

No. 297

BELGIUM
and
POLAND

Technical agreement on co-operation between social insurance organizations. Signed at Brussels, on 24 March 1947

*French official text communicated by the Minister of Foreign Affairs of Belgium.
The registration took place on 25 October 1948.*

BELGIQUE
et
POLOGNE

Accord technique relatif à la coopération des organismes d'assurances sociales. Signé à Bruxelles, le 24 mars 1947

Texte officiel français communiqué par le Ministre des affaires étrangères de Belgique. L'enregistrement a eu lieu le 25 octobre 1948.

TRANSLATION — TRADUCTION

No. 297. TECHNICAL AGREEMENT¹ ON CO-OPERATION
BETWEEN SOCIAL INSURANCE ORGANIZATIONS.
SIGNED AT BRUSSELS, ON 24 MARCH 1947

The undersigned representatives of the Belgian Government and of the Polish Government, desiring to facilitate the payment of the pensions due from social insurance organizations of either country to insured persons resident in the other, and to establish principles for co-operation between such social insurance organizations, have agreed upon the following provisions:

CHAPTER I — GENERAL PROVISIONS

The Central Institute of Social Insurance (*Zakład Ubezpieczeń Społecznych*) in Warsaw, of the one part; and

The Belgian compulsory social insurance organizations and organizations assimilated thereto, insurance companies, or employers concerned, of the other part,

Shall, from the date of the entry into force of the present agreement, proceed without delay to resume payment of annuities, pensions and benefits due, under the law governing compensations for industrial accidents and old age, disability and death insurance, to beneficiaries resident in the other country.

They shall also proceed to pay the amounts of such annuities, pensions and benefits due for the period during which payment thereof was suspended or prevented by war conditions, subject to the law of their respective countries governing limitation. Nevertheless, any claim for benefits lodged either with one of the organizations to which the present agreement refers or with the consular or administrative authorities of either of the two countries shall interrupt the period of limitation, provided that such interruption is not contrary to the law of the country concerned.

If a person entitled to an annuity, pension or benefit dies before resumption of payment, the sums due for the period preceding his decease shall be paid to his successors in title.

¹ Came into force on 1 April 1947, in accordance with the last paragraph thereof.

Benefits to orphans outstanding because of the suspension or prevention of payment thereof shall be paid to them even if on the date of resumption of payment they have reached the age at which such benefits should cease. The same principle shall be applied to additional benefits payable in respect of children dependent on persons entitled to an annuity, pension or benefit. Such additional benefits shall be paid to the persons entitled thereto at the same time as the annuities, pensions or benefits to which they are additional are paid.

CHAPTER II — ARRANGEMENTS FOR TRANSFER OF FUNDS AND PAYMENT
OF BENEFITS

A.) *Transfer and payment in Poland of benefits payable under Belgian law.*

The transfer to Poland of benefits payable under the Belgian law governing compensation for industrial accidents and old age, disability and death insurance payable to beneficiaries residing in Polish territory shall be effected in the manner hereinafter prescribed:

1). In respect to sums accrued and still outstanding on the date of the entry into force of the present agreement, the Central Institute of Social Insurance (Z.U.S.) in Warsaw shall send to the Ministry of Labour and Social Welfare in Brussels a list of the names of persons entitled to annuities, pensions or benefits payable on account of old age, disability and death insurance and compensation for industrial accidents, stating as fully as possible in each case:

all given names and surname, date and place of birth, nationality and last address in Belgium;

social insurance registration number;

name and address of last employer in Belgium;

name of the organization or person responsible for payment of benefits before payment thereof was suspended;

full details of sums accrued on the date of entry into force of the present agreement;

the date of the accident where appropriate.

The Ministry of Labour and Social Welfare in Brussels shall communicate such information to the debtors concerned.

Public establishments shall be required, and other debtors shall be recommended:

to draw up, after verification, a list of the persons in Poland entitled to annuities, pensions or benefits to whom they are debtors;

to transmit such list to the Ministry of Labour and Social Welfare, which shall forward it to the Central Institute of Social Insurance (Z.U.S.) in Warsaw;

to pay the total amount due into an account opened at the National Bank of Belgium in the name of the National Bank of Poland, to the credit of the Institute, and such payment into the first-named bank shall be a complete discharge.

The Institute shall send to the persons entitled to annuities, pensions or benefits or to their successors in title the difference between the amount due to them and the amount of any payments on account which they may have received. As evidence of the payments made, the Institute shall return an abstract of such payments made on account and the receipts signed by the beneficiaries for the afore-mentioned difference to the Ministry of Labour and Social Welfare in Brussels, which shall transmit the same to the debtors.

2.) In respect to sums accruing after the date of entry into force of the present agreement, it is agreed that the Ministry of Labour and Social Welfare in Brussels shall assist debtors by acting as intermediary between them and the Central Institute of Social Insurance (Z.U.S.) in Warsaw for the exchange of correspondence.

