



Permanente Vertegenwoordiging van het
Koninkrijk der Nederlanden
Permanent Representation of the Kingdom
of the Netherlands to the Council of Europe

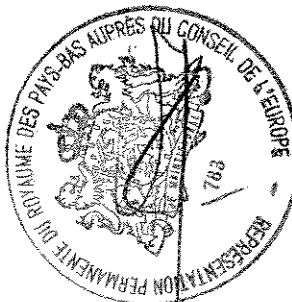
NOTE VERBALE

The Permanent Representation of the Kingdom of the Netherlands to the Council of Europe presents its compliments to the Secretary-General of the Council of Europe and has the honour to forward to the Secretary-General the official declaration of the Minister of Foreign Affairs of the Kingdom of the Netherlands regarding, in conformity with Article 81 of the European Code of Social Security with Annex, Addenda and Protocol, done at Strasbourg on 16 April 1964, the denunciation of Part VI (Employment injury benefit) of the said Code for the Kingdom in Europe.

Furthermore, an explanatory letter of the Minister of Social Affairs and Employment is enclosed.

The Permanent Representation of the Kingdom of the Netherlands avails itself of this opportunity to renew to the Secretary General of the Council of Europe the assurances of its highest consideration.

Strasbourg, 22 February 2007



To the Secretary-General
of the Council of Europe
Strasbourg

**THE MINISTER
OF FOREIGN AFFAIRS
OF THE KINGDOM OF THE
NETHERLANDS,**

DECLARES, in conformity with Article 81 of the European Code of Social Security, with Annex, Addenda and Protocol, done at Strasbourg on 16 April 1964, that the Kingdom of the Netherlands DENOUNCES Part VI (Employment injury benefit) of the said Code for the Kingdom in Europe.

Signed and sealed at The Hague, 21 February 2007

A handwritten signature in black ink, appearing to be 'B. V. de ...', is written over a horizontal line.



To the Secretary-General of
the Council of Europe
Avenue de l'Europe
67075 Strasbourg Cedex

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Ons kenmerk IZ/1A/2007/6977
Datum 21 februari 2007

Onderwerp Provisional denunciation Part VI of the European
Code of social security

Dear Mr. Davis,

Hereby you find the act of denunciation of the Minister of Foreign Affairs with which the Kingdom of the Netherlands denounces Part VI of the European Code of Social Security, concluded at Strasbourg on 16 April 1964.

Since the Kingdom of the Netherlands attributes great value to the Council of Europe and its treaties, I would, also on behalf of the Minister of Health, Welfare and Sports, like to inform you as to the reason for this denunciation.

Recently, the Central Appeals Tribunal in Utrecht, the highest judicial authority in the area of social security, has ruled that cost sharing by persons in need of long-term intramural care as a consequence of occupational illness or industrial accidents, contravenes Part VI of the Code.

The decision in this case results from the fact that the Netherlands' legislation on social security does not make any distinction between the *risque social* and the *risque professionnel*. In the social security legislation, no differentiation is made in the issuing of benefits in kind or cash, according to the cause of the need for health care.

As a result of the Tribunal ruling, the government of the Netherlands needs to deliberate on subsequent measures. In order to achieve a balanced decision it has been agreed to proceed to a "provisional" denunciation, as denunciation can only take place after the expiration of every five years from the date on which the Code has been ratified. The next expiration for the Netherlands will take place on 17 March 2007. If the government of the Netherlands does not denounce now, the next possibility for denunciation would be on 12 March 2012.

Following the elections in past November, a new government will be installed on 22 February 2007. In view of the principal character of this matter, the provisional denunciation will enable



Ons kenmerk IZ/IA/2007/6977

the new government to carefully weigh this decision and possible alternatives to denunciation of Part VI. This could lead to withdrawal of the denunciation by the Netherlands' government within a year after deposition of this act, in which case the provisional denunciation shall be void.

The Minister of Social Affairs
and Employment,

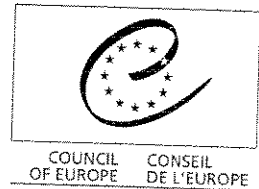
A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a vertical line and a horizontal stroke, all enclosed within a large, sweeping oval shape.

(A.J. de Geus)

SECRETARIAT GENERAL

DIRECTORATE GENERAL I
LEGAL AFFAIRS

Please quote: JJ6454C
Tr./048-16



Strasbourg, 2 March 2007

NOTIFICATION OF PARTIAL DENUNCIATION

State : Netherlands.

Represented by : Mr Jacobus van der VELDEN, Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of the Netherlands to the Council of Europe.

Instrument : European Code of Social Security, opened for signature, in Strasbourg, on
16 April 1964 (ETS No. 48).

Date of entry into force
of the instrument : 17 March 1968.

Date of partial
denunciation : 22 February 2007.

Date of taking effect
of the partial denunciation: 17 March 2008.

Reservations : ETS No. 048 Res./Decl. Netherlands.
Declarations : (See Annex)

Signatory States : Austria, Latvia, Lithuania, Moldova, Romania.

Contracting States : Belgium, Cyprus, Czech Republic, Denmark, Estonia, France, Germany,
Greece, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Slovenia,
Spain, Sweden, Switzerland, Turkey, United Kingdom.

