

Federal law consolidated: Entire legal provision for vaccine damage act, version of 16.12.2020

Long title

Federal Act of 3 July 1973 on Compensation for Vaccine Damage (Impfschadengesetz)
StF: [Federal Law Gazette No. 371/1973](#) (NR: GP XIII [RV 733 AB 816 p. 76](#), BR: [P. 324](#).)

Alteration

[Federal Law Gazette No. 71/1980](#) (NR: GP XV [RV 73 AB 217 S. 23](#), BR: [AB 2104 P. 392](#).)
[Federal Law Gazette No. 54/1981](#) (NO: GP XV [RV 471 AB 583 S. 62](#), BR: [AB 2281 S. 405](#).)
[Federal Law Gazette No. 285/1990](#) (NO: GP XVII [RV 1284 FROM 1327 P. 143](#), BR: [AB 3872 S. 530](#).)
[Federal Law Gazette No. 278/1991](#) (NO: GP XVIII [RV 105 AB 117 S. 27](#), BR: [AB 4053 S. 541](#).)
[Federal Law Gazette No. 27/1994](#) (NO: GP XVIII [RV 1300 AB 1407 S. 149](#), BR: [AB 4691 S. 578](#).)
[Federal Law Gazette I No. 139/1997](#) (NO: GP XX [RV 886 AB 912 P. 95](#), BR: [AB 5575 S. 633](#).)
[Federal Law Gazette I No. 16/1999](#) (NO: GP XX [IA 943/A AB 1551 P. 152](#), BR: [AB 5838 S. 647](#).)
[Federal Law Gazette I No. 70/2001](#) (NO: GP XXI [RV 575 AB 658 S. 71](#), BR: [AB 6387 S. 678](#).)
[Federal Law Gazette I No. 150/2002](#) (NO: GP XXI [RV 1142 AB 1201 S. 111](#), BR: [6703 AB 6753 S. 690](#).)
[Federal Law Gazette I No. 48/2005](#) (NO: GP XXII [RV 671 AB 868 S. 110](#), BR: [AB 7290 S. 722](#).)
[CELEX No.: [32004L0080](#)]
[Federal Law Gazette I No. 165/2006](#) (NO: GP XXIII [IA 27/A AB 8 P. 4](#), BR: [AB 7646 S. 739](#).)
[Federal Law Gazette I No. 169/2006](#) (NO: GP XXIII [RV 12 FROM 19 P. 8](#), BR: [7649 AB 7651 S. 740](#).)
[Federal Law Gazette I No. 2/2008](#) (1. BVRBG) (NR: GP XXIII [RV 314 AB 370 S. 41](#), BR: [7799 AB 7830 S. 751](#).)
[Federal Law Gazette I No. 4/2010](#) (NO: GP XXIV [FROM 544 P. 49](#), BR: [AB 8242 S. 780](#).)
[Federal Law Gazette I No. 96/2012](#) (NO: GP XXIV [IA 2062/A AB 1950 P. 173](#), BR: [AB 8805 S. 814](#).)
[Federal Law Gazette I No. 59/2013](#) (NO: GP XXIV [RV 2162 AB 2219 P. 194](#), BR: [AB 8931 S. 819](#).)
[Federal Law Gazette I No. 71/2013](#) (NO: GP XXIV [RV 2193 AB 2226 S. 194](#), BR: [AB 8934 S. 819](#).)
[Federal Law Gazette I No. 16/2017](#) (NO: GP XXV [AB 1432 S. 158](#), BR: [AB 9677 S. 862](#).)
[Federal Law Gazette I No. 152/2017](#) (NO: GP XXV [IA 2307/A P. 199](#), BR: [AB 9904 S. 873](#).)
[Federal Law Gazette I No. 32/2018](#) (NO: GP XXVI [RV 65 AB 97 S. 21](#), BR: [9947 AB 9956 S. 879](#).)
[CELEX No.: [32016L0680](#)]
[Federal Law Gazette I No. 99/2018](#) (NO: GP XXVI [RV 293 AB 363 S. 51](#), BR: [10053 AB 10069 P. 888](#).)
[Federal Law Gazette I No. 98/2019](#) (NO: GP XXVI [FROM 688 P. 88](#), BR: [10235 AB 10247 S. 897](#).)
[Federal Law Gazette I No. 135/2020](#) (NO: GP XXVII [RV 408 AB 440 S. 62](#), BR: [10438 AB 10443 S. 915](#).)
[Federal Law Gazette I No. 210/2021](#) (NO: GP XXVII [RV 1105 AB 1127 S. 131](#), BR: [10772 AB 10785 S. 934](#).)
[Federal Law Gazette I No. 5/2022](#) (NO: GP XXVII [FROM 1314 P. 139](#), BR: [AB 10872 S. 937](#).)

