

No. 17121

**FEDERAL REPUBLIC OF GERMANY
and
ROMANIA**

**Agreement on social insurance (with final protocol). Signed
at Bonn on 29 June 1973**

**Additional Agreement to the above-mentioned Agreement.
Signed at Bonn on 8 July 1976**

Authentic texts: German and Romanian.

Registered by the Federal Republic of Germany on 13 October 1978.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
ROUMANIE**

**Accord relatif au régime d'assurance sociale (avec proto-
cole final). Signé à Bonn le 29 juin 1973**

**Accord supplémentaire complétant l'Accord susmentionné.
Signé à Bonn le 8 juillet 1976**

Textes authentiques : allemand et roumain.

Enregistrés par la République fédérale d'Allemagne le 13 octobre 1978.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE FEDERAL REPUBLIC OF
GERMANY AND THE SOCIALIST REPUBLIC OF ROMANIA
ON SOCIAL INSURANCE

The Federal Republic of Germany and the Socialist Republic of Romania,
Desiring to promote co-operation between the two States and to settle
problems which arise in the field of social insurance,

Have agreed as follows:

Article 1. For the purposes of this Agreement:

1. “Legislation” means laws, ordinances, decisions of the Council of Ministers of the Socialist Republic of Romania, regulations and implementing provisions in force in each of the Contracting States, in so far as they concern the fields specified in article 2;

2. “Competent authority” means: in relation to the Socialist Republic of Romania, the Ministry of Labour; in relation to the Federal Republic of Germany, the Federal Minister of Labour and Social Affairs;

3. “Liaison offices” means the offices designated by the competent authorities of each of the Contracting States;

4. “Competent insurance authority” means the insurance authority to which the insured person is subject or from which he or members of his family are entitled to benefits;

5. “Insurance authority of the place of residence” means the insurance authority specified in article 1, paragraph 2, of the Final Protocol.

Article 2. (1) This Agreement shall apply:

—In relation to the Socialist Republic of Romania, to the legislation concerning:

- (a) Social insurance;
- (b) The provision of medical care;

—In relation to the Federal Republic of Germany, to the legislation concerning:

- (a) Medical insurance;
- (b) Accident insurance;
- (c) Pension insurance;
- (d) Unemployment insurance.

(2) The following shall not be deemed to be legislation as specified in paragraph (1):

(a) Agreements concluded by a Contracting State with third States, or legislation adopted for the purpose of applying such agreements;

¹ Came into force on 1 October 1974, i.e., the first day of the second month following the month of the exchange of the instruments of ratification, which took place at Bucharest on 21 August 1974, in accordance with article 15 (2).

(b) Legislation adopted by an intergovernmental organization of which the Federal Republic of Germany is a member.

Article 3. Except as otherwise provided in articles 4 and 5 and provided that no contrary agreement has been made under article 6, the liability of an employee to compulsory insurance coverage shall be governed by the legislation of the Contracting State in whose territory he is employed.

Article 4. (1) Employees who are temporarily assigned by their employers to the territory of the other Contracting State in order to carry out work shall, for a period of 24 months beginning with their arrival in the territory of the other State, be subject to the legislation of the State of origin as if they were employed in its territory.

(2) The period specified in paragraph (1) may, upon application by the employer with the consent of the employee, be extended through an agreement between the competent authorities of the two States. Applications for extension shall be submitted to the competent authority of the sending State before the end of the 24-month time-limit.

(3) The agreement referred to in paragraph (2) shall be concluded in such a way that the competent authority of the State of origin verifies the application and then forwards it to the competent authority of the other State for comment. If the latter approves the application, the agreement shall be deemed concluded. The competent authorities of the State of origin shall inform the employer of the decision taken.

Article 5. In respect of persons covered by the Vienna Convention on Diplomatic Relations of 18 April 1961¹ and the Vienna Convention on Consular Relations of 24 April 1963,² the provisions of these Conventions concerning the implementation of social security legislation shall remain unaffected.

Article 6. (1) The competent authorities may, upon application by the employer with the consent of the employee, agree to exceptions to articles 3 to 5.

(2) Applications under the terms of paragraph (1) shall be submitted to the competent authority of the Contracting State in which the employer had his head office.

Article 7. (1) Insured persons who, under the legislation of one of the Contracting States, are entitled to medical or maternity benefits shall also receive such benefits if they are temporarily resident in the territory of the other Contracting State.

(2) An entitlement to benefits in kind shall exist in the cases referred to in paragraph (1) only if the state of health of the insured person necessitates the immediate provision of benefits.

(3) Paragraph (2) shall not apply if the insured person is temporarily resident in the territory of the other Contracting State, with the consent of the competent insurance authority, in order to receive treatment appropriate to his condition.

(4) Benefits in kind shall be provided by the insurance authority of the place of residence in accordance with the legislation applicable to that insurance

¹ United Nations, *Treaty Series*, vol. 500, p. 95.

