

Declaration by the Kingdom of the Netherlands pursuant to Article 9 of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems for the reference year ending 31 December 2022

I. DECLARATIONS REFERRED TO IN ARTICLE 1(1) OF REGULATION (EC) No 883/2004 AND THE DATE FROM WHICH THE REGULATION WILL APPLY

None.

II. LEGISLATION AND SCHEMES REFERRED TO IN ARTICLE 3 OF REGULATION (EC) No 883/2004 AND THE DATE FROM WHICH THE REGULATION WILL APPLY

1. Sickness benefits

(i) Benefits in kind

a) The Long-term Care Act (*Wet langdurige zorg/Wlz*)

- Act of 3 December 2014 laying down rules on the insurance for the care of persons reliant on long-term care.
- Covered by Regulation (EC) No 883/2004 since 1 January 2015.

b) Healthcare Insurance Act (*Zorgverzekeringswet/Zvw*)

- Act of 16 June 2005 establishing a social insurance scheme for medical care for the general population
- Covered by Regulation (EC) No 883/2004 since 1 May 2010.

(ii) Cash benefits

a) Employer obligation to continue payment of wages in the event of sickness

- Under Article 629 of Book 7 of the Civil Code, employers have an obligation to continue paying at least 70% of wages for a period of 104 weeks if an employee is unable to perform the work agreed on account of sickness.
- Covered by Regulation (EC) No 883/2004 since 1 May 2010

b) Sickness Benefits Act (*Ziektewet/ZW*)

- Act of 5 June 1913 on sickness insurance for workers
- Covered by Regulation (EC) No 883/2004 since 1 May 2010

c) Care Allowance Act (*Wet op de zorgtoeslag*)

- Act of 16 June 2005 laying down rules on entitlement to financial assistance with medical insurance contributions for persons on a low income.

- The care allowance is intended to help pay insurance contributions or cover services required on account of sickness.
- Covered by Regulation (EC) No 883/2004 since 1 May 2010.

2. Maternity and equivalent paternity benefits

(i) Benefits in kind

None.

(ii) Cash benefits

a) Work and Care Act (*Wet Arbeid en Zorg*)

- Act of 16 November 2001 laying down rules to establish a new balance between work and care in the broadest sense
- Covered by Regulation (EC) No 883/2004 since 1 May 2010
- Amendment: The Work and Care Act is amended as of 2 August 2022 by the Paid Parental Leave Act (*Wet Betaald Ouderschapsverlof*).

Full name of Act: *Act of 13 October 2021 amending the Work and Care Act, the Flexible Working Act (Wet flexibel werken) and a number of other Acts in conjunction with the implementation of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (OJ L 2019, 188) (Paid Parental Leave Act)*

Explanatory notes: *The Act provides for voluntary additional paid parental leave for both parents to be taken in the child's first year of life. This Act is governed by Regulation (EC) No 883/2004 as of 2 August 2022.*

3. Invalidity benefits

(i) Benefits in kind

None.

(ii) Cash benefits

a) Act on Work and Income according to Working Capacity (*Wet werk en inkomen naar arbeidsvermogen/WIA*)

- Act of 10 November 2005 to promote the performance of work in accordance with capacity, or the resumption of work, by insured persons with reduced capacity to work, and to establish a scheme for income for such persons and for insured persons who are wholly and permanently unfit for work
- Covered by Regulation (EC) No 883/2004 since 1 May 2010

b) Disability Insurance Act (*Wet op de arbeidsongeschiktheidsverzekering/WAO*)

- Act of 18 February 1966 on disability insurance
- Covered by Regulation (EC) No 883/2004 since 1 May 2010

c) Self-employed Disability Insurance Act (*Wet arbeidsongeschiktheidsverzekering zelfstandigen/WAZ*)

- Act of 24 April 1997 on insurance against the financial consequences of long-term incapacity for work and a maternity benefit scheme for self-employed workers, professionals and assisting spouses
- Covered by Regulation (EC) No 883/2004 since 1 May 2010

4. Old-age benefits

(i) Benefits in kind

None.

(ii) Cash benefits

a) General Old Age Pensions Act (*Algemene Ouderdomswet/AOW*)

- General Old-Age Insurance Act of 31 May 1956
- Covered by Regulation (EC) No 883/2004 since 1 May 2010

b) Provisional AOW Bridging Order (*Tijdelijke overbruggingsregeling/AOW (OBR)*)

- Regulation of the State Secretary for Social Affairs and Employment of 31 May 2013 establishing a provisional scheme to bridge the period between the entry into force of the General Old-Age Pensions Act and supplementary income schemes
- Covered by Regulation (EC) No 883/2004 with retroactive effect from 1 January 2013

5. Survivors' benefits

(i) Benefits in kind

None.

(ii) Cash benefits

a) General Surviving Relatives Act (*Algemene Nabestaandenwet/ANW*)

- Act of 21 December 1995 establishing a survivor's insurance scheme
- Covered by Regulation (EC) No 883/2004 since 1 May 2010

6. Benefits in respect of accidents at work and occupational diseases

No specific law. Risks are covered by invalidity and sickness benefits.

(i) Benefits in kind

(ii) Cash benefits

7. Death grants

(i) Benefits in kind

None.

(ii) Cash benefits

None.

8. Unemployment benefits

(i) Benefits in kind

None.

