

No. 25814

**FINLAND
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement for the implementation of the Convention of
23 April 1979 on social security. Signed at Bonn on
28 November 1985**

Authentic texts: Finnish and German.

Registered by Finland on 30 March 1988.

**FINLANDE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif à l'exécution de la Convention de sécurité
sociale du 23 avril 1979. Signé à Bonn le 28 novembre
1985**

Textes authentiques: finnois et allemand.

Enregistré par la Finlande le 30 mars 1988.

[TRANSLATION—TRADUCTION]

AGREEMENT¹ FOR THE IMPLEMENTATION OF THE CONVENTION OF
23 APRIL 1979 BETWEEN THE REPUBLIC OF FINLAND AND THE
FEDERAL REPUBLIC OF GERMANY ON SOCIAL SECURITY²

The Government of the Republic of Finland and the Government of the Federal Republic of Germany,

Pursuant to article 35, paragraph 1, of the Convention of 23 April 1979 between the Republic of Finland and the Federal Republic of Germany on social security,² hereinafter referred to as “the Convention”, have agreed as follows:

SECTION I. GENERAL PROVISIONS

Article 1. In the following provisions, the terms used in the Convention have the meaning ascribed to them therein.

Article 2. The liaison offices established under article 35, 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 35, paragraph 2, of the Convention and the competent insurance authorities referred to in article 12, paragraph 2, of this Agreement shall, within their respective spheres of competence and in cooperation with the competent authorities, reach agreement on such administrative measures as are necessary and expedient for the implementation of the Convention. Article 35, paragraph 1, of the Convention shall not be affected.

Article 4. (1) The agencies referred to in article 29, paragraph 1, of the Convention shall, within their sphere of competence, provide each other and interested persons, upon request, 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 other Contracting State or under its law. The same shall apply in cases where a person is required to produce certain evidence.

Article 5. (1) In the cases referred to in articles 6 and 10 of the Convention, the competent insurance authority 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.

¹ Came into force on 19 November 1987, the date on which the Parties notified each other that the necessary domestic requirements had been met, in accordance with article 15.

² United Nations, *Treaty Series*, vol. 1276, p. 195.

(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 the Republic of Finland, the Central Pension Protection Institute shall issue the certificate.

Article 6. Cash benefits shall be paid to recipients in the other Contracting State without the intervention of a liaison office in such Contracting State.

Article 7. Where personal data or trade or business secrets are transmitted from one Contracting State to the other pursuant to the Convention or this Agreement, both the transmission and the use of such information shall be governed by each State's respective internal legislation concerning the protection of personal data and trade and business secrets.

Article 8. The enforceable orders and documents issued in the Federal Republic of Germany which are referred to in article 30 of the Convention shall be transmitted, in the Republic of Finland, through the Ministry of Social Affairs and Health.

SECTION II. SPECIAL PROVISIONS

Chapter 1. SICKNESS INSURANCE UNDER THE LEGISLATION OF THE REPUBLIC OF FINLAND AND THE FEDERAL REPUBLIC OF GERMANY; MATERNITY ASSISTANCE AND BENEFITS IN KIND PROVIDED BY THE NATIONAL HEALTH SYSTEM AND BY HOSPITALS UNDER THE LEGISLATION OF THE REPUBLIC OF FINLAND

Article 9. 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. Where the competent insurance authority is German, an immediate report is required only by the insurance authority of the place of temporary residence. The latter shall immediately inform the competent insurance authority.

Article 10. (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) In order to receive sickness benefits in kind under articles 14 and 16 of the Convention in the Federal Republic of Germany, a family member shall submit certificates 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 the Republic of Finland and is insured under Finnish legislation. The insurance authority of the place of normal residence shall be informed by the competent Finnish 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 pen-

sion exclusively under Finnish legislation shall submit a certificate to that effect, provided by the competent Finnish insurance authority, to the insurance authority of his normal place of residence. The Finnish 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. Where, in the cases referred to in article 13 of the Convention, benefits are applied for in person in the Federal Republic of Germany, the entitled person shall initially be reimbursed by the competent Finnish liaison office, which shall in turn be reimbursed by the German liaison office once the benefits in kind provided under articles 13, 14, 16 and 21 of the Convention have been apportioned among all the German sickness insurance authorities.

(5) A person who, under item 9 (a) of the Final Protocol to the Convention, after separating from Finnish sickness insurance 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 Finnish legislation.

Chapter 2. ACCIDENT INSURANCE

Article 11. (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 12. (1) Where there are no existing provisions under German legislation, the liaison office established for such insurance shall be competent to determine and provide benefits under the German 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 Finnish and German legislation, or
- (b) The person entitled to benefits is normally resident in the Republic of Finland, or
- (c) The person entitled to benefits is a Finnish national who is normally resident outside the Contracting States.

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

Article 13. The insurance authorities referred to in article 35, paragraph 2, of the Convention and article 12, paragraph 2, of this Agreement shall each year, as of 31 December, compile statistics concerning payments made in the other Contracting

State. In so far as possible, the statistical data shall contain a breakdown, by type of pension, of the number and total amount of pensions and cash settlements paid. The statistics shall be exchanged.

SECTION III. FINAL PROVISIONS

Article 14. In conformity with the Quadripartite Agreement of 3 September 1971,¹ this Agreement shall be extended to Berlin (West) in accordance with established procedures, provided that the Government of the Federal Republic of Germany has not made a contrary declaration to the Government of the Republic of Finland within three months from the date of entry into force of this Agreement.

Article 15. 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 28 November 1985 in duplicate in the Finnish and German languages, both texts being equally authentic.

For the Government of the Republic of Finland:

ANTTI KARPPINEN

For the Government of the Federal Republic of Germany:

J. RUHFUS

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