

No. 5372

**YUGOSLAVIA
and
BULGARIA**

**Convention on social security (with exchange of letters).
Signed at Belgrade, on 18 December 1957**

Official texts: Serbo-Croat and Bulgarian.

Registered by Yugoslavia on 26 September 1960.

**YOUGOSLAVIE
et
BULGARIE**

**Convention relative à la sécurité sociale (avec échange de
lettres). Signée à Belgrade, le 18 décembre 1957**

Textes officiels serbo-croate et bulgare.

Enregistrée par la Yougoslavie le 26 septembre 1960.

[TRANSLATION¹ — TRADUCTION²]

No. 5372. CONVENTION³ ON SOCIAL SECURITY BETWEEN
THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA
AND THE PEOPLE'S REPUBLIC OF BULGARIA. SIGNED
AT BELGRADE, ON 18 DECEMBER 1957

The Government of the Federal People's Republic of Yugoslavia and the Government of the People's Republic of Bulgaria desirous to regulate by mutual cooperation the question of social security, and being assured that such cooperation would contribute to strengthen the friendly relations between the two Countries have decided to conclude a Convention on social security and for that purpose have agreed as follows :

PART I

BASIC PROVISIONS

Article 1

For the purpose of the present Convention the expressions listed below have the following meaning :

- (1) " legislation "—laws and other regulations specified in Article 2 of the present Convention for each of the Contracting Parties;
- (2) " competent administrative authority "
in the Federal People's Republic of Yugoslavia : the Secretariat of Labour of the Federal Executive Council;
in the People's Republic of Bulgaria : the Ministry of National Health and Social Welfare;
- (3) " social security authority "
in the Federal People's Republic of Yugoslavia : the Federal Institute for Social Security;
in the People's Republic of Bulgaria : the Board of Pensions and Social Welfare, and the Board of State Social Security of the Ministry for National Health and Social Welfare;
- (4) " workers "—all persons employed as well as persons enjoying the same status pursuant to the legislation of the Contracting Party concerned;

¹ Translation provided by the Government of Yugoslavia.

² Traduction transmise par le Gouvernement yougoslave.

³ Came into force on 1 September 1958, the first day of the month following the exchange of the instruments of ratification at Sofia on 1 August 1958, in accordance with article 34.

(5) “members of the family”—persons whose rights derive from social security of the person insured;

(6) “insurance periods”—periods of compulsory and voluntary insurance pursuant to the legislation of each of the Contracting Parties;

(7) “equivalent periods”—periods of time which under the legislation of each of the Contracting Parties are made equivalent to periods of insurance;

(8) “pension insurance”—insurance for old age, death and disability, excepting work accident and professional sickness;

(9) “pension”—old age, family and invalidity pension.

Article 2

(1) For the purpose of the present Convention the following legislation shall apply :

in the Federal People's Republic of Yugoslavia :

- a) social security legislation;
- b) legislation pertaining to children's allowances;
- c) legislation pertaining to allowances for workers during temporary unemployment;

in the People's Republic of Bulgaria :

- a) legislation pertaining to pension insurance;
- b) social security legislation;
- c) legislation pertaining to children's allowances.

(2) The present Convention shall apply also to legislation amending legislation mentioned in paragraph 1 of this Article.

The Convention shall apply as well to amendments of legislations covering new categories of persons or new branch of social security, unless either Contracting Party objects and gives notice to the other Contracting Party to that effect within three months from the date of the official communication pursuant to paragraph 3 of Article 22 of the present Convention.

(3) The present Convention shall not apply to amendments of the legislation mentioned in paragraph (1) of this Article which shall be introduced by international conventions on social security of reciprocal character, unless the Contracting Parties agree.

Article 3

Yugoslav and Bulgarian citizens shall enjoy the same rights and obligations deriving from the legislations mentioned in Article 2 of the present Convention.

Article 4

(1) Workers employed in one of the Contracting Parties are insured according to legislation in force in their place of employment.

(2) There shall be the following exceptions from the principle established in paragraph 1 of this Article :

To persons employed in diplomatic, consular or other services and authorities of the Government administration (customs, passport and other offices) of one Contracting Party, working in the territory of the other Contracting Party, the legislation of the former Party shall apply, if they are nationals of that Party. The same shall apply to persons employed by officers of the mentioned services or authorities, if they are nationals of the Country by which they are sent abroad.

To workers employed in land, naval and air services, as well as in other services, sent to work in the territory of the other Contracting Party, shall apply the legislation of the Contracting Party in which territory is the enterprise by which they are sent abroad.

Article 5

The competent administrative authorities of the two Contracting Parties may foresee by a special agreement exception to the provisions of Article 4 of the present Convention.

