

No. 20203

FEDERAL REPUBLIC OF GERMANY
and
SWEDEN

**Agreement for the implementation of the Convention of
27 February 1976 on social security. Signed at Bonn on
23 February 1978**

Authentic texts: German and Swedish.

Registered by the Federal Republic of Germany on 31 July 1981.

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
SUÈDE

**Accord sur la mise en œuvre de la Convention du 27 février
1976 relative à la sécurité sociale. Signé à Bonn le 23 fé-
vrier 1978**

Textes authentiques : allemand et suédois.

Enregistré par la République fédérale d'Allemagne le 31 juillet 1981.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ FOR THE IMPLEMENTATION OF THE CONVENTION OF 27 FEBRUARY 1976 BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE KINGDOM OF SWEDEN ON SOCIAL SECURITY²

The Government of the Federal Republic of Germany and the Government of the Kingdom of Sweden,

Pursuant to article 33, paragraph (1), of the Convention of 27 February 1976 between the Federal Republic of Germany and the Kingdom of Sweden on social security,² hereinafter referred to as the “Convention”,

Have agreed as follows:

SECTION I. GENERAL PROVISIONS

Article 1. The terms used in the following provisions are those used in the Convention and have the meaning ascribed to them therein.

Article 2. The liaison offices established under article 33, paragraph (2), of the Convention shall be responsible, within their sphere of competence, for providing persons concerned with general information concerning rights and obligations under the Convention.

Article 3. The liaison offices established under article 33, paragraph (2), of the Convention and the competent insurance authorities referred to in article 11, paragraph (2), of this Agreement shall, within their respective spheres of competence and in co-operation with the competent authorities, reach agreement on such administrative measures as are necessary and expedient for the implementation of the Convention. Article 33, paragraph (1), of the Convention shall not be affected.

Article 4. (1) The agencies referred to in article 27, paragraph (1), of the Convention shall, within their sphere of competence, provide each other and interested persons with the information, and make available the evidence necessary to safeguard the rights and obligations of the persons concerned under the legislation referred to in article 2, paragraph (1), of the Convention, under the Convention itself and under this Agreement.

(2) Where, under the legislation referred to in article 2, paragraph (1), of the Convention, under the Convention itself or under this Agreement, a person is required to provide the insurance authority or any other agency with information concerning certain circumstances, such requirement shall also apply in respect of similar circumstances arising in the territory of the other Contracting State or under its law. The same shall apply in cases where a person is required to produce certain evidence.

¹ Came into force on 8 May 1979, when the two Governments notified each other that the national legislative requirements had been fulfilled, in accordance with article 16.

² United Nations, *Treaty Series*, vol. 1109, p. 3.

Article 5. (1) In the cases referred to in articles 6 and 10 of the Convention, the competent insurance authority in the territory of the Contracting State whose legislation is to be applied shall upon request issue a certificate to the person concerned, stating that such person is covered by that legislation.

(2) In the Federal Republic of Germany, the sickness insurance authority shall also issue the aforesaid certificate for other types of insurance. Where a person is covered only by accident insurance, the certificate shall be issued by the competent accident insurance authority.

(3) In Sweden, the National Social Insurance Board (Riksförsäkringsverket) shall issue the certificate.

Article 6. Cash benefits shall be paid to recipients in the territory of the other Contracting State without the intervention of a liaison office in such Contracting State. Article 17, paragraph (2), and article 21, paragraph (2), of the Convention shall not be affected.

SECTION II. SPECIAL PROVISIONS

Chapter 1. SICKNESS INSURANCE

Article 7. Where a person is required to report to the competent insurance authority that he is unfit for work or is again fit for work, the fact may, in application of article 17 of the Convention, also be reported to the insurance authority of the place of temporary residence. The latter shall immediately inform the competent insurance authority.

Article 8. (1) Where a person who is entitled to sickness benefits in kind under the legislation of one Contracting State applies for such benefits under articles 13 and 16 of the Convention in the other Contracting State, the insurance authority of the place of temporary residence may require such person to submit a certificate showing that entitlement to benefits in kind exists under the legislation of the first-mentioned Contracting State. The German insurance authority receiving the certificate in question shall thereafter be regarded as the insurance authority of the place of temporary residence even if the person concerned should move to an area covered by another insurance authority, unless the latter authority receives a new certificate.

