

# A1 CERTIFICATE IN EUROPE AND GERMANY



# Content

Who needs an A1 certificate?

2

For which countries are A1 certificates required?

3

What is the "personal scope of application"?

3

Can a posting certificate be issued if the personal scope of application under EU law is not fulfilled?

5

Is an A1 certificate required for short-term or brief business trips?

6

Application process for the A1 certificate

6

Does an A1 certificate also need to be applied for a transit country?

11

What must be considered for cross-border activities?

12

An A1 certificate is valid within the European Union (EU), the European Economic Area (EEA), and Switzerland. It documents which country's social security regulations apply to a person engaged in cross-border employment, aiming to prevent double insurance coverage. In some EU member states, compliance with the requirement for an A1 certificate during cross-border employment is increasingly being monitored.

**Example:**

An employee working for an employer based in Germany is assigned to work in France for twelve months. To ensure that France does not collect contributions, the employee can use the A1 certificate to prove that they remain subject to German regulations.

The rules regarding the A1 certificate apply to employees who are temporarily posted to another EU member state, a contracting state of the Agreement on the European Economic Area, or Switzerland. For instance, a German A1 certificate in such cases demonstrates that the individual working abroad remains subject to German social security law.

Anyone working in multiple member states also requires an A1 certificate.

## **Who needs an A1 certificate?**

Employees, civil servants, and self-employed individuals regularly require an A1 certificate when working in the EU, Iceland, Liechtenstein, Norway, Switzerland, or the United Kingdom of Great Britain and Northern Ireland.

## For which countries are A1 certificates required?

A1 certificates are required for cross-border employment in another member state of the EU, the EEA, or Switzerland.

The A1 certificate is only necessary for the member states where work is actually performed. Mere travel to and from other member states—without engaging in work—does not require it. Business-related phone calls or emails during transit are considered marginal and are not taken into account.



## What is the "personal scope of application"?

An important requirement for posting and, consequently, for issuing an A1 certificate is meeting the personal criteria (the so-called "personal scope of application"). The "personal scope of application" is fulfilled if the nationality of the individual allows for a posting to the intended country of employment.

An EU nationality always permits posting to another EU member state. However, there are specific cases regarding the nationality of the person being posted and the country of employment where posting is not permitted under EU law. Consequently, no A1 certificate can be issued in such cases.

**Example 1:** An employee working in Germany with Norwegian nationality is to be posted to Switzerland.

**Example 2:** An employee with Turkish nationality is to be posted to Switzerland for two months by their German employer.

Outcome: In both cases, the application for a German A1 certificate will be rejected with the reason "personal scope of application not fulfilled (nationality)."

**Explanation:** Under EU law, the "personal scope of application" for a posting to Switzerland is only met for citizens of the EU and Switzerland. There is no legal basis for posting individuals of other nationalities—such as Norwegian or Turkish nationals—in this context. Therefore, an A1 certificate cannot be issued.



## Can a posting certificate be issued if the personal scope of application under EU law is not fulfilled?

The continued application of the home country's social security regulations during a posting can be considered based on bilateral agreements.

For postings to countries with which the home country has a social security agreement (e.g., Germany with the USA or China), a different certificate than the A1 form is required. This is called a posting certificate.

In Germany, the posting certificate cannot currently be applied for electronically. It is generally issued by the collection agency (health insurance provider) to which pension insurance contributions are paid. For individuals who do not pay pension insurance contributions (e.g., civil servants, self-employed persons), this certificate is currently issued by the German Pension Insurance (DRV Bund).

For so-called "non-contractual countries"—countries with which a member state has no social security agreement (e.g., Germany with Mexico or Indonesia)—there is generally no posting certificate. This means that whether the regulations of a specific country continue to apply during temporary employment in non-contractual countries must be determined by the employer as part of their reporting and contribution obligations.



## **Is an A1 certificate required for short-term or brief business trips?**

Yes, even for short-term or brief business trips, the A1 certificate is required. However, for such trips lasting up to seven days, the A1 certificate can also be applied for retroactively if necessary. This is permitted under the case law of the European Court of Justice, as pointed out by the Federal Ministry of Labor and Social Affairs (BMAS): If the business trip takes place in countries where enhanced checks are carried out (especially France, Austria, and Switzerland), it is advisable to apply for the A1 certificate in advance, if possible.

# **APPLICATION PROCESS FOR THE A1 CERTIFICATE**

## **Who applies for the A1 certificate?**

In Germany, the A1 certificate is applied for by the employers or public authorities.

Self-employed individuals – including managing partners, shareholder-managers, and similar persons who are integrated into a company but have the social security status of self-employed – apply for the issuance of the A1 certificate for themselves.



## How is the A1 certificate applied for?

The regulations of the country where the certificate is applied for are decisive in this regard.

