contracting Party which restricts payment of a benefit solely because the beneficiary or a member of his family resides or stays outside the territory of this Contracting Party shall not be applicable with respect to beneficiaries or to members of their families who reside or stay in the territory of the other Contracting Party.
2. The provision of paragraph 1 shall not apply to benefits provided by virtue of a bilateral agreement concluded between the Republic of Hungary and a third State on the basis of the territorial principle.

Article 5

Verification concerning application for and payment of benefits

1. With regard to an application for or the legitimacy of payment of benefits, the competent institution of a Contracting Party shall, at the request of the competent institution of the other Contracting Party, provide data and information – with the required collaboration of the agencies and the beneficiary – in order to verify the entitlement to a benefit or the legitimacy of payment of a benefit. The competent institution shall forward a statement of verification concerning the beneficiary along with authenticated copies of the relevant documents to the competent institution of the other Contracting Party.

2. The information referred to in the first paragraph shall include, in particular, information regarding identity, address, household, education, income, state of health, death and detention.

3. The competent institutions of the Contracting Parties may contact each other, as well as the beneficiaries, the members of their families, or their representatives, directly.

4. Notwithstanding paragraph 1, the diplomatic or consular representatives and the competent institutions of a Contracting Party are allowed to contact the agencies of the other Contracting Party directly in order to verify entitlement to benefits and legitimacy of payments to the beneficiaries.

5. For the purposes of implementing this Agreement, the competent institutions and the agencies shall lend their good offices and act as though implementing their own legislation. The administrative assistance furnished by the competent institutions and the agencies shall be free of charge. However, the competent authorities of the Contracting Parties may agree to certain expenses being reimbursed.

6. Notwithstanding paragraph 1, the competent institution of a Contracting Party shall, to the extent possible and without prior request, inform the competent institution of the other Contracting Party of any changes in the information regarding the beneficiary or members of his family.

Article 6

Identification

1. In order to determine the entitlement to benefits and legitimacy of payments under the Hungarian or Netherlands' legislation, a person who falls under the scope of this Agreement is obliged to identify himself by submitting an official proof of identity to the competent institution of the Contracting Party in whose territory this person resides or stays. The competent institution identifies the beneficiary on the basis of this identification. Official proof of identity includes a passport or any other valid proof of identity issued by the authorities competent in this respect in the person's residence.

2. The competent institution shall inform the competent institution of the other Contracting Party that the identity of the beneficiary has been verified by sending a copy of the identity document.

Article 7

Medical examination

1. At the request of the competent institution of a Contracting Party, the competent institution of the other Contracting Party shall see to having the medical examinations of a beneficiary residing or staying in its territory carried out.

2. In order to determine the degree of disability for work, the competent institutions of both Contracting Parties shall use the medical reports and the administrative data provided by the competent institution of the other Contracting Party, but they nevertheless reserve the right to have the beneficiary examined by a doctor of its own choice or to summon the person involved to undergo a medical examination in its territory.

3. The beneficiary shall comply with any request by presenting himself for a medical examination. If the beneficiary feels that, for medical reasons, he is unfit to travel to the territory of the Contracting Party where he has been summoned by the competent institution, he must inform that competent institution immediately. He will then be obliged to submit a medical certificate issued by the attending physician. This certificate shall include the medical reasons for his unfitness for travelling as well as the expected duration of this unfitness.

4. The costs of the examination and, as the case may be, the expenses for travel and accommodation shall be paid for by the competent institution at whose request the examination is carried out.

Article 8

Recovery of undue payment of benefits and collection of social insurance contributions

1. Any enforceable decision by a court or a competent institution of a Contracting Party regarding the recovery of a benefit to which the beneficiary was not entitled or the collection of social insurance contributions shall be recognised and enforced by the competent institution of the other Contracting Party within the legal limits of that Contracting Party. Confirmation that a decision or decree is enforceable must be stated on the authentic copy of that decision or decree.

2. If a beneficiary has been paid a benefit to which he is not entitled by a competent institution of a Contracting Party and he receives a benefit from a competent institution of the other Contracting Party, the former competent institution may request that the payment in question be balanced against a benefit due to the beneficiary in the latter Contracting Party. The latter competent institution shall arrange for the deduction of the amount in accordance with, and within the limits of the legislation implemented by the institution, and shall remit the amount to the competent institution that is entitled to reimbursement.

3. The competent institutions of both Contracting Parties shall carry out their activities in terms of this Article free of charge. Any other costs made for the execution of any enforceable decision or decree such as legal costs, shall be paid for by the competent institution whose decision or decree is to be executed.

Article 9

Refusal to pay, suspension, withdrawal

The competent institution of a Contracting Party may refuse to pay, suspend or withdraw a benefit if, within a period of three months, the beneficiary has failed to undergo a medical examination or to provide the information as requested under Article 6 and Article 7, paragraphs 2 and 3 of this Agreement.

Article 10

Data protection

1. Where, under this Agreement, the competent authorities or competent institutions of a Contracting Party communicate personal data to the competent authorities or competent institutions of the other Contracting Party, that communication shall be subject to the legal provisions governing protection of data laid down by the Contracting Party providing the data. Any subsequent transmission as well as storage, alteration and destruction of the data shall be subject to the provisions of the legislation on data protection of the receiving Contracting Party.

2. The use of personal data for purposes other than those of social security shall be subject to the approval of the person concerned or in accordance with other guarantees provided for by national legislation.

Article 11

Implementation of the Agreement

The competent institutions of both Contracting Parties may, by means of supplementary arrangements, establish measures for the application of this Agreement.

Article 12

Settlement of disputes

1. The competent institutions of the Contracting Parties shall resolve, to the extent possible, any disputes arising from the interpretation or application of this Agreement in accordance with its spirit and principles. If the competent institutions fail to settle a dispute, the competent authorities of the Contracting Parties shall make efforts to resolve such dispute.

2. Upon the request of a Contracting Party, the Contracting Parties shall consult each other immediately about disputes that could not have been settled either by the competent institutions or the competent authorities in accordance with paragraph 1.

Article 13

Entry into force

1. The Contracting Parties shall notify each other in writing of the completion of their respective legal or constitutional procedures required for the entry into force of this Agreement.

2. This Agreement shall enter into force on the first day of the second month after the date of the last notification, on the understanding that Article 4 shall be applied provisionally from the first day of the second month following the date of signature.

Article 14

Territorial application

In relation to the Kingdom of the Netherlands, this Agreement shall apply only to the territory of the Kingdom in Europe.

Article 15

Termination of the Agreement

This Agreement may be terminated at any time by notice in writing to the other Contracting Party. In the event of termination, this Agreement shall remain in force until the end of the calendar year following the year in which the notice of termination has been received by the other Contracting Party.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Agreement.

DONE at the Hague this 22nd day of May 2001, in duplicate, each in the Netherlands, Hungarian and English language, all texts being equally authentic. In case of differences of interpretation the English version is the authoritative one.

Egyezmény a Magyar Köztársaság és a Holland Királyság között a szociális biztonsági ellátások kivitelével kapcsolatos együttműködésről

A Magyar Köztársaság és a Holland Királyság (a továbbiakban: Szerződő Felek),
azon kívánságtól vezérelve, hogy lehetővé tegyék szociális biztonsági ellátásaik jogszerű folyósítását egymás országaiban,
azon célból, hogy szabályozzák a két állam közötti együttműködést,
az alábbiakban állapodtak meg:

1. Cikk

Fogalommeghatározások

1. Jelen egyezmény alkalmazásában