

No. 29547

**FEDERAL REPUBLIC OF GERMANY
and
LUXEMBOURG**

Agreement concerning implementation of article 20 and article 22 (1) (b) and (c) of Regulation (EEC) No. 1408/71 on social security. Signed at Bonn on 25 January 1990

Authentic texts: German and French.

Registered by Germany on 28 January 1993.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
LUXEMBOURG**

Accord au sujet de l'application de l'article 20 et de l'article 22, paragraphe 1 sous b) et c) du règlement (CEE) n° 1408/71. Signé à Bonn le 25 janvier 1990

Textes authentiques : allemand et français.

Enregistré par l'Allemagne le 28 janvier 1993.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE GRAND DUCHY OF LUXEMBOURG CONCERNING IMPLEMENTATION OF ARTICLE 20 AND ARTICLE 22 1 (b) AND (c) OF REGULATION (EEC) NO. 1408/71 ON SOCIAL SECURITY

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

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

Considering that the provision of sickness and maternity benefits to the families of frontier workers in the territory of the two Contracting States must be made more open;

Desiring to accelerate the reimbursement of costs in respect of frontier workers and in cases where entitlement to benefits in the other Contracting State requires the authorization of the competent institution,

Have agreed as follows:

Article 1

1. For the purposes of this Agreement, the definitions in article 1 of Council regulation (EEC) No. 1408/71 concerning application of social security schemes to employed and self-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 fixing the procedure for implementing regulation (EEC) No. 1408/71 on the application of social security schemes to employed and self-employed persons and their families moving within the Community (hereinafter referred to as “the application regulation”) shall apply.

2. Unless otherwise stipulated in this Agreement, the provisions of the regulation and the application regulation shall apply; if uncertainty exists they shall be authoritative.

Article 2

This Agreement shall apply:

1. To frontier workers and members of their families resident in the Federal Republic of Germany and insured under Luxembourg legislation and to frontier workers and members of their families resident in Luxembourg and insured under German legislation;

2. To persons whose entitlement to benefits in the other Contracting State is subject to the authorization of the competent institution.

¹ Came into force on 26 July 1990, i.e., one month after the date on which the Parties had notified each other of the completion of the required procedures, in accordance with article 6.

Article 3

The members of the families of frontier workers referred to in article 2, subparagraph 1, may also claim benefits in kind, under article 20 of the regulation, in the territory of the competent State to the same extent as the frontier worker.

Article 4

1. Notwithstanding the first sentence of article 102, paragraph 2, of the application regulation, the institutions of Luxembourg and Germany for which an arrangement exists in accordance with paragraph 3 below shall reimburse directly the cost of benefits in kind which have been provided by the institution of the other Contracting State

(a) To frontier workers and members of their families or

(b) In the cases provided for in article 22, paragraph 1, subparagraphs (b) and (c), article 22, paragraph 3, in relation to paragraph 1, subparagraphs (b) and (c), in article 31 in relation to article 22, paragraph 1, subparagraph (c), of the regulation in the event of stationary hospital treatment or pursuant to article 17, paragraph 7, of the application regulation.

2. In the cases provided for in paragraph 1 (b) above, the hospital, rehabilitation centre or other similar establishment shall transmit an itemized bill of expenses to the competent institution of the place of residence or stay, which shall certify that only the respective agreed rates have been charged. The latter shall send the itemized bill to the competent institution, which shall reimburse the aforementioned establishment directly.

3. The additional rules of procedure necessary for the application of this Agreement shall be drawn up in direct contacts between the sickness insurance liaison agency (for the German side) and the office of the inspector-general of social security (for the Luxembourg side), which shall also determine the institutions to be taken into consideration.

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 Government of the Grand Duchy of Luxembourg within three months of the entry into force of this Agreement.

Article 6

This Agreement shall enter into force one month after the date on which the two Contracting Parties notify each other that the requirements of domestic law necessary for its entry into force have been complied with.

Article 7

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 Contracting Party gives the other at least three months' notice in writing of its intention to denounce it, at the end of a calendar year.

DONE at Bonn on 25 January 1990, in duplicate in the German and French languages, both texts being equally authentic.

For the Government
of the Federal Republic of Germany:

J. OESTERHELT
WOLFGANG VOGT

For the Government
of the Grand Duchy of Luxembourg:

DELVAUX
