

No. 5645

**UNION OF SOVIET SOCIALIST REPUBLICS
and
GERMAN DEMOCRATIC REPUBLIC**

**Treaty (with Protocol) on co-operation in the field of social
security. Signed at Berlin, on 24 May 1960**

Official texts: Russian and German.

Registered by the Union of Soviet Socialist Republics on 21 March 1961.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Traité de coopération en matière de sécurité sociale (avec
Protocole). Signé à Berlin, le 24 mai 1960**

Textes officiels russe et allemand.

Enregistré par l'Union des Républiques socialistes soviétiques le 21 mars 1961.

[TRANSLATION — TRADUCTION]

No. 5645. TREATY¹ BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GERMAN DEMOCRATIC REPUBLIC ON CO-OPERATION IN THE FIELD OF SOCIAL SECURITY. SIGNED AT BERLIN, ON 24 MAY 1960

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and the President of the German Democratic Republic, desiring to develop and extend the friendship and co-operation existing between their two States in the field of social security, have decided to conclude this Treaty and for this purpose have appointed as their plenipotentiaries :

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics :

Mr. M. G. Pervukhin, Ambassador Extraordinary and Plenipotentiary of the Union of Soviet Socialist Republics to the German Democratic Republic,

The President of the German Democratic Republic :

Mr. Walter Heinicke, Chairman of the Committee on Labour and Wages of the German Democratic Republic,

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

PART I

GENERAL PROVISIONS

Article 1

1. This Treaty shall apply to all forms of social security for citizens provided or hereafter to be provided under the law of the Contracting Parties.

2. "Social security" shall be understood to mean all types of benefits awarded by State authorities, co-operatives and other social organizations of the Union of Soviet Socialist Republics and the German Democratic Republic to citizens in respect of sickness, maternity, old age and invalidity, as well

¹ Came into force on 1 November 1960, the first day of the month following the exchange of the instruments of ratification which took place at Moscow on 25 October 1960, in accordance with article 18.

as in connexion with the death of a breadwinner or in other contingencies covered by the law of the Contracting Parties.

Article 2

Save as otherwise provided in this Treaty, citizens of one Contracting Party permanently resident in the territory of the other Contracting Party shall in all respects enjoy equality of treatment with citizens of the latter Contracting Party in all matters pertaining to social security and labour relations.

PART II

ADMINISTRATION OF SOCIAL SECURITY

Article 3

1. Save as otherwise provided in this Treaty, the administration of social security shall be governed by the law of the Contracting Party in whose territory the citizen concerned resides.

2. Save as otherwise provided in this Treaty, social security shall be administered by the competent authorities of the Contracting Party in whose territory the citizen applying for social security resides.

Article 4

In the award of pensions and benefits, full credit shall be given for periods of employment (participation in insurance scheme), including any periods entitling a person to the award of a pension on preferential terms and in preferential amounts, completed in the territory of either Contracting Party and certified by the competent authorities of the Contracting Party in whose territory the periods were completed.

Article 5

1. Pensions shall be awarded and paid by the competent authorities of the Contracting Party in whose territory the citizens entitled to pension are permanently resident at the time they apply for pension, and in accordance with the law of that Contracting Party.

2. If a pensioner leaves the territory of one Contracting Party to settle in the territory of the other Contracting Party, payment of his pension shall be discontinued as from the end of the month of his resettlement.

3. The competent authorities of the Contracting Party in whose territory the pensioner has settled shall thereafter provide him with a pension in

accordance with the law of that Contracting Party. In such a case, entitlement to pension shall not be reviewed if the law of that Contracting Party provides for the same type of pension. The award of an old-age pension shall be subject to attainment of the age required for such pension under the law of the Contracting Party in whose territory the pensioner has settled.

4. In the case of citizens who left the territory of one Contracting Party and settled in the territory of the other Contracting Party and thereafter had gainful employment, the amount of their pension and benefits shall be calculated on the basis of their earnings from such employment. Where necessary, the calculation of earnings prior to resettlement for the purpose of determining the amount of their pension and benefits shall be based on the average earnings of an employed person of similar qualifications and occupation in the country in which the person entitled to the pension or benefits has settled.

5. In the case of citizens who left the territory of one Contracting Party and settled in the territory of the other Contracting Party and thereafter were not employed, the amount of their pension and benefits shall be calculated on the basis of the average monthly earnings of an employed person of similar qualifications and occupation, at the time the pension or benefits are awarded, in the country in which the entitled person has settled.