(ii) Cash benefits

a) Unemployment Benefits Act (Werkloosheidswet/WW)

- Act of 6 November 1986 on the insurance of employees against the financial consequences of unemployment
- Covered by Regulation (EC) No 883/2004 since 1 May 2010

b) Income Support (Older Unemployed Workers) Act (Wet inkomensvoorziening oudere werklozen/IOW)

- Act of 19 June 2008 laying down rules for income support for older unemployed workers
- Covered by Regulation (EC) No 883/2004 since 1 May 2010

c) Income Support (Older and Partially Incapacitated Unemployed Workers) Act (Wet inkomensvoorziening oudere en gedeeltelijk arbeidsongeschikte werkloze werknemers/IOAW)

- Act of 6 November 1986 establishing income support for older and partially incapacitated unemployed workers who have ceased to be entitled to benefit under the Unemployment Benefits Act
- Covered by Regulation (EC) No 883/2004 since 1 May 2010

d) Income Support (Older and Partially Incapacitated Formerly Self-Employed Persons) Act (Wet inkomensvoorziening oudere en gedeeltelijk arbeidsongeschikte gewezen zelfstandigen/IOAZ)

- Act of 11 June 1987 providing for income support for older and partially incapacitated former self-employed persons whose income is permanently below the social minimum and who as a result have ceased business or occupation
- Covered by Regulation (EC) No 883/2004 since 1 May 2010

9. Early retirement benefits

(i) Benefits in kind

None.

(ii) Cash benefits

None.

10. Family benefits

(i) Benefits in kind

None.

(ii) Cash benefits

a) General Child Benefit Act (*Algemene Kinderbijslagwet/AKW*)

- Act of 26 April 1962 Establishing a General Child Benefit Insurance Scheme (*Wet tot vaststelling van een algemene kinderbijslagverzekering*)
- Covered by Regulation (EC) No 883/2004 since 1 May 2010

b) Child-Related Expenses Act

- Act of 1 November 2007 Laying down Rules on Entitlement to a Means-tested Financial Contribution to Child-raising Costs (*Wet op het kindgebonden budget*)
- Covered by Regulation (EC) No 883/2004 since 1 May 2010

c) Act on Childcare and Play Group Quality Requirements

- Act of 9 July 2004 on compensation for childcare costs and ensuring the quality of childcare (*Wet kinderopvang*)
- Covered by Regulation (EC) No 883/2004 since 1 May 2010

11. Special non-contributory cash benefits

Special non-contributory cash benefits intended to guarantee a minimum subsistence income pursuant to Article 70(2)(a)(i) of Regulation (EC) No 883/2004

(i) Benefits in kind

None.

(ii) Cash benefits

a) Allowances Act (*Toeslagenwet/TW*)

- Act of 6 November 1986 granting allowances up to the relevant social minimum to recipients of benefits pursuant to the Unemployment Benefits Act (*Werkloosheidswet*), the Sickness Benefits Act (*Ziektewet*), the General Incapacity for Work Act (*Algemene Arbeidsongeschiktheidswet*), the Disability Insurance Act (*Wet op de arbeidsongeschiktheidsverzekering*) and the Incapacity for Work (*Military Personnel*) Act (*Wet arbeidsongeschiktheidsvoorziening militairen*)

- Covered by Regulation (EC) No 883/2004 since 1 May 2010; has been the subject of Annex X to Regulation (EC) No 883/2004 since 1 May 2010.

Special non-contributory cash benefits which are intended to provide solely specific protection for the disabled, closely linked to the social environment, pursuant to Article 70(2)(a)(ii) of Regulation (EC) No 883/2004

(i) Benefits in kind

None.

(ii) Cash benefits

b) *Act on disability provision for disabled young people (Wet Wajong)*

- Act of 24 April 1997 on Compensation for the Financial Consequences of Long-term Incapacity for Work for Disabled Young People (*Wet arbeidsongeschiktheidsvoorziening jonggehandicapten*)
- Covered by Regulation (EC) No 883/2004 since 1 May 2010; has been the subject of Annex X to Regulation (EC) No 883/2004 since 1 May 2010. has been the subject of Annex X to Regulation (EC) No 883/2004 since 1 May 2010.

III. CONVENTIONS REFERRED TO IN ARTICLE 8(2) OF REGULATION (EC) No 883/2004 AND THE DATE FROM WHICH THE REGULATION WILL APPLY

a) *Agreement between the Kingdom of the Netherlands and the Kingdom of Sweden concerning the reimbursement of the costs of unemployment benefits*

- 8 May 2003

b) *Convention on social security between the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland*

- 21 December 2005

c) *Agreement between the Kingdom of the Netherlands and the Kingdom of Belgium on the development of cooperation and mutual administrative assistance in the field of social security*

- 6 December 2010

d) *Administrative Arrangements concerning the application of the Agreement between the Kingdom of the Netherlands and the Kingdom of Belgium on the development of cooperation and mutual administrative assistance in the field of social security*

- 28 February 2013

IV. MINIMUM BENEFITS REFERRED TO IN ARTICLE 58 OF REGULATION (EC) No 883/2004 AND THE DATE FROM WHICH THE REGULATION WILL APPLY

None.

V. POSSIBILITY FOR ANY CATEGORY OF SELF-EMPLOYED PERSONS TO BE COVERED BY AN UNEMPLOYMENT BENEFITS SYSTEM (ARTICLE 65a(1) OF REGULATION (EC) No 883/2004) AND LEGISLATIVE REFERENCE WHERE APPLICABLE

Dutch legislation does not provide for any possibility for any category of self-employed persons to be covered by the unemployment benefits system.