

No. 4634

**POLAND
and
GERMAN DEMOCRATIC REPUBLIC**

**Treaty on co-operation in social policy. Signed at Warsaw,
on 13 July 1957**

Official texts: Polish and German.

Registered by Poland on 5 January 1959.

**POLOGNE
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Traité relatif à la coopération en matière de politique
sociale. Signé à Varsovie, le 13 juillet 1957**

Textes officiels polonais et allemand.

Enregistré par la Pologne le 5 janvier 1959.

[TRANSLATION — TRADUCTION]

No. 4634. TREATY¹ BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE GERMAN DEMOCRATIC REPUBLIC ON CO-OPERATION IN SOCIAL POLICY. SIGNED AT WARSAW, ON 13 JULY 1957

The State Council of the Polish People's Republic and the President of the German Democratic Republic, desiring to regulate in a spirit of friendship and co-operation mutual relations in matters of social policy between the Polish People's Republic and the German Democratic Republic, have decided to conclude a treaty on co-operation in social policy, and for that purpose have appointed as their plenipotentiaries :

The State Council of the Polish People's Republic :

Mr. Stanisław Zawadzki, Minister of Labour and Social Welfare;

The President of the German Democratic Republic :

Mr. Fritz Macher, Minister of Labour and Vocational Training,

who, having exchanged their full powers, found in good and due form, have agreed as follows :

I. PRINCIPLES OF CO-OPERATION IN SOCIAL POLICY

Article 1

(1) The Contracting Parties shall co-operate on all questions and in all fields of social policy. The purpose of such co-operation shall be to promote social progress both in their two States and internationally.

(2) To this end, the Contracting Parties shall encourage the exchange of information in matters of social policy and shall foster co-operation, *inter alia* by the exchange of statutory enactments and publications, between the competent authorities, institutions, and trade-union and other organizations.

(3) The Contracting Parties shall encourage—if necessary, by the provision of material facilities—exchanges of visits organized in connexion with matters of social policy by such authorities, institutions, and trade-union and other organizations.

¹ Came into force on 28 February 1958, the date of the exchange of the instruments of ratification at Berlin, in accordance with article 19.

(4) With a view to constantly promoting and consolidating friendly relations between their two peoples, the Contracting Parties shall jointly encourage children's and workers' vacation programmes organized by the State and by trade-union and other organizations.

II. PRINCIPLE OF EQUAL TREATMENT

Article 2

(1) Unless otherwise provided in this Treaty, nationals of one State who are employed in the territory of the other State, and members of their families, shall be treated, as regards the labour and social-insurance legislation of the State in which they are employed, on equal terms with nationals of the latter State.

(2) The same shall also apply as appropriate to nationals of either State who are temporarily in the territory of the other State or who reside in the territory of that State and require social assistance.

III. SOCIAL INSURANCE FOR WORKERS

Article 3

(1) This Treaty shall regulate relations between the two States in respect of workers' social insurance, in particular as regards sickness, maternity, disability, old age and the death of the family breadwinner, and in respect of family allowances.

(2) This Treaty does not apply to persons who are entitled under special legislation to benefits not covered by workers' social insurance or to benefits paid to disabled war veterans and their families.

Article 4

(1) The obligation to provide coverage and to pay contributions in respect of workers' social insurance shall be governed by the legislative provisions of the State in whose territory the insurable work or activity is performed. Such insurance shall be administered by the competent authorities of the State of the place of work or activity.

(2) The insurance of persons employed by diplomatic and consular missions and by other departments and agencies of one State established in the other State shall be governed by the legislative provisions of the sending State, provided

that the said persons are nationals of that State. The same shall apply to persons employed by personnel of the aforementioned missions, provided that the said persons are nationals of the sending State.

(3) The social insurance

- (a) Of employees of public land or air transport undertakings or inland or maritime navigation undertakings of one State who are sent to the other State for temporary or permanent employment (on junction or transit lines, at harbours, on ships, at airports, etc.), and
- (b) Of persons sent to either State for temporary employment by undertakings other than those mentioned in sub-paragraph (a) established in the other State,

shall be governed by the legislative provisions of the State in which the office of the undertaking concerned responsible for personal matters affecting such employees is established.

