

No. 14875

**FEDERAL REPUBLIC OF GERMANY
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

Convention on the provision of benefits in kind within sickness insurance. Signed at Bonn on 19 November 1974

Authentic texts: German and English.

Registered by the Federal Republic of Germany and the United Kingdom of Great Britain and Northern Ireland on 21 July 1976.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

Accord relatif à l'octroi de prestations en nature dans le cadre de l'assurance maladie. Signé à Bonn le 19 novembre 1974

Textes authentiques : allemand et anglais.

Enregistré par la République fédérale d'Allemagne et le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 21 juillet 1976.

CONVENTION¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY ON THE PROVISION OF BENEFITS IN KIND WITHIN SICKNESS INSURANCE

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federal Republic of Germany,

Resolved to expand and further relations in the field of social security,

Considering that Regulation (EEC) No. 1408/71 of 14 June 1971² on the application of social security schemes to employed persons and their families moving within the Community, which applies to both Contracting Parties, excludes certain categories of persons from its scope,

Desirous of providing the benefits in kind for sickness and maternity provided for under the legislation of the Federal Republic of Germany to all nationals of both Contracting Parties, who reside in the United Kingdom, during a stay in the territory of the Federal Republic of Germany,

Have agreed as follows:

Article 1. For the purposes of this Convention:

(a) "Territory" means, in relation to the United Kingdom of Great Britain and Northern Ireland, England, Wales, Scotland, Northern Ireland and Gibraltar, and in relation to the Federal Republic of Germany, the territory covered by the Basic Law for the Federal Republic of Germany;

(b) "National" means, in relation to the United Kingdom of Great Britain and Northern Ireland, a national of the United Kingdom within the meaning of the Declaration by the Government of the United Kingdom of Great Britain and Northern Ireland on the definition of the term "national" attached to the Treaty of 22 January 1972³ concerning the Accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and the European Atomic Energy Community and in relation to the Federal Republic of Germany, any German within the meaning of the Basic Law for the Federal Republic of Germany;

(c) "Competent authorities" means the competent authorities as listed in paragraphs C and I of Annex 1 to Regulation (EEC) No. 574/72;

(d) "Benefits in kind" means the benefits provided under Federal German legislation on sickness and maternity, with the exception of:

- i. measures for the early diagnosis of diseases, and
- ii. cures and associated medical treatment;

(e) "Legislation" means legislation within the meaning of Article 4(1) (a) of Regulation (EEC) No. 1408/71;

¹ Came into force on 1 February 1976, i.e., the first day of the second month following the month in which the instruments of ratification were exchanged, at London on 18 December 1975, in accordance with article 10(2).

² Official Journal of the European Communities, Special Edition 1971(II) of December 1972, p. 416.

³ United Kingdom, *Treaty Series*, No. 1 (1973), Part I, Cmnd. 5179-1, p. 282.

(f) “Worker”, “stay”, “residence” and “institution” are defined as in Article 1 of Regulation (EEC) No. 1408/71;

(g) “Regulation (EEC) No. 1408/71” means Council Regulation (EEC) No. 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community, in the version in force at the material time;

(h) “Regulation (EEC) No. 574/72” means Council Regulation (EEC) No. 574/72 of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons and their families moving within the Community, in the version in force at the material time.

Article 2. (1) This Convention shall apply to nationals of the two Contracting Parties, workers excepted, who are resident in the territory of the United Kingdom of Great Britain and Northern Ireland and who are subject to its legislation for sickness and maternity, as well as to members of their families and their survivors; it shall apply regardless of the nationalities of these persons if they are resident in the territory of the United Kingdom of Great Britain and Northern Ireland as survivors of a national of one of the Contracting Parties or as stateless persons or refugees.

(2) This Convention shall not apply to the persons referred to in paragraph (1) of this Article if they go to the territory of the Federal Republic of Germany for the specific purpose of receiving benefits there under this Convention.

Article 3. This Convention shall be applied to the legislation of the Federal Republic of Germany for sickness and maternity insofar as it concerns the provision of benefits in kind by the statutory sickness insurance institutions.

Article 4. Persons referred to in paragraph (1) of Article 2 of this Convention whose condition during a stay in the territory of the Federal Republic of Germany warrants the immediate provision of benefits shall receive these benefits in kind from the Allgemeine Ortskrankenkasse (local sickness insurance office) competent for the place of stay.

Article 5. (1) The provisions of Regulations (EEC) Nos. 1408/71 and 574/72 shall apply to the benefits in kind provided for under Article 4 of this Convention and the procedure and time limits to be observed in this connection.

(2) The liaison bodies appointed to implement sickness insurance in the framework of Regulations (EEC) Nos. 1408/71 and 574/72 may, with the approval of the competent authorities, agree the procedures concerning the details of the application of this Convention.

Article 6. For the reimbursement of the cost of the benefits in kind provided under Article 4 of this Convention by the German sickness insurance institutions, the provisions of Article 36 of Regulation (EEC) No. 1408/71 and Title V of Regulation (EEC) No. 574/72 shall apply, as shall agreement made thereunder between the Governments of the Contracting Parties.

Article 7. (1) The competent authorities of the Contracting Parties shall inform each other about the measures taken to apply this Convention, and about any changes in their legislation which have a substantial effect upon the nature and scope of the benefits provided in the framework of this Convention.

(2) The authorities and institutions of the Contracting Parties shall assist each other in applying this Convention as if they were applying their own legislation.

Article 8. This Convention shall also apply to Land Berlin, provided that the Government of the Federal Republic of Germany does not make a declaration to the contrary to the Government of the United Kingdom of Great Britain and Northern Ireland within three months after this Convention shall have come into force.

Article 9. This Convention is made for an indefinite period. Either Contracting Party may terminate it with effect from the end of any calendar year, subject to the giving of three months' notice in writing.

Article 10. (1) This Convention shall be ratified; the instruments of ratification shall be exchanged as soon as possible at London.

(2) This Convention shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged.

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

DONE in duplicate at Bonn this 19th day of November 1974 in the English and German languages, both texts being equally authoritative.

For the Government
of the United Kingdom of Great Britain
and Northern Ireland:

BARBARA CASTLE
NICHOLAS HENDERSON

For the Government
of the Federal Republic
of Germany:

WALTER ARENDT
HANS-GEORG SACHS