

No. 5617

**YUGOSLAVIA
and
CZECHOSLOVAKIA**

**Convention concerning the social insurance. Signed at
Belgrade, on 22 May 1957**

Official texts: Serbo-Croat and Czech.

Registered by Yugoslavia on 17 March 1961.

**YUGOSLAVIE
et
TCHÉCOSLOVAQUIE**

**Convention relative aux assurances sociales. Signée à
Belgrade, le 22 mai 1957**

Textes officiels serbo-croate et tchèque.

Enregistrée par la Yougoslavie le 17 mars 1961.

[TRANSLATION¹ — TRADUCTION²]

No. 5617. CONVENTION³ BETWEEN THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA AND THE CZECHOSLOVAK REPUBLIC CONCERNING THE SOCIAL INSURANCE. SIGNED AT BELGRADE, ON 22 MAY 1957

The Federal People's Republic of Yugoslavia and the Czechoslovak Republic desiring to regulate the questions in the field of the social insurance by the mutual co-operation and convinced that such co-operation shall strengthen the friendly relations between the two countries, decided to conclude the Convention on the social insurance and in this purpose have agreed in the following :

PART I

BASIC PROVISIONS

Article 1

For the purpose of this Convention the following expressions mean :

- a) "social insurance" — social insurance i.e. the social security under the legislation of the Contracting Party concerned;
- b) "legislation" — laws and other legal regulation specified in Article 2 of this Convention for each Contracting Party;
- c) "workers" — persons employed and persons equalled (equalited) with such persons under the legislation of the concerned Contracting Party;
- d) "insured persons" — persons entitled to the social insurance rights under the legislation of the respective Contracting Party i.e. workers and persons equalled with them, members of cooperatives and production cooperatives, persons who earn independently, pension and invalidity beneficiaries, as well as dependents of the above mentioned persons;
- e) "directly insured persons" — persons not deriving their right from the social insurance through the other insured person;
- f) "insurance periods (employment)" — period of insurance (of employment) which is accounted under the legislation of the concerned

¹ Translation provided by the Government of Yugoslavia.

² Traduction transmise par le Gouvernement yougoslave.

³ Came into force on 1 December 1957, the first day of the month following the exchange of the instruments of ratification which took place at Prague on 28 November 1957, in accordance with article 36.

Contracting Party, into the right to the benefit and its amount, including the voluntary periods of insurance and the periods equal with the insurance (employment) periods;

g) "benefits in kind on the basis of the insurance in case of sickness and maternity" — all benefits in kind based on this insurance, including the preventive and medical treatment.

Article 2

(1) In the implementation of this Convention the legislation regulating the following branches of the social insurance shall be applied :

- a) insurance in case of sickness and confinement;
- b) insurance in case of the invalidity, old age and death, including industrial accidents and occupational diseases (hereinafter "old-age pension");
- c) children's allowance.

(2) This Convention refers also to the application of the legislation amending the legislations cited in the preceding paragraph.

Article 3

Yugoslav and Czechoslovak citizens are treated equally in their right and duties arising from the legislations mentioned in Article 2 of this Convention.

Article 4

If it is necessary in deciding about the social insurance rights to take into consideration the insurance (employment) period or other activities, the social insurance authority of each Contracting Party shall calculate the corresponding periods taken in account under the legislation of the other Contracting Party.

Article 5

(1) In the implementation of this Convention the legislation in force in the place of activity of the directly insured person shall be applied, unless otherwise stipulated by other provisions of this Convention.

(2) The following exceptions are made from the principle cited in the preceding paragraph :

- a) workers directed on behalf of one enterprise situated in the territory of one Contracting Party for the purpose of the temporary employment in the territory of the other Contracting Party, are subjected to the legislation of the Contracting Party in the territory of which the enterprise is situated;

b) workers in the foreign trade enterprises and transport enterprises, including civil airways enterprises of one Contracting Party who are temporarily or permanently employed in the territory of the other Contracting Party are subjected to the legislation of the Contracting Party where the enterprise is situated. However, if such persons are citizens of the Contracting Party in the territory of which they are employed they are subjected to the legislation of their own country;

c) ship crews are subjected to the legislation of the Contracting Party under the flag of which the vessel is navigating.

Article 6

Persons employed in the diplomatic and consular missions of the Contracting Parties as well as other persons employed in the same, are subjected to the legislation of the Contracting Party in the territory of which they permanently reside. This also applies to persons employed in state and other institutions, bureaux and organizations.

