

No. 53453*

Multilateral

Nordic Convention on social security (with annex). Karlskrona, 18 August 2003

Entry into force: *1 September 2004, in accordance with article 16*

Authentic texts: *Danish, Finnish, Icelandic, Norwegian and Swedish*

Registration with the Secretariat of the United Nations: *Denmark, 1 February 2016*

Note: *See also annex A, No. 53453.*

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Multilatéral

Convention relative à la sécurité sociale dans les pays nordiques (avec annexe). Karlskrona, 18 août 2003

Entrée en vigueur : *1^{er} septembre 2004, conformément à l'article 16*

Textes authentiques : *danois, finnois, islandais, norvégien et suédois*

Enregistrement auprès du Secrétariat des Nations Unies : *Danemark, 1^{er} février 2016*

Note : *Voir aussi annexe A, No. 53453.*

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Participant	Approval		
Denmark	23 Jun	2004	AA
Finland	26 May	2004	AA
Iceland	30 Jun	2004	AA
Norway	6 May	2004	AA
Sweden	5 Apr	2004	AA

Note: The texts of the declarations and reservations are published after the list of Parties -- Les textes des déclarations et réserves sont reproduits après la liste des Parties.

NORDIC CONVENTION ON SOCIAL SECURITY

The Governments of Denmark, Finland, Iceland, Norway and Sweden,

Having, since the entry into force of the Agreement concerning the European Economic Area (the EEA Agreement), also been applying the provisions of Regulation (EEC) No. 1408/71, relating to the application of the social security system when employees, independent entrepreneurs or their family members move within the Community, to the case of persons who move between the Nordic countries,

Having on 15 June 1992 concluded a Nordic Convention on Social Security which serves as a supplement to the above-mentioned Regulation and through which the Nordic countries have joined for the purpose of also applying the provisions of the Regulation to a large extent within the Nordic area to certain groups of persons to whom the Regulation is not directly applicable, namely, persons who are not and have not been employees or independent entrepreneurs within the meaning of the Regulation or are not nationals of an EEA country,

Referring *inter alia* to article 8, article 36, article 46b, No. 2, item b, article 63 and article 70 of the above-mentioned Regulation,

Wishing to adapt the Convention to the development of the aforementioned Regulation and of the Nordic countries' legislation on social security,

Referring to the Council's Regulation on the expansion of the provisions of Regulation (EEC) No. 1408/71 and Regulation (EEC) No. 574/72 to apply to nationals of third countries who, solely by reason of their nationality, are not covered by those provisions,

Noting that the provisions of article 69 of Regulation (EEC) No. 1408/71 are to apply to a national of a third country if that national has the right to reside and work there legally and to seek work in the Nordic country in which he has registered as a job-seeker at the labour exchange,

Having agreed on special provisions for Denmark in accordance with the annex to this Convention,

Have agreed to conclude a new Nordic Convention on Social Security which reads as follows:

SECTION I

GENERAL PROVISIONS

Article 1

Definitions

1. In this Convention the expressions shown below have the meanings stated:

(1) "Nordic country" means each of the Contracting Countries and the self-governing regions of the Faeroes, Greenland and Åland in so far as those regions have given their consent to having the Convention apply to them;

(2) "the Regulation" means Regulation (EEC) No. 1408/71 on the application of the social security system when employees, independent entrepreneurs or their family members move within the Community, in the version in force in each case between the Nordic countries;

(3) "the Implementing Regulation" means Regulation (EEC) No. 574/72 concerning the application of Regulation (EEC) No. 1408/71 relating to the application of the social security system when employees, independent entrepreneurs or their family members move within the Community, in the version in force in each case between the Nordic countries;

(4) "basic pension" means a general pension which is not calculated on the basis of completed periods of employment, earlier earnings or taxes paid, including such general pensions or supplements to pensions which are granted to those who have no employment pension or have a low employment pension;

(5) "employment pension" means a general pension which is calculated only for persons who have been gainfully employed in accordance with the legislation of the country;

(6) "resident" means that a person is resident in a Nordic country according to that country's registration records, unless otherwise indicated for special reasons.

2. Other expressions that occur in this Convention have the meaning that they have in the Regulation, the Implementing Regulation or the national legislation of the Nordic countries.