Text

- § 1.** The Confederation has to pay for damage caused by a protective vaccination due to
1. of the Federal Act on Protective Vaccination against Smallpox (Blattern), in force until 31 December 1980, [Federal Law Gazette No. 156/1948](#) or
 2. an official order in accordance with § 17 Paragraph 3 des Epidemiegesezes 1950, BGBl. No. 186, or
 3. § 3 of the Federal Act on Exceptions to compulsory vaccination against smallpox in the calendar years 1977 and 1978, [Federal Law Gazette No. 167/1977](#) or § 3 of the Federal Act on Exceptions to compulsory vaccination against smallpox in the calendar years 1979 and 1980, [Federal Law Gazette No. 563/1978](#) or
 4. § 5 of the Federal Act on Medical Police Border Control, [Federal Law Gazette No. 15/1975](#),

have been caused to pay compensation in accordance with this Federal Act.

§ 1a. The Confederation has also been responsible for damages caused by a protective vaccination on the basis of the provisions of the Vaccination Act of 8 April 1874, German RGBl., p. 31, in the version of the announcement GBlÖ. 1939, No. 936, from 27 April 1945 in the Federal territory to pay compensation in accordance with this Federal Law.

§ 1b. (1) The Confederation shall also pay compensation in accordance with this Federal Act for damage caused by vaccination which has been effected in accordance with paragraph 2. Regulation to prevent a threat to the general state of health of the population in the interests of public health.

(2) The Federal Minister of Health, Sport and Consumer Protection must designate by ordinance those vaccinations which, according to the current state of medical science, are recommended to avert a danger to the general state of health of the population in the interest of public health.

(3) In accordance with this Federal Act, compensation is to be paid in any case for damage caused by vaccinations specified in the respective mother-child passport issued.

§ 2. (1) The following must be paid as compensation:

- a) Assumption of the costs of treatment to improve or cure the vaccine damage:
 1. medical assistance;
 2. supply of the necessary medicines, bandages and remedies;
 3. provision of orthopaedic aids;
 4. care and treatment in hospitals and health resorts in the general care fee class;
 5. the unavoidable travel and transport costs associated with the treatment, including, if necessary, for an accompanying person;

- b) Assumption of the costs for rehabilitation measures with analogous application of lit. a Z 1 up to 5;
 - c) recurring cash benefits to the same extent as the corresponding cash benefits under the Army Supply Act (HVG), [Federal Law Gazette No. 27/1964](#) as amended:
 1. Damaged pension according to §§ 21 and 23 to 25 HVG. Can no training in accordance with § 24 due to the age at which the damage was suffered Paragraph 8 HVG, the assessment basis is to be calculated in accordance with the classification in the higher service (remuneration scheme I, remuneration group b including administrative service allowance) and for periods after 1 January 1999 according to the remuneration scheme v (remuneration group v2, evaluation group v2/1) according to the Contract Staff Act 1948-VBG;
 2. Care allowance according to § 27 HVG;
 - d) in the event of the death of the vaccinated person as a result of the vaccine damage, survivors' care to the same extent as the corresponding benefits under the Army Supply Act:
 1. Death grant according to § 30 HVG;
 2. Widow's pension according to §§ 32 to 34, 36 and 37 para. 1 HVG;
 3. Orphan's pension according to §§ 32, 38 to 41 HVG.
- (2) Notwithstanding the provisions of paragraph 1 lit. c and d mentioned provisions of the Army Supply Act is
- a) Damaged pension and care allowance only after the age of 15 of the vaccinated person,
 - b) for those affected by vaccination before the age of 15, instead of the injured person's pension and care allowance, a care contribution in the amount of two thirds of the otherwise due care allowance,
 - c) for the period of placement exceeding two months in a hospital, nursing home or similar institution which is linked to the granting of full meals, the care allowance is not paid and the injured person's pension is only one quarter

to perform.

§ 2a. (1) If the damage has not had long-term consequences, compensation within the meaning of § 2 is due Paragraph 1 lit. a and b only if the vaccination results in serious bodily injury within the meaning of § 84 Paragraph 1 StGB.