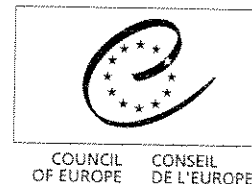
Notification made in accordance with Article 82 of the Code.

Copy to all member States + I.L.O.

Council of Europe
F-67075 Strasbourg Cedex

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Treaty Office: +33 (0)3 88 41 36 68/37 85
Fax: +33 (0)3 88 41 20 52

E-mail: treaty.office@coe.int
<http://conventions.coe.int>



ETS/STE No. 48

EUROPEAN CODE OF SOCIAL SECURITY

opened for signature, in Strasbourg, on 16 April 1964

CODE EUROPÉEN DE SÉCURITÉ SOCIALE

ouvert à la signature, à Strasbourg, le 16 avril 1964

Reservations/Declarations
Réerves/Déclarations

NETHERLANDS

Partial denunciation *contained in a Note verbale from the Minister of Foreign Affairs of the Netherlands, dated 21 February 2007, registered at the Secretariat General on 22 February 2007 – Or. Engl.*

The Minister of Foreign Affairs of the Kingdom of the Netherlands declares, in conformity with Article 81 of the European Code of Social Security, with Annex, Addenda and Protocol, that the Kingdom of the Netherlands denounces Part VI (Employment injury benefit) of the said Code for the Kingdom in Europe.

Communication *contained in a letter from the Minister of Social Affairs and Employment of the Netherlands, dated 21 February 2007, registered at the Secretariat General on 22 February 2007 – Or. Engl.*

In connection with the denunciation on 22 February 2007 of Part VI of the Code of Social Security, the Government of the Kingdom of the Netherlands states the following :

Recently, the Central Appeals Tribunal in Utrecht, the highest judicial authority in the area of social security, has ruled that cost sharing by persons in need of long-term intramural care as a consequence of occupational illness or industrial accidents, contravenes Part VI of the Code. The decision in this case results from the fact that the Netherlands' legislation on social security does not make any distinction between the *risque social* and the *risque professionnel*. In the social security legislation, no differentiation is made in the issuing of benefits in kind or cash, according to the cause of the need for health care.

As a result of the Tribunal ruling, the government of the Netherlands needs to deliberate on subsequent measures. In order to achieve a balanced decision it has been agreed to proceed to a "provisional" denunciation, as denunciation can only take place after the expiration of every five years from the date on which the Code entered into force. The next expiration for the Netherlands will take place on 17 March 2007.

Following the elections in November 2006, a new government will be installed on 22 February 2007. In view of the principal character of this matter, the provisional denunciation will enable the new government to carefully weigh this decision and possible alternatives to denunciation of Part VI. This could lead to withdrawal of the denunciation by the Netherlands' government within a year after deposition of this act, in which case the provisional denunciation shall be void.

PAYS-BAS

Dénonciation partielle *consignée dans une Note verbale du Ministre des Affaires étrangères des Pays-Bas, datée du 21 février 2007, enregistrée au Secrétariat Général le 22 février 2007 – Or. angl.*

Le Ministre des Affaires étrangères du Royaume des Pays-Bas déclare, conformément à l'article 81 du Code européen de Sécurité sociale, avec Annexes, Addenda et Protocole, que le Royaume des Pays-Bas dénonce la Partie VI (Prestations en cas d'accidents du travail et de maladies professionnelles) dudit Code pour le Royaume en Europe.

Communication *consignée dans une lettre du Ministre des Affaires sociales et du Travail des Pays-Bas, datée du 21 février 2007, enregistrée au Secrétariat Général le 22 février 2007 – Or. angl.*

En liaison avec la dénonciation, le 22 février 2007, de la Partie VI du Code européen de sécurité sociale, le Gouvernement du Royaume des Pays-Bas fait la déclaration suivante :

Récemment, le Tribunal central d'appel d'Utrecht, la plus haute autorité judiciaire en matière de sécurité sociale, a jugé que le partage des coûts par des personnes nécessitant des soins intra-muraux à long terme suite à une maladie professionnelle ou un accident industriel, contrevient à la Partie VI du Code. La décision dans ce cas résulte du fait que la législation des Pays-Bas en matière de sécurité sociale ne fait pas de distinction entre le risque social et le risque professionnel. Dans le cadre de la législation en matière de sécurité sociale, aucune différence n'est faite dans la délivrance des allocations en nature ou en espèces selon la cause du besoin en soins de santé.

Du fait du jugement du Tribunal, le gouvernement des Pays-Bas doit délibérer sur les mesures qui en découlent. Afin de permettre une décision équilibrée, il a été convenu de procéder à une dénonciation "provisoire", étant donné qu'une dénonciation ne peut être faite qu'à l'expiration de chaque période successive de cinq ans après la date d'entrée en vigueur du Code. La prochaine expiration pour les Pays-Bas aura lieu le 17 mars 2007.

Suite aux élections de novembre 2006, un nouveau gouvernement sera institué le 22 février 2007. Du fait du rôle primordial de ce domaine, la dénonciation provisoire permettra au nouveau gouvernement d'évaluer soigneusement sa décision et les alternatives possibles à la dénonciation de la Partie VI. Cela pourrait conduire au retrait de la dénonciation par le gouvernement des Pays-Bas dans l'année suivant le dépôt de cet acte, auquel cas la dénonciation provisoire serait annulée.