In Germany, the A1 certificate must generally be applied for electronically. The application for the issuance of an A1 certificate using a paper form is not permitted if an electronic procedure is in place for the relevant group of individuals.

In Germany, the following groups of people must apply for the issuance of the A1 certificate electronically:

- Employees in the private sector,
- Civil servants and public sector employees,
- Self-employed individuals,
- Persons usually employed on a seagoing vessel with residence in Germany and an employer based in Germany, when the deployment is on a ship flying the flag of another member state,
- Persons who have their residence in Germany and are regularly deployed for only one employer based in Germany in two or more member states (so-called "regular multiple employment").

A paper application is not permitted in these cases.





The issuance of the A1 certificate must still be applied for in paper form in Germany for the following groups of individuals:

- Cross-border commuters (individuals who are employed in Germany and are subject to German regulations but reside outside of Germany),
- Certain multiple earners,
- Possibly in the case of an exceptional agreement.

## Where is the A1 certificate applied for?

In Germany, the application for the A1 certificate depends on how the individual is health insured.

- **Health Insurance Provider:** The health insurance provider is responsible if the individual is mandatorily, voluntarily, or family insured under the statutory health insurance system. The same applies if the individual is covered by statutory health insurance and also has private supplementary insurance.
- **Association of Occupational Pension Providers (ABV):** The ABV is responsible if the individual is privately health insured and additionally covered by an occupational pension scheme.



- **Pension Insurance Provider:** The pension insurance provider is responsible if the individual is privately health insured and not covered by an occupational pension scheme.
- **Regardless of the health insurance with the GKV-Spitzenverband:** For individuals who are usually employed in more than one member state (so-called "regular multiple employment"), the application is made to the responsible institution of the country of residence. If the residence is in Germany, this is the GKV-Spitzenverband (German Liaison Office for Health Insurance – Abroad, DVKA). The type of health insurance is not relevant for multiple earners.

For certificates of posting based on a social security agreement, these regulations do not apply. The responsible institution is noted on the respective application for the posting certificate.

## How long does the processing of an A1 application take?

The processing time for an A1 application varies between member states.

In Germany, the decision for electronically submitted applications is usually made within 3 days after it is confirmed that German regulations continue to apply. However, the processing time can differ with pension insurance providers.



## How can one obtain the A1 certificate?

In Germany, applicants usually receive the A1 certificate electronically. In some cases, the A1 certificate may be sent in paper form.

## What should be done if the A1 certificate is not yet available when starting employment abroad?

In Germany, employers, public authorities, or self-employed individuals who submit electronic applications receive an application receipt, which serves as documentation of the application.

For a posting to Austria, it is advisable to also carry proof of registration with the social security system in the home country, which could also be an earlier A1 certificate.

For paper applications (e.g., for cross-border commuters), it is recommended to carry a copy of the paper application.



## A1 certificate for regular employment in multiple member states

**Example:** I am professionally active at least once a month both in Germany and in one or more Member States. Do I need to apply for a separate A1 certificate for each foreign assignment?

**No.** For individuals who are regularly working in more than one Member State (so-called "ordinary multiple employment"), an A1 certificate can be issued for up to 5 years for all the Member States where the employment is regularly carried out.

A typical example is truck drivers who regularly transport goods in several Member States. But employees who regularly attend board meetings, association meetings, etc., in other Member States can also be covered by this regulation.

An "ordinary" activity in multiple Member States is considered to be when the activity is carried out at least once a month or five days per quarter in at least one other Member State.





## Does an A1 certificate also need to be applied for a transit country?

The key factor is whether the professional activity is actually carried out while transiting through transit countries. If this is not the case, no A1 certificate is required for the respective country. Business phone calls or emails during transit are considered marginal and are not taken into account.

Example: If a technician, employed in Germany, takes on a job or temporary work in Italy and drives by car from Munich through Austria to his destination in Milan, he does not need an A1 certificate for Austria because he is not performing his work there.

However, a truck driver who drives from Germany through Austria to Italy to deliver goods is performing his activity, transporting goods, even while passing through Austria. Therefore, he requires an A1 certificate not only for Italy but also for Austria.



## What must be considered for cross-border activities?

Once a person is employed in more than one member state – for example, working from home in their country of residence – an A1 certificate is required.

Under EU law, individuals are generally subject to the social security regulations of the country where they are employed. If, for instance, a person is employed part-time in their country of residence as part of a telework arrangement and no longer exclusively in the country where the employer is based, this could lead to a change in the applicable regulations. If teleworking is less than 50% in the country of residence, an exception agreement may apply, allowing the regulations of the employment country to continue to apply. The exception agreement must be requested from the GKV-Spitzenverband (German Joint Federal Association of Health Insurance Companies – DVKA) in Germany.







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