(2) The compensation referred to in paragraph 1 is generally to be paid as a one-off lump-sum cash benefit in the amount of EUR 883.56. This amount is increased by one thirtieth of the care allowance of the highest level for each day on which the injured party was in need of asylum.

(3) A report on the compensation exceeding the amount specified shall be subject to the costs incurred by the injured party in excess of the lump sum within the meaning of Paragraph 2 Paragraph 1 lit. a and b.

(4) Compensation under paragraph 2 or 3 does not preclude compensation for subsequent long-term consequences and is not to be counted towards such compensation.

§ 3. (Note.: Paragraph 1 repealed by [Federal Law Gazette I No. 59/2013](#))

(2) Claims for compensation under this Federal Act are decided by the Federal Office for Social Affairs and the Disabled.

(3) Unless otherwise provided for in this Federal Act, §§ 2, 31a, 54 to 60, 65 to 67, 69 to 72, 73a, 82, 83 para. 1, 85(1) first sentence and paragraph 2, 86, 87, 88, 88a, 92 to 94a and 98a para. 7 and 8 HVG. §§ 5 and 6 of the Army Compensation Act, [Federal Law Gazette I No. 162/2015](#), are to be applied mutatis mutandis with the proviso that the General Accident Insurance Institute is replaced by the Federal Office for Social Affairs and the Disabled and that the obligation to cooperate does not apply to the military departments.

(4) The Federal Minister of Labour and Social Affairs shall declare the adjustment factor fixed for the area of the ASVG to be binding for the area of this Federal Act by ordinance. This Regulation may also enter into force retroactively. § 46b HVG is to be applied mutatis mutandis. The annual adjustment is also valid with regard to the Paragraph 2 of the amount specified.

(5) In order to safeguard the value of pensions, recipients of pension benefits under this Federal Act may, without entitlement to an income-related benefit, receive a value compensation in accordance with the provision of § 299a of the General Social Insurance Act.

§ 5. Other claims on the basis of other legal provisions that go beyond the benefits under this Federal Act remain unaffected.

§ 6. (1) The cash pension benefits granted on the basis of this Federal Act are not subject to income tax.

(2) All official acts, submissions, powers of attorney and other documents on legal transactions as well as certificates in matters of the implementation of the vaccine damage compensation, including the welfare measures, insofar as these are incumbent on the authorities entrusted with the vaccine damage compensation, are subject to fees and administrative fees regulated by federal law with the exception of the court and judicial administration fees according to the Court Fees Act, [Federal Law Gazette No. 501/1984](#) exempt. The exemption also applies in proceedings before the Federal Administrative Court, the Administrative Court and the Constitutional Court.

§ 7. (1) On the basis of the provisions of § 14 Paragraph 1 lit. c of federal law [BGBl. No. 156/1948](#) Already recognized vaccine damage is to be compensated as vaccine damage within the meaning of this Federal Act. The compensation paid so far for such vaccine damage must continue to be paid in the previous amount until a decision on compensation under this Federal Act has been made.

(2) The provisions of paragraph 1 the services mentioned are to be recognised as benefits under this Federal Act with effect from the date of entry into force of this Federal Act. In this case, the support contributions granted so far are regarded as a care contribution and pensions as a damaged pension. If these benefits are lower in amount than those provided for in this Federal Act, they shall be increased to the corresponding extent; they are higher to continue to perform to the previous extent.

(Note.: § 8 Amendment of the BG, [Federal Law Gazette No. 156/1948](#))

§ 8a. Insofar as this Federal Act refers to provisions of other federal laws, these shall apply in their currently valid version.

§ 8b. Beneficiaries who receive an income-related benefit under this Federal Act in August 1998 shall be entitled to an additional payment in addition to the pension benefits to be paid in August 1998, provided that neither they nor their spouse living in the same household are entitled to an additional compensatory supplement under social security legislation in 1998. The additional payment amounts to EUR 141.71 for pensioners who live with the spouse in the same household and EUR 94.47 for the other beneficiaries. If both spouses are entitled to an income-dependent benefit and live in the same household, the additional payment to the higher income-related pension benefit is due. These amounts are not considered income within the meaning of § 25 of the Army Supply Act.

§ 8c. (1) Beneficiaries who receive an income-related benefit under this Federal Act in July 1999 are entitled to an additional payment in addition to the pension benefits to be paid in July 1999, provided that neither they nor their spouse living in the same household are entitled to an additional compensatory allowance in 1999 in accordance with the social security legislation. The additional payment amounts to EUR 65.41 for pensioners who live with their spouses in the same household and EUR 43.60 for other pensioners. If both spouses are entitled to an income-dependent benefit and live in the same household, the additional payment is due to the higher income-related pension benefit.