(4) In the cases referred to in paragraphs 2 and 3, the insurance shall be administered by the authorities of the sending State.

(5) The competent central authorities of the two States may, by agreement, prescribe other exceptions or decide to render the exceptions provided for in paragraphs 3 and 4 inapplicable either in general or in individual cases.

Article 5

(1) Pecuniary sickness insurance benefits and family allowances shall be paid by the insurer of the State in whose territory the entitled person resides, in accordance with the legislative provisions of such State; in so doing, the insurer shall also take into account employment periods (insurance periods) completed in the territory of the other State.

(2) If a worker (insured person) resident in one State who emigrates to the other State is receiving pecuniary benefits under paragraph 1 at the time of his emigration, payment of such benefits shall cease on the day on which he emigrates. In such a case, the insurer of the State of new residence shall pay the benefits in accordance with the legislative provisions of such State, taking into account employment periods (insurance periods) completed by the person concerned in the State of previous residence and periods during which he received benefits in the said State.

(3) Social-insurance benefits in kind shall be granted by the insurer of the State in whose territory the worker (insured person), pensioner or entitled dependant resides, taking into account periods during which the person con-

cerned received such benefits in the other State. This provision shall also apply to the persons referred to in article 4, paragraphs 2 and 3.

(4) Persons residing in the frontier district of one State who are employed in the frontier district of the other State shall receive pecuniary benefits under paragraph 1 from the insurer of the State in which they are employed.

Article 6

(1) Pensions shall be granted by the insurer of the State in whose territory the worker (insured person) or entitled dependant was resident at the time the claim for a pension was submitted. In so doing, the insurer shall take into account the employment periods (insurance periods) completed in both States.

(2) If a pensioner resident in one State emigrates to the other State, payment of the pension shall cease on the expiry of the month during which he emigrated.

(3) The insurer of the State to which the pensioner emigrates shall grant the latter a pension following his emigration in accordance with the legislative provisions of such State, having due regard to the provisions of the second sentence of paragraph 1. In all such cases, rights acquired with respect to pension-insurance benefits shall be considered to have been maintained. If the pensioner returns to the original State, the insurer of that State shall resume payment of the pension terminated in accordance with paragraph 2 on the first day of the month following his return.

(4) If a worker (insured person) or entitled dependant resident in one State emigrates to the other State after submitting a pension claim but before the determination of the amount of the benefit, the claim shall be transmitted to the insurer of the State of residence. Such insurer shall grant the pension in accordance with paragraph 1 and, in fixing the date for the beginning of pension payments, shall take into account the date on which the claim was submitted.

Article 7

Pension payments made by the insurer granting benefits on the basis of this Treaty shall not be refunded to it by the insurer of the other State.

IV. SOCIAL WELFARE

Article 8

(1) Nationals of one State resident in the territory of the other State shall be given such essential treatment and assistance as they may require by the

State of residence, to the same extent and on the same conditions as nationals of that State.

(2) Such treatment and assistance shall comprise the provision of general social-welfare benefits or admission to homes for the aged or to welfare institutions. If necessary, several types of social-welfare benefits may be granted simultaneously.

Article 9

(1) The costs of treatment and assistance granted in accordance with article 8 by one State shall not be reimbursable by the other State.

(2) Notwithstanding paragraph 1, reimbursement of such costs may be claimed from the person granted treatment or assistance or from members of his family liable for his maintenance.

V. COMMON PROVISIONS

Article 10

(1) Administrative authorities, insurers and other organs of the two States responsible for the implementation of social policy shall render one another legal assistance to the same extent as in the implementation of social policy in their own State. Administrative authorities and insurers of the two States shall exchange any necessary information relating to circumstances having a decisive bearing on the award of benefits; if necessary, records in the possession of one State may be transmitted to the other State for this purpose.

(2) Administrative authorities, insurers and other organs of the two States shall communicate with one another direct in connexion with the implementation of this Treaty. The central authorities of the Contracting Parties shall determine which local organs are to communicate with the competent organs of the other State.