² *Ibid.*, vol. 596, p. 261.

authority. The duration of the benefits shall be determined by the legislation applicable to the competent insurance authority.

(5) Except in dire emergencies, prostheses and other benefits in kind with major financial implications shall be provided only with the authorization of the competent insurance authority. A dire emergency shall be deemed to exist in cases where provisions of the benefits cannot be delayed without seriously endangering the life or health of the insured person.

(6) Cash benefits shall be provided to the persons referred to in paragraph (1) by the competent insurance authority in accordance with the legislation applicable to it. The application shall be submitted to the insurance authority of the place of residence, which shall require that the applicant undergo medical examination in the same way as a person insured with it.

(7) Paragraphs 1 to 6 shall apply *mutatis mutandis* to family members.

(8) Persons and institutions that have concluded agreements with the insurance authorities of the place of residence concerning the provision of benefits in kind to persons insured with the said insurance authorities and to members of their families shall also be required to provide benefits in kind to the persons referred to in this article. This shall take place in the same way as if such persons were insured with the insurance authorities of the place of residence or were members of the families of such insured persons and as if the agreements also applied to such persons.

(9) Administrative expenses, including the cost of the medical examination, shall not be reimbursed.

Article 8. The insurance authority of the place of residence shall be reimbursed by the competent insurance authority, through the liaison offices, for payments made for benefits in kind provided under article 7, paragraph (4).

Article 9. (1) The competent authorities may agree on the necessary measures for implementing this Agreement.

(2) The liaison offices shall communicate directly with each other and, without prejudice to the provisions of paragraph (1), shall, within the limits of their competence and with the participation of the competent authorities, agree on the administrative measures for the application for this Agreement, including the procedure for providing benefits in kind and the reimbursement of payments made.

Article 10. (1) The competent authorities shall communicate directly with each other and shall inform each other concerning the social insurance legislation in force and any subsequent amendments.

(2) The authorities and the social insurance authorities shall render administrative and legal assistance to each other free of cost if necessary through the liaison offices, in connection with the application of the legislation concerning social insurance, and of the provisions of this Agreement, as well as with a view to the settlement of disputes in the field of social insurance.

(3) The liaison offices shall, upon request, transmit to each other certificates concerning the insurance and employment periods of the employee.

(4) Claims, notices and other documents shall not be rejected on the ground that they are drawn up in the official language of the other Contracting State.

(5) Judgements, decisions or other documents may be served directly, by registered letter with return receipt, on a person who is in the territory of the other Contracting State.

(6) Any disputes concerning the interpretation and application of this Agreement shall be settled by the competent authorities of the two Contracting States. Questions which have not been settled by the competent authorities shall be resolved through the diplomatic channel.

Article 11. (1) All exemptions from or reductions in taxes, stamp duties, and court or registration fees for evidentiary and other documents which must be submitted in accordance with the legislation of one of the Contracting State shall also apply *mutatis mutandis* for evidentiary and other documents which must be submitted in accordance with the legislation of the other Contracting State or under this Agreement.

(2) Evidentiary and all other documents required to be submitted in connection with the application of this Agreement need not be authenticated by diplomatic or consular authorities.

Article 12. The final protocol annexed to this Agreement shall form an integral part thereof.

Article 13. This Agreement shall be extended to Berlin (West) in conformity with the Quadripartite Agreement of 3 September 1971,¹ in accordance with established procedures.

Article 14. This Agreement is concluded for an indefinite period. Either of the Contracting States may denounce it with effect from the end of a calendar year, subject to three months' notice.

Article 15. (1) This Agreement shall be ratified. The instruments of ratification shall be exchanged at Bucharest as soon as possible.

(2) The Agreement shall enter into force on the first day of the second month after the end of the month in which the instruments of ratification are exchanged.

DONE at Bonn on 29 June 1973, in two original copies, each in the German and Romanian languages, both texts being equally authentic.

For the Federal Republic of Germany:
SCHEEL

For the Socialist Republic of Romania:
G. MACOVESCU

¹ United Nations, *Treaty Series*, vol. 880, p. 115.

FINAL PROTOCOL TO THE AGREEMENT BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE SOCIALIST REPUBLIC OF ROMANIA ON SOCIAL INSURANCE

Article 1. (1) The competent authorities of the two Contracting States shall forward to each other the list of the liaison offices designated in accordance with article 1, item 3, of the Agreement.

(2) The insurance authorities of the place of residence in accordance with article 1, item 5, of the Agreement shall be:

- (a) The Socialist Republic of Romania, with respect to the health departments of the District Peoples' Councils (*Consiliilor populare județene*) of Bucharest and the health care units which provide medical treatment;
- (b) The Federal Republic of Germany, with respect to the locally competent Local Sickness Funds (*Ortskrankenkassen*).

Article 2. (1) Contributions to the statutory pensions insurance scheme of the Federal Republic of Germany paid by the Romanian companies Arcom and Aroconstrukt before the entry into force of the Agreement for Romanian employees who were employed in the Federal Republic of Germany shall be reimbursed upon request.

