

Declaration by Germany pursuant to Article 9 of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems for the reference year ending 31 December 2022

I. DECLARATIONS REFERRED TO IN ARTICLE 1(L) OF REGULATION (EC) NO 883/2004 AND THE DATE FROM WHICH THE REGULATION WILL APPLY

The date of application of Regulation (EC) No 883/2004 to the listed national legislation, in so far as it is covered by the scope of the Regulation, is [1 May 2010], except where otherwise stated. This is also the date from which the Regulation applies in this Member State.

II. LEGISLATION AND SCHEMES REFERRED TO IN ARTICLE 3 OF REGULATION (EC) NO 883/2004 AND THE DATE FROM WHICH THE REGULATION WILL APPLY

1. Sickness benefits

(i) Benefits in kind

Volume V of the Social Security Code – statutory sickness insurance – of 20 December 1988, including the provision of medical assistance by the employer pursuant to § 17(1) in the event that the insured person falls ill abroad

Second Sickness Insurance for Farmers Act (*Zweites Gesetz über die Krankenversicherung der Landwirte*) of 20 December 1988

The provisions on rehabilitation benefits under the farmers' old-age insurance scheme in Chapter 2, Section 1, of the Old-Age Insurance for Farmers Act (*Gesetz über die Alterssicherung der Landwirte*) of 29 July 1994

The provisions on rehabilitation benefits provided as part of pension insurance in Chapter 2, Section 1, of Volume VI of the Social Security Code – statutory pension insurance – of 18 December 1989

Volume XI of the Social Security Code – nursing care insurance – of 26 May 1994

(ii) Benefits in cash

Volume V of the Social Security Code – statutory sickness insurance – of 20 December 1988, including the provision of medical assistance by the employer pursuant to Article 17(1) in the event that the insured person falls ill abroad

Second Sickness Insurance for Farmers Act (*Zweites Gesetz über die Krankenversicherung der Landwirte*) of 20 December 1988

The provisions on rehabilitation benefits provided as part of pension insurance in Chapter 2, Section 1, of Volume VI of the Social Security Code – statutory pension insurance – of 18 December 1989

Volume XI of the Social Security Code – nursing care insurance – of 26 May 1994

The provisions of the Seafarers Act (*Seemannsgesetz*) of 26 July 1957 – from 1 May 2010 to 31 July 2013 – and of the Work at Sea Act (*Seearbeitsgesetz*) of 20 April 2013 – since 1 August 2013 – concerning healthcare or entitlement to medical care and the continued payment of crews' wages

Continued Payment of Wages Act (*Entgeltfortzahlungsgesetz*) of 26 May 1994

The provisions of the *Länder* concerning cash benefits for the blind and other persons with disabilities

2. Maternity and equivalent paternity benefits

(i) Benefits in kind

Volume V of the Social Security Code – statutory sickness insurance – of 20 December 1988, including benefits during pregnancy or maternity – since 1 January 2013, previously: National Insurance Code (*Reichsversicherungsordnung*) of 19 July 1911

Second Sickness Insurance for Farmers Act of 20 December 1988 – since 1 January 2013, previously: Sickness Insurance for Farmers Act of 10 August 1972

The provisions on emergency help with the farm and household assistance during pregnancy and confinement under the farmers' old-age insurance scheme in Chapter 2, Section 3, of the Old-Age Insurance for Farmers Act of 29 July 1994

(ii) Benefits in cash

Volume V of the Social Security Code – statutory sickness insurance – of 20 December 1988, including benefits during pregnancy or maternity – since 1 January 2013, previously: National Insurance Code (*Reichsversicherungsordnung*) of 19 July 1911

Second Sickness Insurance for Farmers Act of 20 December 1988 – since 1 January 2013, previously: Sickness Insurance for Farmers Act of 10 August 1972

Rules on maternity benefit pursuant to the Protection of Working Mothers Act (*Gesetz zum Schutze der erwerbstätigen Mutter*) of 24 January 1952

3. Invalidity benefits

(i) Benefits in kind

None

(ii) Benefits in cash

Volume VI of the Social Security Code – statutory pension insurance – of 18 December 1989

The provisions on pensions due to reduced earning capacity in the context of old-age insurance provision for farmers, in Chapter 2, Section 2, Subsection 1, of the Old-Age Insurance for Farmers Act of 29 July 1994

The special schemes for civil servants laid down in the relevant federal and *Land* legislation on provision for civil servants, insofar as they fall within the scope of the Regulation

The special scheme, provided for in the federal Old-Age Pensions Act, for civil servants, judges and military personnel who leave federal employment voluntarily, insofar as it falls within the scope of the Regulation – since 4 September 2013

The special scheme, provided for in the Assistance and Pensions for Military Personnel Act of 26 July 1957, for professional military personnel, insofar as it falls within the scope of the Regulation

The legal provisions concerning welfare institutions for particular professions (including doctors, dispensing chemists, notaries, lawyers, tax consultants or advisers, veterinarians, auditors and chartered accountants, dentists, psychotherapists, engineers and sea pilots) and also other insurance and welfare institutions, including the insurance and assistance organisations for German orchestras and theatres, welfare institutions, and the extended fee-sharing system