PART II

SPECIAL PROVISIONS

Chapter I

INSURANCE IN CASE OF SICKNESS AND MATERNITY

Article 6

(1) Benefit in kind due from insurance in case of sickness and maternity is provided, under its own legislation and its own cost, by the competent authority of the Contracting Party where the insured person is residing. This applies also to the persons mentioned in paragraph (2) of Article 4 of this Convention.

(2) Such Benefits due from insurance in case of sickness and maternity are provided, under its own legislation and at its own cost, by the social security authority by whom that person has been insured at the moment when acquiring the right to those benefits.

(3) Where an insured person while receiving benefits pursuant to the preceding paragraph is located in the territory of the other Contracting Party,

the social security authority competent to provide benefits may entrust with the payment of benefits the social security authority of the other Contracting Party. The payments made in this manner shall be compensated by the social security authority who should provide benefits to the authority that have made the payments.

Chapter II

CHILDREN'S ALLOWANCES

Article 7

Children's allowances are provided, pursuant to its own legislation and at its own charge, by the social security authority where the entitled person is insured.

Chapter III

UNEMPLOYMENT INSURANCE

Article 8

Unemployment benefits to which the citizens of one Contracting Party are entitled under the legislation of the other Contracting Party, are paid only during the period of their stay in the territory of the Contracting Party where they acquired the right to these benefits.

Chapter IV

INDUSTRIAL ACCIDENTS AND DISEASES INSURANCE

Article 9

(1) The rights to social security in case of industrial accident are realized against the bearer of the insurance where the person has been insured at the time of accident.

In case of industrial disease, benefit is provided by the bearer of insurance with whom the person was insured at the time the disease has been contracted. If an insured person has been working in the territory of both Contracting Parties in occupations involving the risk of contracting the same industrial disease, benefits should be paid by the bearer of insurance where that person was insured last.

(2) Where the rights from insurance in case of an industrial accident or disease have been determined under the legislation of one Contracting Party and if a claim for benefit is submitted on account of deterioration of an earlier established health condition caused by the employment in the territory of the other

Contracting Party, that deterioration shall be considered as a new industrial accident or a new industrial disease to which shall be applied the legislation of the Contracting Party where the deterioration occurred.

(3) Where an insured person whose working capacity is reduced by an industrial accident or disease which was contracted in the territory of one of the Contracting Parties, becomes entitled to a pension on account of a new industrial accident or disease which occurred in the territory of the other Contracting Party, the bearer of the insurance of the latter Contracting Party when determining the degree of disablement in accordance with the pertinent legislation, has to take into consideration the earlier industrial accident or earlier industrial disease.

Article 10

In case of an industrial accident which has occurred to a worker on his way from one Contracting Party when assuming employment in the territory of other Party, on the basis of a work contract, benefit is provided by the bearer of insurance of that Contracting Party to which the worker was travelling, provided that he travelled without interruption and by shortest means from the place of departure to the place of the employment. This shall apply to an accident case occurring to such a person when returning from the place of the employment to the place of his residence immediately after the expiration of the contract.

Chapter V

PENSIONS INSURANCE

Article 11

In order to determine benefits from the pensions insurance in accordance with the provisions of the present Convention the social security authority of both Contracting Parties shall proceed as follows :

a) the social security authority of each of the Contracting Parties shall determine, in accordance with its own legislation, applying Article 15 of the present Convention, whether the insured person satisfies the conditions for acquiring the right to benefit;

b) where the conditions for acquiring the right to benefit are satisfied, the social security authority of each of the Contracting Parties determines firstly benefit which would have been due if all the insurance (employment) periods, calculated pursuant to Article 15 of the present Convention, were completed exclusively under its own legislation;

c) then the social security authority of each Contracting Party determines the amount of benefit due to provide in proportion to the insurance (employment) periods completed under its own legislation and the insurance periods completed under the legislation of both Contracting Parties.

Article 12

Where an insured person does not simultaneously satisfy the conditions laid down by the legislation of both Contracting Parties, the bearer of insurance of that Contracting Party under whose legislation the conditions are satisfied shall determine, applying Article 11 of the present Convention, its own part of benefit. When such a determined part of benefit is smaller than the benefit to which the insured person would be entitled only on the basis of the insurance period completed in the territory of that Contracting Party, the bearer of insurance shall increase its part of benefit for the amount of the difference.

When the conditions are subsequently satisfied in the other country the bearer of insurance of both Contracting Parties shall again determine benefits.

Article 13

Where the insured person is receiving benefits from the bearer of insurance of both Contracting Parties pursuant to Article 11 of the present Convention, and if the total of both benefits is less than the minimum pension to which he is entitled under the legislation of the Contracting Party in whose territory he is resident, the bearer of insurance of that Party has to increase its own benefit in the amount corresponding to the difference between the total of both benefits and the minimum pension.

