

**No. 48287**

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**Japan  
and  
Germany**

**Agreement between Japan and the Federal Republic of Germany on social security (with protocol and arrangement). Tokyo, 20 April 1998**

**Entry into force:** *1 February 2000 by the exchange of instruments of ratification, in accordance with article 24*

**Authentic texts:** *English, German and Japanese*

**Registration with the Secretariat of the United Nations:** *Japan, 2 February 2011*

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**Japon  
et  
Allemagne**

**Accord de sécurité sociale entre le Japon et la République fédérale d'Allemagne (avec protocole et arrangement). Tokyo, 20 avril 1998**

**Entrée en vigueur :** *1<sup>er</sup> février 2000 par échange des instruments de ratification, conformément à l'article 24*

**Textes authentiques :** *anglais, allemand et japonais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Japon, 2 février 2011*

[ ENGLISH TEXT - TEXTE ANGLAIS ]

Agreement between Japan  
and the Federal Republic of Germany  
on Social Security

Japan and the Federal Republic of Germany,  
Being desirous of regulating the relationship between  
them in the area of social security,

Have agreed as follows:

Article 1

(1) For the purposes of this Agreement,

a) "Territory" means,

as regards Japan,  
the territory of Japan;

as regards the Federal Republic of Germany,  
the territory of the Federal Republic of Germany;

b) "National" means,

as regards Japan,  
a Japanese national within the meaning of the law  
on nationality of Japan;

as regards the Federal Republic of Germany,  
a German within the meaning of the Basic Law for  
the Federal Republic of Germany;

c) "Legislation" means

the laws and regulations of a Contracting State  
concerning the pension insurance systems  
specified in paragraph (1) of Article 2;

d) "Competent authority" means,

as regards Japan,  
the Governmental organization competent for the  
pension insurance systems specified in paragraph  
(1) a) of Article 2;

as regards the Federal Republic of Germany,  
the Federal Ministry of Labour and Social  
Affairs;

e) "Administrative authority" means

a competent authority or any other administrative  
authority relating to the implementation of this  
Agreement;

f) "Institution" means

the insurance institution responsible for the  
implementation of the pension insurance systems  
specified in paragraph (1) of Article 2;

g) "Period of coverage" means

a period of contributions under the legislation  
of a Contracting State, and any other period  
taken into account under that legislation for  
establishing an entitlement to benefits or for  
calculating the amount of benefits;

h) "Benefit" means

a pension or any other cash benefit under the  
legislation of a Contracting State.

(2) For the purposes of this Agreement, any term not  
defined in this Agreement has the meaning assigned to it  
under the respective legislation of either Contracting  
State.

## Article 2

(1) This Agreement shall apply to the following pension  
insurance systems:

a) as regards Japan,

1. the National Pension,
2. the Employees' Pension Insurance,
3. the Mutual Aid Pension for National Public  
Officials,

4. the Mutual Aid Pension for Local Public Officials and Personnel of Similar Status,
5. the Mutual Aid Pension for Private School Personnel,
6. the Mutual Aid Pension for Agricultural, Forestry and Fishery Organization Personnel

(the pension insurance systems specified in 2 to 6, hereinafter referred to as "Japanese pension systems for employees");

- b) as regards the Federal Republic of Germany,
  1. the Statutory Pension Insurance,
  2. the Steelworkers' Supplementary Insurance,
  3. the Farmers' Old-Age Security.

(2) Where, in accordance with the legislation of a Contracting State, both the conditions for the application of this Agreement and the conditions for the application of another agreement on social security or of an arrangement of the European Union on social security, comparable with this Agreement, are satisfied, that other agreement or that arrangement of the European Union shall not be taken into account in the application of this Agreement.

### Article 3

This Agreement shall apply to the following individuals:

- a) nationals of either Contracting State;
- b) refugees within the meaning of Article 1 of the Convention of July 28, 1951 and of the Protocol of January 31, 1967 Relating to the Status of Refugees;
- c) other persons.

### Article 4

(1) The persons specified in Article 3 a) and b) who ordinarily reside in the territory of either Contracting State shall, in the application of the legislation of a Contracting State, receive treatment equal to that accorded

to the nationals of that Contracting State. The foregoing shall also apply to the persons specified in Article 3 c) who ordinarily reside in the territory of either Contracting State with respect to their rights derived from a person specified in Article 3 a) or b).

(2) Benefits under the legislation of one Contracting State shall be granted to nationals of the other Contracting State who ordinarily reside in an area outside the territories of both Contracting States under the same conditions as they are granted to the nationals of the first Contracting State who ordinarily reside in that area.

#### Article 5

The provisions of the legislation of one Contracting State which require ordinary residence in the territory of that Contracting State for acquiring an entitlement to benefits or for a payment of benefits shall apply neither to the persons specified in Article 3 a) and b) who ordinarily reside in the territory of the other Contracting State, nor to the persons specified in Article 3 c) who ordinarily reside in the territory of that other Contracting State with respect to their rights derived from a person specified in Article 3 a) or b).

#### Article 6

As regards compulsory coverage under the pension insurance systems specified in paragraph (1) of Article 2, unless otherwise provided in this Agreement, a person who works as an employee or self-employed person in the territory of a Contracting State shall be subject only to the legislation on compulsory coverage of that Contracting State.

#### Article 7

(1) As regards compulsory coverage, when a person who is employed in the territory of one Contracting State is sent by the employer to the territory of the other Contracting State within the context of that employment and performs services there for that employer, only the legislation on compulsory coverage of the first Contracting State shall apply to the employee until the end of the sixtieth calendar month from the commencement of such detachment to