Steelworkers' Supplementary Insurance (Reform) Act of 21 June 2002

Supplementary Pension Scheme (Agricultural and Forestry Workers) Act of 31 July 1974

The legal provisions of the Work at Sea Act (*Seearbeitsgesetz*) of 20 April 2013 concerning the financial protection of crew members in the event of inability to work or death resulting from accidents at work or occupational diseases – since 18 January 2017

4. Old-age benefits

(i) Benefits in kind

None

(ii) Benefits in cash

Volume VI of the Social Security Code – statutory pension insurance – of 18 December 1989

The provisions on old-age pensions in the context of old-age insurance provision for farmers, in Chapter 2, Section 2, Subsection 1, of the Old-Age Insurance for Farmers Act of 29 July 1994

The special schemes for civil servants laid down in the relevant federal and *Land* legislation on provision for civil servants, insofar as they fall within the scope of the Regulation

The special scheme, provided for in the federal Old-Age Pensions Act, for civil servants, judges and military personnel who leave federal employment voluntarily, insofar as it falls within the scope of the Regulation – since 4 September 2013

The special scheme, provided for in the Assistance and Pensions for Military Personnel Act of 26 July 1957, for professional military personnel, insofar as it falls within the scope of the Regulation

The legal provisions concerning welfare institutions for particular professions (for doctors, veterinarians, dentists, dispensing chemists, architects, notaries, lawyers, tax consultants and advisers, auditors and chartered accountants, psychotherapists, engineers and sea pilots) and also other insurance and welfare institutions, including the insurance and assistance organisations for German orchestras and theatres, welfare institutions, and the extended fee-sharing system

Steelworkers' Supplementary Insurance (Reform) Act of 21 June 2002

Supplementary Pension Scheme (Agricultural and Forestry Workers) Act of 31 July 1974

5. Survivors' benefits

(i) Benefits in kind

None

(ii) Benefits in cash

The statutory pension insurance provisions concerning pensions paid in the event of death, in Chapter 2, Section 2, Title 3, of Volume VI of the Social Security Code – statutory pension insurance – of 18 December 1989

The provisions on pensions paid in the event of death in the context of old-age insurance provision for farmers, in Chapter 2, Section 2, of the Old-Age Insurance for Farmers Act of 29 July 1994

The special schemes for civil servants laid down in the relevant federal and *Land* legislation on provision for civil servants, insofar as they fall within the scope of the Regulation

The special scheme, provided for in the federal Old-Age Pensions Act, for civil servants, judges and military personnel who leave federal employment voluntarily, insofar as it falls within the scope of the Regulation – since 4 September 2013

The special scheme, provided for in the Assistance and Pensions for Military Personnel Act of 26 July 1957, for professional military personnel, insofar as it falls within the scope of the Regulation

The legal provisions concerning welfare institutions for particular professions (for doctors, veterinarians, dentists, dispensing chemists, architects, notaries, lawyers, tax consultants and advisers, auditors and chartered accountants, psychotherapists, engineers and sea pilots) and also other insurance and welfare institutions, including the insurance and assistance organisations for German orchestras and theatres, welfare institutions, and the extended fee-sharing system

Steelworkers' Supplementary Insurance (Reform) Act of 21 June 2002

Supplementary Pension Scheme (Agricultural and Forestry Workers) Act of 31 July 1974

The legal provisions of the Work at Sea Act (*Seearbeitsgesetz*) of 20 April 2013 concerning the financial protection of crew members in the event of inability to work or death resulting from accidents at work or occupational diseases – since 18 January 2017

6. Benefits in respect of accidents at work and occupational diseases

(i) Benefits in kind

Volume VII of the Social Security Code – statutory accident insurance – of 7 August 1996

Occupational Diseases Ordinance of 31 October 1997

(ii) Benefits in cash

Volume VII of the Social Security Code – statutory accident insurance – of 7 August 1996

Occupational Diseases Ordinance of 31 October 1997

The special scheme, provided for in the Assistance and Pensions for Military Personnel Act of 26 July 1957, for professional military personnel, insofar as it falls within the scope of the Regulation

The special schemes for civil servants laid down in the relevant federal and *Land* legislation on provision for civil servants, insofar as they fall within the scope of the Regulation

The legal provisions of the Work at Sea Act (*Seearbeitsgesetz*) of 20 April 2013 concerning the financial protection of crew members in the event of inability to work or death resulting from accidents at work or occupational diseases – since 18 January 2017

7. Death grants

Benefits in cash

§ 64, Volume VII, of the Social Security Code – statutory accident insurance – of 7 August 1996

The special scheme, provided for in the Assistance and Pensions for Military Personnel Act of 26 July 1957, for professional military personnel, insofar as it falls within the scope of the Regulation

The special schemes for civil servants laid down in the relevant federal and *Land* legislation on provision for civil servants, insofar as they fall within the scope of the Regulation

