

No. 23201

FEDERAL REPUBLIC OF GERMANY
and
NETHERLANDS

Agreement concerning implementation of article 20 of regulation (EEC) No. 1408/71 in respect of the families of frontier workers. Signed at The Hague on 15 February 1982

Authentic texts: German and Dutch.

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

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
PAYS-BAS

Accord concernant l'application de l'article 20 du règlement (CEE) n° 1408/71 relatif aux familles des travailleurs frontaliers. Signé à La Haye le 15 février 1982

Textes authentiques : 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 CONCERNING IMPLEMENTATION OF ARTICLE 20 OF REGULATION (EEC) No. 1408/71 IN RESPECT OF THE FAMILIES OF FRONTIER WORKERS

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

Desiring to widen and enhance their mutual relations in social security matters,

Considering that implementation of article 20 of Council regulation (EEC) No. 1408/71 of 14 June 1971 concerning application of social security schemes to employed persons and their families who migrate within the Community is impeded by the procedural and compensation agreements in force between the two States Parties to this Agreement,

Desiring to simplify the provision of sickness and maternity benefits to the families of frontier workers in the territory of the two States Parties to this Agreement,

Have agreed as follows:

Article 1. For the purposes of this Agreement, the definitions in article 1 of Council regulation (EEC) No. 1408/71 of 14 June 1971 concerning application of social security schemes to employed persons and their families who migrate within the Community — hereinafter referred to as “the regulation” — and in article 1 of 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 — hereinafter referred to as “the Application Regulation” — shall apply.

Article 2. This Agreement shall apply to such members of the families of frontier workers as are resident in the territory of the Federal Republic of Germany but are insured under Netherlands legislation and to such members of the families of frontier workers as are resident in the Netherlands but are insured under German legislation.

Article 3. (1) The members of the families of frontier workers referred to in article 2 may also claim benefits, under article 20 of the regulation, in the territory of the competent State. Notwithstanding the provisions of article 20 of the regulation, entitlement to such benefits shall be subject to the prior agreement of the authority of the place of residence.

(2) The entitlement of the members of the families of frontier workers to benefits

— In the territory of the competent State, in emergencies;

¹ Came into force on 10 January 1983, i.e., one month after the date of receipt (10 December 1982) of the last of the notifications by which the Parties had informed each other of the completion of the internal requirements, in accordance with article 7.

— In the cases referred to in article 22, paragraph 1, subparagraph (b), of the regulation, subject to the provisions of paragraph 3 of that article will not be affected by the provisions of paragraph 1 of this article.

Article 4. (1) In order to receive benefits in the territory of the competent State under article 3, paragraph 1, of the regulation, a member of the family of a frontier worker must produce a certificate issued by the authority of his place of residence certifying that he is entitled to receive benefits in the territory of the competent State.

Such certificate shall be issued on the request of the insured person or of the competent authority. The benefits shall be granted in accordance with the provisions of the implementing Regulation.

(2) The sickness-insurance liaison services of the two States Parties shall determine the additional procedures required for implementing this Agreement. These procedures must be approved by the competent authorities.

Article 5. 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 Kingdom of the Netherlands within three months from the date of its entry into force.

Article 6. This Agreement is concluded for a period of one year from the date of its entry into force. It shall be automatically renewed from year to year unless one State Party gives the other State Party at least three month's notice in writing of its intention to denounce it.

Article 7. This Agreement shall enter into force one month after the date on which the two Governments notify each other that the requirements of domestic law necessary for its entry into force have been complied with in their respective countries.

DONE at The Hague, on 15 February 1982, in two originals in the German and Dutch languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

GERHARD FISCHER

For the Government of the Kingdom of the Netherlands:

M. VAN DER STOEL