Article 6

1. Cash social security benefits, including temporary disability benefits, benefits for the maintenance and education of children, maternity benefits and special supplementary allowances payable on the birth of a child, shall be awarded and paid, by the competent authorities of the Contracting Party in whose territory the citizen concerned is permanently resident, in accordance with the law of that Contracting Party.

2. If a citizen in receipt of a benefit leaves the territory of one Contracting Party to settle in the territory of the other Contracting Party, payment of the benefit shall cease as from the day of his departure. In such case, the competent authorities of the Contracting Party in whose territory he has settled shall award him a benefit in accordance with the law of that Contracting Party.

Article 7

In addition to the types of social security specified in articles 5 and 6 above, citizens of one Contracting Party permanently resident in the territory of the other Contracting Party shall be provided by the competent authorities of the latter Party with all other types of social security, as well as with medical assistance and other advantages, on an equal footing with the citizens of the latter Party. This principle shall also apply to accommodation in a home for the aged or in a nursing home for invalids.

Article 8

1. Citizens of one Contracting Party who are temporarily in the territory of the other Contracting Party shall be given medical assistance, where necessary, on the same conditions as the latter's own citizens.

2. The conditions for sending citizens of one Contracting Party to medical institutions of the other Contracting Party for treatment shall be regulated by special agreements.

Article 9

1. Employees of diplomatic, consular and commercial missions and other agencies of one State established in the territory of the other State shall be covered by the social security legislation of the sending State if they are citizens thereof. The same rule shall apply in respect of the social security of manual and non-manual workers in the service of employees of such agencies if the said workers are citizens of the sending State.

2. Employees of land, air, river or ocean transport, and other undertakings of one State who are required to work in the territory of the other State shall be covered by the social security legislation of the State in which the administrative organs of their undertaking are situated.

3. In the cases referred to in paragraphs 1 and 2 of this article social security benefits shall be provided by the competent authorities of the sending State.

4. Medical assistance to the persons referred to in paragraphs 1 and 2 of this article shall be governed by the provisions of article 7 above.

Article 10

All expenditure connected with the provision of social security under this Treaty shall be borne by the Contracting Party providing the benefits, and there shall be no accounting between the Contracting Parties in respect thereof.

Article 11

Applications and other documents submitted to competent authorities or institutions of one of the Contracting Parties within the legal time-limit shall be deemed to have been submitted in good time to the competent authorities or institutions of the other Contracting Party.

In such cases the documents shall be transmitted without delay to the competent authority of the other Contracting Party in accordance with the procedure prescribed in article 15 below.

PART III

CO-OPERATION BETWEEN SOCIAL SECURITY AUTHORITIES

Article 12

1. The Contracting Parties shall co-operate in all matters pertaining to the administration of social security.

2. For this purpose the central agencies and authorities of the Contracting Parties which are competent to administer social security shall exchange experience and keep each other informed of existing social security legislation and subsequent changes therein.

Article 13

1. The competent authorities and agencies of one Contracting Party which are concerned with the administration of the social security of citizens shall afford legal assistance to the authorities and agencies of the other Contracting Party free of charge to the same extent as in the administration of social security in their own State. These authorities shall provide each other with any necessary information concerning facts of material importance for the award of a pension or benefit and shall take the requisite measures to establish those facts.

2. Documents which have been issued in due form or authenticated by the competent State authorities in the territory of one Contracting Party shall be accepted without legalization in the territory of the other Contracting Party.

Article 14

Diplomatic and consular officers of the Contracting Parties shall be entitled, without special authorization and either personally or through the intermediary of other persons empowered for the purpose, to act on behalf of the citizens of their State in all matters arising from this Treaty, and to represent them before the agencies and authorities of the other State.

Article 15

1. For the purpose of the application of this Treaty, the social security authorities of the Contracting Parties shall communicate with each other through their central agencies, the names of which shall be exchanged by the Contracting Parties on the entry into force of this Treaty.

2. Questions not settled by the central agencies shall be settled through the diplomatic channel.

Article 16

The Contracting Parties shall apply this Treaty in close co-operation with the trade union organizations of their respective countries.

PART IV
FINAL PROVISIONS

Article 17

1. In awarding pensions and benefits under this Treaty, the competent authorities shall take into account periods of employment (participation in insurance scheme) completed before the entry into force of this Treaty.

2. The provisions of this Treaty shall also apply to cases in which entitlement to pension was acquired before the entry into force of this Treaty.

3. Pensions which were awarded by the competent authorities of one Contracting Party before the entry into force of this Treaty and which were remitted to the territory of the other State continue and shall be paid by the competent authorities of the Contracting Party in whose territory the pensioner resides.