Article 7

The competent bodies of the Contracting Parties may provide for the exception from provision of Articles 5 and 6 of this Convention through the individual agreements.

PART II

SPECIAL PROVISIONS

Chapter I

SICKNESS AND MATERNITY INSURANCE

Article 8

(1) One-term (cash payments) financial insurance benefits in case of sickness and maternity determined independently of the amount of the wages earning of the directly insured person, are paid by the social insurance authority and under the legislation and debit, of the Contracting Party in the territory of which the person to whom these benefits are paid resides in the moment of the acquirement of the right.

(2) Periodical financial insurance benefits in case of sickness and maternity, as well as one-term financial benefits from such insurance, where the amount depends on the amount of earnings of the directly insured person, are being

paid under the legislation and debit of the social insurance authority insuring the directly insured person in the moment of his acquirement of the right to these benefits. If the insured person is entitled to these benefits from the social insurance of both Contracting Parties this right may be realized only with the social insurance authority of one Contracting Party; the authority by which the directly insured person is actively insured is the only one responsible to pay the benefit.

(3) If the insured person resides in the territory of the other Contracting Party when receiving the benefit pursuant to the preceding paragraph, the social insurance authority responsible to extend the benefit may entrust the payment of the benefit to the social insurance authority of the other Contracting Party. Payments effected in this ways hall be compensated on behalf of the social insurance authority responsible to extend the benefit to the authority which effected the payment.

Article 9

In the determination of the insurance benefit in case sickness and maternity account shall be taken only of the earnings realized in the territory of that Contracting Party whose social insurance authority is responsible to pay the benefit.

Article 10

(1) The social insurance in kind in case of sickness and maternity are paid at the debit of the competent authority of the Contracting Party in the territory of which resides the insured person. This also applies to persons cited in Article 5, paragraph 2 and Article 6, excepting the established diplomatic and consular employees. Futher details, and particularly the amount of benefits shall be agreed upon by the competent authority of both Contracting Parties.

(2) The competent authorities of the Contracting Parties may additionally agree wether the provisions of the preceding paragraph shall be applied to established diplomatic and consular officials.

Chapter II

CHILDREN'S ALLOWANCE

Article 11

(1) Children's allowance is paid under the legislation and debit of the social insurance authority of the Contracting Party in the territory of which the child of the directly insured person resides.

(2) If the child, entitled to the children's allowance, moves to the territory of the other Contracting Party, the payment of this allowance shall be discontinued on the day of the moving, and the social insurance authority of the other Contracting Party shall pay the children's allowance according to its legislation and to its debit.

Article 12

Allowance for children residing in the territory of the third country shall pay, under its legislation and debit, the social insurance authority the Contracting Party legislation of which the directly insured person is subjected.

Chapter III

OLD-AGE PENSIONS

Article 13

In the determination of the benefits from the pension insurance under provisions of this Convention the social insurance authorities of each Contracting Party shall proceed in the following manner :

a) the social insurance authority of each Contracting Party shall decide under its own legislation, implementing Article 4 of this Convention, whether the insured person complies with conditions for the realization of the right to the benefit;

b) if conditions for the acquisition of the right are satisfied, the social insurance authority of each Contracting Party shall determine the benefit; in the first instance as if the complete insurance (employment) period, accounted under Article 4 of this Convention, is completed exclusively under its legislation;

c) after this the social insurance authority of each Contracting Party determine the amount of the benefit which it is responsible to pay in proportion to the insurance (employment) period completed under its legislation and full insurance (employment) period completed under the legislation of both Contracting Parties.

Article 14

If the insurance (employment) period completed under the legislation of one Contracting Party, does not amount to the six months period, there does not exist the right to the benefit to be given by the social insurance authority of this Contracting Party. The social insurance authority of the other

Contracting Party paying the benefit in this case, shall not effect the decrease of the benefit pursuant to item c) of the preceding Article.

Article 15

If the insured person not fulfilling the condition for the realization of the right to the benefit under legislation of both Contracting Parties, the social insurance authority of the Contracting Party under the legislation of which these conditions are satisfied shall extend to such person its part of the benefit, as stipulated by Article 13 of this Convention. If the conditions for the realization of the right to the benefit are satisfied later under the legislation of the other Contracting Party also, the social insurance authorities of both Contracting Parties shall decide again about the benefit.

Article 16

If the total amount of the benefit, determined under Article 13, i.e., if the amount of the benefit determined under Article 15 of this Convention, is lower than the amount to which the insured person is entitled under the legislation of one Contracting Party only, on the basis of the timespan completed in the insurance (employment) in the territory of that Contracting Party, the social insurance authority of this Contracting Party shall raise the benefit which should be granted, in the amount equal to the balance between these two benefits.

