

No. 6215

**POLAND
and
HUNGARY**

**Agreement on co-operation in matters of social policy.
Signed at Warsaw, on 14 February 1959**

Official texts: Polish and Hungarian.

Registered by Poland on 10 July 1962.

**POLOGNE
et
HONGRIE**

**Accord de coopération en matière de politique sociale.
Signé à Varsovie, le 14 février 1959**

Textes officiels polonais et hongrois.

Enregistré par la Pologne le 10 juillet 1962.

[TRANSLATION — TRADUCTION]

No. 6215. AGREEMENT¹ BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE HUNGARIAN PEOPLE'S REPUBLIC ON CO-OPERATION IN MATTERS OF SOCIAL POLICY. SIGNED AT WARSAW, ON 14 FEBRUARY 1959

The Council of State of the Polish People's Republic and the Presidential Council of the Hungarian People's Republic,

Desiring to develop and regulate their relations in matters of social policy, including social insurance, in a spirit of friendship and co-operation,

Being convinced that this will serve to strengthen further the fraternal relations between the two States,

Have decided to conclude an Agreement on co-operation in matters of social policy and have for this purpose appointed as their plenipotentiaries :

The Council of State of the Polish People's Republic :

Stanisław Zawadzki, Minister for Labour and Social Welfare;

The Presidential Council of the Hungarian People's Republic :

Odön Kishazi, Minister for Labour,

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

I. PRINCIPLES OF CO-OPERATION

Article 1

(1) The Contracting Parties shall co-operate on all questions and in all sectors of social policy. The purpose of such co-operation shall be to promote social progress in the two States and at the international level.

(2) In order to achieve the purpose defined in paragraph (1), the Contracting Parties shall promote and facilitate the exchange of experience and co-operation between the authorities and institutions concerned, the exchange of information, and the exchange of legal provisions and publications on matters of social policy, including social insurance. The Contracting Parties shall likewise promote the organization of lectures and exhibitions illustrating the achievements of the two countries in this field, and shall facilitate visits by the workers of the

¹ Came into force on 1 November 1959, the first day of the month following the exchange of the instruments of ratification which took place at Budapest on 23 October 1959, in accordance with article 29.

authorities concerned so as to familiarize those of each Contracting Party with the social policy of the other Contracting Party.

Article 2

The Contracting Parties shall promote reciprocal holiday arrangements for children, young people and workers.

II. PRINCIPLE OF EQUAL TREATMENT

Article 3

Save as otherwise provided by this Agreement, nationals of one Contracting Party who are employed in the territory of the other Contracting Party, and members of their families, shall be accorded equal treatment with nationals of the latter Party as regards matters covered by labour legislation, vocational training, social insurance and other benefits.

III. SOCIAL INSURANCE

Chapter 1

GENERAL PROVISIONS

Article 4

This Agreement shall apply to the legal provisions of the two Contracting Parties under which manual and non-manual workers and persons treated as workers, hereinafter referred to as workers, and members of their families are covered by social insurance; that is to say, by :

- (a) Sickness insurance, including maternity insurance;
- (b) Pension insurance, including insurance against industrial accident and disease, hereinafter referred to as pension insurance;
- (c) Family allowances.

Article 5

(1) Workers, with the exception of those referred to in paragraph (2), shall be covered by the social insurance legislation of the Contracting Party in whose territory the insurable employment or activity is carried on.

(2) Workers of communications, transport and other undertakings, of authorities and of institutions having their head offices in the territory of one Contracting Party, who are sent to work temporarily in the territory of the other Contracting Party, shall be subject to social insurance in accordance with

the legal provisions of the Contracting Party in whose territory the sending undertaking, authority or institution has its head office.

(3) Persons in receipt of a pension shall be entitled to sickness and maternity benefits and funeral allowance in accordance with the legal provisions of the Contracting Party whose competent authority is responsible for the payment of the pension. Persons in receipt of a partial pension from each of the two Contracting Parties shall be entitled to the above-mentioned benefits in accordance with the legal provisions of the Contracting Party in whose territory they are permanently resident. If a person in receipt of a pension works, the provisions of paragraph (1) or (2) shall apply.

