

No. 6453

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

and

FEDERAL REPUBLIC OF GERMANY

Convention on unemployment insurance (with Final Protocol). Signed at Bonn, on 20 April 1960

Official texts: English and German.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
20 December 1962.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

et

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

Convention relative à l'assurance-chômage (avec Protocole final). Signée à Bonn, le 20 avril 1960

Textes officiels anglais et allemand.

*Enregistrée par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
20 décembre 1962.*

No. 6453. CONVENTION¹ ON UNEMPLOYMENT INSURANCE
BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND AND THE FEDERAL RE-
PUBLIC OF GERMANY. SIGNED AT BONN, ON 20 APRIL
1960

The United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany

Being resolved to cooperate in the social field,

Affirming the principle that the nationals of one Contracting Party should receive under the legislation of the other concerning unemployment insurance equal treatment with the nationals of the latter,

Desirous of giving effect to this principle and of making arrangements enabling persons who go from the territory of the one Party to the territory of the other to keep the rights which they have acquired under the legislation of the former Party or to acquire corresponding rights under the legislation of the latter,

Desirous further of making arrangements for insurance periods completed under the legislation of the two Parties to be added together for the purpose of determining the right to receive benefit,

Have agreed as follows :

PART I

DEFINITIONS AND SCOPE

Article 1

For the purpose of the present Convention—

(1) "the United Kingdom" means the United Kingdom of Great Britain and Northern Ireland, and "the Federal Republic" means the Federal Republic of Germany ;

¹ Came into force on 1 September 1961, the first day of the second month following the month in which the instruments of ratification were exchanged at London, in accordance with article 24.

(2) "territory" means, in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland and the Isle of Man, and, in relation to the Federal Republic, the area in which the Basic Law for the Federal Republic of Germany is in force ;

(3) "national" means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies, and, in relation to the Federal Republic, a German within the meaning of the Basic Law for the Federal Republic ;

(4) "legislation" means the legislation specified in Article 2 in force in any part of the territory of one (or the other) Contracting Party ;

(5) "competent authority" means, in relation to the United Kingdom, the Minister of Pensions and National Insurance, the Ministry of Labour and National Insurance for Northern Ireland or the Isle of Man Board of Social Services, as the case may require, and, in relation to the Federal Republic, the Federal Minister of Labour and Social Affairs ;

(6) "insurance authority" means, in relation to the United Kingdom, the Minister of Pensions and National Insurance, the Ministry of Labour and National Insurance for Northern Ireland, the Isle of Man Board of Social Services or the statutory authorities appointed to determine questions under the legislation of the United Kingdom, as the case may require, and, in relation to the Federal Republic, the Federal Institute for Labour Placing and Unemployment Insurance ;

(7) "employed person" means a person who comes within the definition of an employed person or a person who is treated as such in the legislation of one (or the other) Contracting Party; "employment" means employment as an employed person, and the words "employ" and "employer" refer to such employment ;

(8) "dependant" means, in relation to the United Kingdom, a person who would be treated as such for the purpose of any claim to receive benefit for a dependant under the legislation of the United Kingdom, and, in relation to the Federal Republic, a person who, for the purpose of the benefit in question, comes within the definition of a dependant in German legislation ;

(9) "vessel or aircraft" means, in relation to the United Kingdom, a sea-going ship or vessel, registered in the territory of the United Kingdom, or any other British sea-going ship or vessel of which the owner (or managing owner, if there is more than one owner) or manager resides or has his principal place of business in the territory of the United Kingdom, or an aircraft, registered in that territory, of which the owner (or managing owner, if there is more than one owner) resides or has his prin-

cial place of business in that territory ; and, in relation to the Federal Republic, a sea-going ship which flies the Federal flag in accordance with German legislation or an aircraft which is included in the register of German aircraft.

Article 2

(1) The provisions of the present Convention shall apply—
in relation to the United Kingdom, to the National Insurance Act, 1946, the National Insurance Act (Northern Ireland), 1946, and the National Insurance (Isle of Man) Act, 1948 ;

in relation to the Federal Republic, to the legislation concerning unemployment insurance.

(2) Subject to the provisions of paragraphs (3) and (4) of this Article, the Convention shall apply also to any legislation which amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

(3) The Convention shall apply to any legislation which extends the existing legislation to new classes of persons, unless, within three months of the date when information concerning the said legislation is given in accordance with the provisions of paragraph (b) of Article 13 of the Convention, the competent authority of one Contracting Party gives notice to the competent authority of the other Party that it shall not so apply.

(4) The Convention shall apply to legislation which amends or supplements the legislation specified in paragraph (1) of this Article for the purpose of giving effect to a reciprocal agreement concluded with one or more other countries, or a Regulation, promulgated by the European Economic Community, which is binding on one of the Parties, only if the two Parties make an agreement to that effect.

(5) Subject to the provisions of Article 5 of the Convention, the Convention shall apply to those members of the forces, members of the civilian component and their dependants, who are mentioned in the first sentence of paragraph (1) of Article 13 of the Agreement to Supplement the Agreement¹ between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on the 3rd August, 1959,² in so far as that Agreement relates to the Forces of the United Kingdom and their civilian component, in the same way as the Convention applies to other persons.

¹ United Nations, *Treaty Series*, Vol. 199, p. 67 ; Vol. 200, p. 340 ; Vol. 260, p. 452, and Vol. 286, p. 380.

² United Kingdom : "Miscellaneous No. 12 (1959)", Cmnd. 852.

PART II

LEGISLATION TO BE APPLIED

Article 3

Subject to the provisions of Article 22 of the present Convention, a national of one Contracting Party shall be entitled to receive the benefits, and shall be subject to the obligations, of the legislation of the other Party under the same conditions as a national of the latter Party.

Article 4

(1) Subject to the provisions of paragraphs (2) and (3) of this Article and of Articles 5, 6 and 7 of the present Convention, where a national of either Contracting Party is employed in the territory of one Party, the legislation of that Party shall apply to his employment, even if his employer is ordinarily resident in the territory of the other Party or has his principal place of business in the territory.

(2) Where a person who is ordinarily resident in the territory of one Party and in the service of an employer who has a place of business or is ordinarily resident in that territory, is employed by that employer in the territory of the other Party, the legislation of the former Party shall apply to that person for a period of twelve months as if he were employed in the territory of the former Party. If his employment in the territory of the latter Party should continue after the first twelve months, the legislation of the former Party shall continue to apply to him for any period that may be specified, provided that the competent authority of the latter Party or any agency which it may nominate has agreed thereto before the end of the first twelve months.

(3) The following provisions shall apply to any person employed as a member of the travelling personnel of an undertaking engaged in the transport of passengers or goods by railway or road, whether for a third party or on its own account :

- (a) subject to the provisions of sub-paragraphs (b) and (c) of this paragraph, if the person is employed by an undertaking which has its principal place of business in the territory of one Party, the legislation of that Party shall apply to him, even if he is employed in the territory of the other Party ;
- (b) subject to the provisions of sub-paragraph (c) of this paragraph, if the undertaking has a branch or permanent representative in the territory of one Party and the person is employed by that branch or permanent representative, the legislation of that Party shall apply to him ;