The legal provisions of the Work at Sea Act (*Seearbeitsgesetz*) of 20 April 2013 concerning the financial protection of crew members in the event of inability to work or death resulting from accidents at work or occupational diseases – since 18 January 2017

8. Unemployment benefits

(i) Benefits in kind

None

(ii) Benefits in cash

The provisions of Volume III of the Social Security Code (*Drittes Buch Sozialgesetzbuch*) – promotion of employment – of 24 March 1997, concerning unemployment benefit, part-time unemployment benefit, transitional benefits, and benefits in respect of temporarily shortened working hours

The provisions of the Seafarers Act of 26 July 1957 – from 1 May 2010 to 31 July 2013 – and of the Work at Sea Act of 20 April 2013 – since 1 August 2013 – concerning compensation for unemployment caused by the loss or foundering of a ship

9. Pre-retirement benefits

Benefits in cash

Guidelines of 12 December 2008 on the granting of an adaptation allowance to workers in the coal mining industry

Guidelines of 3 September 2020 on the granting of an adaptation allowance to workers in the lignite mining industry and in coal and lignite power plants (§ 57 of the Act on the Phasing-Out of Coal-Fired Electricity Generation)

§ 137b(1), Volume VI, of the Social Security Code – statutory pension insurance – concerning transitional allowances from the seafarers' insurance fund – of 18 December 1989

10. Family benefits

(i) Benefits in kind

None

(ii) Benefits in cash

Federal Child Benefit Act (*Bundeskindergeldgesetz*) of 14 April 1964

Section X (§§ 62-78) of the Income Tax Act (*Einkommensteuergesetz*) of 21 October 1995

Federal Parental Benefits and Parental Leave Act (*Bundeselterngeld- und Elternzeitgesetz*) of 5 December 2006

The provisions of the *Länder* concerning child-raising benefits at *Land* level

Bavarian Childcare Allowance Act (*Bayerisches Betreuungsgeldgesetz* – BayBtGG) of 14 June 2016 – and Bavarian Child-Raising Benefits Act (*Bayerisches Landeserziehungsgeldgesetz*) of 9 July 2007, both replaced by the Bavarian Family Allowance Act (*Bayerisches Familiengeldgesetz* – BayFamGG) of 24 July 2018 – since 1 September 2018. Continuing applicability of the Bavarian Childcare Allowance Act until 31 August 2020 at the latest and of the Bavarian Child-Raising Benefits Act until 31 August 2026 at the latest for certain old cases.

11. Special non-contributory cash benefits

(a) Special non-contributory cash benefits intended to provide a minimum level of subsistence pursuant to Article 70(2)(a)(i) of Regulation (EC) No 883/2004

Benefits in cash

Chapter 4, Volume XII, of the Social Security Code (*Zwölftes Buch Sozialgesetzbuch*) – social assistance – concerning subsistence benefits for old age or reduced capacity to work – of 27 December 2003

Volume II of the Social Security Code (*Zweites Buch Sozialgesetzbuch*) – basic provision for jobseekers – concerning benefits to cover subsistence costs under the basic provision for jobseekers – of 24 December 2003

(b) Special non-contributory cash benefits intended to provide special protection for disabled persons with reference to the social environment pursuant to Article 70(2)(a)(ii) of Regulation (EC) No 883/2004

Benefits in cash

None

III. CONVENTIONS ENTERED INTO AS REFERRED TO IN ARTICLE 8(2) OF REGULATION (EC) NO 883/2004 AND THE DATE FROM WHICH THE REGULATION WILL APPLY

The date of application of Regulation (EC) No 883/2004 to the listed conventions, in so far as it is covered by the scope of the Regulation, is [1 May 2010], except where otherwise stated. This is also the date from which the Regulation applies in this Member State.

None

IV. MINIMUM BENEFITS REFERRED TO IN ARTICLE 58 OF REGULATION (EC) NO 883/2004 AND THE DATE FROM WHICH THE REGULATION WILL APPLY

The date of application of Regulation (EC) No 883/2004 to the listed minimum benefits, in so far as it is covered by the scope of the Regulation, is [1 May 2010], except where otherwise stated. This is also the date from which the Regulation applies in this Member State.

None

V. POSSIBILITY FOR ANY CATEGORY OF SELF-EMPLOYED PERSONS TO BE COVERED BY AN UNEMPLOYMENT BENEFITS SYSTEM (ARTICLE 65A(1) OF REGULATION (EC) NO 883/2004) AND LEGISLATIVE REFERENCE WHERE APPLICABLE

German law offers self-employed persons the possibility of being covered by the unemployment benefits system.

The provisions of Volume III of the Social Security Code – promotion of employment – of 24 March 1997 make voluntary continued insurance possible upon application to the Federal Employment Agency (Bundesagentur für Arbeit). One of the conditions for this is that the applicant must have had compulsory insurance cover for 12 months during the 30 months prior to becoming self-employed, or must have been in receipt of unemployment benefit immediately before commencing such self-employment. The application must be submitted no later than 3 months after the applicant becomes self-employed.