

No. 14330

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**DENMARK, FINLAND, ICELAND,  
NORWAY and SWEDEN**

**Agreement concerning sickness benefits and benefits in  
respect of pregnancy and confinement (with protocol).  
Signed at Copenhagen on 6 February 1975**

*Authentic texts: Danish, Finnish, Swedish for Finland, Icelandic, Norwegian  
and Swedish.*

*Registered by Denmark on 1 October 1975.*

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**DANEMARK, FINLANDE, ISLANDE,  
NORVÈGE et SUÈDE**

**Accord relatif aux prestations de maladie et aux prestations  
de grossesse et de maternité (avec protocole). Signé à  
Copenhague le 6 février 1975**

*Textes authentiques : danois, finnois, suédois pour la Finlande, islandais,  
norvégien et suédois.*

*Enregistré par le Danemark le 1<sup>er</sup> octobre 1975.*

## [TRANSLATION — TRADUCTION]

**AGREEMENT<sup>1</sup> BETWEEN DENMARK, FINLAND, ICELAND,  
NORWAY AND SWEDEN CONCERNING SICKNESS BENEFITS  
AND BENEFITS IN RESPECT OF PREGNANCY AND CONFINEMENT**

The Governments of Denmark, Finland, Iceland, Norway and Sweden, having acceded to the Convention of 15 September 1955<sup>2</sup> respecting Social Security, have concluded the following Agreement concerning sickness benefits and benefits in respect of pregnancy and confinement.

**Chapter I. SCOPE OF THE AGREEMENT**

*Article 1.* With respect to entitlement to sickness benefits and benefits in respect of pregnancy and confinement, each Contracting Country shall apply the provisions of articles 2-11 to nationals of the other Contracting Countries. The same shall apply to other persons who are entitled to such benefits in another Contracting Country.

*Article 2.* For the purposes of this Agreement, save as otherwise provided, the term “medical care benefits” shall include dental care and care during pregnancy and confinement and the term “sickness benefits in cash” shall include cash benefits in respect of pregnancy and confinement.

**Chapter II. MEDICAL CARE BENEFITS**

*Article 3.* A resident of one Contracting Country shall, subject to the provisions of the second paragraph, be entitled to medical care benefits in that country under the same conditions and according to the same regulations as nationals of that country.

A person employed on board a ship flying the flag of a Contracting Country shall be entitled to medical care benefits in the country whose flag the ship is flying.

*Article 4.* A person who removes from a Contracting Country in which he is entitled to medical care benefits and takes up residence in another Contracting Country shall, upon taking up such residence, be entitled to corresponding benefits in his new country of residence in accordance with that country's regulations.

In the determination of entitlement to benefits, account shall be taken of the period during which the new resident was entitled to medical care benefits in his former country of residence and of the benefits provided to him in that country. Entitlement to benefits shall also exist in respect of sickness or pregnancy originating before the taking up of residence in the new country of residence.

Where a person signs off from a ship flying the flag of a Contracting Country, he shall acquire entitlement to medical care benefits in the other Contracting Country in which he first takes up residence upon the expiry of the period during

<sup>1</sup> Came into force on 9 June 1975, i.e., 30 days after the date on which the States notified the Danish Ministry of Foreign Affairs that the constitutional measures necessary to that effect had been carried out, in accordance with article 15.

<sup>2</sup> United Nations, *Treaty Series*, vol. 254, p. 55.

which his employer, under seamen's law, is liable for the appropriate medical care benefits.

Entitlement to benefits under this article shall not arise where there is reason to believe that the purpose of removal to a country is to obtain medical care benefits there.

*Article 5.* A resident of one Contracting Country who is entitled to medical care benefits in that country and who, during temporary residence in another Contracting Country, requires medical care there shall receive medical care benefits from the country of temporary residence in accordance with that country's regulations.

The provisions of the first paragraph shall apply as appropriate to a person who, on the basis of employment on board a ship flying the flag of a Contracting Country, is entitled to medical care benefits from that country. Entitlement to medical care benefits from the country of temporary residence shall not, however, arise where the employer is, under seamen's law, liable for the appropriate benefits.

Entitlement to benefits under this article shall not arise where there is reason to believe that the purpose of temporary residence in a country is to obtain medical care benefits there. Entitlement to medical care in connexion with confinement shall arise only where it could not reasonably have been foreseen that the confinement would take place during the temporary residence in the other country.

*Article 6.* Entitlement to benefits under article 5 shall lapse when the condition of the person receiving care is such as to permit him to travel to his country of residence. Continued benefits shall, however, be provided in cases where it would not be reasonable under the circumstances to refer the patient for treatment in his country of residence.