Article 11

(1) Applications and other documents lodged and appeals filed by nationals of one State with administrative authorities, insurers or other organs of the other State in matters relating to social insurance and welfare shall not be disallowed because they are written in the official language of the former State.

(2) Applications and other documents and appeals required to be lodged or filed within a specified time-limit with administrative authorities, insurers or other organs of one State shall be deemed to have been lodged or filed within

such time-limit if they are received within the prescribed time-limit by administrative authorities, insurers or other organs of the other State. In such cases, the documents in question shall be forwarded immediately to the competent organ.

(3) Documents and other evidence forwarded by the competent organs of one State to the competent organs of the other State under the terms of this Treaty shall not require certification.

Article 12

Consuls of the Contracting Parties shall be entitled to act on behalf of nationals of their State, personally or through duly authorized representatives, in all matters arising from this Treaty and to represent their nationals before administrative authorities, insurers and other organs of the other State. This shall be without prejudice to domestic legislative provisions pertaining to legal representation before administrative authorities, insurers and other organs.

Article 13

In the award of social-insurance benefits in accordance with this Treaty, employment periods (insurance periods) completed in both States before the entry into force of the Treaty shall also be taken into account.

Article 14

(1) The provisions of this Treaty shall also apply in cases where qualification for benefits was established before the entry into force of the Treaty.

(2) If the claim for benefits was submitted before the entry into force of the Treaty, the date of the beginning of payments shall be fixed in accordance with the domestic legislative provisions of each State. In cases where pensions were granted and paid before the entry into force of the Treaty, payments shall be continued.

Article 15

An entitled person shall be deemed to have emigrated from one State to the other State within the meaning of articles 5 and 6 if permission was granted for his emigration by the competent authorities of both States. The same shall apply in cases in which emigration occurred before the entry into force of the Treaty. In such cases, permission shall be deemed to have been granted if there is nothing in the facts of the case to indicate otherwise.

Article 16

(1) This Treaty shall be implemented in the two States by the competent central authorities. The said authorities shall maintain constant direct communication with each other. When necessary, representatives of these authorities shall meet for the purpose of discussing matters relating to the implementation of the Treaty and exchanging information on matters of social policy.

(2) Immediately upon the entry into force of this Treaty, the competent central authorities of the two States shall inform each other which central organs are competent with respect to its implementation. The competent central authorities shall notify each other without delay of any changes that may occur in this regard in the future.

Article 17

(1) The central authorities of each State may make regulations for the implementation of this Treaty. All such regulations shall be communicated to the competent central authorities of the other State.

(2) The competent central authorities of the two States shall inform each other of any changes made in their domestic legislation with respect to social policy.

Article 18

(1) If, owing to unforeseen circumstances or changes in legislative provisions, any difficulties arise in the implementation of this Treaty, or if there are differences of opinion with respect to its interpretation, the competent central authorities of the two States shall come to an understanding as regards the method of applying the provisions of the Treaty.

(2) The competent central authorities of the two States may, by agreement, establish detailed procedures for the implementation of this Treaty.

VI. FINAL PROVISIONS

Article 19

(1) This Treaty shall be subject to ratification. The instruments of ratification shall be exchanged as soon as possible at Berlin.

(2) This Treaty shall enter into force on the date of exchange of the instruments of ratification and shall remain in force for a term of three years.

(3) On the expiry of the term of this Treaty, insurers shall continue to treat pensions granted on the basis of the Treaty up to the date of its expiry in the

same manner as those granted to nationals of their own State. Qualifications which have been maintained on the basis of this Treaty shall not be caused to lapse by its expiry. The further maintenance of such qualifications on the expiry of the term of the Treaty shall be governed by domestic legislative provisions.

DONE in duplicate at Warsaw on 13 July 1957, in the Polish and German languages, both texts being equally authentic.

IN WITNESS WHEREOF the aforementioned plenipotentiaries have signed this Treaty and have thereto affixed their seals.

For the State Council
of the Polish People's
Republic :
S. ZAWADZKI

For the President
of the German Democratic
Republic :
Fr. MACHER