Article 6

Nationals of one Contracting Party who are employed by a diplomatic, consular or other mission of that Party established in the territory of the other Contracting Party, or by the head, members or other employees of such mission, shall be subject to social insurance in accordance with the legal provisions of the Party which maintains the said mission.

Article 7

The central authorities of the Contracting Parties may, by agreement, decide that the social insurance of the persons specified in article 5, paragraphs (2) and (3), and article 6 shall be administered otherwise than as provided by those articles.

Article 8

(1) In establishing the right to social insurance benefits and in determining the rates thereof, employment periods and equivalent periods completed in the territory of both Contracting Parties shall be taken into account. Each Party shall determine in accordance with its own legal provisions what employment periods and equivalent periods completed in its territory are to be taken into account.

(2) Social insurance benefits accruing to nationals of one Contracting Party in virtue of employment periods and equivalent periods completed in the territory of a third State shall not accrue to nationals of the other Contracting Party.

Article 9

(1) Where the legal provisions of either Contracting Party make the acquisition, maintenance or recovery of the right to social insurance benefits con-

ditional upon residence in its territory, each Contracting Party shall treat residence in the territory of the other Party as residence in its own territory.

(2) Each Contracting Party shall grant social insurance benefits to nationals of the other Contracting Party who are temporarily or permanently resident in a third State under the same conditions as to its own nationals who are temporarily or permanently resident in that State.

Article 10

(1) The legal provisions of either Contracting Party for the limitation or suspension of pensions or other social insurance benefits shall also apply where other benefits, earnings or income are received from the territory of the other Contracting Party.

(2) The central authorities of the Contracting Parties shall, where necessary, determine by agreement the scope and method of application of the provisions of paragraph (1).

Article 11

If, under the legal provisions of one Contracting Party, the rate of pension or other pecuniary benefit is computed on the basis of the average wage earned during a specified employment period, wages earned in the territory of the other Contracting Party shall also be taken into account in establishing such average wage.

Chapter 2

SICKNESS AND MATERNITY BENEFITS

Article 12

Benefits under sickness and maternity insurance shall be granted, subject to the provisions of article 13, by the competent authority of the Contracting Party with which the worker or pensioner or the members of his family acquired the right to such benefits, even if the entitled person is temporarily or permanently resident in the territory of the other Contracting Party.

Article 13

(1) If a person entitled to benefits in kind under article 12 is temporarily or permanently resident in the territory of the other Contracting Party, such benefits, with the exception of treatment in hospital (in a sanatorium), shall be granted in accordance with the legal provisions binding upon it and at its ex-

pense, by the competent authority of the place of temporary or permanent residence.

(2) The competent authority of the place of temporary or permanent residence shall grant treatment in hospital (in a sanatorium) to the persons referred to in paragraph (1), in accordance with the legal provisions binding upon it, at the expense of the competent authority specified in article 12.

(3) The provisions of paragraphs (1) and (2) shall not apply to the persons specified in article 6.

(4) The central authorities of the Contracting Parties may, by agreement, decide that certain benefits in kind shall be granted in accordance with principles other than those laid down in this article.

(5) The central authorities of the Contracting Parties shall regulate by agreement the procedure for the grant of benefits in kind under this article and for covering the cost of treatment in hospital (in a sanatorium).

Chapter 3

PENSION INSURANCE BENEFITS

Article 14

(1) The competent authorities of the Contracting Parties shall determine, in accordance with the legal provisions binding upon them and taking into account employment periods within the meaning of article 8, whether a person claiming an old-age, invalidity or survivor's pension satisfies the conditions for such pension.

(2) If the person claiming a pension within the meaning of paragraph (1) satisfies the conditions for such pension, the competent authorities of the Contracting Parties shall determine the rate thereof in accordance with the legal provisions binding upon them, taking into account employment periods completed in the territory of both Parties. Of the pension thus computed, the competent authority of each Contracting Party shall pay to the entitled person that proportion which corresponds to the employment period completed in its territory. If the employment period completed in the territory of either Party is less than six months, the competent authority of that Party shall not be liable for any partial pension. The competent authority of the other Party shall not, for that reason, reduce the amount of the pension for which it is responsible.