*Article 7.* The authority providing benefits under article 5 shall be entitled to reimbursement from another insurance institution only where the person receiving benefits is entitled to compensation under compulsory accident insurance. It shall be incumbent upon the said person to inform the authority, as soon as possible, concerning entitlement to reimbursement which may derive from such insurance.

### Chapter III. SICKNESS BENEFITS IN CASH

*Article 8.* A resident of one Contracting Country shall be entitled to sickness benefits in cash in that country under the same conditions and according to the same regulations as nationals of that country. However, a resident of one Contracting Country who is employed in another Contracting Country shall, save as otherwise provided by the third paragraph, be entitled to sickness benefits in cash in his country of employment on the basis of his earnings there.

A person employed on board a ship flying the flag of a Contracting Country shall be entitled to sickness benefits in cash in the country whose flag the ship is flying.

An employee who is temporarily resident in a Contracting Country other than his country of residence for the purpose of working there not longer than 12 months for an enterprise which has its head office in his country of residence shall be entitled to sickness benefits in cash in his country of residence for that period. If, owing to unforeseen circumstances, the employment in the other country lasts longer than originally intended and extends beyond 12 months, the employee shall continue to

be entitled to sickness benefits in cash in his country of residence provided that the competent authority of his country of temporary residence gives its consent.

*Article 9.* A person who removes from a Contracting Country in which he is entitled to sickness benefits in cash and takes up residence in another Contracting Country shall, upon taking up such residence, be entitled to sickness benefits in cash in his new country of residence. The same shall apply as appropriate to a person resident in a Contracting Country and entitled to sickness benefits in cash there who takes employment in another Contracting Country.

In the determination of entitlement to sickness benefits in cash, account shall be taken of the period during which the new resident was entitled to sickness benefits in cash in his former country of residence and of the benefits provided to him in that country. Entitlement to benefits shall also exist in respect of sickness or pregnancy originating before the taking up of residence in the new country of residence.

Where, at the time of the removal, sickness benefits in cash are being paid by the former country of residence, such benefits shall continue to be paid by the new country of residence in accordance with that country's regulations as if the new resident had earned his income there.

*Article 10.* Where a person employed in a Contracting Country other than his country of residence has received sickness benefits in cash from his country of employment for a continuous period of 90 days, he shall be entitled to sickness benefits in cash in his country of residence. This shall, however, not apply as long as he remains in temporary residence in this country of employment. The provisions of article 9, second and third paragraphs, shall apply as appropriate.

A person who, because of sickness, signs off from a ship flying the flag of a Contracting Country shall, subject to the provisions of the first paragraph, be entitled to sickness benefits in cash in his country of residence after he has received sickness benefits in cash for 90 days from the country whose flag the ship is flying.

*Article 11.* Where under the provisions of article 9 or article 10, a person is entitled to sickness benefits in cash in his country of residence during a period of sickness, the said benefits shall, if the sickness is the result of an industrial accident or occupational disease, continue to be paid by the country of employment in accordance with that country's regulations, the provisions of the said articles notwithstanding.

Where a person is simultaneously entitled, on the basis of the same income, to sickness benefits in cash from his country of residence and his country of employment, the benefits from his country of residence shall be paid only to the extent that they exceed the benefits from his country of employment.

*Article 12.* Sickness benefits in cash paid by a Contracting Country shall be paid, during the beneficiary's temporary residence in another Contracting Country, under the same conditions as those applying to temporary residence in the first-named country.

#### Chapter IV. GENERAL PROVISIONS

*Article 13.* The common provisions of the Convention of 15 September 1955 between Denmark, Finland, Iceland, Norway and Sweden respecting social security shall, as appropriate, also apply to this Agreement.

*Article 14.* The more detailed regulations required for the implementation of this Agreement shall be issued in the case of Denmark by the Insurance Administration, in the case of Finland by the National Pension Office, in the case of Iceland by the National Insurance Office, in the case of Norway by the National Insurance Office and in the case of Sweden by the National Insurance Office.

*Article 15.* This Agreement shall enter into force 30 days after the date on which all the Contracting States notify the Danish Ministry of Foreign Affairs that the constitutional measures necessary for the Agreement's entry into force have been carried out. The Danish Ministry of Foreign Affairs shall inform the other Contracting States of the receipt of such notifications.

*Article 16.* If a Contracting Country wishes to denounce the Agreement, written notice to that effect shall be sent to the Danish Government, which shall forthwith inform the other Contracting Countries of that fact and of the date on which notice was received.

Denunciation shall apply only in respect of the denouncing country and shall take effect as from 1 January next following the expiry of six months after notice of denunciation is received by the Danish Government.