Article 17

(1) The pension insurance provisions are applied in cases when the invalidity is due to the industrial accident or to the occupational disease. However, the increase of the benefit, i.e., the benefit which is granted in such cases outside the framework of the benefit in the case of the invalidity caused by the general sickness, is rendered exclusively by the social insurance authority of that Contracting Party the legislation of which is applied to the beneficiary in the moment of the industrial accident that is in the moment of the beginning of the invalidity caused by the occupational disease.

(2) If the insured person, receiving the pension by virtue of the industrial accident or the occupational disease, by the social insurance authority of one Contracting Party undergoes in the territory of the other Contracting Party, another industrial accident or contracts again an occupational disease, the social insurance authority of the other Contracting Party shall decide on his rights under its legislation, taking in account the previous industrial accident, i.e., earlier occupational diseases. This also applies in the case of the change to worse in the health condition of the insured person, due to the work in employment in the territory of the other Contracting Party.

Chapter IV

JOINT PROVISIONS

Article 18

(1) If the compulsory insurance period, completed under the legislation of the one Contracting Party corresponds with the period of the voluntary insurance under the legislation of the other Contracting Party, account shall be taken of the period of compulsory insurance only.

(2) If the insurance (employment) period is completed under the legislation of the one Contracting Party corresponds with the equivalent period under the legislation of the other Contracting Party the account shall be taken of the insurance (employment) period only.

(3) If the period equivalent with the insurance (employment) period under the legislation of one Contracting Party corresponds with the equivalent period under the legislation of the other Contracting Party, the account shall be taken of this period only under the legislation of the Contracting Party in the territory of which the worker has been employed for the last time to the period in question. In case when the worker has not been employed prior to the period equivalent with the insurance (employment) period, the account shall be taken of the equivalent period under the legislation of the Contracting Party in the territory of which the worker has been employed for the first time after that period.

Article 19

(1) If the legislation of one Contracting Party stipulates the acquisition, maintenance and renewal of the right or use of the benefit by the residence in its territory; this condition shall not be applied to or to Czechoslovak citizens residing in the territory of the other Contracting Party.

(2) The social insurance benefits of one Contracting Party shall be extended to citizens of the Contracting Party residing in the territory of the third country under the same conditions and in the same extent as to their own citizens residing in this third country.

Article 20

(1) If under the legislation of one Contracting Party the right to the benefit or the amount of the benefit is stipulated by the fact that the insured person must have no salary or no other income, the account shall be taken of the salary in the territory of both Contracting Parties.

(2) If under the legislation of one Contracting Party the right to the benefit or the amount of the benefit depends upon the amount of the salary or to any

other income, each Contracting Party shall take into account the salary or another income in its territory only.

Article 21

The periodical financial social insurance benefits which the social insurance authority of one Contracting Party is responsible to grant in the territory of the other Contracting Party shall be reimbursed under the terms agreed upon by the competent authorities of the Contracting Parties.

PART III

GENERAL, PROVISIONAL AND FINAL PROVISIONS

Article 22

(1) The competent authorities of both Contracting Parties shall :

- a) conclude the agreements necessary for the implementation of this Convention;
- b) inform each other about all changes in the legislation provided for in Article 2 of this Convention;

(2) The Contracting Parties shall inform each other directly after the entering into force of this Convention, about the competent authorities by virtue of some provisions of this Convention.

Article 23

(1) In the implementation of this Convention the competent authorities of the Contracting Parties shall extend the free necessary mutual assistance.

(2) These authorities may, in the same purpose, make use of the diplomatic and consular missions.

(3) In the implementation of this Convention, the authorities of the diplomatic and consular missions of one Contracting Party may directly and without any separate full power represent citizens as well as legal persons and authorities of their country in front of the social insurance authorities and other bodies of the other Contracting Party and shall undertake steps necessary to secure and maintain their rights.

Article 24

For the purpose of the implementation of this Convention the competent authorities of one Contracting Party may directly communicate with the competent authorities of the other Contracting Party.

Article 25

In the implementation of this Convention, the documentation, including medical findings, issued by the competent authorities of one Contracting Party are valid for the authorities of the other Contracting Party. The competent authorities of the Contracting Parties shall agree upon and determine in which way the documentation prescribed under the legislation of one Contracting Party may be substituted by the certificate of the competent authority of the other Contracting Party.