(3) If the sum of the partial pensions determined in accordance with paragraph (2) is less than the minimum pension payable under the legal provisions of the Contracting Party in whose territory the entitled person resides, an increment in the amount of the difference shall be payable to the said person. Such increment shall be paid by the competent authority of the Contracting Party in whose territory the entitled person resides.

(4) If, taking into account employment periods completed in the territory of both Contracting Parties, the claimant satisfies the conditions for a pension under the legal provisions of only one Contracting Party, the amount of the pension paid out by the competent authority of that Party shall not be less than would be payable leaving out of account employment periods completed in the territory of the other Party. If the claimant subsequently satisfies the conditions for a pension under the legal provisions of the other Party, the rate of such pension shall be determined afresh in accordance with the provisions of paragraphs (2) and (3). A period during which the competent authority of one Contracting Party pays a pension shall not be deemed an interruption for the purpose of entitlement to a pension from the competent authority of the other Party.

(5) If, under the legal provisions of one Contracting Party, privileges accrue to a claimant in virtue of time spent in a specified type of employment, periods of such employment completed in the territory of the other Contracting Party shall also be recognized as qualifying periods for such privileges.

Article 15

If the recipient of a pension completes a further employment period in the territory of either Contracting Party and applies for adjustment of the pension to take such period into account, the provisions of article 14 shall apply.

Article 16

(1) The provisions of article 14 shall not apply where the invalidity or death of a worker is due to an industrial accident or disease.

(2) Benefits in respect of an industrial accident shall be granted, in accordance with the legal provisions binding upon it, by the competent authority with which the worker was insured at the time of the accident.

(3) Benefits in respect of industrial disease shall be granted, in accordance with the legal provisions binding upon it, by the competent authority with which the worker was insured when he contracted the industrial disease. If the worker has been employed in the territory of both Contracting Parties on work dangerous to health, in conditions exposing him to the industrial disease in question, the benefit shall be granted by the competent authority with which the worker was last insured.

(4) If a worker whose working capacity has been reduced by an industrial accident or disease suffers a further loss of working capacity through another

industrial accident or disease, benefit shall be granted, taking into account the consequences of all industrial accidents or diseases involved, by the competent authority with which the worker was insured when he sustained the further accident or contracted the further industrial disease.

(5) If a worker is not entitled to an accident pension or invalidity pension under the legal provisions binding upon the authority responsible for granting benefits pursuant to paragraph (4), or if the pension payable under paragraph (4) is smaller in amount than the pension previously paid, the competent authority which has hitherto paid the accident pension or invalidity pension shall continue to be responsible for such payment. In such a case only the higher pension shall be payable.

(6) If a person in receipt of an accident pension or invalidity pension, paid in respect of an industrial accident or disease by the competent authority of one Contracting Party, suffers a further loss of working capacity without sustaining a further industrial accident or contracting a further industrial disease, the authority paying the pension shall be responsible for any necessary adjustment in the rate of the accident pension or invalidity pension even if, at the time of such further reduction in working capacity, the entitled person was insured under the legal provisions of the other Contracting Party.

Article 17

The central authorities of the Contracting Parties may determine by agreement that the decision of the competent authority of either Contracting Party with regard to invalidity and to the degree of loss of working capacity shall also be valid for the competent authority of the other Party.

Chapter 4

FAMILY ALLOWANCES

Article 18

Family allowances shall be awarded and paid, in accordance with the legal provisions binding upon it, by the competent authority with which the worker acquired the right to such allowances, even if the worker or members of his family reside in the territory of the other Contracting Party.

IV. SOCIAL WELFARE

Article 19

(1) Nationals of one Contracting Party who reside in the territory of the other Contracting Party shall have the same rights as nationals of the latter

Party in matters pertaining to social welfare and health care (material assistance, admission to social assistance institutions, medical assistance, etc.).