Article 14

The insured person is entitled to an invalidity pension from the day when cash payments from sickness insurance provided under the legislation of that Contracting Party whose bearer of insurance is receiving that cash payment are discontinued in that insurance case.

Chapter VI

JOINT PROVISIONS FOR THE PART II

Article 15

When it is necessary, in order to determine the rights from social security, to take into consideration insurance (employment or other activities) periods length, the social security authority of each Contracting Party shall take into account as well the corresponding periods which are taken into consideration under the legislation of the other Contracting Party if these periods do not coincide.

Article 16

(1) When a compulsory insurance period which is taken into consideration under the legislation of one Contracting Party corresponds to periods of voluntary

insurance under the legislation of the other Party, only the period of compulsory insurance is taken into consideration.

(2) When an insurance period under the legislation of one Contracting Party coincides with equivalent periods under the legislation of the other Party only the insurance period is taken into consideration.

(3) When a period equivalent to an insurance period under the legislation of one Contracting Party corresponds to that of the other Contracting Party this period is taken into consideration only under the legislation of that Contracting Party in whose territory the insured person was employed last before the period in question.

(4) When the insured person was not employed before the period equivalent to the insurance period the equivalent period is taken into consideration only under the legislation of that Contracting Party in whose territory the insured person was employed for the first time after that period.

Article 17

The provisions of the present Convention shall not apply when a right from the social insurance is involved which is not provided for under the legislation of both Contracting Parties.

Article 18

Where under the legislation of one Contracting Party in determining benefits in cash is taken into account the average income, income obtained only in the insurance periods under the legislation of that Contracting Party should be considered.

Article 19

Where under the legislation of one Contracting Party acquiring, retaining, is again established or enjoyment of determined rights is conditioned by the residence of insured person in its territory, this condition shall not be required from Yugoslav and Bulgarian citizens when they are residing in the territory of the other Contracting Party, unless otherwise determined by the present Convention.

Benefits due in accordance with the social security of one Contracting Party shall be provided to citizens of the other Party, when residing in the territory of a third country, under the same conditions and to the same extent as to its own citizens residing in that third country.

Article 20

Where the legislation of one Contracting Party conditions the right of a person to certain benefits or their amount from social security subject to his

regular income or financial position, such income or financial position shall be taken into account by each Contracting Party in its territory only.

Article 21

When a beneficiary of a right is located in the territory of the other Contracting Party the question of medical examination and establishment of other facts necessary for ascertaining rights according to the present Convention shall be fixed by a special agreement between the competent authority of the social security of both Contracting Parties.

PART III

GENERAL, TRANSITIONAL AND FINAL PROVISIONS

Article 22

The competent authorities of the social security :

1. shall make administrative agreements necessary for the purpose of applying the present Convention;
2. shall exchange information regarding the measures undertaken for the purpose of the present Convention;
3. shall exchange information concerning any changes of their legislation provided for in Article 2 of the present Convention.

Article 23

(1) In applying the present Convention necessary mutual help shall be given by the competent authorities of both Contracting Parties without charge.

(2) Such authorities for the same purpose shall be able to secure intervention of diplomatic and consular authorities.

(3) Diplomatic and consular authorities of one Contracting Party may directly without a special power of attorney represent citizens of their country in dealings with the bearer of insurance and State authorities of the other Contracting Party and undertake measures in order to secure and maintain their rights to social security.

Article 24

Documents and claims which may be submitted for the purpose of realization of rights to social insurance in accordance with the present Convention are exempt from any kind of taxes.

These documents and claims are exempt as well from an official authentication by diplomatic and consular authorities.

Article 25

Communications which beneficiaries of the present Convention are forwarded to social security authorities, institutions, administration and courts of one Contracting Party competent for social insurance matters, should be in one of official languages of either Contracting Party.

Article 26

Claims, applications, appeals and other documents referring to social insurance, which must be submitted within a specified period to a social insurance authority of one Contracting Party, shall be considered as timely if submitted within the same period to the corresponding social insurance authority of the other Party. In such a case this authority shall forward immediately the documents in question to the competent social security authority of the other Contracting Party.

Article 27

When applying the present Convention the social security authorities may correspond directly.

Article 28

(1) Financial benefits which are due under the provisions of the present Convention shall be determined in the currency of that Contracting Party by whose authority the benefits are due.

(2) Remittances to the other Contracting Party when applying the present Convention shall be made in accordance with the provisions of any payments agreement which may be in force between the two Contracting Parties at the time of remittance.

(3) In the case where one or the other Contracting Party should introduce provisions on the limitation of foreign exchange, measures shall be undertaken to insure payments of due amounts pursuant to the present Convention.

Article 29

(1) All difficulties which might arise when applying the present Convention shall be solved by agreement of the appropriate administrative authorities of the Contracting Parties either by writing or by a commission of experts which shall in such a case be jointly formed.