Article 2

Scope

This Convention shall apply to all legislation included in the scope of the Regulation.

Article 3

Persons covered

1. This Convention shall apply to persons who are included among those covered by the Regulation.
2. This Convention shall also apply to the following persons who are not included among those covered by the Regulation:
 - (a) persons who are or have been covered by the legislation of a Nordic country
 - (b) family members or survivors who derive rights from persons referred to under (a).

Article 4

Extended application of the Regulation

Unless otherwise stated in this Convention, the application of the Regulation and of the Implementing Regulation shall extend to all persons who are covered by this Convention and are residents of a Nordic country.

SECTION II

PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

Article 5

Persons not gainfully employed

1. For persons who are not and have not been employees or independent entrepreneurs within the meaning of the Regulation the applicable legislation shall be that of the Nordic country in which they are resident.
2. A spouse or a child under 18 years of age who accompanies an employee or an independent entrepreneur from one Nordic country to another shall, where the provisions of article 13, No. 2, item d, article 14, No. 1, article 14a, No. 1, and article 17 of the Regulation imply that the employee or the independent entrepreneur continues to be covered by the legislation of the first-mentioned country, shall likewise continue to be covered by that country's legislation in the same manner as if the accompanying person continued to be resident there.

Article 6

Persons gainfully employed

In the application of the provisions of section II of the Regulation, work in research on and the extraction of natural resources on the continental shelf of a country shall also be regarded as work in that country.

SECTION III

SPECIAL PROVISIONS CONCERNING THE RIGHT TO BENEFITS

Chapter 1.

Sickness and maternity

Article 7

Reimbursement of the expenses of a homeward journey

1. In respect of persons who are resident in one Nordic country and have the right to medical care benefits there and who, during a temporary stay in another Nordic country, receive medical care benefits, the country of stay shall be liable for the additional expenses of a homeward journey to the country of residence that arise as a result of the fact that the person concerned, as a result of his ill health, must use more expensive means of travel than he would have used otherwise.
2. The provisions of the first paragraph shall not be applicable to persons who receive permission to travel to another Nordic country in order to receive necessary treatment there.

Chapter 2.

Benefits in the event of disability, old age and death

Article 8

Minimum residence time for the right to the basic pension

1. A person who is not and has not been employed or an independent entrepreneur within the meaning of the Regulation shall be entitled to the basic pension from a Nordic country only if he has earned the right to such a pension from that country on the basis of at least three years' residence in the country.
2. The requirement of paragraph 1 cannot be satisfied by citing residence periods and insurance periods in other countries.

3. Periods during which a person has received a pension from another country to which the Regulation or this Convention applies shall not be included in the calculation when determining whether the residence requirement in accordance with paragraph 1 is satisfied.

Article 9

Basic pension during residence in an EEC country

So long as a person is resident in an EEC country, he shall be entitled to the basic pension to which he has earned the right in a Nordic country. The same shall apply to residence in the Faeroes and Greenland in so far as the Convention applies to those regions.

Article 10

Agreement in accordance with article 46b, No. 2, item b, of the Regulation

If the requirements applicable to the calculation of a pension are also satisfied in more than one Nordic country on the basis of the inclusion of future insurance periods or residence periods that would have been completed if the pension case had not arisen, only a part of the future periods shall be included in the calculation in each of the countries. That part shall be determined on the basis of the actual insurance periods or residence periods that are used in calculating the pension, in accordance with the ratio between the actual period in the country and the combined actual periods in the countries.

Article 11

Certain periods prior to the year 1994

If a person has earned the right to the basic pension from one Nordic country on the basis of residence in the country during a time prior to 1 January 1994, during which time he has simultaneously earned the right to an additional pension in another Nordic country, the basic pension for that period shall be calculated only from the last-mentioned country. If a person has during such time simultaneously earned an additional pension from several Nordic countries, one of which was also the person's country of residence, the basic pension shall be calculated only from the last-mentioned country.

Chapter 3.

