

No. 23200

FEDERAL REPUBLIC OF GERMANY
and
NETHERLANDS

Agreement to establish the basis for reimbursement for sickness and maternity insurance benefits in kind under regulation (EEC) No. 1408/71 of the Council, of 14 June 1971, concerning the application of social security schemes to employed persons and their families who migrate within the Community. Signed at Bonn on 1 October 1981

Authentic texts of the Agreement: German and Dutch.

Registered by the Federal Republic of Germany on 28 December 1984.

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
PAYS-BAS

Accord relatif aux modalités de remboursement des prestations d'assurance maladie et de maternité servies en nature, sur la base du règlement (CEE) n° 1408/71 du Conseil, du 14 juin 1971, concernant l'application des régimes de sécurité sociale aux travailleurs salariés et à leurs familles qui se déplacent à l'intérieur de la Communauté. Signé à Bonn le 1^{er} octobre 1981

Textes authentiques de l'Accord : allemand et néerlandais.

Enregistré par la République fédérale d'Allemagne le 28 décembre 1984.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS TO ESTABLISH THE BASIS FOR REIMBURSEMENT FOR SICKNESS AND MATERNITY INSURANCE BENEFITS IN KIND UNDER REGULATION (EEC) No. 1408/71 OF THE COUNCIL, OF 14 JUNE 1971, CONCERNING THE APPLICATION OF SOCIAL SECURITY SCHEMES TO EMPLOYED PERSONS AND THEIR FAMILIES WHO MIGRATE WITHIN THE COMMUNITY

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

Pursuant to article 36, paragraph 3, of regulation (EEC) No. 1408/71 of the Council, of 14 June 1971, concerning the application of social security schemes to employed persons and their families who migrate within the Community, and pursuant to article 93, paragraph 6, article 94, paragraph 6, and article 95, paragraph 6, of regulation (EEC) No. 574/72 of the Council, of 21 March 1972, concerning the implementation of regulation (EEC) No. 1408/71,

Considering that the assessment or the costs of temporary assistance benefits paid in kind must be brought into conformity with the actual registration and assessment procedures in force in the two Contracting States,

Desiring to avail themselves of the opportunity, offered in regulations (EEC) No. 1408/71 and No. 574/72 to provide for an alternative registration and assessment procedure and to simplify the administrative work of the German and Netherlands insurance authorities,

Have agreed as follows:

Article 1. As an alternative to article 93 of regulation (EEC) No. 574/72, the competent Netherlands insurance authority shall reimburse the costs of the medications supplied under articles 19, 22 and 31 of regulation (EEC) No. 1408/71 to persons sojourning or residing in the Federal Republic of Germany on the basis of the lump sums used between German insurance authorities in temporary assistance cases. The same shall apply *mutatis mutandis*, in the cases specified in article 21, paragraph 2, second sentence, of regulation (EEC) No. 1408/71, to family members of persons insured by German sickness insurance authorities who reside in the Netherlands but are living temporarily in the Federal Republic of Germany.

Article 2. (1) As an alternative to article 94 of regulation (EEC) No. 574/72, the competent Netherlands insurance authority shall reimburse the costs of benefits in kind provided, under article 19, paragraph 2, of regulation (EEC) No. 1408/71, to family members residing in the Federal Republic of Germany, in accordance, *mutatis*

¹ Came into force on 11 April 1983, the date of receipt of the last of the notifications (dated 4 November 1982 and 6 April 1983) by which the Parties informed each other of the completion of the internal formalities, with retroactive effect from 1 October 1972, in accordance with article 8.

mutandis, with article 93, paragraph 1 and 4, of regulation (EEC) No. 574/72 and having regard to article 1 of this Agreement.

(2) Reimbursement of the costs of medicaments supplied to the family members specified in paragraph (1) shall, however, be made in accordance with article 1 of this Agreement.

Article 3. As an alternative to article 93 of regulation (EEC) No. 574/72, the competent German insurance authority shall reimburse the costs of benefits in kind;

- (a) Which are provided, under article 19, paragraph 2, of regulation (EEC) No. 1408/71, to seamen's family members living in the Netherlands, in accordance with article 94 of regulation (EEC) No. 574/72 and having regard to article 4 of this Agreement;
- (b) Which are provided, under article 26 of regulation (EEC) No. 1408/71, to applicants for annuities and their family members residing in the Netherlands, in accordance with article 95 of regulation (EEC) No. 574/72 and having regard to article 5 of this Agreement;
- (c) Which are provided, under article 29 of regulation (EEC) No. 1408/71, to family members, residing in the Netherlands, of an annuitant residing in the Federal Republic of Germany, in accordance with article 94 of regulation (EEC) No. 574/72 and having regard to article 4 of this Agreement.

Article 4. As an alternative to article 94, paragraphs 2 to 4, of regulation (EEC) No. 574/72, the competent German insurance authority shall reimburse the costs of benefits in kind provided, under article 19, paragraph 2, of regulation (EEC) No. 1408/71 to employed persons' family members living in the Netherlands, on the basis of a lump sum amounting to 80 per cent of the annual average costs per person.

Article 5. As an alternative to article 95, paragraph 2 to 4, of regulation (EEC) No. 574/72, the competent German insurance authority shall reimburse the costs of benefits in kind provided, under article 28 of regulation (EEC) No. 1408/71, to annuitants residing in the Netherlands and their family members, on the basis of a lump sum amounting to 80 per cent of the annual average costs per person.

Article 6. This Agreement shall also apply to *Land Berlin* provided that the Government of the Federal Republic of Germany has not made a contrary declaration to the Government of the Netherlands within three months of the date of entry into force of this Agreement.

Article 7. This Agreement is concluded for a period of one year from its entry into force. It shall be tacitly extended from year to year unless it is denounced in writing by one of the Contracting Parties within at least three months before the expiry of the one-year period.

Article 8. This Agreement shall enter into force, with effect from 1 October 1972, on the day on which the two Governments have notified each other that the requisite national formalities for its entry into force have been completed.

DONE at Bonn on 1 October 1981, in two originals, each in the German and Dutch languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

B. VON STADEN

For the Government of the Kingdom of the Netherlands:

D. BARON VAN LYNDEN