(2) Persons considered to be family members under German legislation shall be entitled to receive sickness benefits in kind under articles 14 and 16 of the Convention in the Federal Republic of Germany. As a prerequisite for the receipt of such sickness benefits the family member shall have been entitled as such to family sickness benefits under German legislation, if the person referred to in article 14 of the Convention was covered by sickness insurance under that legislation. The family member shall submit a certificate to the insurance authority of his place of normal residence showing that he is a member of the family of a person who is normally resident in Sweden and is insured under Swedish legislation. The insurance authority of the place of normal residence shall be informed by the competent Swedish insurance authority when the insurance coverage ceases.

(3) In order to receive sickness benefits in kind under article 15 of the Convention in the Federal Republic of Germany, the person receiving, or having applied for, a pension exclusively under Swedish legislation shall submit a certificate to that effect, provided by the competent Swedish insurance authority, to the insurance

authority of his normal place of residence. The Swedish insurance authority shall inform the insurance authority of the normal place of residence when the pension payments cease or the application for a pension is rejected.

(4) If the certificate referred to in paragraphs (1) to (3) above cannot be submitted to the insurance authority of the place of temporary residence in good time, that authority shall, at the request of the person entitled to the benefit, reimburse any costs arising upon subsequent submission of the certificate. The level of reimbursement shall correspond to the amount that would have been paid by the insurance authority of the place of residence if the certificate had been submitted in good time.

(5) A person who, under item 8 (a) of the Final Protocol to the Convention, after withdrawing from the Swedish general insurance fund, chooses to continue the insurance coverage under the German legislation governing sickness insurance shall, at the request of the German sickness insurance authority, provide a certificate stating when he was covered by sickness insurance under Swedish legislation.

Article 9. Insurance periods completed under Swedish legislation shall be taken into account for the purposes of compulsory insurance in the German sickness insurance system, provided that they do not overlap with insurance periods completed under German legislation.

Chapter 2. ACCIDENT INSURANCE

Article 10. (1) In the reporting of industrial accidents (or occupational diseases) the legislation of the Contracting State under which the insurance exists shall be applied.

(2) Such cases shall be reported to the competent insurance authority and that authority shall forthwith notify the insurance authority at the place of temporary residence of the report. The case may also be reported to the latter authority which shall forthwith transmit the report to the competent insurance authority.

Chapter 3. PENSIONS INSURANCE

Article 11. (1) Where there are no existing provisions under German legislation, the liaison office established for such insurance shall be competent to determine benefits under the pensions insurance scheme for manual workers, except in the case of medical benefits, vocational advancement benefits and supplementary rehabilitation benefits, when:

- (a) Insurance periods have been completed or are reckonable under both German and Swedish legislation, or
- (b) The person entitled to benefits is normally resident in the territory of the Kingdom of Sweden, or
- (c) The person entitled to benefits is a Swedish national who is normally resident outside the territory of the Contracting States.

(2) The competence of special institutions shall not be affected.

Article 12. For the application of article 22, paragraph (6), of the Convention, the following shall apply:

The children's supplement or the amount by which the orphan's pension is increased shall be paid in accordance with the rules applicable under domestic law where entitlement to a pension exists without reference to paragraph (1) and a

children's supplement or orphan's pension is not payable under Swedish legislation. In other cases the children's supplement or the amount by which the orphan's pension is increased shall be paid at the rate of half the amount due under domestic law.

Article 13. The insurance authorities referred to in article 33, paragraph (2), of the Convention and article 11 of this Agreement shall each year, as of 31 December, compile statistics concerning payments made in the territory of the other Contracting State. In so far as possible, the statistical data shall contain a break-down, by type of pension, of the number and total amount of pensions and cash settlements paid. The statistics shall be exchanged.

SECTION III. MISCELLANEOUS

Article 14. Where payment of a sickness benefit under the legislation of one Contracting State coincides with payment of a pension under the legislation of the other Contracting State, article 35, paragraph (1), of the Convention shall apply *mutatis mutandis*.

SECTION IV. FINAL PROVISIONS

Article 15. This Agreement shall also apply to *Land Berlin* unless the Government of the Federal Republic of Germany notifies the Government of the Kingdom of Sweden to the contrary within three months after the date of entry into force of the Agreement.

Article 16. This Agreement shall enter into force as soon as the two Governments have notified each other that the conditions necessary for its entry into force under domestic law have been fulfilled. It shall be applied as from the date of entry into force of the Convention.

DONE at Bonn on 23 February 1978 in duplicate in the German and Swedish languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:
GÜNTHER VAN WELL

For the Government of the Kingdom of Sweden:
SVEN BACKLUND