Article 26

Deeds, documents, applications and letters submitted in respect to the implementation of this Convention may be composed in either of the official languages of one or the other Contracting Party and are free of all taxes as well as of the official legislation by the diplomatic and consular authorities.

Article 27

Requests, statements, charges, complaints and other applications in the file of the social insurance which should be submitted in the specified time-span to the authority of the one Contracting Party, shall be considered as in time if submitted in that time-span, to the authority of the other Contracting Party. In that case the authority of the other Contracting Party shall immediately forward the applications to the competent authority of the former Contracting Party.

Article 28

The money reimbursement to the territory of the other Contracting Party shall be effected pursuant to provisions on the non-commercial payments in force between the both Contracting Parties in the time of the reimbursement.

Article 29

The payment of the contribution, due to the social insurance authority of the one Contracting Party by the person liable to pay the contribution having the domicile or residence in the territory of the other Contracting Party shall be effected by the competent authority of the latter Contracting Party and under its legislation.

Article 30

All difficulties which may arise in the implementation of this Convention shall be solved by common consent of the competent authorities of the Contracting Parties either in writing or by way of the parity commission of experts shall be established in this purpose.

Article 31

(1) In case when the right of the insured person is not in question but there arises the question of which legislation should be applied, this person shall receive only the advance payment towards the benefit until the dispute is not solved pursuant to the preceding article.

(2) The social insurance authority of the Contracting Party in the territory of which the insured person resides is responsible for the payment of the advance payment. This authority shall reimburse the advance payment in the amount of the benefit it is responsible to pay under its legislation.

(3) The social insurance authority which shall be finally responsible for the payment shall compensate the total amount paid to the authority which has paid the advance payment.

Article 32

(1) Old age pensions and invalidity pensions determined prior to the entering into force of this Convention shall be revised at the request of the beneficiary or the competent authority. After the revision the beneficiary shall be entitled to the same right as if this Convention was in force in the moment of the establishment of the right.

(2) If before the entering into force of this Convention the rights were terminated by the indemnity paid due to the uncompleted years of service, and applying the provisions of this Convention on the adding of the periods and if the conditions laid down as regards the years of service necessary for the pension, i.e., invalidity pension, are satisfied in this way the beneficiary may request the revision. The indemnity shall be calculated by each of the Contracting Parties under its legislation.

(3) The provisions of the preceding paragraph shall be applied at the request of the insured person and in cases which arose prior to the entering into force of this Convention, and under which the pension has not been recognized, invalidity pension and the indemnity due to the uncompleted years of service.

(4) The request for the revision according to the preceding paragraphs has to be submitted in the time-span of three years from the day of entering into force of this Convention. The recognized right under this revision shall start at the earliest from the first day of that month following the entering into force of this Convention.

Article 33

This Convention does not pertain to the provisions of the Agreement between the Federal People's Republic of Yugoslavia and the Czechoslovak Republic of February 11, 1956 concerning the regulation of the pending

property questions, relating to the unpaid benefits from the social insurance due prior to February 19, 1955.

Article 34

The extension of the social aid, i.e., the social pensions to the citizens of one Contracting Party residing in the territory of the other Contracting Party shall be settled by separate agreement.

Article 35

This Convention does not refer to Army members, nor to the disabled war veterans, war victims or victims of the fascist terror. The social security of such persons shall be regulated by the separate agreement.

Article 36

(1) This Convention shall be ratified, and the instruments of ratification shall be exchanged as soon as possible in Prague.

(2) This Convention shall enter into force on the first day in the month which follows the exchange of the instruments of ratification.

(3) Each Contracting Party may terminate this Convention at least six months prior to the expiry of the calendar year in which the notice is given. The notice on the termination shall be valid as of January 1, of the following year.

(4) In case of the termination of this Convention, its provisions as well as the provisions of the Agreement for its implementation shall be further applied to already recognized rights, regardless to the provisions on the limitations which the Contracting Parties may provide in their legislations when the insured person resides abroad.

(5) In cases in which the acquired insurance (employment) periods under the legislation of both Contracting Parties existed but the right to the benefit has not been completed prior to the termination of this Convention, the provisions of the Convention may be applied only under the terms provided for in the agreement of the competent authorities of the Contracting Parties.

This Convention is done in two originals, each in Serbo-Croatian and Czechoslovak language, both texts equally authentic.

DONE in Belgrade, on May 22, 1957.

For the Federal People's Republic
of Yugoslavia :

(Signed) Zdenko HAS

For the Czechoslovak
Republic :

(Signed) Evžen ERBAN