Article 18

1. This Treaty shall be subject to ratification and shall enter into force on the first day of the month following the exchange of the instruments of ratification, which shall take place at Moscow.

2. This Treaty has been concluded for a period of five years. It shall continue in force for successive periods of five years unless it is denounced by either Contracting Party not later than six months before the expiry of the period in course.

3. If this Treaty is denounced, pensions awarded and paid on the basis of this Treaty shall be treated as pensions awarded under the law of the Contracting Party in whose territory the pensioner resides. Rights acquired under the provisions of this Treaty shall not be extinguished if it is denounced.

DONE at Berlin on 24 May 1960 in two copies, each in the Russian and German languages, both texts being equally authentic.

IN FAITH WHEREOF the Plenipotentiaries have affixed their hand and seal.

For the Presidium
of the Supreme Soviet of the Union
of Soviet Socialist Republics :

PERVUKHIN

For the President
of the German Democratic
Republic :

HEINICKE

PROTOCOL TO THE TREATY BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GERMAN DEMOCRATIC REPUBLIC ON CO-OPERATION IN THE FIELD OF SOCIAL SECURITY. SIGNED AT BERLIN, ON 24 MAY 1960¹

On signing the Treaty, the Contracting Parties have agreed on the following :

I

Ad article 1

The provisions of the Treaty shall also apply to all forms of social security afforded under the law of the Contracting Parties to persons who fought against fascism or were persecuted by the Nazi regime, and to persons who have served in the armed forces or military institutions of the Union of Soviet Socialist Republics or the German Democratic Republic.

II

Ad article 2

The term "labour relations" means, in particular, legal provisions governing labour contracts, hours of work, leave and vacations, wages and salaries, labour protection, protection of youthful workers, protection of mother and child, rights of women, and rights of invalids.

III

Ad articles 5 and 6

A person leaves the territory of one Contracting Party to settle in the territory of the other Contracting Party within the meaning of articles 5 and 6 when he settles in the territory of the other Contracting Party with the consent of the competent authorities of the two Contracting Parties. This shall also apply to resettlement which occurred before the entry into force of the Treaty; in such cases it shall be assumed, in the absence of evidence to the contrary, that consent was granted.

IV

Ad article 12

The exchange of experience in the field of social security shall be effected in particular by :

(a) the exchange of specialized literature, periodicals and other publications between the competent agencies and organizations of the two Contracting Parties;

¹ See p. 224 of this volume.

- (b) appropriate publications concerning the progress made and the results obtained by the social security system of the other Contracting Party;
- (c) reciprocal visits by social security experts;
- (d) the exchange of information on the results of scientific research.

V

Ad article 13

Documents and records required for the award of pensions under this Treaty shall be made available to the competent social security agencies of the other Contracting Party on request.

VI

Ad article 17, paragraph 3

1. Within a period of one month following the entry into force of the Treaty each Contracting Party shall communicate to the other a list of the pensioners who, prior to the entry into force of the Treaty, were in receipt of pensions awarded by its competent social security authorities and remitted to the territory of the other Contracting Party. The competent social security authorities of one Contracting Party which remit pensions to citizens residing in the territory of the other Contracting Party shall cease to do so at the end of the third calendar month after the exchange of the lists of pensioners. The competent social security authorities of the Contracting Party in whose territory the said citizens reside shall, as from the fourth calendar month after the exchange of the lists of pensioners, pay them a pension equal to that which they previously received, if such pension is greater than the pension which would be awarded under article 5 of the Treaty. However, the amount of the pension may not be greater than the maximum or smaller than the minimum amount provided for the same type of pension by the law of the country in which the pensioner resides.

2. The provisions of article 10 of the Treaty, whereby there is no accounting between the Parties in respect of expenditure connected with social security, shall also apply in the cases specified in paragraph 1 above.

VII

1. The provisions of this Treaty shall not apply to the persons described in article 20 of the Agreement of 12 March 1957¹ between the Government

¹ United Nations, *Treaty Series*, Vol. 285, p. 105.

of the Union of Soviet Socialist Republics and the Government of the German Democratic Republic on questions relating to the temporary presence of Soviet forces in the territory of the German Democratic Republic.

2. The provisions of this Treaty shall not apply to honorary pensions.

This Protocol is an integral part of the Treaty between the Union of Soviet Socialist Republics and the German Democratic Republic on co-operation in the field of social security.

DONE at Berlin on 24 May 1960 in two copies, each in the Russian and German languages, both texts being equally authentic.

For the Presidium
of the Supreme Soviet of the Union
of Soviet Socialist Republics :

PERVUKHIN

For the President
of the German Democratic
Republic :

HEINICKE