The following rules shall also apply:

(a) Public establishments shall be required, and the other debtors concerned shall be recommended:

to send to the Ministry of Labour and Social Welfare in Brussels, which shall transmit the same to the Central Institute of Social Insurance (Z.U.S.) in Warsaw, a list of their pensioners and annuitants resident in Poland, indicating in each case:

- (1) the dates on which the pension or annuity accrued;
- (2) the amount accruing on each such date;

to notify the names of pensioners who leave or have left Belgian territory to take up residence in Poland, to the Ministry of Labour and Social Welfare in Brussels, which shall transmit such notifications to the Institute as they are received;

to inform the Ministry of Labour and Social Welfare in Brussels, which shall so inform the Institute, of any alteration in the amount of pensions

or annuities and of suspension of their payment at least fifteen days before they accrue;

to pay sums covering instalments normally accruing into an account opened at the National Bank of Belgium in the name of the National Bank of Poland to the credit of the Central Institute of Social Insurance (Z.U.S.), and such payment into the first-named bank shall be a complete discharge.

(b) The benefits shall be paid to the beneficiaries, on proof of entitlement, by the Central Institute of Social Insurance (Z.U.S.).

The benefits shall be paid through the Pocztaowa Kasa Oszczędności (Post Office Savings Bank) in Warsaw on the same conditions as Polish pension payments.

The amount due to each beneficiary shall be converted into zlotys at the rate of exchange applied to the transfer of the funds.

(c) As evidence of payments made, the Central Institute of Social Insurance (Z.U.S.) shall send to the Ministry of Labour and Social Welfare in Brussels a duplicate of the lists of orders to pay sent to the Post Office Savings Bank in Warsaw for payment and, if necessary, the lists of sums not paid. The Central Institute shall guarantee the payments so shown.

(d) Charges in connexion with the cashing of orders, banking charges and charges of exchange offices shall be borne by the persons receiving the benefits.

B. Transfer to and payment in Belgium of benefits payable by Polish organizations.

The transfer to Belgium of benefits payable under Polish social insurance law to beneficiaries resident in Belgium shall be effected as hereinafter prescribed:

1.) In respect to sums accrued on the date of the entry into force of the present agreement, the Central Institute of Social Insurance (Z.U.S.) in Warsaw shall submit to the Ministry of Labour and Social Insurance in Brussels a list of the names of persons entitled to annuities, pensions or benefits with the address of each person and the sum due to him.

The total amount of the sums shown in such list shall be paid by the Institute into the account of the Ministry of Labour and Social Welfare opened

at the National Bank of Poland in Warsaw; and such payment to the said bank shall be a complete discharge.

Beneficiaries shall receive the moneys due to them through the Ministry of Labour and Social Welfare in Brussels.

The amount due to each beneficiary shall be converted into francs at the rate of exchange applied to the transfer of the funds.

Evidence of payments made shall be transmitted by the Ministry of Labour and Social Welfare in Brussels to the Central Institute of Social Insurance in Warsaw.

2.) In respect to sums accruing after the date of the entry into force of the present agreement, the following arrangements shall apply:

(a) The Central Institute of Social Insurance (Z.U.S.) in Warsaw shall send to the Ministry of Labour and Social Welfare in Brussels a list of its pensioners and annuitants resident in Belgium, stating in each case the dates on which instalments of the pension or annuity accrue and the amount due on each date. It shall notify the Ministry of the names of pensioners leaving Poland to take up residence in Belgium as and when it is informed thereof. It shall also notify the Ministry of any alteration in the amount of pensions or annuities and of suspension of their payment at least 15 days before they accrue.

(b) The Institute shall pay sums covering instalments to accrue in due course into the account of the Ministry of Labour and Social Welfare in Brussels with the National Bank of Poland in Warsaw; and such payment into the aforesaid bank shall be a complete discharge.

(c) Benefits shall be paid to beneficiaries through the Ministry of Labour and Social Welfare in Brussels on proof of entitlement.

The amount due to each beneficiary shall be converted into francs at the rate of exchange applied to the transfer of the funds.

(d) As evidence of payments made the Ministry of Labour and Social Welfare in Brussels shall send to the Institute a list of the sums forwarded or remitted to the persons concerned and, where necessary, a list of sums not paid. The Ministry of Labour and Social Welfare in Brussels shall guarantee the payments so shown.

CHAPTER III — SPECIAL ARRANGEMENTS FOR PAYMENT OF DISABILITY AND INDUSTRIAL ACCIDENT INSURANCE BENEFITS

A.) *Pensioners of Belgian organizations residing in Poland.*

(a) *Effects of resumption of work by persons holding disability pensions not arising from industrial accidents.*

1.) If a person holding a disability pension resumes work, the Central Institute of Social Insurance (Z.U.S.) in Warsaw shall suspend payment of the pension. It shall notify its decision to the Ministry of Labour and Social Welfare in Brussels, which shall inform the debtor concerned.

2.) Persons holding disability pensions who are in employment on 1 March 1947 shall not receive sums due for the period preceding that date and payment of which was suspended or prevented by war conditions.

