

**No. 20328**

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**FEDERAL REPUBLIC OF GERMANY  
and  
LUXEMBOURG**

**Agreement concerning various social security matters.  
Signed at Luxembourg on 20 July 1978**

*Authentic texts: German and French.*

*Registered by the Federal Republic of Germany on 7 August 1981.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE  
et  
LUXEMBOURG**

**Accord au sujet de diverses questions de sécurité sociale.  
Signé à Luxembourg le 20 juillet 1978**

*Textes authentiques : allemand et français.*

*Enregistré par la République fédérale d'Allemagne le 7 août 1981.*

GESCHEHEN zu Luxemburg am 20. Juli 1978 in zwei Urschriften, jede in deutscher und französischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist.

FAIT à Luxembourg, le 20 juillet 1978, en double exemplaire en langues allemande et française, les deux textes faisant également foi.

Für die Regierung der Bundesrepublik Deutschland:  
Pour le Gouvernement de la République fédérale d'Allemagne :  
Dr. H.-W. MEYER-LOHSE

Für die Regierung des Großherzogtums Luxemburg:  
Pour le Gouvernement du Grand-Duché de Luxembourg :  
GASTON THORN  
BENNY BERG

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## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FEDERAL  
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE  
GRAND DUCHY OF LUXEMBOURG CONCERNING VARIOUS  
SOCIAL SECURITY MATTERS

The Government of the Federal Republic of Germany and the Government of the Grand Duchy of Luxembourg,

Desirous of expanding and furthering their mutual relations in the field of social security,

Endeavouring

- To co-ordinate the benefits resulting in the two States from supplementary periods on the one hand and special increased allowances on the other; and
- To settle, for seconded workers who because of their nationality are excluded from the scope of 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, the question of the applicable legislation and to ensure the provision of benefits in cases of sickness and accident,

Have agreed as follows in accordance with article 8 of the Regulation:

*Article 1.* (1) For the purposes of this Agreement, the definitions in article 1 of 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, hereinafter referred to as “the Regulation”, and in article 1 of Council Regulation (EEC) No. 574/72 fixing the procedure for implementing 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, hereinafter referred to as “the Implementing Regulation”, shall apply.

(2) For the purposes of this Agreement:

(a) The term “supplementary periods” means periods within the meaning of paragraph 1260 of the Reich Social Insurance Code, paragraph 37 of the Employees’ Insurance Act and paragraph 58 of the Mineworkers’ Insurance Act;

(b) The term “special increased allowances” means benefits within the meaning of the Luxembourg Act of 25 October 1968 concerning the reform of disability and death insurance under contributory pension schemes.

## SECTION I

*Article 2.* (1) This section applies to persons who are included within the scope of the regulations referred to in article 1 for pensions resulting from insurance cases which occur after the entry into force of this Agreement.

<sup>1</sup> Came into force on 1 July 1980, i.e., the first day of the second month after the date of the exchange of the instrument of ratification, which took place at Bonn on 19 May 1980, in accordance with article 10.

(2) If a worker has completed periods of insurance in the pension insurance of the two States, the supplementary period to be taken into account pursuant to German legislation and the special increased allowances to be granted for calculating pensions pursuant to Luxembourg legislation shall be taken into consideration as follows when the pensions for the persons referred to in paragraph 1 are calculated.

The pension insurance institutions of the two Contracting States shall take into consideration the amount of the benefit corresponding to the supplementary period or the special increased allowances proportional to the insurance periods completed before the occurrence of the insurance contingency under the legislation they apply in relation to the total duration of insurance periods completed before the occurrence of the insurance contingency under the legislation of the two Contracting States.

(3) Except where article 3 provides otherwise, paragraph 2 above shall apply in all cases, even if under the legislation of either or both Contracting States entitlement to a pension exists solely on the basis of the national legislation without aggregation of the insurance periods.

*Article 3.* In cases in which no supplementary period is to be taken into consideration or no special increased allowance is to be granted by the institution liable for the benefit of a Contracting State, the institution of the other State shall take fully into consideration the supplementary period or the special increased allowances in so far as the conditions for taking into account the supplementary period or granting special increased allowances have been fulfilled pursuant to the legislation that applies.

*Article 4.* The discontinuance of payment of the part of the pension corresponding to the supplementary period or to the special increased allowances shall not affect the benefit which the institution of the other State shall grant in accordance with article 2 or 3.

*Article 5.* If, outside German and Luxembourg pension insurance, periods have also been completed in the pension insurance of one or more other member States and if such periods are required for entitlement to a pension in one of the Contracting States, the institution of the Contracting State concerned shall not apply this Agreement.

## SECTION II

*Article 6.* The provisions of articles 14 and 17 of the Regulation and of articles 11 and 12 of the Implementing Regulation shall be applicable to workers who are excluded from the scope of the Regulation and who, when they are seconded to the territory of the other Contracting State, are employed by an employer or an enterprise whose domicile or headquarters is in the territory of one of the two Contracting States.

*Article 7.* (1) The workers referred to in article 6 and their accompanying family members shall, when seconded to the territory of the other Contracting State, be entitled to sickness and accident insurance benefits pursuant to the provisions of the Regulation and the Implementing Regulation under the same conditions and to the same extent as seconded workers and their accompanying family members who are nationals of a Contracting State.

(2) For the reimbursement of benefits provided in accordance with paragraph 1, the provisions of the Regulation and of the Implementing Regulation, together with any exceptional arrangements agreed by the Contracting States pursuant to those Regulations, shall apply.

### SECTION III

*Article 8.* This Agreement 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 Grand Duchy of Luxembourg within three months of the entry into force of this Agreement.

*Article 9.* This Agreement is concluded for a period of one year following its entry into force. It shall be tacitly renewed from year to year unless either Contracting State gives written notice of termination at least three months before the expiration of any such yearly period.

*Article 10.* (1) This Agreement is subject to ratification; the instruments of ratification shall be exchanged as soon as possible at Bonn.

(2) This Agreement shall enter into force on the first day of the second month following the exchange of the instruments of ratification.

DONE at Luxembourg on 20 July 1978 in duplicate in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:  
Dr. H.-W. MEYER-LOHSE

For the Government of the Grand Duchy of Luxembourg:  
GASTON THORN  
BENNY BERG