(2) If a solution is not reached in such a manner, the dispute shall be solved in accordance with the basic principles and in the spirit of the present Convention in an arbitrary proceeding which shall be established by an agreement of the Contracting Parties.

Article 30

(1) Where a right of an insured person is not disputable, but there is controversy as to which legislation should be applied, advance payments of benefits shall be made until the controversy is solved pursuant to the previous Article. These payments must be provided by the bearer of insurance in whose territory the insured person is residing.

(2) The bearer of the insurance who is finally responsible to provide benefits shall compensate the bearer of the insurance who has been making advance payments for the total amount which has been paid.

(3) Where the beneficiary has been paid in advance payments more than the benefits due to him for the corresponding time, the bearer of the insurance who is finally responsible for such benefit may deduct the difference from future benefits, but not more than a fifth of one payment.

Article 31

(1) Pensions, granted before coming into force of the present Convention, shall be revised upon beneficiary's or the social security authority's request. On the basis of the revision the beneficiaries beginning from the first day of that month which shall follow the coming into force of the present Convention shall be entitled to the same rights as they would have had if the present Convention had been in force at the moment when the pension was granted.

Where the right was terminated by a lump-sum payment on account of insufficient years of service before coming into force of the present Convention, a person may request revision where, by applying the provisions of the present Convention regarding the accumulation of working periods, he/she satisfies the conditions for pension. The question of settling lump-sum payments shall be solved by each Contracting Party under its own regulations.

(2) The provisions of the preceding paragraph shall be applied upon the request of an interested person as well to the social security cases which occurred before coming into force of the present Convention, and where the right to pension from social security was not granted on account of insufficient years of service.

(3) The request for revision in accordance with the preceding paragraphs must be submitted within three years from the date of coming into force of the present Convention.

Article 32

(1) The right to pension acquired on the basis of the insurance periods completed by December 31, 1957, under social security of either of the Contracting Parties shall be regulated under the legislation and expense of that Contracting

Party in whose territory the interested person had permanent residence on December 31, 1957.

(2) When applying Article 11 of the present Convention concerning the addition of insurance periods the social security authority of the Contracting Party in whose territory the insured person had permanent residence on December 31, 1957, shall take into account the periods of insurance completed in the social security of either of the Contracting Parties until December 31, 1957, as a part of the insurance falling to its responsibility, if under its legislation for such a category of persons a pension insurance exists.

(3) The Contracting Parties cannot make any claims whatever against each other in respect of obligations pursuant to the preceding paragraphs.

Article 33

The present Convention does not pertain to war veterans and victims of war or the fascist terror. The security of those persons may be regulated by a special agreement.

Article 34

(1) The present Convention shall be ratified, and the ratification instruments shall be exchanged in Sofia.

(2) The Convention shall enter into force the first day of the month following the exchange of the ratification instruments.

(3) The present Convention is concluded for an undetermined time. Each Contracting Party may denounce the present Convention at least six months before the end of the calendar year in the course of which the notification is made. The notice shall enter into force on January 1 of the next year.

(4) The rights acquired by virtue of the present Convention shall not be abolished by its denouncement. The notice as well may not affect the application of the provisions of Article 32 of the present Convention.

Article 35

The present Convention is made at Beograd this 18th day of December, 1957, in two original copies in the Serbo-croatian and Bulgarian languages, both texts being equally authoritative.

For the Government
of the Federal People's Republic
of Yugoslavia :

(Signed) Todor VUJOŠEVIĆ

For the Government
of the People's Republic
of Bulgaria :

(Signed) M. GEŠKOV

EXCHANGE OF LETTERS

I

THE PRESIDENT OF THE YUGOSLAV DELEGATION

Beograd, December 18, 1957

Comrade President,

During the negotiations on the Convention on social security, which we signed today,¹ we have agreed that under the provision of Article 32 of the Convention the question of the responsibility of the Bulgarian social security for the cases arisen during the last war should not be considered resolved, when the Bulgarian bearers of insurance in the occupied Yugoslav territory have been applying social insurance. The settlement of this question falls into the competence of the two Governments.

Confirm, please, your agreement to the above.

Accept, please, comrade President, the renewed assurance of my high consideration.

(Signed) Todor VUJOŠEVIĆ

Comrade Marin Dimitrov Geškov
President of the Bulgarian delegation

II

PRESIDENT OF THE BULGARIAN DELEGATION

Beograd, December 18, 1957

Comrade President,

I have the honour to acknowledge receipt of your letter of the following content :

[See letter I]

I have the honour to inform you that I am in agreement with the above.

Accept, please, comrade President, the assurance of my consideration.

(Signed) M. GEŠKOV

Comrade Todor Vujošević
President of the Yugoslav delegation

¹ See p. 28 of this volume.