

# P&O Newsflash

## actual

Current information and the latest developments

Edition 6, March 2021

## Social Security

### Germany: COVID-19 vaccination entitlement for expatriates

COVID-19 vaccinations have been taking place for a few weeks in Germany. For assigned employees, the question arises under which conditions and in which country they are entitled to the vaccination.

Since each country has drawn up its own vaccination plan and there is a correspondingly different prioritization of groups of people entitled to vaccination, clarity should be given for outbounds (employees assigned from Germany) and inbounds (employees assigned to Germany).

#### **General information on vaccination eligibility in Germany**

Generally, the following conditions should be met to be entitled to vaccination in Germany:

- Persons who are insured in the Federal Republic of Germany under the statutory or private health insurance scheme (authorized to do business in Germany); or
- Persons who have their domicile or habitual residence in the Federal Republic of Germany

Eligible persons without a registration address in the Federal Republic of Germany (e.g. cross-border commuters who have health insurance in Germany due to their employment) can claim the vaccination against the SARS-CoV-2 coronavirus in a federal state of their choice.

At the same time, the persons also have to meet the criteria of a respective priority group. Vaccination is only considered for people who belong to the respective group.

As the vaccine is still in short supply, the vaccine allocation is prioritized in Germany as follows:

- First group to be vaccinated include people over 80 years old, people in nursing homes and staff members in hospitals;
- Second group to be vaccinated include people over 70 years old, staff members in kindergartens and schools; and
- Third group to be vaccinated include people over 60 years old, people with pre-existing conditions, police, firefighters.

### **Vaccination entitlement for employees posted from Germany**

This group of employees, assuming they belong to one of the priority groups expressed above, would have a claim to vaccination in Germany if statutory health insurance coverage (e.g. based on an A1 or a Certificate of Coverage) or private health insurance coverage continues to exist in Germany during the assignment.

*Example: An employee is assigned to France for 24 months. During this period, there is no domicile or habitual residence in Germany. An A1 certificate is applied for in Germany for the employee and he continues his membership with his statutory health insurance in Germany. If this employee belongs to the relevant vaccination group in Germany, he is entitled to the vaccination in Germany.*

If there is no continued coverage within the statutory or private health insurance in Germany (e.g. because the assignee switched to the social security system of the host country), an entitlement in Germany may only exist if there is still a domicile or habitual residence in Germany.

Depending on the duration of the assignment abroad, the existence of this requirement should be closely examined.

### **Vaccination entitlement for employees posted to Germany**

In the case of postings from member states of the EU, the EEA or Switzerland, there is no social security obligation in Germany upon presentation of an A1 certificate from the home country and the employees remain in the home country social security system (incl. health insurance).

In these cases, however, a claim for vaccination can be based on residence or habitual abode in Germany. In this context, it should be noted that a European Health Insurance Card (EHIC) or proof S1 is usually not sufficient for claiming vaccination in Germany, as vaccination is not a benefit of the German statutory health insurance.

*Example: An employee is posted from Austria to Germany for a period of 12 months. He is exempt from social security in Germany on the basis of an A1 certificate and remains in the Austrian social security system. The posted worker does not establish a residence or habitual abode in Germany, as he returns to Austria every weekend and stays in various hotels in Germany during the posting. In this case there is no entitlement to vaccination in Germany.*

Similar regulations apply to posted employees from countries with which Germany has concluded a social security agreement that covers the area of health insurance (e.g. USA). In these cases, if there is a certificate of coverage from the home country, there is no entitlement to vaccination in Germany as long as there is no residence or habitual abode.

*Example: An employee is posted from the USA to Germany for a period of 6 months. A certificate of coverage from the USA exempts the employee from statutory health, nursing care and pension insurance in Germany. The employee is privately insured with a health insurance company in the USA via a group contract of the employer. The employee does not establish a domicile or habitual residence in Germany. In this case, there is also no entitlement to vaccination in Germany.*

In contrast, employees posted to Germany who are covered by German social insurance (including statutory or private health insurance) may be entitled to vaccination in Germany regardless of whether they establish a residence or habitual abode in Germany. This may be the case for postings from countries with which Germany does not have a social security agreement (e.g. Russia) or where health insurance is not covered by the scope of the social security agreement (e.g. China). In all cases, however, vaccination is only considered if the employee belongs to one of the priority groups.

### **Take Away**

Vaccination eligibility regulations are a major challenge for employers, but also for their internationally active employees, as the regulations are different in each country and are also subject to ongoing adaptation.

Therefore, the development in the countries where your assignees are active has to be constantly monitored. We will be happy to support you in this regard. Just get in touch with us.

By Ulrich Buschermoehle and Raphael Schilling

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