

April 10, 2001

**AGREEMENT BETWEEN THE REPUBLIC OF THE PHILIPPINES AND  
THE KINGDOM OF THE NETHERLANDS ON THE EXPORT OF  
SOCIAL INSURANCE BENEFITS**

The Republic of the Philippines and the Kingdom of the Netherlands,

Desiring to allow the lawful payment of its social insurance benefits in each other's country,

Have therefore agreed on the following:

**ARTICLE 1  
DEFINITIONS**

1. For the purpose of this Agreement:

a. "contracting parties" means the Kingdom of the Netherlands and the Republic of the Philippines;

b. "territory" means in relation to the Kingdom of the Netherlands the territory of the Kingdom in Europe, and in relation to the Republic of the Philippines, the territory as defined in the 1987 Constitution;

c. "legislation" means the laws, ordinances and administrative regulations relating to the social insurance schemes mentioned under Article 2;

d. "competent authority" means in relation to the Kingdom of the Netherlands the Minister of Social Affairs and Employment of the Netherlands; in relation to the Republic of the Philippines, the President and Chief Executive Officer of the Social Security System;

e. "competent institution" means in relation to the Kingdom of the Netherlands regarding the legislation meant in Article 2, paragraph 1, under a, b, and c: the "Landelijk instituut sociale verzekeringen" (National Institute for Social Insurance) c/o Gak Nederland by or its legal successor and regarding the legislation meant in Article 2, paragraph 1. under d, e, and f: the "Sociale Verzekeringsbank" (Social Insurance Bank); in relation to the Republic of the Philippines, the Social Security System for the private sector workers and the Government Service Insurance System for the public sector workers;

f. "agency" means every organization that is involved in the implementation of this Agreement, including the population registers, tax authorities, marriage registers, employment agencies, schools and other educational institutes, trade authorities, police, prison service and immigration offices;

g. "benefit" means every cash benefit or pension under the legislation referred to under Article 2;

h. "beneficiary" means every person who applies for or who is entitled to a benefit;

i. "member of the family" means a person defined, or recognized as such by the legislation applied by the Netherlands' competent institutions.

2. Other terms used in this Agreement shall have the meaning given to them under the legislation which is being applied.

## **ARTICLE 2 MATERIAL SCOPE**

1. This Agreement shall apply

A. With respect to the Kingdom of the Netherlands, to the Netherlands legislation on:

- i. sickness insurance (benefits in the case of sickness and maternity);
- ii. disablement insurance for employed persons;
- iii. disablement insurance for self-employed persons;
- iv. old age insurance;
- v. survivors' insurance; and
- vi. children's allowances.

B. With respect to the Republic of the Philippines, to the Philippine legislation on:

- i. disability benefits;
- ii. sickness benefits;
- iii. death benefits;
- iv. retirement benefits; and
- v. maternity benefits.

2. This Agreement shall also apply to laws and regulations which extend the existing schemes to new categories of persons only if the Contracting Party amending its legislation within six (6) months of the date of the coming-into-force of such laws and regulations does not forward a contradicting notification to the other Contracting Party.

## **ARTICLE 3 PERSONAL SCOPE**

Unless otherwise provided in this Agreement, this Agreement shall apply to a beneficiary as well as to a member of his family insofar as he resides or stays in the territory of the Contracting Parties.

## **ARTICLE 4 EXPORT OF BENEFITS**

Unless otherwise provided for in this Agreement, any provision of the legislation which restricts payment of benefits solely because a beneficiary or a member of his family resides or stays outside the territory of a Contracting Party, shall not be

applicable with respect to a beneficiary or to a member of his family who resides or stays in the territory of the Contracting Parties.

## **ARTICLE 5 VERIFICATION OF APPLICATIONS AND PAYMENTS**

1. Concerning the 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, verify the information, referred to under paragraph 2, regarding a beneficiary or a member of his family. If necessary, this verification is to be carried out with the agencies. The competent institution shall forward a statement of the verification 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 includes information regarding identity, address, household, employment, education, income, medical condition, death and detention.

3. The competent institutions of the Contracting Parties shall directly contact each other, as well as a beneficiary, a member of his family, or his authorized representatives,

4. Without prejudice to the provision of 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 agencies shall Send their good offices and act as though implementing their own legislation. The administrative assistance extended by the said agencies shall, as a rule, be free of charge. However, competent authorities of the Contracting Parties may agree to certain expenses being reimbursed.

6. Notwithstanding paragraph 1, the competent institutions of a Contracting Party shall, to the extent possible and without prior request, inform the competent institution of the other Contracting Party on changes in the information referred to in paragraph 2.

## **ARTICLE 6 IDENTIFICATION**

In order to determine the entitlement to benefits and legitimacy of payments under the legislation of a Contracting Party, 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 he resides or stays. The competent institution identifies the beneficiary or a member of his family on the basis of this identification, identification includes a passport or any other valid proof of identity issued by an agency of the other Contracting Party. The competent institution will inform the competent institution of the other Contracting Party that the identity of the beneficiary, or a member of his family, has been verified by sending an authenticated copy of the identification document.