(2) The additional payment referred to in paragraph 1 is to increase the amount of EUR 21.80 for pensioners who are not entitled to a special pension supplement in 1999 in accordance with social security regulations. Beneficiaries within the meaning of paragraph 1 who receive a special pension supplement of less than EUR 21.80 in 1999 is the additional payment referred to in paragraph 1 to increase the difference to the 21.80 euros.

(3) The amounts referred to in paragraph 1 and 2 are not considered as income within the meaning of § 25 of the Army Supply Act.

§ 8d. Beneficiaries who receive an income-related benefit under this Federal Act in December 2001 are entitled to an additional payment in addition to the pension benefits to be paid in December 2001, provided that neither they nor their spouse living in the same household are entitled to an additional compensatory allowance in 2001 in accordance with the social security legislation. The additional payment is 500 S (36.34 euros) for pensioners who live with the spouse in the same household and 350 S (25.44 euros) for the other pensioners. If both spouses are entitled to an income-dependent benefit and live in the same household, the additional payment to the higher income-related pension benefit is due. These amounts are not considered income for the assessment of income-related benefits under this Federal Act and the other pension laws.

§ 8e. According to §§ 4 or 4a rejected claims for compensation as well as proceedings in which an application has been withdrawn with regard to these provisions are ex officio for the period from the entry into force of the Federal Act [BGBl. I No. 48/2005](#) Resume. Bring the by the omission of §§ 4 and 4a beneficiaries submit an application for benefits under this Federal Act by 30 June 2006, if the conditions are met, these are at the earliest from the entry into force of Federal Law [Gazette I No. 48/2005](#) to provide.

§ 8f. (1) § 2 Paragraph 1 lit. c Z 1 the second sentence shall also apply to those persons affected by vaccination who, at the time of the entry into force of Federal Law [Gazette I No. 48/2005](#), have already reached the age of 30.

(2) If, on the basis of the provision of § 2 Paragraph 1 lit. c Z 1 second sentence in the version of the Federal Act [Federal Law Gazette I No. 48/2005](#) for the period before the entry into force of the Federal Act [BjBl. I No. 48/2005](#) The difference shall be retained as compensation if the benefit is granted and increased from the entry into force of this Federal Act and, taking into account the annual fictitious adjustments, would have to be reduced. This compensation is payable in the event of future increases in performance in accordance with § 2 Paragraph 1 lit. c Z 1 to reduce the second sentence accordingly. If there is a change in the factual or legal situation which would result in the reduction or cessation of the service in whose place the compensation was granted, the compensation shall be reduced or discontinued accordingly.

One-off payment for 2010

§ 8g. (1) Pensioners with habitual residence in Germany who are entitled to an income-related pension under this Federal Act in December 2009 are entitled to a one-off payment of 4.2% of the income-related pension for 2010.

(2) The one-off payment must be paid out with the pension entitlements by February 2010.

(3) The one-off payment is not considered income within the meaning of the social compensation laws. No contributions to health insurance are to be paid from the one-off payment.

§ 8h. § 113h of the War Victims' Pension Act 1957, [Federal Law Gazette No. 152/1957](#), shall be applied mutatis mutandis.

One-time payment

§ 8i. (1) Pensioners with habitual residence in Germany who are entitled to an unabridged income-related pension or to such an increase amount under this Federal Act in December 2016 are entitled to a one-off payment of EUR 100.00.

(2) The one-off payment is to be paid out in the 1st quarter of 2017.

(3) The one-off payment is not considered income within the meaning of the social compensation laws. No contributions to health insurance are to be paid from the one-off payment.

§ 8j. Notwithstanding the provisions of this Federal Act, the adjustment of pension benefits and amounts for the year 2018 with a factor of 1.022 must be made.

§ 8k. Notwithstanding the provisions of this Federal Act, the adjustment of pension benefits and amounts for the year 2019 with a factor of 1.026 must be made.

§ 8l. Notwithstanding the provisions of this Federal Act, the adjustment of pension benefits and amounts for the year 2020 with a factor of 1.036 must be made.

§ 8m. Notwithstanding the provisions of this Federal Act, the adjustment of pension benefits and amounts for the year 2021 with a factor of 1.035 must be made.

§ 9. (1) This federal law enters into force on 1 August 1973.