Denunciation of the Agreement shall not affect rights acquired in virtue of the provisions thereof.

*Article 17.* Upon the entry into force of this Agreement, the Agreement of 24 February 1967<sup>1</sup> between Denmark, Finland, Iceland, Norway and Sweden concerning transfers of persons insured for sickness benefit and concerning sickness benefit during temporary residence shall cease to have effect. The latter Agreement shall continue to apply with respect to cases of sickness still existing at the time of the entry into force of this Agreement if that is to the advantage of the insured person.

In the determination of entitlement to benefits, account shall be taken both of the period before the entry into force of the Agreement during which a person who has moved has been entitled to benefits in his former country of residence and of benefits paid in the former country of residence before the entry into force of the Agreement.

The Agreement confers no entitlement to benefits for periods preceding its entry into force.

Entitlement to benefits under the Agreement shall include benefits arising from events which occurred before the entry into force of the Agreement. However, the provisions of article 8, first paragraph, second sentence, shall not apply to a person who is sick and receiving sickness benefits in cash from his country of residence at the time of the entry into force of the Agreement.

The Agreement shall be deposited in the archives of the Danish Ministry of Foreign Affairs, and certified copies shall be transmitted to the Government of each Contracting Country by the Danish Ministry of Foreign Affairs.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Agreement.

<sup>1</sup> United Nations, *Treaty Series*, vol. 596, p. 133.

DONE at Copenhagen on 6 February 1975, in one copy in the Danish, Finnish, Icelandic, Norwegian and Swedish languages, there being two texts in Swedish, one for Finland and one for Sweden, and all the texts being equally authentic.

OVE GULDBERG  
VELI HELENIUS  
SIGURDUR BJARNASON  
THOR HJORTH-JOHANSEN  
HUBERT DE BESCHE

### PROTOCOL

TO THE AGREEMENT OF 6 FEBRUARY 1975 BETWEEN DENMARK, FINLAND, ICELAND, NORWAY AND SWEDEN CONCERNING SICKNESS BENEFITS AND BENEFITS IN RESPECT OF PREGNANCY AND CONFINEMENT

In connexion with the Agreement concluded this day between Denmark, Finland, Iceland, Norway and Sweden concerning sickness benefits and benefits in respect of pregnancy and confinement, the Governments of the said countries have agreed on the following Final Protocol.

1. As regards the payment of contributions in respect of the benefits covered by the Agreement, the law of each Contracting Country shall apply. Special agreements may be concluded for the purpose of settling matters relating to such contributions.

In the case of Norway, the following shall apply:

A resident of Norway who, under the provisions of the Agreement, is entitled to medical care benefits there even though he is employed and pays tax in another Contracting Country shall be exempt from payment of contributions in respect of medical care benefits in Norway on the basis of his income in the other country.

A person who is employed and pays tax in Norway but, under the provisions of the Agreement, is entitled to medical care benefits in another Contracting Country by reason of his residence there shall pay contributions in respect of medical care benefits in Norway on the basis of his income there.

2. In the case of Finland, the Agreement shall not apply to benefits under the Act of 13 June 1941 concerning maternity benefits.

3. In the case of Norway, the Agreement shall not apply to benefits to unmarried mothers under the National Insurance Act of 17 June 1966 (chap. 12).

4. In the case of Denmark, the provisions of article 5 concerning medical care benefits shall not apply to burial assistance under the Act of 9 June 1971 concerning public sickness insurance.

5. In the case of Sweden, parenthood benefits not exceeding the so-called guarantee level shall be paid in application of article 9, second paragraph, if the new resident, immediately before the child's birth or the anticipated time of its birth, was entitled to medical care benefits in the Contracting Countries for a total of at least 180 days.

In the determination of one parent's entitlement to parenthood benefits under Swedish law, cash benefits in respect of pregnancy and confinement paid to the other parent under the law of another Contracting Country shall be treated as equivalent to parenthood benefits.

6. Where a person is simultaneously entitled to sick pay from an employer in one Contracting Country and to sickness benefits in cash based on the same income as the sick pay from another Contracting Country, the employer providing the sick pay shall be entitled to receive the sickness benefits in the employee's stead to the extent that the sickness benefits do not exceed the sick pay. This shall, however, apply only where the employer has been able to make a claim for sickness benefits paid in a comparable case under the law of the country of employment.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Protocol.

DONE at Copenhagen on 6 February 1975, in one copy in the Danish, Finnish, Icelandic, Norwegian and Swedish languages, there being two texts in Swedish, one for Finland and one for Sweden, and all the texts being equally authentic.

OVE GULDBERG  
VELI HELENIUS  
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