(2) The Contracting Parties shall not require from each other reimbursement of the cost of social care provided under paragraph (1). Reimbursement of such cost may, however, be required from the persons for whom care is provided or from members of their families responsible for their maintenance.

V. COMMON, TRANSITIONAL AND FINAL PROVISIONS

Chapter 1

COMMON PROVISIONS

Article 20

(1) Claims and appeals relating to benefits may be filed with the competent authorities of either Contracting Party. Claims and appeals filed within a specified time-limit with the competent authority of one Contracting Party shall be deemed to have been filed within such time-limit with the competent authority of the other Contracting Party.

(2) Claims and appeals filed with the competent authority of one Contracting Party which are to be examined by the competent authority of the other Contracting Party shall be forwarded to the latter authority together with the available data and evidence.

Article 21

The consular authorities of either Contracting Party shall be entitled, without special authorization, to represent the nationals, bodies corporate and authorities of their own State before the competent authorities of the other Contracting Party in all matters arising out of this Agreement, where those concerned have appointed no other representative. This provision shall not affect any legal provisions of the Contracting Parties requiring representation by counsel.

Article 22

If the applications, papers and documents required for the exercise of rights under this Agreement are exempt from fees by virtue of the legal provisions of one Contracting Party, such exemption shall also apply to the corresponding documents drawn up by the nationals or authorities of the other Contracting Party. Such documents shall not require legalization for use in the territory of the other Contracting Party.

Article 23

(1) In applying this Agreement, the competent authorities of the Contracting Parties shall communicate with one another directly and shall render one another assistance in the same way as if the matter were one relating to the application of their own legal provisions. The costs incurred in rendering assistance shall not be charged to the other Party.

(2) In applying this Agreement, the competent authorities of the Contracting Parties may communicate with one another or with the persons concerned in the official language of either Party.

Article 24

Immediately upon the entry into force of this Agreement, the Contracting Parties shall inform each other which central authorities of each Contracting Party are competent to apply the Agreement. The Contracting Parties shall immediately inform each other of any changes in this regard.

Article 25

Any differences of opinion arising in the application of this Agreement shall be settled by agreement between the central authorities of the Contracting Parties.

Article 26

(1) The central authorities of each Contracting Party shall issue the regulations required for the application of this Agreement. The said regulations shall be communicated to the central authorities of the other Contracting Party.

(2) The central authorities of the Contracting Parties may conclude agreements for the purpose of applying this Agreement. Where necessary, representatives of the Contracting Parties may hold meetings alternately in the territory of each of the Contracting Parties.

Article 27

Transfers of cash to the territory of the other Contracting Party on the basis of this Agreement shall be governed by the provisions of the agreement concerning non-commercial payments in force between the Contracting Parties at the time of transfer.

Chapter 2

TRANSITIONAL AND FINAL PROVISIONS

Article 28

(1) The provisions of this Agreement shall also apply in cases where the qualifying conditions for a pension were satisfied before the entry into force of the Agreement.

(2) In applying the provisions of this Agreement, employment periods and equivalent periods completed by workers before the entry into force of the Agreement shall also be taken into account.

(3) Claims rejected and pensions established before the entry into force of this Agreement shall be examined afresh upon the application of the person concerned or of the competent authority in order to establish the right to a pension or the rate thereof in accordance with the provisions of the Agreement.

(4) Pensions established pursuant to paragraph (3) shall be paid from a date specified in the legal provisions of each Contracting Party, but not earlier than the date of entry into force of this Agreement.

Article 29

This Agreement shall be ratified 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 Budapest.

Article 30

(1) This Agreement is concluded for an indefinite period. It may be denounced by either Contracting Party not later than six months before the end of any given calendar year. The Agreement shall cease to have effect at the end of the calendar year in which it is denounced.

(2) If this Agreement is denounced, its provisions shall continue to apply to benefits to which entitlement was acquired before the expiry of the Agreement.

This Agreement is done at Warsaw on 14 February 1959, in duplicate in the Polish and Hungarian languages, both texts being equally authentic.

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

For the Council of State
of the Polish People's Republic :

S. ZAWADZKI

For the Presidential Council
of the Hungarian People's Republic :

O. KISHAZI