(2) Paragraph 1 shall not apply if the employee has claimed statutory benefits under the pension insurance scheme of the Federal Republic of Germany.

(3) Upon reimbursement, all claims against the pension insurance authorities of the Federal Republic of Germany arising from those contributions or from the periods of employment to which they relate shall be extinguished.

Article 3. (1) The period referred to in article 4, paragraph 1, of the Agreement shall, in respect of employees who at the time of the entry into force of the Agreement are already employed in the territory of the other Contracting State, begin at that time, if the requirements set forth in this article have been met.

(2) In respect of employees who, within the framework of economic and technical co-operation or in order to obtain training or advanced training, conclude a limited-term contract of employment with an employer in the territory of one of the Contracting States without termination of their employment relationship with the employer in the other Contracting State, article 3 shall apply in conjunction with article 6 of the Agreement.

Article 4. (1) Employees who are exempt from the application of the legislation of the country of employment shall, in cases involving work-related accidents, receive the first provision of benefits in accordance with the legislation of the country of employment, at the expense of the competent insurance authority. Further benefits shall be provided to such employees in accordance with article 7 of the Agreement.

(2) Employers who employ, in the territory of one of the Contracting States, employees who under the Agreement are exempt from the application of the legislation of that Contracting State shall be under an obligation to co-operate in the field of labour protection and accident prevention with the insurance authorities providing accident insurance in that State.

Article 5. In respect of the Federal Republic of Germany, the courts of Social Jurisdiction (*Gerichte der Sozialgerichtsbarkeit*) shall also be deemed authorities under the terms of article 10, paragraph 2.

DONE at Bonn on 29 June 1973, in two original copies, each in the German and Romanian languages, both texts being equally authentic.

For the Federal Republic of Germany:

SCHEEL

For the Socialist Republic of Romania:

G. MACOVESCU

ADDITIONAL AGREEMENT¹ TO THE AGREEMENT OF 29 JUNE 1973 BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE SOCIALIST REPUBLIC OF ROMANIA ON SOCIAL INSURANCE²

The Federal Republic of Germany and the Socialist Republic of Romania,

Desiring to supplement the Agreement of 29 June 1973 between the Federal Republic of Germany and the Socialist Republic of Romania on social insurance² in respect of the refunding of contributions to the statutory pensions insurance scheme of the Federal Republic of Germany,

Have agreed as follows:

Article 1. Article 2 of the final protocol is amended and supplemented as follows:

1. Paragraph (1) is amended to read as follows:

“(1) Contributions to the statutory pensions insurance scheme of the Federal Republic of Germany paid employees by Romanian employers for the period from 1 January 1967 to 30 September 1974 in respect of Romanian employees on assignment shall, upon application by the liaison office of the Socialist Republic of Romania, be refunded by the liaison office of the Federal Republic of Germany”.

2. Paragraph (2) is amended to read as follows:

“(2) The contributions shall be refunded through the liaison office of the Socialist Republic of Romania. That liaison office shall remit the contributions to the employee, if he himself bore the cost thereof”.

3. The paragraph formerly numbered (2) shall become paragraph (3).

4. The paragraph formerly numbered (3) shall become paragraph (4).

Article 2. The following article (3) (a) shall be inserted in the final protocol:

“*Article 3 (a).* If, under the terms of articles 4 to 6 of the Agreement, an employee is not subject to the legislation of the Federal Republic of Germany, then the provisions concerning childrens' allowances (*Kindergeld*), concerning liability for contributions and dues (*Beitrags- und Umlagepflicht*) and concerning benefits under the Promotion of Employment Act (*Arbeitsförderungsgesetz*) shall not apply to him or his employer”.

Article 3. This additional Agreement shall be extended to Berlin (West) in conformity with the Quadripartite Agreement of 3 September 1971,³ in accordance with established procedures.

Article 4. (1) This Agreement shall be ratified. The instruments of ratification shall be exchanged at Bucharest as soon as possible.

¹ Came into force on 11 October 1977 by the exchange of the instruments of ratification, effected at Bucharest, with retroactive effect from 1 October 1974, in accordance with article 4 (2).

² See p. 230 of this volume.

³ United Nations, *Treaty Series*, vol. 880, p. 115.

(2) This Agreement shall enter into force on the date of the exchange of instruments of ratification with effect from 1 October 1974.

(3) This Agreement shall remain in force for the same period as the Agreement of 29 June 1973 between the Federal Republic of Germany and the Socialist Republic of Romania on Social Insurance.

DONE at Bonn on 8 July 1976, in two original copies, each in the German and Romanian languages, both texts being equally authentic.

For the Federal Republic of Germany:

HANS-DIETRICH GENSCHER
Federal Minister for Foreign Affairs

For the Socialist Republic of Romania:

GEORGE MACOVESCU
Minister for Foreign Affairs