Unemployment compensation

Article 12

Exemption from certain requirements relating to completed periods

The requirement relating to insurance periods or employment periods in accordance with article 67, No. 3, of the Regulation shall not apply to a person who either has worked for so long a

period that he or she has been included in the legislation relating to unemployment compensation benefits or has received such benefits in the Nordic country in which the application for benefits is made. However, the work must have been performed or the unemployment compensation benefits must have been received within a period of five years reckoned from the date of the application for work at the public labour exchange and, where applicable, for membership in the relevant unemployment insurance fund.

CHAPTER 4.

OTHER PROVISIONS

Article 13

Provisions concerning implementation

The competent authorities shall institute such provisions as are necessary to ensure a uniform Nordic implementation of this Convention.

Article 14

Communications organs

In the implementation of this Convention the authorities and institutions shall provide each other with assistance to the necessary extent. There shall be in each Nordic country a communications organ established by the competent authority.

Article 15

Waiver of reimbursement

1. With regard to articles 36, 63 and 70 of the Regulation and article 105 of the Implementing Regulation, the Nordic countries shall, unless otherwise agreed between two or more of the countries, waive all reimbursement between the countries of the costs of care benefits provided in the event of sickness, pregnancy and maternity and for employment injuries and occupational diseases, of benefits provided to unemployed persons who seek work in a country other than the country concerned and of administrative control and medical examinations.
2. The waiver of reimbursement shall not apply to care benefits provided to persons who have, in accordance with article 22, No. 1, item c, and article 55, No. 1, item c, received permission to travel to another Nordic country in order to receive there the medical care necessitated by their condition.

Article 16

Entry into force

1. This Convention shall enter into force on the first day of the third month following the month during which all Governments have notified the Danish Government that they approve the Convention.
2. With regard to the Faeroes, Greenland and Åland, the Convention shall enter into force 30 days after the Governments of Denmark and Finland, respectively, have informed the Danish Ministry of Foreign Affairs that the *landsstyre* of the Faeroes and the *landsstyre* of Greenland and the *lagting* of Åland, respectively, have given notice that the Convention shall apply to the Faeroes and Greenland and to Åland, respectively.
3. The Danish Ministry of Foreign Affairs shall inform the other Parties and the Secretariat of the Nordic Council of Ministers concerning the receipt of the aforementioned notifications and concerning the date of the entry into force of the Convention.

Article 17

Denunciation of the Convention

1. If one Party wishes to denounce the Convention, a written notification to that effect shall be submitted to the Danish Ministry of Foreign Affairs, which shall be required to inform the other Parties of that fact and of the contents of the notification.
2. The denunciation shall be valid solely in respect of the Party that has made it and shall take effect as from the beginning of the calendar year that begins at least six months after the Danish Ministry of Foreign Affairs has received the notification of denunciation.
3. If the Convention is denounced, the rights earned on the basis of the Convention shall remain in force.

Article 18

Earlier provisions

1. Upon the entry into force of this Convention the Nordic Convention on Social Security of 15 June 1992 shall cease to have effect. This Convention shall not give rise to any reduction of the amount of benefits that were granted at the time when the Convention entered into force.
2. The basic pension to a national of a Nordic country which until 31 December 1993 had been granted in accordance with the provisions of the Nordic Convention on Social Security of 5 March 1981, or in accordance with the national legislation of one or more countries, and which upon the entry into force of this Convention continue to be granted in accordance with those

provisions shall be recalculated in accordance with the provisions of the Regulation or of this Convention if the entitled person applies for the basic pension from another Nordic country.

3. Applications for benefits that are submitted after the entry into force of this Convention shall be considered in accordance with this Convention even if they relate to benefits for a time prior to such entry into force.

Article 19

Signature

The original text of this Convention shall be deposited with the Danish Ministry of Foreign Affairs, which shall transmit certified copies of the text to the other Parties.

In witness whereof the plenipotentiaries have signed this Convention.

Done at Karlskrona on 18 August 2003 in one original in the Danish, Finnish, Icelandic, Norwegian and Swedish languages, all texts being equally authentic.

ANNEX

Special provisions for Denmark which are referred to in article 4

In respect of:

- chapters 7 and 8 of section III of the Regulation
- article 69 and 70 of the Regulation
- basic pensions in articles 8 and 9 of the Convention

the application of the Regulation and of the Implementing Regulation shall extend only to nationals of a Nordic country, and consequently articles 8 and 9 of the Convention shall also apply solely to Nordic nationals.