(2) § 8b as amended by Federal Law [Gazette I No. 139/1997](#) enters into force on 1 January 1998.

(3) § 8c as amended by Federal Law [Gazette I No. 16/1999](#) enters into force on 1 January 1999.

(4) The following shall enter into force:

1. as of 1 December 2001 § 8d;

2. as of 1 January 2002, §§ 2 Paragraph 1 lit. c Z 1, 2a para. 2, 3(2) and 4, 8b and 8c in the version of the Federal Act [BGBl. I No. 70/2001](#).

(5)

(Note.: Z 1 by Article 2 § 2 Paragraph 2 Z 12, [Federal Law Gazette I No. 2/2008](#), found to be no longer valid)

2. § 3 Paragraph 2 bis 5 in the version of the Federal Act [Federal Law Gazette I No. 150/2002](#) enters into force on 1 January 2003.

(6) §§ 2 Paragraph 1 lit. c Z 1, 3(3) and 5, 8e and 8f in the version of the Federal Act [BGBl. I No. 48/2005](#) and the repeal of §§ 4 and 4a will enter into force on 1 July 2005.

(7) **(Constitutional provision)** § 3 Paragraph 1 shall enter into force at the end of the month of promulgation of Federal Law [Gazette I No. 59/2013](#) out of force.

(8) §§ 3 Paragraph 2 and 3 and 6 (2) as amended by Federal Law [Gazette I No. 71/2013](#) will enter into force on 1 January 2014.

(9) § 3 Paragraph 3 in the version of the Material Data Protection Amendment Act 2018, [Federal Law Gazette I No. 32/2018](#), will enter into force on 25 May 2018.

§ 10. With the enforcement of this Federal Act,

1. § 1b Paragraph 2 the Federal Minister for Health, Sport and Consumer Protection,
 2. § 6 the Federal Minister of Finance in agreement with the Federal Minister of Labour and Social Affairs, and
 3. the other provisions of the Federal Ministers of Labour and Social Affairs,
- entrusted.

Article II

(Note.: from [Federal Law Gazette No. 278/1991](#), to §§ 1b, 2a, 3 and 4, [Federal Law Gazette No. 371/1973](#))

- (1) This Federal Act applies with regard to Art. I Z 1 (§ 1b) in conjunction with Article I(4) (§ 2a) on 1 August 1991 and, moreover, on 1 January 1992 in force.
- (2) Claims pursuant to Art. I Z 1 (§ 1b) in conjunction with Article I(4) (§ 2a) are given if the vaccination causing the damage was carried out after 31 July 1981.
- (3) If the vaccination causing the damage was carried out before 1 August 1991, § 4 applies. Impfschadengesetz with the proviso that the three-year period for asserting the right to compensation ends at the end of 31 July 1994.
- (4) Proceedings under the Vaccine Damage Act, which are pending before the Federal Minister for Health, Sport and Consumer Protection on 31 December 1991, are to be continued from 1 January 1992 by the locally competent State Disability Office. The same applies to the granting of benefits for already recognised vaccine damage.
- (5) Ordinances based on this Federal Act may be issued from the day following its promulgation; they may not be put into force until the date of entry into force of this Federal Act at the earliest.
- (6) Applications under this Federal Act may be submitted from the day following its announcement.

Article Va

(Note.: from [Federal Law Gazette No. 285/1990](#), to [Federal Law Gazette No. 371/1973](#))

For the year 1990, the following special provisions are made for the Vaccine Damage Act:

1. A special one-off payment shall be granted ex officio in respect of the pension due for the month of July 1990. This special payment is calculated from 1 % of the recurring pension benefits due for the period from 1 January 1990 to 30 June 1990 in accordance with the Vaccine Damage Act, insofar as they are subject to the annual adjustment, including the special payments. The resulting amount shall be rounded to full shillings; in this case, amounts below 50 groschen are negligible and amounts from 50 groschen are to be supplemented to one shilling. There is no obligation to issue notices.
2. With effect from 1 July 1990, pension benefits under the Vaccine Damage Act are subject to benefits under § 2 Paragraph 1 lit. c Z 1 Impfschadengesetz in conjunction with § 23 Paragraph 5 Army Supply Act, to multiply by 1.01 times. The multiplication shall be based on the pension to which entitlement exists under the rules in force on 30 June 1990. The multiplied amounts shall be rounded up to full shillings; in this case, amounts below 50 groschen are negligible and amounts from 50 groschen are to be supplemented to one shilling. There is no obligation to issue notices.