(b) *Administrative and medical control.*

1.) The Central Institute of Social Insurance (Z.U.S.) in Warsaw shall arrange for the examination of recipients of disability and industrial accident insurance benefits on conditions to be determined in agreement with the debtors and without prejudice to any enquiries which debtors may make within the rights accorded to them by Belgian law.

2.) In application of the last preceding paragraph the Institute shall cause its medical experts to carry out medical examinations to assess the degree of disability of the disabled or injured person with a view, where necessary, to the suspension or abolition of the disability pension or the reclassification of the pensioner in accordance with the provisions of Belgian law, or to the revision of the industrial accident annuity.

The results of such examinations shall be communicated to the debtor concerned, who may accept or challenge the decision.

The Central Institute of Social Insurance in Warsaw may notwithstanding provisionally suspend payment of the disability pension on the result of its examination, pending notification to it of the decision taken by the Belgian organization.

3.) Expenses arising from medical examinations, observation of beneficiaries, and enquiries incidental to the process of control and the travelling expenses of doctors and of the recipients of pensions or annuities attending

medical examination shall be defrayed by the Central Institute of Social Insurance (Z.U.S.) in Warsaw in accordance with its own scale. The agreements referred to in paragraph 1 shall lay down the terms on which such expenses shall be repaid on presentation by the Institute of a detailed account of the expenses incurred stating the names of the disabled persons examined, their social insurance registration number, and the dates of the medical examinations, expert services and observations. Such account shall be sent to the Ministry of Labour and Social Welfare in Brussels, which shall transmit it to the debtor concerned.

B.) *Pensioners of Polish organizations resident in Belgium.*

(a) *Effects of resumption of work by persons holding disability pensions not arising from industrial accidents.*

1.) If a person holding a disability pension resumes work, payment of benefits shall be suspended at the instance of the Ministry of Labour and Social Welfare in Brussels, which shall immediately inform the Central Institute of Social Insurance (Z.U.S.) in Warsaw of its action.

2.) Persons holding disability pensions who are in employment on 1 March 1947 shall not receive the sums due for the period preceding that date and payment of which was suspended or prevented by war conditions.

(b) *Administrative and medical control.*

1.) The Ministry of Labour and Social Welfare in Brussels shall arrange for the examination of persons receiving benefits paid by the Central Institute of Social Insurance (Z.U.S.) in Warsaw on account of disability or industrial accident insurance, on conditions to be determined in agreement with the Institute and without prejudice to any enquiries which the Institute may make within the rights accorded to it by Polish law.

2.) The results of such examinations shall be transmitted to the Central Institute of Social Insurance (Z.U.S.) in Warsaw by the Ministry of Labour and Social Welfare in Brussels.

3.) Expenses shall be defrayed in accordance with the scales established by the regional social security organizations. The agreements referred to in paragraph 1 shall lay down the terms on which such expenses shall be repaid on presentation to the Ministry of Labour and Social Welfare in Brussels of a

detailed account of the expenses incurred, stating the names of the disabled persons examined and the dates of the medical examinations, expert services and observations.

CHAPTER IV — MISCELLANEOUS PROVISIONS

1.) Lump sums payable on death to successors in title resident in Poland shall be transferred in accordance with the arrangements prescribed in chapter II above.

2.) Documents transmitted to the Ministry of Labour of Social Welfare in Brussels by the Central Institute of Social Insurance in Warsaw, in particular medical reports, shall be accompanied by a translation in the French language.

3.) The authorities and social insurance organizations of the two countries shall assist one another to the same extent as if they were applying their own social insurance systems.

They shall agree upon and lay down by administrative procedure the manner in which this arrangement is to be applied.

Correspondence between insurance organizations in the two countries arising from the application of this arrangement shall be conducted through the Ministry of Labour and Social Welfare in Brussels and the Central Institute of Social Insurance (Z.U.S.) in Warsaw.

CHAPTER V — SPECIAL PROVISIONS

The provisions of chapter I and II of the present agreement shall also apply to the payment of benefits under the special legislation governing the old-age, disability and premature death insurance of mine workers. The National Mine Workers' Pension Fund in Brussels (*Fonds National de Retraite des Ouvriers Mineurs*) shall be the only central administering body in Belgium for this purpose.

The arrangements for the administrative and medical control of recipients of benefits under the special schemes applicable to mine workers shall be governed by a complementary agreement to be concluded between the National Mine Workers' Pension Fund and the Central Institute of Social Insurance in Warsaw.

*

* *

The present agreement shall enter into force on 1 April 1947. It shall take effect for one year and shall thereafter be renewed automatically from

year to year unless notice of denunciation is given three months before the end of the period.

IN FAITH WHEREOF the undersigned, being thereunto duly authorized, have drawn up the present agreement.

DONE in two copies at Brussels, 24 March one thousand nine hundred and forty-seven.

(s.) A. HERMENT

(s.) WATILLON

(s.) MODLINSKI